

# MOUNTAINOUS DISTRICTS MANAGEMENT ACT

Act No. 6841, Dec. 30, 2002

Amended by Act No. 7167, Feb. 9, 2004

Act No. 7284, Dec. 31, 2004

Act No. 7297, Dec. 31, 2004

Act No. 7335, Jan. 14, 2005

Act No. 7677, Aug. 4, 2005

Act No. 7678, Aug. 4, 2005

Act No. 8283, Jan. 26, 2007

Act No. 8351, Apr. 11, 2007

Act No. 8355, Apr. 11, 2007

Act No. 8504, Jul. 13, 2007

Act No. 8754, Dec. 21, 2007

Act No. 8852, Feb. 29, 2008

Act No. 8976, Mar. 21, 2008

Act No. 9401, Jan. 30, 2009

Act No. 9722, May 27, 2009

Act No. 9982, Jan. 27, 2010

Act No. 10001, Feb. 4, 2010

Act No. 10331, May 31, 2010

Act No. 10977, Jul. 28, 2011

Act No. 11352, Feb. 22, 2012

Act No. 11690, Mar. 23, 2013

Act No. 11794, May 22, 2013

Act No. 11998, Aug. 6, 2013

Act No. 12248, Jan. 14, 2014

Act No. 12412, Mar. 11, 2014

Act No. 12513, Mar. 24, 2014

Act No. 12738, jun. 3, 2014

Act No. 13256, Mar. 27, 2015

Act No. 13729, Jan. 6, 2016

Act No. 13796, Jan. 19, 2016

Act No. 14357, Dec. 2, 2016  
Act No. 14361, Dec. 2, 2016  
Act No. 14773, Apr. 18, 2017  
Act No. 15309, Dec. 26, 2017  
Act No. 15460, Mar. 13, 2018  
Act No. 15504, Mar. 20, 2018

## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

The purpose of this Act is to contribute to the sound development of the national economy and the preservation of national land and the environment by promoting development of forestry and diverse functions of forests concerning public interests, through rational preservation and use of mountainous districts.

### Article 2 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 11352, Feb. 22, 2012; Act No. 12738, Jun. 3, 2014; Act No. 14361, Dec. 2, 2016; Act No. 15504, Mar. 20, 2018>

1. The term "mountainous district" means any of the following land: Provided, That housing land (referring to the land, the classification of which has been changed to building site on the completion of the relevant housing site preparation project), and farmland, grassland, roads, and other land prescribed by Presidential Decree shall be excluded herefrom:

- (a) Land, the classification of which under Article 67 (1) of the Act on the Establishment, Management, etc. of Spatial Data is forest;
- (b) Land where standing timber and bamboos grow collectively;
- (c) Land where standing timber and bamboos that have grown collectively are temporarily lost;
- (d) Land used to collectively grow standing timber and bamboos;
- (e) Forest roads, work roads, and other mountain passes;
- (f) Rock and marshland on the land referred to in items (b) through (d);

2. The term "conversion of mountainous district" means using mountainous districts for purposes, other than the following purposes, or changing the form or quality of mountainous districts for such use:

- (a) Afforestation, forest cultivation, or deforestation and digging of standing trees;
- (b) Gathering earth or stones and other forest products;
- (c) Cultivation of forest products prescribed by Presidential Decree (excluding where it is accompanied with changes in the form and quality of at least 50 cm in height and depth from the

surface through mounding or cutting of earth, etc. and where it is accompanied with establishment of facilities);

(d) Temporary use of mountainous districts;

3. The term "temporary use of mountainous districts" means:

(a) Using a mountainous district for a specified period for purposes, other than purposes falling under any of the subparagraphs 2 (a) through (c), or changing the form or quality of a mountainous district for such use, on condition of reinstating such districts;

(b) Changing the form or quality of a mountainous district to make forest roads, work roads, forest products transportation roads, forest paths, such as mountain trails or forest trails, or other similar mountain passes within such mountainous district;

4. The term "stone" means a rock, among rock materials in mountainous districts, to be used for architecture, craft, landscaping, fine aggregate, or civil engineering;

5. The term "earth or sand" means rock materials within mountainous districts, other than stones defined in subparagraph 4;

6. The term "mountain scenery" means a scenery which has aesthetic and ecological values created by geological characteristics including mountain terrains and ranges, and natural and artificial features adjunct to mountainous districts, and which is formed by nature and artificiality in harmony.

### **Article 3 (Basic Principles of Mountainous District Management)**

Mountainous districts shall be managed in a manner that improves the productivity of forestry and functions of a forest related to public interest, such as disaster prevention, water source protection, natural ecosystem preservation, mountain scenery preservation, and promotion of public health and recreation, and the conversion of a forest shall be conducted in an eco-friendly manner. *<Amended by Act No. 15504, Mar. 20, 2018>*

## **CHAPTER II PRESERVATION OF MOUNTAINOUS DISTRICTS**

### **SECTION 1 Master Plans for Management of Mountainous Districts, Classification of Mountainous Districts, etc.**

#### **Article 3-2 (Establishment, etc. of Master Plans for Management of Mountainous Districts)**

(1) The Administrator of the Korea Forest Service shall establish a master plan for management of nationwide mountainous districts (hereinafter referred to as "master plan") every ten years in accordance with a master forest plan prescribed in Article 11 of the Framework Act on Forestry (hereinafter referred to as "master forest plan") to ensure rational preservation and use of mountainous districts.

(2) The Administrator of the Korea Forest Service may amend a master plan where the comprehensive national land plan is amended pursuant to the Framework Act on the National Land, a significant change is made to the current status of mountainous districts, or it is otherwise deemed necessary.

(3) In establishing or amending a master plan, the Administrator of the Korea Forest Service shall consult in advance with the heads of related central administrative agencies and hear opinions from the competent Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, Do Governor, or Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor"), and submit such plan to the Central Mountainous District Management Committee under Article 22 (1) (hereinafter referred to as the "Central Mountainous District Management Committee") for deliberation. *<Amended by Act No. 11352, Feb. 22, 2012>*

(4) The Administrator of the Korea Forest Service may request the heads of relevant central administrative agencies and the heads of local governments to provide such data or other cooperation as necessary to establish and implement a master plan. In such cases, the heads of the relevant central administrative agencies and the heads of the local governments shall comply with such request, except in extenuating circumstances.

(5) Upon establishing or amending a master plan, the Administrator of the Korea Forest Service shall, as prescribed by Presidential Decree, publicly announce such fact and give notice thereof to the heads of relevant central administrative agencies, Mayors/Do Governors, and Administrators of Regional Forest Services, and require the heads of Sis (for a Special Self-Governing Province, referring to a Special Self-Governing Province Governor; hereinafter the same shall apply), Guns, and Gus (referring to the heads of autonomous Gus; hereinafter the same shall apply), or the directors of national forest management offices affiliated with Regional Forest Services (hereinafter referred to as "directors of national forest management offices") to make such plan available for public inspection. *<Amended by Act No. 11352, Feb. 22, 2012>*

(6) Upon receipt of a notice of the establishment or amendment of a master plan from the Administrator of the Korea Forest Service pursuant to paragraph (5), the Mayors/Do Governors or the Administrators of Regional Forest Services shall develop or amend regional plans for the management of mountainous districts in their jurisdictional areas (hereinafter referred to as "regional plans"), within one year, by reflecting the details of the master plan thereon.

(7) Where the Mayors/Do Governors or the heads of Sis/Guns/Gus seek to develop environmental or urban plans, etc. pursuant to other Acts, they shall do so in compliance with the relevant regional plans referred to in paragraph (6).

(8) With regard to the period, procedures, etc. for the establishment of regional plans, paragraphs (1) and (3) through (5) shall apply mutatis mutandis thereto. In such cases, "Mayors/Do Governors and the Administrators of Regional Forest Services" shall be construed as "heads of Sis/Guns/Gus and the directors of national forest management offices," and "Central Mountainous District Committee" as "regional mountainous district management committees under Article 22 (2) (hereinafter referred to as

“regional mountainous district management committees”).” <Newly Inserted by Act No. 11352, Feb. 22, 2012>  
(9) Except as otherwise expressly provided for in paragraphs (1) through (8), matters necessary for the establishment, implementation, etc. of master plans and regional plans shall be prescribed and publicly announced by the Administrator of the Korea Forest Service. <Newly Inserted by Act No. 11352, Feb. 22, 2012>

### **Article 3-3 (Matters to be Included in Master Plans and Regional Plans)**

(1) Each master plan and regional plan shall contain the following: Provided, That subparagraphs 3 and 5 shall apply only to master plans: <Amended by Act No. 11352, Feb. 22, 2012; Act No. 13256, Mar. 27, 2015; Act No. 15504, Mar. 20, 2018>

1. Goals of and basic direction-setting for mountainous district management;
2. Matters relating to the preservation and use of mountainous districts;
- 2-2. Matters relating to management of mountain sceneries;
3. Matters relating to surveys on the feasibility of mountainous district classification under Article 3-4 (1) 2;
4. Matters relating to plans for use of mountainous districts under other Acts concerning environmental preservation, national land development, etc.;
5. Matters relating to the building and operation of an information system on the management of mountainous districts under Article 3-5;
6. Other matters prescribed by Presidential Decree to ensure the rational preservation and use of mountainous districts.

(2) Deleted. <by Act No. 11352, Feb. 22, 2012>

### **Article 3-4 (Surveys to Formulate Master Plans and Regional Plans)**

(1) In formulating or modifying a master plan, the Administrator of the Korea Forest Service shall conduct a survey on the following (hereinafter referred to as "basic survey on mountainous districts") and reflect the outcomes thereof in the master plan and the mountainous district classification under Article 4 (1): Provided, That the basic survey on mountainous districts may be omitted in cases prescribed by Presidential Decree: <Amended by Act No. 13256, Mar. 27, 2015; Act No. 15504, Mar. 20, 2018>

1. The current status and actual conditions of use of national mountainous districts;
- 1-2. The current status of mountain sceneries nationwide;
2. The feasibility of mountainous district classification in Article 4 (1);
3. Other matters prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(2) In formulating or modifying regional plans, the Mayors/Do Governors or the Administrators of Regional Forest Services shall conduct a survey on the current status, actual conditions of use, etc. of mountainous districts in their jurisdictional areas (hereinafter referred to as "regional survey on mountainous districts") and reflect the outcomes thereof in such regional plans: Provided, That the

regional survey on mountainous districts may be omitted in cases prescribed by Presidential Decree.

(3) The Administrator of the Korea Forest Service, Mayors/Do Governors, or Administrators of Regional Forest Services may, if necessary for conducting surveys efficiently, entrust the Korea Forest Conservation Association under Article 46 and other institutions prescribed by Presidential Decree with the basic survey on mountainous districts or the regional survey on mountainous districts.

(4) Matters necessary for the methods, standards, procedures, etc. for the basic survey on mountainous districts and the regional survey on mountainous districts shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

### **Article 3-5 (Building and Operating Information Systems on Management of Mountainous Districts)**

(1) The Administrator of the Korea Forest Service shall build and operate an information system on the management of mountainous districts, as prescribed by Presidential Decree, to systematically manage information on the rational preservation and use of mountainous districts. *<Amended by Act No. 11352, Feb. 22, 2012>*

(2) Where deemed necessary to efficiently manage the information system on the management of mountainous districts under paragraph (1), the Administrator of the Korea Forest Service may commission a specialized mountainous district institution prescribed by Presidential Decree to build and operate such system. *<Newly Inserted by Act No. 11352, Feb. 22, 2012>*

### **Article 4 (Classification of Mountainous Districts)**

(1) For the purposes of preserving and using mountainous districts in a rational manner, mountainous districts nationwide shall be categorized as follows: *<Amended by Act No. 10977, Jul. 28, 2011; Act No. 14357, Dec. 2, 2016; Act No. 15504, Mar. 20, 2018>*

#### 1. Preserved mountainous districts:

(a) Mountainous districts for forestry use: Referring to such mountainous districts, designated by the Administrator of the Korea Forest Service among the following mountainous districts, as necessary for enhancing functions of forestry production, such as creating forest resources and establishing the foundations for forestry management:

(b) Mountainous districts for public interest: Referring to such mountainous districts, designated by the Administrator of the Korea Forest Service among the following mountainous districts, as necessary for enhancing public interest functions, such as natural disaster prevention, water source protection, natural ecosystem preservation, mountain scenery preservation, and promotion of public health and recreation, along with forestry production:

#### 2. Semi-preserved mountainous districts: Mountainous districts, other than preserved mountainous districts.

(2) The Administrator of the Korea Forest Service shall prepare a map that indicates classification of mountainous districts nationwide on the topographical map (hereinafter referred to as "mountainous

district classification map") according to the classification thereof under paragraph (1).

(3) Matters necessary for methods, procedures, etc. for preparing mountainous district classification maps shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 5 (Procedures for Designation of Preserved Mountainous Districts)**

(1) Where the Administrator of the Korea Forest Service intends to designate preserved mountainous districts prescribed in Article 4 (1) 1 (hereinafter referred to as "preserved mountainous districts"), he/she shall prepare a mountainous district classification map that indicates the relevant mountainous districts, hear opinions from the owners thereof, consult with the heads of relevant administrative agencies thereon, and submit such map to the Central Mountainous District Management Committee for deliberation, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: Provided, That deliberation by the Central Mountainous District Management Committee is not required where mountainous districts are subject to designation as preserved mountainous districts through consultations among the heads of relevant administrative agencies pursuant to other Acts. *<Amended by Act No. 11352, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013; Act No. 14361, Dec. 2, 2016>*

(2) Where the Administrator of the Korea Forest Service has designated preserved mountainous districts pursuant to paragraph (1), he/she shall publicly announce such fact, notify the heads of relevant administrative agencies thereof, and make relevant materials available for public inspection, as prescribed by Presidential Decree. *<Amended by Act No. 11352, Feb. 22, 2012>*

(3) Notwithstanding paragraph (2), the Administrator of the Korea Forest Service may require the heads of Sis/Guns/Gus to make materials related to the designation of preserved mountainous districts available for public perusal. *<Newly Inserted by Act No. 11352, Feb. 22, 2012>*

#### **Article 6 (Change and Cancellation of Preserved Mountainous Districts)**

(1) Where a mountainous district for forestry use under Article 4 (1) 1 (a) (hereinafter referred to as "mountainous district for forestry use"), among preserved mountainous districts designated pursuant to Article 5 (1), falls under a mountainous district subject to designation as a mountainous district for public interest pursuant to Article 4 (1) 1 (b) (hereinafter referred to as "mountainous district for public interest"), the Administrator of the Korea Forest Service may change and designate such mountainous district as a mountainous district for public interest.

(2) Where a mountainous district for public interest, among preserved mountainous districts designated pursuant to Article 5 (1), does not constitute a mountainous district subject to designation as a mountainous district for public interest, but constitutes one subject to designation as a mountainous district for forestry use, the Administrator of the Korea Forest Service may change and designate such mountainous district as a mountainous district for forestry use.

(3) The Administrator of the Korea Forest Service may cancel the designation of a preserved mountainous district in any of the following cases. In such cases, the Administrator of the Korea Forest Service may conduct evaluation, if necessary, concerning the characteristics of the mountainous district, such as the site conditions, mountain sceneries, and forest ecosystem of the relevant mountainous district in order to determine whether it falls under subparagraph 1, 2, or 4: <Amended by Act No. 13256, Mar. 27, 2015; Act No. 15504, Mar. 20, 2018>

1. Where a preserved mountainous district no longer meets the requirements for designation of mountainous districts for forestry use or public interest;
  2. Where consulted upon pursuant to Article 8 and necessary for cancelling designation as a preserved mountainous district;
  3. Where any obligation of restoration is exempted pursuant to Article 39 (3) or inspection of completion of restoration works is conducted pursuant to Article 42 after the conversion of the relevant mountainous district has been completed when a mountainous district is changed into a site for other purposes in accordance with permission for conversion of a mountainous district pursuant to Article 14 or reporting on conversion of a mountainous district pursuant to Article 15 (including administrative dispositions by which it is deemed that permission for conversion of a mountainous district or reporting on conversion of a mountainous district prescribed in other Acts is granted or filed, or excluded);
  4. Other cases where designation of a preserved mountainous district is deemed inappropriate.
- (4) Where the Administrator of the Korea Forest Service intends to change a preserved mountainous district or cancel designation thereof pursuant to paragraphs (1) through (3), he/she shall prepare a mountainous district classification map that indicates the relevant mountainous district, consult with the heads of relevant administrative agencies thereon, undergo deliberation thereon by the Central Mountainous District Management Committee, and announce such fact, as prescribed by Presidential Decree: Provided, That consultations with the heads of relevant administrative agencies and deliberation by the Central Mountainous District Management Committee may be omitted in any of the following cases: <Amended by Act No. 14361, Dec. 2, 2016>

1. Where a mountainous district is changed as it constitutes a preserved mountainous district subject to change under paragraph (1) or (2), after consultations with the heads of relevant administrative agencies in accordance with this Act or other Acts;
  2. Where the designation of a mountainous district is cancelled as its designation is subject to cancellation as a preserved mountainous district pursuant to paragraph (3) 1 and 2, after consultations with the heads of relevant administrative agencies in accordance with this Act or other Acts;
  3. Where the designation of a preserved mountainous district is cancelled pursuant to paragraph (3) 3 and 4.
- (5) Matters necessary for details concerning subjects of cancellation of designation of preserved mountainous districts prescribed in paragraph (3), and methods and procedures for conducting evaluation on characteristics of mountainous districts shall be determined by Ordinance of the Ministry of

Agriculture, Food and Rural Affairs. <Newly Inserted by Act No. 13256, Mar. 27, 2015>

**Article 7 Deleted.** <by Act No. 10331, May 31, 2010>

**Article 8 (Designation, etc. of Zones, etc. in Mountainous Districts)**

(1) Where the heads of relevant administrative agencies intend to designate or determine mountainous districts as areas, districts, zones, etc. for specific purposes under other Acts, they shall consult, in advance, thereon with the Administrator of the Korea Forest Service, Mayors/Do Governors, or heads of Sis/Guns/Gus (hereinafter referred to as "Administrator of the Korea Forest Service, etc.") in accordance with the classification by type, size, etc. of mountainous districts prescribed by Presidential Decree. The same shall also apply to any change of agreed matters (excluding minor matters prescribed by Presidential Decree). <Amended by Act No. 11352, Feb. 22, 2012>

(2) For consultations under paragraph (1), the Administrator of the Korea Forest Service, etc. shall refer, in advance, relevant matters to the Central Mountainous District Management Committee or regional mountainous district management committees for deliberation, as prescribed by Presidential Decree. <Newly Inserted by Act No. 11352, Feb. 22, 2012>

(3) Matters concerning the scope of consultation under paragraph (1), the standards and procedures therefor, etc. shall be prescribed by Presidential Decree.

(4) With respect to the designation of mountainous districts as areas, districts, zones, etc. subject to preservation or the imposition of restrictions on activities in such designated areas, districts, zones, etc., the State or local governments shall not duplicate designation nor impose redundant restrictions, unless any unavoidable ground exists to the contrary.

**SECTION 2 Restriction of Activities within Preserved Mountainous Districts**

**Article 9 (Designation of Restricted Areas for Conversion or Temporary Use of Mountainous Districts)**

(1) The Administrator of the Korea Forest Service may designate any of the following mountainous districts deemed especially necessary to preserve for public interests as restricted areas for conversion or temporary use of mountainous districts (hereinafter referred to as "restricted areas for conversion or temporary use of mountainous districts"): <Amended by Act No. 15504, Mar. 20, 2018>

1. Mountainous districts, as ridges of main mountain ranges prescribed by Presidential Decree, deemed necessary for preserving mountain scenery and forest ecosystem;
2. Mountainous districts prescribed by Presidential Decree and deemed worth preserving as places of scenic beauty or historic sites or in terms of other historical and cultural aspects;
3. Mountainous districts prescribed by Presidential Decree and deemed to have a high risk of disaster, such as landslides.

(2) Where the Administrator of the Korea Forest Service intends to designate restricted areas for conversion or temporary use of mountainous districts pursuant to paragraph (1), he/she shall hear opinions from the owners of relevant mountainous districts, relevant local residents, and heads of local governments, consult with heads of relevant administrative agencies thereon, and undergo deliberation thereon by the Central Mountainous District Management Committee, as prescribed by Presidential Decree. <Amended by Act No. 11352, Feb. 22, 2012; Act No. 14361, Dec. 2, 2016>

(3) Where the Administrator of the Korea Forest Service has designated restricted areas for conversion or temporary use of mountainous districts prescribed in paragraph (1), he/she shall announce such fact, notify heads of relevant administrative agencies thereof, and make relevant materials available for public inspection, as prescribed by Presidential Decree. <Amended by Act No. 11352, Feb. 22, 2012>

(4) Notwithstanding paragraph (3), the Administrator of the Korea Forest Service may require the heads of Sis/Guns/Gus to make materials related to the designation of restricted areas for conversion or temporary use of mountainous districts available for public inspection. <Newly Inserted by Act No. 11352, Feb. 22, 2012>

#### **Article 10 (Restrictions on Activities in Restricted Areas for Conversion or Temporary Use of Mountainous Districts)**

Within restricted areas for conversion or temporary use of mountainous districts, no person shall convert or temporarily use the mountainous districts, except for the purpose of performing any of the following activities: <Amended by Act No. 11352, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>

1. Installation of national defense or military facilities;
2. Installation of erosion control facilities, rivers, banks, reservoirs, and other corresponding facilities for national land preservation;
3. Installation of roads, railroads, petroleum and gas supply facilities, and other facilities for official or public use prescribed by Presidential Decree;
4. Installation of facilities for protection of forests and preservation and extension of forest resources, as prescribed by Presidential Decree;
5. Installation of facilities for forestry experimental research, as prescribed by Presidential Decree;
6. Installation of facilities for excavating buried cultural heritage assets (including surface exploration) and for restoring, repairing, relocating, preserving, and managing cultural heritage assets and traditional temples, and installation of gravestones and monuments related to cultural heritage assets and traditional temples and other facilities similar thereto;
7. Installation of facilities prescribed by Presidential Decree among the following:
  - (a) Electricity facilities, including power generation and transmission facilities;
  - (b) Facilities for use and diffusion of new and renewable energy under the Act on the Promotion of the Development, Use and Diffusion of New and Renewable Energy;
8. Installation of exploration and drilling facilities for minerals and mining at the mines prescribed by Presidential Decree under the Mining Industry Act;

9. Installation of mining damage prevention facilities under the Mining Damage Prevention and Restoration Act;
- 9-2. Removal of dangerous facilities or items that undermine public safety;
- 9-3. Exploration and excavation of remains prescribed by Presidential Decree, including the remains of the war dead under the Act on the Excavation of the Remains of Soldiers Killed in the Korean War;
10. Temporary installation of the following auxiliary facilities during a period prescribed by Presidential Decree in order to conduct activities referred to in subparagraphs 1 through 9, 9-2 and 9-3:
- (a) Ramps;
  - (b) Field offices;
  - (c) Facilities for geological or soil surveys and exploration;
  - (d) Other auxiliary facilities prescribed by Ordinance of the Ministry of Agriculture, Food and Rural and Fisheries, such as parking lots;
11. Installation of ramps which do not exceed a size prescribed by Presidential Decree, to connect buildings and roads under the Building Act (referring to roads defined in Article 2 (1) 11 of the Building Act) among the facilities installed under subparagraphs 1 through 9, 9-2 and, 9-3.

#### **Article 11 (Cancellation of Designation of Restricted Areas for Conversion or Temporary Use of Mountainous Districts)**

(1) Where it is deemed that the purpose of designating a restricted area for conversion or temporary use of mountainous districts is lost or a restricted area for conversion or temporary use of mountainous districts is not required to remain as such, as described in any of the following subparagraphs, the Administrator of the Korea Forest Service may cancel designation of such restricted area for conversion or temporary use of mountainous districts:

- 1. Where conversion of a mountainous district is performed upon obtaining permission for conversion of mountainous district for conducting activities falling under any subparagraph of Article 10;
  - 2. Where the value of a restricted area for conversion or temporary use of mountainous districts is lost due to natural disasters, etc.;
  - 3. Where the purpose of designation of a restricted area for conversion or temporary use of mountainous districts is lost due to alleviation, etc. of risk of landslides through installation of disaster prevention facilities;
  - 4. Other cases prescribed by Presidential Decree, such as changes in natural, social, economic, and regional conditions, or reasons of regional development.
- (2) Article 9 (2) and (3) shall apply mutatis mutandis to procedures, etc. for cancelling designation as restricted areas for conversion or temporary use of mountainous districts pursuant to paragraph (1): Provided, That deliberation by the Central Mountainous District Management Committee is not required in any of the following cases:

1. Cases falling under paragraph (1) 1 or 2;
2. Cases falling under paragraph (1) 3 or 4 where the area subject to cancellation of designation is less than 10,000 square meters.

#### **Article 12 (Restrictions on Activities in Preserved Mountainous Districts)**

(1) Within mountainous districts for forestry use, no person shall convert or temporarily use the mountainous districts, except for the purposes of performing any of the following activities: <Amended by Act No. 11352, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013; Act No. 14361, Dec. 2, 2016>

1. Installation, etc. of facilities prescribed in subparagraphs 1 through 9, 9-2, and 9-3 of Article 10;
2. Installation of facilities related to forest management, such as forest roads and forest management offices, and facilities related to mountain village development projects, such as facilities for mountain village development, as prescribed by Presidential Decree;
3. Installation of arboretums, forest ecological gardens, natural recreation forests, woodland burial grounds, and other public forest facilities prescribed by Presidential Decree;
4. Building houses of farmers, foresters, and fishermen and other facilities incidental thereto, as prescribed by Presidential Decree;
5. Installation of production, use, and processing facilities for farming, forestry and fisheries, and recreational facilities for agricultural and fishing villages, as prescribed by Presidential Decree;
6. Exploration, drilling, and development of minerals, underground water, and other underground resources or stone prescribed by Presidential Decree, and installation of facilities therefor;
7. Conducting geological and soil surveys to prevent landslides, and installation of facilities based on the outcomes thereof;
8. Installation of oil reserve and storage facilities, broadcasting communications facilities, and other facilities for official or public use prescribed by Presidential Decree;
9. Installation of cemeteries, crematory facilities, charnel facilities, and natural burial ground facilities permitted or reported under the Act on Funeral Services, etc.;
10. Installation of religious facilities prescribed by Presidential Decree;
11. Installation of public facilities prescribed by Presidential Decree, such as hospitals, social welfare facilities, youth training facilities, employee welfare facilities, and public vocational training facilities;
12. Installation of facilities related to education, research, and technology development, as prescribed by Presidential Decree;
13. Installation of facilities, other than facilities referred to in subparagraphs 1 through 12, required for regional community development and industrial development, as prescribed by Presidential Decree;
14. Temporary installation of any of the following auxiliary facilities during a period prescribed by Presidential Decree to install facilities referred to in subparagraphs 1 through 13:
  - (a) Ramps;

(b) Field offices;

(c) Facilities for geological or soil surveys and exploration;

(d) Other auxiliary facilities, prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as parking lots;

15. Installation of ramps which do not exceed a size prescribed by Presidential Decree, to connect buildings and roads prescribed in the Building Act (referring to roads defined in Article 2 (1) 11 of the Building Act) among the facilities referred to in subparagraphs 1 through 13;

16. Other activities prescribed by Presidential Decree, conducted to the extent that does not defeat the purposes of mountainous districts for forestry use, such as grazing livestock, cultivating wild vegetables, wild flowers and decorative trees (limited to where it is accompanied with changes in the form and quality of at least 50 cm in height and depth from the surface through mounding or cutting of earth, etc. and where it is accompanied with establishment of facilities), piling up goods, and installing farm roads.

(2) Within mountainous districts for public interest (excluding restricted areas for conversion or temporary use of mountainous districts), no person shall convert or temporarily use the mountainous districts, except for the purposes of performing any of the following activities: <Amended by Act No. 11352, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013; Act No. 14361, Dec. 2, 2016>

1. Installation, etc. of facilities referred to in subparagraphs 1 through 9, 9-2 and 9-3 of Article 10;

2. Installation of facilities referred to in paragraph (1) 2, 3, 6, and 7;

3. Installation of facilities prescribed by Presidential Decree, among facilities prescribed in paragraph (1) 12;

4. Any of the following activities, below a scale prescribed by Presidential Decree:

(a) Newly constructing, extending, or rebuilding houses of farmers, foresters and fishermen: Provided, That in cases of new construction, this is only applicable to houses and facilities prescribed by Presidential Decree;

(b) Extending or rebuilding religious facilities;

(c) Newly constructing temples within temple forest districts designated as mountainous districts for public interest on the grounds falling under Article 4 (1) 1 (b) (), installation of chanel facilities among facilities prescribed in paragraph (1) 9, or installation of hospitals, social welfare facilities, and youth training facilities among facilities prescribed in paragraph (1) 11;

5. Installation of facilities, other than those referred to in subparagraphs 1 through 4, required for official or public projects prescribed by Presidential Decree;

6. Temporary installation of any of the following auxiliary facilities during a period prescribed by Presidential Decree to install facilities referred to in subparagraphs 1 through 5:

(a) Ramps;

(b) Field offices;

(c) Facilities for geological or soil surveys and exploration;

(d) Other auxiliary facilities, prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as parking lots;

7. Installation of ramps which do not exceed a size prescribed by Presidential Decree, to connect buildings and roads prescribed in the Building Act (referring to roads defined in Article 2 (1) 11 of the Building Act) among the facilities referred to in subparagraphs 1 through 5;

8. Other activities prescribed by Presidential Decree, conducted to the extent that does not defeat the purposes of mountainous districts for public interest, such as cultivating wild vegetables, wild flowers and decorative trees (limited to where it is accompanied with changes in the form and quality of at least 50cm in height and depth from the surface through mounding or cutting of earth, etc. and where it is accompanied with establishment of facilities), and installing farm roads.

(3) Notwithstanding paragraph (2), restrictions on activities in any of the following mountainous districts among mountainous districts for public interest (excluding restricted areas for conversion or temporary use of mountainous districts) shall be governed by each relevant Act: *<Amended by Act No. 11352, Feb. 22, 2012>*

1. Mountainous districts prescribed in Article 4 (1) 1 (b) (iv) through (xiv);

2. Mountainous districts prescribed by Presidential Decree and designated as areas, districts, zones, etc. prescribed in the National Land Planning and Utilization Act.

### **Article 13 (Purchase of Mountainous Districts in Restricted Areas for Conversion or Temporary Use of Mountainous Districts)**

(1) Where necessary for achieving the purposes of designation as a restricted area for conversion or temporary use of mountainous districts, the State or local governments may consult with owners of mountainous districts to purchase mountainous districts in the restricted area for conversion or temporary use of mountainous districts.

(2) Purchase prices of mountainous districts prescribed in paragraph (1) shall be determined based on the officially announced prices prescribed in the Act on the Public Announcement of Real Estate Values (where the relevant land has no officially announced price, referring to the individual land price determined pursuant to Article 8 of the same Act). In such cases, if actual transaction prices in neighboring areas are lower than the officially announced prices, such mountainous districts may be purchased based on the actual transaction prices. *<Amended by Act No. 13796, Jan. 19, 2016>*

(3) Article 9 of the State Property Act or Article 10 of the Public Property and Commodity Management Act shall apply mutatis mutandis to procedures for purchasing mountainous districts prescribed in paragraph (1) and other necessary matters.

(4) Matters necessary for the scope of mountainous districts subject to purchase, timing and methods for determining purchase prices, etc. prescribed in paragraphs (1) and (2) shall be prescribed by Presidential Decree.

### **Article 13-2 (Requests for Purchase of Mountainous Districts)**

(1) Where any designation or announcement of a restricted area for conversion or temporary use of mountainous districts is made pursuant to Article 9, the owner of a mountainous district within such area, who falls under any of the following subparagraphs, may request the Administrator of the Korea Forest Service to purchase the relevant mountainous district:

1. A person who has continuously owned the relevant land before the designation of the restricted area for conversion or temporary use of mountainous districts;
2. A person who has continuously owned the relevant land inherited from a person under subparagraph 1.

(2) Where the Administrator of the Korea Forest Service receives a request to purchase mountainous districts pursuant to paragraph (1), he/she shall purchase them within budgetary limits.

(3) In cases of purchasing mountainous districts pursuant to paragraph (2), Article 13 (2) and (3) shall apply mutatis mutandis, and matters concerning purchase procedures, etc. shall be prescribed by Presidential Decree.

## **SECTION 3 Permission, etc. for Conversion of Mountainous Districts**

### **Article 14 (Permission for Conversion of Mountainous Districts)**

(1) Any person who intends to convert a mountainous district shall determine the purpose of use thereof and obtain permission therefor from the Administrator of the Korea Forest Service, etc. in accordance with the classification by type, size, etc. of mountainous districts prescribed by Presidential Decree, and the same shall also apply where he/she intends to modify any of the matters so permitted: Provided, That he/she may change any minor matter prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs after submitting a report thereon to the Administrator of the Korea Forest Service, etc. in lieu of obtaining permission therefor. *<Amended by Act No. 11352, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*

(2) Where the heads of relevant administrative agencies request the Administrator of the Korea Forest Service, etc. for consultations for the purpose of taking administrative measures by which permission for conversion of a mountainous district would be deemed granted under other Acts, they shall, as prescribed by Presidential Decree, submit to the Administrator of the Korea Forest Service, etc. documents necessary to review whether it meets the requirements for permission for conversion of the mountainous district under Article 18. *<Amended by Act No. 11352, Feb. 22, 2012>*

(3) Where the heads of relevant administrative agencies take administrative measures by which permission for conversion of a mountainous district is deemed granted after consultations under paragraph (2), they shall notify the Administrator of the Korea Forest Service, etc. thereof, without delay. *<Amended by Act No. 11352, Feb. 22, 2012>*

### **Article 15 (Reporting on Conversion of Mountainous Districts)**

(1) Notwithstanding Article 14 (1), any person who intends to convert a mountainous district for any of the following purposes shall report such fact to the Administrator of the Korea Forest Service in cases of mountainous districts in State forests (referring to State forests which are administered and managed by the Administrator of the Korea Forest Service prescribed in Article 4 (1) of the State Forest Administration and Management Act Hereinafter the same shall apply), or to the head of the competent Si/Gun/Gu in cases of mountainous districts in forests, other than State forests. The same shall also apply to the change of any matter prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs in the report: <Amended by Act No. 11352, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013; Act No. 14361, Dec. 2, 2016>

1. Installation of facilities for forest management, mountain village development, and forestry experimental research, and public forest facilities and auxiliary facilities thereof, such as arboretums, forest ecological gardens, and natural recreation forests;
2. Building houses and other auxiliary facilities of farmers, foresters, and fishermen;
3. Installation of facilities prescribed by Presidential Decree, such as warehouses, pickup points, processing facilities, etc., of agricultural, forestry and fishery products subject to a building permit or reporting under the Building Act.

(2) Matters necessary for procedures for reporting on conversion of mountainous districts, the scope of facilities and activities subject to reporting, areas in which, and conditions under which facilities are installed, etc. under paragraph (1) shall be prescribed by Presidential Decree.

(3) Where the Administrator of the Korea Forest Service or the head of a Si/Gun/Gu receives a report on conversion of a mountainous district pursuant to paragraph (1), he/she shall accept such report, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, if such report meets the requirements specified under paragraph (2) for the scope of facilities and activities subject to reporting, installation areas, installation conditions, etc. <Amended by Act No. 11690, Mar. 23, 2013>

(4) Article 14 (2) and (3) shall apply mutatis mutandis to consultations that the heads of relevant administrative agencies hold with the Administrator of the Korea Forest Service or the heads of Sis/Guns/Gus to take administrative measures by which reporting on conversion of mountainous districts is deemed made under other Acts, and the notification of such measures.

### **Article 15-2 (Permission for and Reporting on Temporary Use of Mountainous Districts)**

(1) Any person who intends to temporarily use a mountainous district for carrying out mining under the Mining Industry Act or a mining damage prevention project prescribed in the Mining Damage Prevention and Restoration Act or for any other purpose prescribed by Presidential Decree shall obtain permission therefor from the Administrator of the Korea Forest Service, etc. in accordance with the classification by type, size, etc. of mountainous districts prescribed by Presidential Decree. The same shall also apply

where he/she intends to modify any of the matters permitted: Provided, That he/she may change any minor matter prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs after submitting a report thereon to the Administrator of the Korea Forest Service, etc. in lieu of obtaining permission therefor. <Amended by Act No. 11352, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>

(2) Any person who intends to temporarily use a mountainous district for any of the following purposes shall report it to the Administrator of the Korea Forest Service in cases of mountainous districts in State forests, or to the head of the competent Si/Gun/Gu in cases of mountainous districts in forests, other than State forests. The same shall also apply to the change of any matter prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs in the report: <Amended by Act No. 11352, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013; Act No. 14361, Dec. 2, 2016>

1. Installation of simplified facilities for agriculture, forestry, and fisheries, and simplified processing facilities for agricultural, forestry, and fishery products, which are not subject to a building permit or reporting under the Building Act;
  2. Installation of exploration or drilling facilities for stone or underground resources (including the installation of geological survey facilities);
  3. Installation of auxiliary facilities and piling-up of goods referred to in subparagraph 10 of Article 10, Article 12 (1) 14, and Article 12 (2) 6;
  4. Cultivating ornamental forest plants, such as wild vegetables, medical herbs, medicinal trees, landscape trees, and wild flowers (limited to where it is accompanied with changes in the form and quality of at least 50 cm in height and depth from the surface through mounding or cutting of earth, etc. and where it is accompanied with establishment of facilities);
  5. Grazing livestock and sowing grass for grazing livestock in the relevant pasture;
  6. Conducting surface surveys in search of buried cultural heritage assets under the Act on Protection and Inspection of Buried Cultural Heritage;
  7. Creation of forest roads, work roads, forest products transportation roads, forest passes, such as mountain trails and forest trails, and other similar mountain passes;
  8. Development of woodland burial grounds prescribed in the Act on Funeral Services, etc.;
  9. Installation of erosion control facilities prescribed in the Erosion Control Work Act;
  10. Installation of facilities related to disaster emergency measures prescribed by Presidential Decree, such as prevention and extinguishment of forest fires;
  11. Installation of transmitting and receiving facilities for wireless telecommunications installed by telecommunications carriers prescribed in subparagraph 8 of Article 2 of the Telecommunications Business Act that are below a scale prescribed by Presidential Decree;
  12. Installation of other minor facilities prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.
- (3) Matters necessary for the procedures, standards, conditions, period and extension thereof for permission for and reporting on temporary use of mountainous districts, the facilities subject to such

permission or reporting, the scope of activities, the areas and conditions of installation, etc. prescribed in paragraphs (1) and (2) shall be prescribed by Presidential Decree. <Amended by Act No. 11352, Feb. 22, 2012>

(4) Where the Administrator of the Korea Forest Service or the head of the relevant Si/Gun/Gu has received a report on temporary use of a mountainous districts prescribed in paragraph (2), and the details of such report satisfy standards, conditions, subject facilities, scope of activities, and areas of installation, etc. under paragraph (3), he/she shall accept such report, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Newly Inserted by Act No. 14361, Dec. 2, 2016>

(5) Article 14 (2) and (3) shall apply mutatis mutandis to consultations that the heads of relevant administrative agencies hold with the Administrator of the Korea Forest Service, etc. to take administrative measures by which permission for or reporting on temporary use of mountainous districts is deemed granted or made under other Acts, and the notification of such measures. <Amended by Act No. 11352, Feb. 22, 2012; Act No. 14361, Dec. 2, 2016>

#### **Article 16 (Validity of Permission for Conversion, etc. of Mountainous Districts)**

(1) Permission for conversion of a mountainous district prescribed in Article 14 (1), reporting on conversion of a mountainous district prescribed in Article 15 (1), permission for temporary use of a mountainous district prescribed in Article 15-2 (1), or reporting on temporary use of a mountainous district prescribed in Article 15-2 (2) shall not take effect until it fulfills each of the following requirements: <Amended by Act No. 14361, Dec. 2, 2016>

1. Such administrative measures as authorization, permission, and approval granted under any other Act shall be obtained, which is required to implement the relevant conversion of the mountainous district or temporary use of the relevant mountainous district;
2. Expenses incurred in creating forest replacement resources shall be paid where it is required to pay the expenses incurred in creating forest replacement resources in advance under Article 19;
3. Restoration expenses shall be deposited where it is required to deposit the restoration expenses prescribed in Article 38.

(2) Where any disposition taken to refuse or revoke an administrative measure required to implement a project prescribed in paragraph (1) becomes final and conclusive, permission for conversion of a mountainous district prescribed in Article 14 (1) or permission for temporary use of a mountainous district prescribed in Article 15-2 (1) shall be deemed revoked, and reporting on conversion of a mountainous district prescribed in Article 15 (1) or reporting on temporary use of a mountainous district under Article 15-2 (2) shall be deemed not accepted.

#### **Article 17 (Period for Permission, etc. to Convert Mountainous Districts)**

(1) A period for conversion of a mountainous district, such as the period of installing facilities under permission for conversion of a mountainous district pursuant to Article 14 or by reporting on conversion

of a mountainous district pursuant to Article 15, shall be as follows: Provided, That where a person who intends to obtain permission for conversion of a mountainous district or report conversion of a mountainous district is not the owner of the relevant mountainous district, the period for conversion of a mountainous district shall not exceed the period for use thereof or profiting therefrom: <Amended by Act No. 11352, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>

1. In cases of permission for conversion of mountainous districts: A period permitted by the Administrator of the Korea Forest Service, etc. in accordance with the criteria prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs within ten years, in consideration of the areas of conversion of mountainous districts and the projects sought through conversion: Provided, That where other statutes stipulate a period required for the implementation of such projects, the relevant period may be regarded as a period permitted for conversion of mountainous districts;

2. In cases of reporting on conversion of mountainous districts: A period reported in accordance with the criteria prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs within ten years, in consideration of the areas of conversion of mountainous districts and the projects sought through conversion: Provided, That where other statutes stipulate a period required for the implementation of such projects, the relevant period may be reported as a period for conversion of mountainous districts.

(2) Where any person who has obtained permission for conversion of a mountainous district under Article 14 or reported conversion of a mountainous district under Article 15 fails to complete a project he/she intends to accomplish through such conversion within a period for conversion of a mountainous district under paragraph (1), and needs to extend such period, he/she shall either obtain permission to extend the period for conversion of a mountainous district from the Administrator of the Korea Forest Service, etc., or report the change of the period for conversion of a mountainous district to the Administrator of the Korea Forest Service or the head of the competent Si/Gun/Gu, as prescribed by Presidential Decree. <Amended by Act No. 11352, Feb. 22, 2012>

#### **Article 18 (Criteria, etc. for Permission for Conversion of Mountainous Districts)**

(1) When the Administrator of the Korea Forest Service, etc. receives an application for permission for conversion of a mountainous district pursuant to Article 14, he/she shall grant such permission only where such application meets the following criteria: <Amended by Act No. 11352, Feb. 22, 2012; Act No. 15504, Mar. 20, 2018>

1. It shall not be subject to restrictions on activities under Articles 10 and 12;
2. It shall not substantially hinder the management and control of neighboring forests;
3. It shall not include substantial areas of high-grade forests, such as successful forest plantation areas;
4. It shall not substantially impede the maintenance of forest ecosystem functions, such as preservation of rare species of wild fauna and flora;

5. It shall cause no risk of disaster, such as erosion or collapse of earth or sand;
6. It shall not substantially harm the functions of water storage and water quality preservation of forests;
7. It shall not constitute forests worth preservation in view of their characteristics, such as the form of a mountainous district and the composition of standing trees;
8. It shall include appropriate project plans and areas to be converted, and also ways of conversion to minimize damage to mountain scenery and forests, which are not likely to impede restoration from such conversion.

(2) Notwithstanding paragraph (1), with respect to semi-preserved mountainous districts or where all of the following requirements are satisfied, the criteria specified in paragraph (1) 1 through 4 shall not apply:

1. The ratio of mountainous districts for forestry use to the mountainous districts to be converted shall be less than 20 percent and shall not exceed a ratio prescribed by Presidential Decree;
2. Mountainous districts to be converted shall not include any collective mountainous districts for forestry use prescribed by Presidential Decree;
3. Mountainous districts to be converted, except the portion of mountainous districts for forestry use under subparagraph 1, shall constitute semi-preserved mountainous districts.

(3) In granting permission for conversion of a mountainous district pursuant to paragraph (1), the Administrator of the Korea Forest Service, etc. may, as needed to maintain functions of forests, to prevent disasters, to preserve mountain scenery, etc., attach necessary conditions, such as installation of disaster prevention facilities. *<Amended by Act No. 11352, Feb. 22, 2012; Act No. 15504, Mar. 20, 2018>*

(4) Where the Administrator of the Korea Forest Service, etc. intends to grant permission for conversion of a mountainous district under paragraph (1), the area of which is at least an area prescribed by Presidential Decree (only where a preserved mountainous district is included in excess of an area prescribed by Presidential Decree), he/she shall undergo prior deliberation by the Central Mountainous District Management Committee or the competent regional mountainous district management committee concerning the feasibility of conversion of the relevant mountainous district. *<Amended by Act No. 11352, Feb. 22, 2012>*

(5) Matters necessary for the scope of application of the permission criteria for conversion of mountainous districts, the permission criteria for the area of mountainous districts under paragraph (1), and other detailed criteria by project and scale, shall be prescribed by Presidential Decree: Provided, That where deemed necessary to use and preserve mountainous districts in view of regional conditions, the permission criteria or other detailed criteria by project and scale for the area of mountainous districts may be determined by municipal ordinance of the relevant local government within a scope prescribed by Presidential Decree. *<Amended by Act No. 12513, Mar. 24, 2014>*

#### **Article 18-2 (Feasibility Surveys, etc. on Mountainous District Conversion)**

(1) Any person who intends to request consultation or consultation on changes pursuant to Article 8 (1) or to obtain permission or permission for changes concerning conversion or temporary use of a mountainous

district prescribed in Article 14 or 15-2 (including administrative dispositions by which permission or permission for changes concerning conversion or temporary use of a mountainous district is deemed granted under other Acts) in excess of the scale prescribed by Presidential Decree shall undergo a prior feasibility survey conducted by a specialized mountainous district institution prescribed by Presidential Decree, based upon comprehensive consideration of the necessity, appropriateness, environmental impacts, etc. of such conversion or temporary use (hereinafter referred to as "feasibility survey on conversion of a mountainous district"): Provided, That the same shall not apply where he/she intends to convert or temporarily use a mountainous district for agricultural, forestry, or fishery purposes or in cases otherwise prescribed by Presidential Decree. <Amended by Act No. 14361, Dec. 2, 2016>

(2) Fees incurred in relation to a feasibility survey on conversion of a mountainous district prescribed in paragraph (1) shall be paid by an applicant for such feasibility survey to a specialized mountainous district institution.

(3) Upon receipt of an application for a feasibility survey on conversion of a mountainous district prescribed in paragraph (1), a specialized mountainous district institution shall conduct such feasibility survey and notify the Administrator of the Korea Forest Service, etc. and an applicant of the outcomes thereof. <Amended by Act No. 11352, Feb. 22, 2012>

(4) Each specialized mountainous district institution which has conducted a feasibility survey on conversion of a mountainous district shall keep the documents prescribed by Presidential Decree, which are related to the feasibility survey on conversion of a mountainous district and other materials, for the period prescribed by Presidential Decree by up to three years. <Newly Inserted by Act No. 14361, Dec. 2, 2016>

(5) Matters necessary for procedures, standards, methods, etc. for feasibility surveys on conversion of mountainous districts, determination of fees, and supervision thereon by a specialized mountainous district institution, and other matters prescribed in paragraphs (1) through (4) shall be prescribed by Presidential Decree. <Amended by Act No. 11352, Feb. 22, 2012; Act No. 14361, Dec. 2, 2016>

### **Article 18-3 (Disclosure of Results, etc. of Feasibility Surveys on Mountainous District Conversion)**

(1) Results of feasibility surveys on conversion of mountainous district and opinions thereon shall be subject to disclosure under the Official Information Disclosure Act.

(2) Matters concerning when and how to disclose the results, etc. of feasibility surveys on conversion of mountainous district under paragraph (1) shall be prescribed by Presidential Decree.

### **Article 18-4 (Verification as to whether Permission Criteria, etc. for Conversion of Mountainous Districts are Met)**

(1) Where deemed necessary for verifying the following matters regarding a mountainous district, the area of which is at least an area prescribed by Presidential Decree, or upon objection of an interested party, etc., the Administrator of the Korea Forest Service, etc. shall designate a related specialized institution, or form

a consultative body for investigation consisting of related experts, etc., to conduct an examination and review thereof, and shall reflect the outcomes of such examination and review: Provided, That the same shall not apply where feasibility surveys on conversion of mountainous districts are conducted pursuant to Article 18-2: <Amended by Act No. 11352, Feb. 22, 2012; Act No. 14361, Dec. 2, 2016>

1. In cases of consultations on designation of areas, etc. in a mountainous district prescribed in Article 8, whether it meets the standards for consultations held under paragraph (3) of the same Article;
2. In cases of permission for conversion of a mountainous district or consultations thereon under Article 14, whether it meets the criteria for permission for conversion of mountainous districts prescribed in Article 18 (1) or (2).

(2) Matters necessary for requirements and procedures for the organization and operation of consultative bodies for investigation, and the designation of related specialized institutions prescribed in paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11352, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>

#### **Article 18-5 (Scope, etc. of Interested Parties, etc.)**

(1) When the Administrator of the Korea Forest Service, etc. or the head of the relevant administrative agency consults on the designation of a mountainous district falling under Article 18-4 (1) as zones, etc. pursuant to Article 8, grants permission for or consults on conversion of such mountainous district pursuant to Article 14, or grants permission for or consults on temporary use of such mountainous district pursuant to Article 15-2 (hereafter referred to as “permission or consultation” in this Article), he/she shall publicly announce relevant details in order for an interested party, etc. to become aware thereof via a bulletin board or electronic media of the relevant agency, and render relevant documents available for inspection by the interested party, etc. for at least 14 days.

(2) An interested party, etc. who may file an objection under Article 18-4 (1) means a person who is located within a radius of 500 meters from the boundary of a business site subject to permission or consultation, falling under any of the following:

1. The owner of a house;
2. A resident (referring to the head of household under the Resident Registration Act who actually resides therein);
3. The owner or representative of a plant;
4. The representative of a religious facility.

(3) Where an interested party, etc. intends to file an objection under Article 18-4 (1), he/she shall submit an application form for objection prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs with a list of signatures attached thereto that contains joint and several signatures by a majority of the whole number of persons falling under each subparagraph of paragraph (2) to the Administrator of the Korea Forest Service, etc. within 30 days after the date when the details of permission or consultations are publicly announced. <Amended by Act No. 11690, Mar. 23, 2013>

(4) Other matters necessary for the requirements, procedures, etc. for an application for objection by an interested party, etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 19 (Expenses Incurred in Creating Forest Replacement Resources)**

(1) Any of the following persons shall pay in advance expenses incurred in creating forest replacement resources due to the conversion or temporary use of a mountainous district (hereinafter referred to as "expenses incurred in creating forest replacement resources"): <Amended by Act No. 10331, May 31, 2010>

1. A person who intends to obtain permission for conversion of a mountainous district pursuant to Article 14;
2. A person who intends to obtain permission for temporary use of a mountainous district pursuant to Article 15-2 (1) (excluding a person who intends to conduct a mining damage prevention project under the Mining Damage Prevention and Restoration Act);
3. A person who intends to be subject to an administrative disposition by which permission for conversion or temporary use of a mountainous district is deemed granted or is excluded pursuant to other Acts.

(2) Where a person liable to pay expenses incurred in creating forest replacement resources prescribed in paragraph (1) falls under any of the following, he/she may pay such expenses after obtaining permission for conversion or temporary use of a mountainous district or receiving an administrative disposition taken under each subparagraph of paragraph (1): Provided, That in cases falling under subparagraph 2, he/she shall pay in advance an amount prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs within 50 percent of expenses incurred in creating forest replacement resources before commencing the intended project after obtaining permission for conversion or temporary use of a mountainous district or receiving an administrative disposition taken under each subparagraph of paragraph (1): <Amended by Act No. 10331, May 31, 2010; Act No. 11352, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013; Act No. 13256, Mar. 27, 2015; Act No. 14361, Dec. 2, 2016>

1. Where a condition is imposed under which expenses incurred in creating forest replacement resources are to be paid by a deadline, in accordance with classification of payment amount, as prescribed by Presidential Decree. In such cases, no mountainous district can be converted or temporarily used unless the expenses incurred in creating forest replacement resources are paid;
2. Where a condition is established under which expenses incurred in creating forest replacement resources are to be paid in installments by a deadline, limited to cases prescribed by Presidential Decree, such as where the State or a local government is granted permission, etc. for conversion of mountainous districts, and where total payment for expenses incurred in creating forest replacement resources is at least the fixed amount. In such cases, a person who intends to pay such expenses in installments shall deposit a warranty bond to secure such payment, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(3) Expenses incurred in creating forest replacement resources shall be imposed and collected by the Administrator of the Korea Forest Service, etc., and the amount so collected shall be credited to the forestry promotion project account prescribed in the Act on the Agriculture and Fisheries Structure Adjustment Special Account: Provided, That where expenses incurred in creating forest replacement resources are imposed and collected by a Mayor/Do Governor or the head of a Si/Gun/Gu, 10 percent of the amount so collected shall be credited to the relevant local government. *<Amended by Act No. 11352, Feb. 22, 2012; Act No. 12412, Mar. 11, 2014>*

(4) Deleted. *<by Act No. 8283, Jan. 26, 2007>*

(5) In any of the following cases, expenses incurred in creating forest replacement resources may be reduced or exempted by the Administrator of the Korea Forest Service by fixing a period for reduction or exemption: *<Amended by Act No. 10331, May 31, 2010; Act No. 11352, Feb. 22, 2012; Act No. 15504, Mar. 20, 2018>*

1. Where the State or a local government converts or temporarily uses a mountainous district for official or public use;
2. Where a mountainous district is converted or temporarily used to install major industrial facilities prescribed by Presidential Decree;
3. Where a mountainous district is converted or temporarily used to extract minerals, to install facilities prescribed by Presidential Decree, or to use such mountainous district for purposes prescribed by Presidential Decree.

(6) Where the Administrator of the Korea Forest Service intends to make a reduction of, or give exemption from expenses (extension of a period for reduction or exemption) incurred in creating forest replacement resources under paragraph (5), the legitimacy, etc., of such reduction or exemption shall be gone through deliberation by the Central Mountainous District Management Committee. *<Newly Inserted by Act No. 15504, Mar. 30, 2018>*

(7) Matters necessary for eligibility for, and ratio and period of the reduction of or exemption from expenses incurred in creating forest replacement resources under paragraph (5) shall be prescribed by Presidential Decree. *<Newly Inserted by Act No. 15504, Mar. 30, 2018>*

(8) Expenses incurred in creating forest replacement resources prescribed in paragraph (1) shall be determined by multiplying the area of the mountainous district to be converted or temporarily used by the price per unit area as at the time of imposition, and the price per unit area shall be determined and announced by the Administrator of the Korea Forest Service. In such cases, the Administrator of the Korea Forest Service may allocate different prices per unit area by mountainous district or region classified pursuant to Article 4. *<Amended by Act No. 10331, May 31, 2010; Act No. 14361, Dec. 2, 2016>*

(9) Where a person liable to pay expenses incurred in creating forest replacement resources (excluding expenses incurred in creating forest replacement resources to be paid in advance under the proviso to the main sentence of paragraph (2)) fails to pay them by a deadline, such expenses may be collected in the same manner as delinquent national taxes are collected or in accordance with the Act on the Collection,

etc. of Local Non-tax Revenue. <Amended by Act No. 10331, May 31, 2010; Act No. 11352, Feb. 22, 2012; Act No. 11998, Aug. 6, 2013>

(10) Matters necessary for a payment deadline for paying expenses incurred in creating forest replacement resources, detailed criteria for determination of prices per unit area thereof (including part of officially assessed individual land prices of relevant mountainous districts under the Act on the Public Announcement of Real Estate Values) and other matters shall be prescribed by Presidential Decree. <Amended by Act No. 10331, May 31, 2010; Act No. 11352, Feb. 22, 2012; Act No. 13796, Jan. 19, 2016; Act No. 14773, Apr. 18, 2017>

(11) Expenses incurred in creating forest replacement resources shall be paid in cash or by a credit card, debit card or others (hereinafter referred to as “credit card, etc.”) via a payment service provider prescribed by Presidential Decree. Where expenses incurred in creating forest replacement resources is paid by a credit card, date when a payment service provider approves the payment shall be deemed a payment day. <Newly Inserted by Act No. 14773, Apr. 18, 2017>

(12) Matters necessary to designate a payment service provider and determine service fee and others shall be prescribed by Presidential Decree. <Newly Inserted by Act No. 14773, Apr. 18, 2017>

#### **Article 19-2 (Refund of Expenses Incurred in Creating Forest Replacement Resources)**

(1) Where any person who has paid expenses incurred in creating forest replacement resources falls under any of the following subparagraphs, the Administrator of the Korea Forest Service, etc. shall refund full or part of such expenses, as prescribed by Presidential Decree: Provided, That a refund may be paid by reducing the expenses incurred in creating forest replacement resources in proportion to the ratio of areas, the form or quality of which has been changed, and where a person fails to deposit restoration expenses under Article 38 (1), a refund may be paid by offsetting, in advance, expenses incurred in forest restoration, as prescribed by Presidential Decree: <Amended by Act No. 11352, Feb. 22, 2012; Act No. 15504, Mar. 20, 2018>

1. Where he/she fails to obtain permission for conversion of a mountainous district under Article 14;
2. Where he/she fails to obtain permission for temporary use of a mountainous district under Article 15-2 (1);
3. Where permission for conversion or temporary use of a mountainous district is deemed revoked under Article 16 (2);
4. Where the period for temporary use of a mountainous district under Article 15-2 (3) or the period for conversion of a mountainous district under Article 17 (1) and (2) expires before the intended project is complete within the said period;
5. Where permission for conversion or temporary use of a mountainous district is revoked pursuant to Article 20 (1);
6. Where permission for conversion of a mountainous district under Article 14 or permission for temporary use of a mountainous district under Article 15-2 (1) is deemed not granted in accordance

with other Acts;

7. Where the area of a mountainous district subject to imposition of the expenses incurred in creating forest replacement resources is reduced due to changes in business plans or on other grounds prescribed by Presidential Decree;

8. Where any ground prescribed by Presidential Decree arises, such as reassessment of expenses incurred in creating forest replacement resources, after such expenses are paid.

(2) Notwithstanding paragraph (1), when an inspection for completion of restoration works is undergone, expenses incurred in creating forest replacement resources is not refunded: Provided, That this shall not apply in either of the following: *<Newly Inserted by Act No. 15504, Mar. 20, 2018>*

1. Where the expenses incurred in creating forest replacement resources are mistakenly calculated or the amount thereof imposed is mistakenly entered;

2. Where the expenses incurred in creating forest replacement resources are imposed on things not subject to such expenses.

#### **Article 20 (Revocation, etc. of Permission for Conversion of Mountainous Districts)**

(1) Where any person who has obtained permission for conversion of a mountainous district under Article 14 or permission for temporary use of a mountainous district under Article 15-2 (1) or has reported on the conversion of a mountainous district under Article 15 or the temporary use of a mountainous district under Article 15-2 (2) falls under any of the following subparagraphs, the Administrator of the Korea Forest Service, etc. may revoke such permission, or issue an order to suspend the intended project, remove structures and facilities, reinstate the mountainous district, or take other necessary measures, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: Provided, That in cases falling under subparagraph 1, he/she shall revoke such permission or issue an order to suspend the intended project, etc.: *<Amended by Act No. 11352, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*

1. Where he/she has obtained permission or filed a report by false or other unjust means;

2. Where he/she violates any purpose of or condition for permission, or changes a business plan or scale without permission or reporting;

3. Where he/she fails to pay expenses incurred in creating forest replacement resources under Article 19 or deposit the restoration expenses under Article 38 (including cases where he/she fails to re-deposit money for restoration expenses that is reduced pursuant to Article 37 (4));

4. Where he/she fails to comply with an order for disaster prevention or restoration issued following an order to take measures referred to in any subparagraph of Article 37 (2);

5. Where a person who has obtained permission violates an order to take measures, such as suspension of the intended project, under the main sentence of and the proviso to this Article with the exception of its subparagraphs;

6. Where a person who has obtained permission requests the revocation of such permission or a person who has filed a report withdraws such report.

(2) Where a person subject to administrative disposition by which permission for conversion or temporary use of a mountainous district or reporting on conversion or temporary use of a mountainous district is deemed granted or filed under other Acts falls under any subparagraph of paragraph (1), the Administrator of the Korea Forest Service, etc. may issue an order to suspend the conversion of a mountainous district or temporary use thereof. <Newly Inserted by Act No. 11352, Feb. 22, 2012>

(3) Notwithstanding paragraph (2), where a person subject to administrative disposition by which permission for conversion or temporary use of a mountainous district or reporting on conversion or temporary use of a mountainous district is deemed granted or filed under other Acts falls under any subparagraph of paragraph (1) 3, the Administrator of the Korea Forest Service, etc. may request the head of the relevant administrative agency to revoke an approval, permission, etc. related to the purpose project. <Newly Inserted by Act No. 15504, Mar. 20, 2018>

### **Article 21 (Approval, etc. for Change of Use)**

(1) Where any person who has obtained permission for conversion of a mountainous district prescribed in Article 14 or permission for temporary use of a mountainous district prescribed in Article 15-2 (1) or has reported the conversion of a mountainous district prescribed in Article 15 or the temporary use of a mountainous district prescribed in Article 15-2 (2) (including any person subject to an administrative disposition by which relevant permission or reporting is deemed granted or filed under other Acts) falls under any of the following subparagraphs, he/she shall obtain approval from the Administrator of the Korea Forest Service, etc., as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: Provided, That where any person who has obtained permission for conversion of a mountainous district or permission for temporary use of a mountainous district concerning a quasi-preserved mountainous district (including any person subject to an administrative disposition by which relevant permission for conversion of a mountainous district or for temporary use of a mountainous district is deemed granted or rejected under other Acts) is not eligible for reduction of or exemption from expenses incurred in creating forest replacement resources prescribed in Article 19 (5) and pays all of such expenses incurred in creating forest replacement resources, it shall not apply: <Amended by Act No. 11352, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013; Act No 14361, Dec. 2, 2016; Act No. 15504, Mar. 20, 2018>

1. Where he/she intends to use the land being used or which was used for a project subject to the conversion or temporary use of a mountainous district for another purpose, within a period prescribed by Presidential Decree (including the case where use for which expenses incurred in creating forest replacement resources are reduced or exempted is changed into use for which such expenses are not reduced or exempted, or the reduction or exemption rate thereof is lower);
2. Where he/she intends to transfer the title to a third party who is not engaged in agricultural, forestry, or fishery business within a period prescribed by Presidential Decree after converting the mountainous district into a site to build houses for agriculture, forestry or fisheries, or auxiliary facilities thereto.

(2) Any person, among those intending to obtain approval granted under paragraph (1), who seeks to use land of a mountainous district converted into or temporarily used as the site of facilities, for which expenses incurred in creating forest replacement resources are reduced or exempted, as a site for facilities for which expenses incurred in creating forest replacement resources are not reduced or exempted, or the reduction or exemption rate of which is lower, shall pay corresponding expenses incurred in creating forest replacement resources, as prescribed by Presidential Decree.

(3) Matters necessary for standards, etc. for approval granted under paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 21-2 (Special Cases concerning National Land Planning and Utilization Act)**

Notwithstanding Article 76 of the National Land Planning and Utilization Act, the criteria of restrictions for purpose or type of size, etc. of buildings or other facilities in the land which are used or have been used for the project of conversion of a mountainous district or temporary use of a mountainous district after obtaining permission for conversion of a mountainous district prescribed in Article 14 or permission for temporary use of a mountainous district prescribed in Article 15-2 (1), or filing a report for conversion of a mountainous district prescribed in Article 15 or report for temporary use of a mountainous district prescribed in Article 15-2 (2) (including an administrative disposition by which the relevant permission or report is deemed granted or filed under other Acts) may be differently prescribed by Presidential Decree.

#### **Article 21-3 (Restrictions on Reclassification of Land within Mountainous Districts)**

No mountainous district shall be reclassified into anything other than forest land, except in the following cases:

1. Where obligation of restoration is exempted under Article 39 (3) or inspection for completion of restoration works prescribed in Article 42 is conducted after completing the purpose project of permission for conversion of a mountainous district prescribed in Article 14 or reporting on conversion of a mountainous district prescribed in Article 15 (including cases where any administrative disposition, by which permission for conversion of a mountainous district or reporting on conversion of a mountainous district is deemed granted or filed, is taken pursuant to other Acts);
2. Where permission for conversion of a mountainous district is granted under Article 14 or reporting on conversion of a mountainous district is filed under Article 15 (including cases where any administrative disposition, by which permission for conversion of a mountainous district or reporting on conversion of a mountainous district is deemed granted or filed, is taken pursuant to other Acts) in cases prescribed by Presidential Decree, such as a project operator's application for merger of land, so as to promote an urban development project prescribed in Article 86 of the Act on Establishment, Management, etc. of Spatial Data.

## SECTION 4 Mountainous District Management Committee

### **Article 22 (Establishment and Operation of Mountainous District Management Committees)**

(1) In order to deliberate upon the following matters, the Central Mountainous District Management Committee shall be established within the Korea Forest Service: *<Amended by Act No. 11352, Feb. 22, 2012>*

1. Matters subject to deliberation by the Central Mountainous District Management Committee under this Act or other Acts;
2. Matters, among those under the authority of the Administrator of the Korea Forest Service, as entrusted to the heads of affiliated institutions, which are subject to deliberation by the Central Mountainous District Management Committee;
3. Other matters prescribed by Presidential Decree, among matters concerning the preservation and use of mountainous districts.

(2) A regional mountainous district management committee may be established in the Special Metropolitan City, a Metropolitan City, a Special Self-Governing City, a Do, and a Special Self-Governing Province (hereinafter referred to as "City/Do") to deliberate upon the following matters related to the use and preservation of mountainous districts: *<Amended by Act No. 11352, Feb. 22, 2012>*

1. Matters subject to deliberation by regional mountainous district management committees under this Act or other Acts;
2. Other matters prescribed by Presidential Decree, among matters related to the preservation and use of mountainous districts.

(3) The Central Mountainous District Management Committee or a regional mountainous district management committee may establish a subcommittee, as prescribed by Presidential Decree, in order to efficiently handle matters for deliberation. In such cases, as for those designated by the Central Mountainous District Management Committee or a regional mountainous district management committee, among matters deliberated by a subcommittee, deliberation by the subcommittee shall be deemed deliberation by the relevant mountainous district management committee. *<Amended by Act No. 11352, Feb. 22, 2012>*

(4) The organization of the Central Mountainous District Management Committee and regional mountainous district management committees under paragraphs (1) and (2) (hereinafter referred to as "mountainous district management committees"), appointment or dismissal of members thereof, and other necessary matters regarding the operation of such committees shall be prescribed by Presidential Decree.

### **Article 23 (Allowances, Travelling Expenses, etc. for Members, etc.)**

Allowances, travelling expenses, and other necessary expenses may be reimbursed, within budgetary limits, to members and other related persons attending mountainous district management committees and experts who offer opinions: Provided, That the same shall not apply where members or related persons who are public officials attend the meetings in direct connection to their duties.

**Article 24 Deleted.** <by Act No. 14361, Dec. 2, 2016>

## CHAPTER III COLLECTION, ETC. OF EARTH OR STONE

### SECTION 1 Collection of Earth or Stone

#### **Article 25 (Permission, etc. for Collecting Earth or Stone)**

(1) Anyone who intends to collect earth or stone from a mountainous district in forests, other than State forests, (including a case of processing or removing from a mountainous district), shall obtain permission to collect earth or stone from the competent Mayor/Do Governor or the head of the competent Si/Gun/Gu according to the following classifications, as prescribed by Presidential Decree, and the same shall apply where he/she intends to change permitted matters: Provided, That where he/she intends to change any minor matter prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, he/she may report such fact to the competent Mayor/Do Governor or the head of the competent Si/Gun/Gu in lieu of permission: <Amended by Act No. 11352, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013; Act No. 14773, Apr. 18, 2017>

1. Where the area of land, in which earth or stone will be collected, is at least 100,000 square meters: Permission from the competent Mayor/Do Governor;
2. Where the area of land, in which earth or stone will be collected, is less than 100,000 square meters: Permission from the head of the competent Si/Gun/Gu.

(2) Notwithstanding paragraph (1), anyone who intends to collect earth or sand in a quantity prescribed by Presidential Decree from a mountainous district in forests, other than State forests, for the purpose of soil dressing or for other purposes prescribed by Presidential Decree shall report such collection of earth or sand to the competent Mayor/Do Governor or the head of the competent Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. The same shall also apply where he/she intends to change any matter prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, among matters reported. <Amended by Act No. 11352, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>

(3) A period for collecting earth or stone under permission to collect earth or stone under paragraph (1) or under reporting on collection of earth or sand under paragraph (2) (including administrative dispositions by which permission to collect earth or stone or reporting on collection of earth or sand is deemed granted or filed under other Acts) shall be as follows: Provided, That where a person who intends to obtain permission to collect earth or stone or report collection of earth or sand is not an owner of the relevant mountainous district, a period for such collection shall not exceed a period for use thereof or profiting therefrom: <Amended by Act No. 11352, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>

1. In cases of permission for collecting earth or stone: A period of up to ten years permitted by the competent Mayor/Do Governor or the head of the competent Si/Gun/Gu based on the standards

prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs in consideration of the quantity of earth or stone to be collected, the area of land in which earth or stone will be collected, etc.;

2. In cases of reporting on collection of earth or sand: A period of up to ten years reported to the head of the competent Si/Gun/Gu based on the standards prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs in consideration of the quantity of earth or sand to be collected, the area of land in which earth or sand will be collected, etc.

(4) Where a person who has obtained permission to collect earth or stone under paragraph (1) or reported collection of earth or sand under paragraph (2) (including any person subject to administrative disposition by which permission to collect earth or stone or reporting on collection of earth or sand is deemed granted or filed under other Acts) fails to collect the earth or stone permitted or the earth or sand reported within a period for such collection under paragraph (3), and needs to extend such period, he/she shall obtain permission for extension of the period for collecting earth or stone from the competent Mayor/Do Governor or the head of the competent Si/Gun/Gu, or report the modification of the period for collecting earth or sand to the head of the competent Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11352, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*

(5) Where the head of a relevant administrative agency makes a request for consultations to the competent Mayor/Do Governor or the head of the competent Si/Gun/Gu in order to take any administrative disposition by which permission to collect earth or stone under paragraph (1) or reporting on collection of earth or sand under paragraph (2) is deemed granted or filed under other Acts, he/she shall submit relevant documents necessary for the deliberation on such permission or reporting, as prescribed by Presidential Decree. *<Newly Inserted by Act No. 11352, Feb. 22, 2012>*

(6) Where the head of a relevant administrative agency, after the said consultation under paragraph (5), takes any administrative disposition by which permission to collect earth or stone under paragraph (1) or reporting on collection of earth or sand under paragraph (2) is deemed granted or filed, he/she shall promptly notify the competent Mayor/Do Governor or the head of the competent Si/Gun/Gu of such administrative disposition. *<Newly Inserted by Act No. 11352, Feb. 22, 2012>*

#### **Article 25-2 (Collection of Earth or Stone Without Permission or Reporting)**

Any of the following earth or stone may be collected without permission to collect earth or stone under Article 25 (1) or without reporting on collection of earth or sand under paragraph (2) of the same Article: Provided, That in cases prescribed by Presidential Decree, permission or reporting is required: *<Amended by Act No. 11352, Feb. 22, 2012>*

1. The following earth or stone: Provided, That the stone collected under item (a) shall be limited to be the one used or sold for civil engineering purposes or processing into fine aggregate in areas, other than the relevant area of a mountainous district converted or temporarily used:

(a) Earth or stone incidentally gathered in the course of converting or temporarily using a mountainous district by a person who has obtained permission for conversion of a mountainous

- district under Article 14 or permission for temporary use of a mountainous district under Article 15-2 (1) or has reported the conversion of a mountainous district under Article 15 or the temporary use of a mountainous district under Article 15-2 (2);
- (b) Earth or stone incidentally gathered in the course of excavating a tunnel or drift to build roads, railroads, tracks, canals, or waterways;
2. Earth or stone incidentally gathered by any of the following persons in the course of collecting earth or stone permitted or reported:
- (a) A person who has obtained permission to collect earth or stone or reported collection of earth or stone under Article 25 (1);
- (b) A person who has reported collection of earth or sand under Article 25 (2);
- (c) A person who has reported collection of stone under Article 30 (1);
3. Deleted; <by Act No. 11352, Feb. 22, 2012>
4. Earth or sand collected below the quantity provided for in Article 25 (2) for the purpose prescribed in the same paragraph.

#### **Article 25-3 (Designation, etc. of Restricted Areas for Collection of Earth or Stone)**

(1) The following mountainous districts deemed to especially need preservation for promoting the public interest shall be the prohibited areas for collection of earth or stone (hereinafter referred to as "prohibited areas for collection of earth or stone"): <Amended by Act No. 12248, Jan. 14, 2014; Act No. 14357, Dec. 2, 2016; Act No. 15504, Mar. 20, 2018>

1. Mountainous districts within a distance prescribed by Presidential Decree from the boundaries of administrative agencies and public facilities in order to protect the central administrative agencies and special local administrative agencies prescribed in Articles 2 and 3 of the Government Organization Act and public facilities prescribed by Presidential Decree, such as roads referred to in Article 10 of the Road Act;
2. Mountainous districts within a distance prescribed by Presidential Decree from the boundaries of facilities in order to protect the sight along the facilities prescribed by Presidential Decree, such as railroads defined in subparagraph 1 of Article 3 of the Framework Act on Railroad Industry Development;
3. Mountainous districts of preserved State forests prescribed in Article 16 of the State Forest Administration and Management Act (including where quasi-preserved State forests are deemed preserved State forests);
4. Mountainous districts in prohibited areas for conversion or temporary use of mountainous districts prescribed in Article 9 and other areas prescribed by Presidential Decree;
5. Mountainous districts in areas designated and announced by the Administrator of the Korea Forest Service, which require protection for purposes of protecting the forest ecosystem and preserving the mountain scenery and historical and cultural values.

(2) Article 9 (2) and (3) shall apply mutatis mutandis to procedures for designating prohibited areas for collection of earth or stone under paragraph (1) 5.

#### **Article 25-4 (Restriction of Activities in Prohibited Areas for Collection of Earth or Stone)**

No earth or stone shall be collected in the prohibited areas for collection of earth or stone: Provided, That the collection of earth or stone may be allowed in any of the following cases:

1. Where it is necessary to collect earth or stone in order to recover from a natural disaster or other calamity corresponding thereto;
2. Where collecting earth or stone incidentally in the course of excavating a tunnel or drift for a project prescribed by Presidential Decree, such as building of roads, and using them for the relevant project;
3. Where necessary for official or public projects, as prescribed by Presidential Decree;
4. Where prescribed by Presidential Decree, such as the collection of earth or stone with the consent of a manager or owner of the relevant public facilities, etc;
5. Where collecting earth or sand pursuant to Article 25 (2).

#### **Article 25-5 (Cancellation of Designation of Prohibited Areas for Collection of Earth or Stone)**

(1) Where any area announced pursuant to Article 25-3 (1) 5 falls under any of the following subparagraphs, the Administrator of the Korea Forest Service may cancel designation of such area as a prohibited area for collection of earth or stone: *<Amended by Act No. 11352, Feb. 22, 2012>*

1. Where the grounds for such designation no longer exist;
2. Where such area is designated as a district, zone, area, etc. pursuant to Article 8 (1), and it is inevitable to carry out the relevant project.

(2) Article 9 (2) and (3) shall apply mutatis mutandis to procedures for the cancellation of the designation as prohibited areas for collection of earth or stone under paragraph (1). *<Amended by Act No. 11352, Feb. 22, 2012>*

#### **Article 26 (Evaluation of Economic Feasibility of Collecting Stone)**

(1) Any person who intends to obtain permission to collect earth or stone (limited to stone) pursuant to Article 25 (1) shall undergo evaluation as to the economic feasibility of collection of stone from specialized research institutions prescribed by Presidential Decree, and submit the results thereof to the competent Mayor/Do Governor or the head of the competent Si/Gun/Gu: Provided, That the same shall not apply to cases prescribed by Presidential Decree, such as collection of stone for civil engineering.

(2) Matters concerning methods, standards, etc. for evaluation of economic feasibility of collecting stone by specialized research institutions under paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 27 (Collection, etc. of Earth or Stone in Mining Lots)**

(1) Where any person intends to obtain permission to collect earth or stone under Article 25 (1) in any mining lots prescribed by subparagraphs 3-2, 3-3, and 4 of Article 3 of the Mining Industry Act or to report collection of stone in any stone collection complex under Article 30 (1), he/she shall obtain consent from the relevant mining right holder or mining concession holder: Provided, That the same shall not apply to any of the following cases based on the outcomes of surveys conducted by any specialized research institution prescribed by Presidential Decree: <Amended by Act No. 9982, Jan. 27, 2010>

1. Where minerals in an area for collection of earth or stone fall short of standards for mineral grade;
2. Where it is recognized that mining activities and activities to collect earth or stone do not affect each other in the course of work.

(2) Where a mining right holder or mining concession holder who has obtained authorization for mining plans for mining minerals under the Mining Industry Act intends to collect earth or stone containing such minerals in the authorized mining lots in order to use or sell them for purposes other than mining, he/she shall enter into a sales contract or obtain permission to collect earth or stone according to the following classifications: Provided, That the same shall not apply where limestone for marble, among minerals, is collected for the purposes of construction or craft: <Amended by Act No. 9982, Jan. 27, 2010>

1. Mountainous districts in State forests: Sales contracts for earth or stone with the Administrator of the Korea Forest Service pursuant to Article 35 (1);
2. Mountainous districts other than those prescribed by subparagraph 1: Permission to collect earth or stone pursuant to Article 25 (1).

(3) Where the Administrator of the Korea Forest Service enters into a sales contract pursuant to paragraph (2) 1, he/she shall deduct the portion corresponding to minerals contained in the earth or stone from the sales proceeds, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 28 (Criteria for Permission to Collect Earth or Stone)**

(1) Where a Mayor/Do Governor or the head of a Si/Gun/Gu grants permission to collect earth or stone pursuant to Article 25 (1), he/she shall do so only when the application for such permission meets the following criteria (in cases of collection of earth or sand, limited to subparagraphs 1 and 2): <Amended by Act No. 11352, Feb. 22, 2012; Act No. 14773, Apr. 18, 2017>

1. None of the restricted activities in prohibited areas for collection of earth or stone prescribed in Article 25-4 shall be performed;
2. The shape of the mountainous district, composition of forest trees, the area and methods of collection of earth or stone, etc. shall meet the standards prescribed by Presidential Decree;
3. The economic feasibility of collection of stone shall be recognized, based on the outcomes of evaluation by a specialized research institution prescribed in Article 26 (1);
4. The standards prescribed by Presidential Decree, such as the installation of facilities to prevent disasters shall be satisfied in the areas prescribed by Presidential Decree, in which the living

environment, etc. may be affected by collection of earth or stone;

5. Equipment, etc. necessary for collecting earth or stone shall be properly prepared according to the standards prescribed by Presidential Decree: Provided, That the same shall not apply to those who intend to collect natural rocks pursuant to the proviso to paragraph (3);

6. Earth or stone from outside an area for which permission to collect earth and stone is to be granted shall not be brought in such area: Provided, That this shall not apply to a case where to bring in earth or stone to restore an area where collection of earth or stone is completed, or earth or stone referred to in subparagraph 1 of Article 25-2 from within the distance prescribed by Presidential Decree, not more than the amount prescribed by Presidential Decree.

(2) In granting permission to collect earth or stone prescribed in Article 25 (1), a Mayor/Do Governor or the head of a Si/Gun/Gu may not apply any or all of subparagraphs of paragraph (1), as prescribed by Presidential Decree, in any of the following cases:

1. Where it is necessary for collecting earth or stone in order to recover from a natural disaster or other calamity corresponding thereto;
2. Where incidentally collecting earth or stone in the course of excavating a tunnel or drift for any project prescribed by Presidential Decree, such as building of roads, and using them for the relevant project;
3. Where necessary for an official or public project, as prescribed by Presidential Decree.

(3) Rocks of at least the size prescribed by Presidential Decree among intact rocks without artificial cutting or crushing in mountainous districts (hereinafter referred to as "natural rocks") may not be collected unless they fall under any of the following subparagraphs. In such cases, permission to collect earth or stone under Article 25 (1) shall be obtained in cases falling under subparagraphs 1 and 2:  
<Amended by Act No. 11352, Feb. 22, 2012>

1. Where necessary for the State or a local government to implement a project for common or public use;
2. Where any person who has obtained permission for conversion of a mountainous district prescribed in Article 14 or permission for temporary use of a mountainous district prescribed in Article 15-2 (1) or has reported the conversion of a mountainous district prescribed in Article 15 or the temporary use of a mountainous district prescribed in Article 15-2 (2) (including any person subject to administrative dispositions by which relevant permission or reporting is deemed granted or filed under other Acts) collects natural rocks incidentally gathered in the course of converting or temporarily using the mountainous district;
3. Where any person who has obtained permission to collect earth or stone prescribed in Article 25 (1) (including any person subject to administrative dispositions by which permission to collect earth or stone is deemed granted under other Acts) collects natural rocks incidentally gathered in the course of collecting stone;

4. Where any person who has reported the collection of stone prescribed in Article 30 (1) collects natural rocks incidentally gathered in the course of collecting stone.

(4) Where a Mayor/Do Governor or the head of a Si/Gun/Gu grants permission to collect earth or stone pursuant to paragraph (1), he/she may add necessary conditions, such as installation of disaster prevention facilities, etc. for disaster prevention and mountain scenery preservation. <Newly Inserted by Act No. 14361, Dec. 2, 2016; Act No. 15504, Mar. 20, 2018>

#### **Article 29 (Designation and Cancellation of Designation of Stone Collection Complexes)**

(1) Where it is deemed that joint collection of stone would be beneficial for the preservation of the national land and the natural environment, as a substantial amount of quality stone is buried in a specific area, the Administrator of the Korea Forest Service or a Mayor/Do Governor may, ex officio or upon receipt of an application, designate such area as a stone collection complex or designate the change of such complex, as prescribed by Presidential Decree. In such cases, the Administrator of the Korea Forest Service or a Mayor/Do Governor shall consult with the heads of relevant administrative agencies. <Amended by Act No. 11352, Feb. 22, 2012; Act No. 12513, Mar. 24, 2014>

(2) Any person who intends to apply for designation of a stone collection complex under paragraph (1) (including designation of the change of an area not smaller than that prescribed by Presidential Decree) shall undergo evaluation as to the economic feasibility of collection of stone under Article 26, and submit the outcomes thereof to the Administrator of the Korea Forest Service. <Amended by Act No. 11352, Feb. 22, 2012; Act No. 12513, Mar. 24, 2014>

(3) Detailed criteria for designation of stone collection complexes under paragraph (1) shall be prescribed by Presidential Decree.

(4) In any of the following cases, the Administrator of the Korea Forest Service or a Mayor/Do Governor may wholly or partially cancel the designation of a designated stone collection complex under paragraph (1): Provided, That in cases falling under subparagraphs 1 and 3, such designation shall be cancelled: <Amended by Act No. 12513, Mar. 24, 2014>

1. Where designation is made by false or other unjust means;
2. Where collection of stone is complete or it is deemed that the stone collection complex ceases to remain as such in consideration of the quality and quantity of stone buried;
3. Where cancellation of designation is deemed inevitable to protect the neighboring forests and the livelihood of residents.

(5) Where the Administrator of the Korea Forest Service or a Mayor/Do Governor designates a stone collection complex or cancels the designation thereof pursuant to paragraph (1) or (4), he/she shall announce such, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12513, Mar. 24, 2014>

### **Article 30 (Reporting on Collection of Stone in Stone Collection Complexes)**

(1) Where a person intends to collect stone in a stone collection complex designated pursuant to Article 29 (1), notwithstanding Article 25 (1), he/she shall report the collection of stone to the Administrator of the Korea Forest Service in cases of a mountainous district in State forests and to the head of the competent Si/Gun/Gu in cases of a mountainous district in forests, other than State forests, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. The same shall also apply where he/she intends to change any matter prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, among matters so reported. *<Amended by Act No. 11352, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*

(2) A period for collection of stone based on reporting on the collection of stone prescribed by paragraph (1) shall be a period reported by a person who intends to report on the collection of stone within ten years: Provided, That where a person who intends to report the collection of stone is not the owner of the relevant mountainous district, the period for collection of stone shall not exceed a period during which he/she may use such mountainous district and benefit therefrom.

(3) Where a person who has reported the collection of stone under paragraph (1) fails to collect the whole quantity of stones reported within a period fixed under paragraph (2) and therefore needs to extend the collection period, he/she shall report an extension of the period for collection of stone to the Administrator of the Korea Forest Service or the head of the competent Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11352, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*

(4) Where designation of a stone collection complex is wholly or partially cancelled pursuant to Article 29 (4) 1 and 3, the period for collection of stone in the relevant area under paragraph (2) or (3) shall be until the date on which the relevant cancellation of designation is made.

(5) Where a person intends to report on the collection of stone pursuant to paragraph (1), he/she shall have necessary equipment, etc. for collecting stone in compliance with standards prescribed by Presidential Decree: Provided, That the same shall not apply to those who have registered aggregate extraction business under the Aggregate Extraction Act and those who intend to collect natural rocks pursuant to Article 28 (3) 4. *<Amended by Act No. 11352, Feb. 22, 2012>*

### **Article 31 (Revocation, etc. of Permission to Collect Earth or Stone)**

(1) Where a person who has obtained permission to collect earth or stone pursuant to Article 25 (1), reported the collection of earth or sand pursuant to Article 25 (2), or reported the collection of stone pursuant to Article 30 (1) falls under any of the following subparagraphs, the Administrator of the Korea Forest Service, etc. may revoke such permission or issue an order to suspend the collection of earth or stone, suspend collection of stone, or take other necessary measures: Provided, That in cases falling under subparagraph 1, such permission shall be revoked or an order shall be issued to suspend the collection of earth or stone, or collection of stone: *<Amended by Act No. 11352, Feb. 22, 2012; Act No. 14361, Dec. 2, 2016>*

1. Where a person has obtained permission or filed a report by false or other unlawful means;
2. Where a person fails to commence the collection of earth or stone within six months from the date on which he/she obtains permission or reports, or suspends such work for at least one year, without justifiable grounds;
3. Where a person no longer meets the requirements, such as equipment, prescribed by the main sentence of Article 28 (1) 5 or the main sentence of Article 30 (5);
4. Where a person who has obtained permission or reported (including an employee and a servant) collects earth or stone, other than those permitted or reported;
5. Where a person fails to comply with an order to take necessary measures pursuant to any subparagraph of Article 37 (2);
6. Where a person fails to deposit restoration expenses prescribed in Article 38 (including cases where a person fails to re-deposit money for restoration expenses reduced pursuant to Article 37 (4));
7. Where a person who has obtained permission requests the revocation of such permission or a person who has reported withdraws such report;
8. Where a person violates the conditions of permission.

(2) The detailed criteria for revocation of permission, suspension of the collection of earth or stone or collection of stone, and other necessary measures shall be prescribed by Presidential Decree. <Newly Inserted by Act No. 14361, Dec. 2, 2016>

## SECTION 2 (Articles 32 through 34) Deleted.

## SECTION 3 Sales of Stone and Earth or Sand

### **Article 35 (Sales, etc. of Earth or Stone in Mountainous Districts of State Forests)**

(1) The Administrator of the Korea Forest Service may sell or gratuitously grant earth or stone in mountainous districts of State forests, ex officio or upon receipt of an application: Provided, That gratuitous grant shall be limited to any of the following cases:

1. Where necessary to recover from a disaster in the event of a natural disaster or other disaster;
2. Where, in any of the following cases, it is requested by the head of a relevant administrative agency, and the Administrator of the Korea Forest Service deems such request is reasonable:
  - (a) Where it is intended to use earth or stone incidentally collected in the course of installing or improving a road or railroad or performing an electric source development project under the Road Act, the Railroad Construction Act, or the Electric Power Source Development Promotion Act, for the purpose of the relevant work;
  - (b) Where it is intended to directly use earth or stone collected while producing minerals in order to prevent a mining disaster or recover therefrom in the course of mining development;

- (c) Where the State, local governments, government-invested institutions, etc. intend to use earth or stone collected while performing an official or public project, for the purposes of such project.
- (2) Where earth or stone is sold upon receiving an application pursuant to the main sentence of paragraph (1), the Administrator of the Korea Forest Service may sell them by a private contract under Article 7 of the Act on Contracts to which the State is a Party. *<Amended by Act No. 11352, Feb. 22, 2012>*
- (3) Where a person intends to apply for purchase or gratuitous concession of earth or stone in a mountainous district of a State forest pursuant to the main sentence of paragraph (1), he/she shall undergo evaluation as to the economic feasibility of collection of stone under Article 26, and submit the outcomes thereof to the Administrator of the Korea Forest Service. *<Amended by Act No. 11352, Feb. 22, 2012>*
- (4) Notwithstanding paragraph (1), where a person who has obtained authorization for mining plans under the Mining Industry Act intends to use or sell earth or stone incidentally generated in the course of crushing and smelting minerals collected in a mountainous district of a State forest, he/she may use or sell such earth or stone even if the earth or stone is purchased or gratuitously granted from the Administrator of the Korea Forest Service. *<Amended by Act No. 9982, Jan. 27, 2010>*
- (5) In selling earth or stone in mountainous districts of State forests under the main sentence of paragraph (1), Article 28 (1) and (2) shall apply mutatis mutandis to the criteria for sale, and Article 28 (3) to the collection of natural rocks from mountainous districts in State forests. *<Amended by Act No. 11352, Feb. 22, 2012>*
- (6) Matters necessary for the sale of earth or stone or the period for gratuitous grant, taking out earth or stone purchased or gratuitously granted, methods of concluding a sales contract, determination of selling prices, the period for payment of selling prices, etc. under paragraph (1) shall be determined by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

### **Article 35 (Sales, etc. of Earth or Stone in Mountainous Districts of State Forests)**

- (1) The Administrator of the Korea Forest Service may sell or gratuitously grant earth or stone in mountainous districts of State forests, ex officio or upon receipt of an application: Provided, That gratuitous grant shall be limited to any of the following cases: *<Amended by Act No. 15460, Mar. 13, 2018>*
1. Where necessary to recover from a disaster in the event of a natural disaster or other disaster;
  2. Where, in any of the following cases, it is requested by the head of a relevant administrative agency, and the Administrator of the Korea Forest Service deems such request is reasonable:
    - (a) Where it is intended to use earth or stone incidentally collected in the course of installing or improving a road or railroad or performing an electric source development project under the Road Act, the Act on Railroad Construction and Railroad Facilities Management, or the Electric Power Source Development Promotion Act, for the purpose of the relevant work;
    - (b) Where it is intended to directly use earth or stone collected while producing minerals in order to prevent a mining disaster or recover therefrom in the course of mining development;

(c) Where the State, local governments, government-invested institutions, etc. intend to use earth or stone collected while performing an official or public project, for the purposes of such project.

(2) Where earth or stone is sold upon receiving an application pursuant to the main sentence of paragraph (1), the Administrator of the Korea Forest Service may sell them by a private contract under Article 7 of the Act on Contracts to which the State is a Party. <Amended by Act No. 11352, Feb. 22, 2012>

(3) Where a person intends to apply for purchase or gratuitous concession of earth or stone in a mountainous district of a State forest pursuant to the main sentence of paragraph (1), he/she shall undergo evaluation as to the economic feasibility of collection of stone under Article 26, and submit the outcomes thereof to the Administrator of the Korea Forest Service. <Amended by Act No. 11352, Feb. 22, 2012>

(4) Notwithstanding paragraph (1), where a person who has obtained authorization for mining plans under the Mining Industry Act intends to use or sell earth or stone incidentally generated in the course of crushing and smelting minerals collected in a mountainous district of a State forest, he/she may use or sell such earth or stone even if the earth or stone is purchased or gratuitously granted from the Administrator of the Korea Forest Service. <Amended by Act No. 9982, Jan. 27, 2010>

(5) In selling earth or stone in mountainous districts of State forests under the main sentence of paragraph (1), Article 28 (1) and (2) shall apply mutatis mutandis to the criteria for sale, and Article 28 (3) to the collection of natural rocks from mountainous districts in State forests. <Amended by Act No. 11352, Feb. 22, 2012>

(6) Matters necessary for the sale of earth or stone or the period for gratuitous grant, taking out earth or stone purchased or gratuitously granted, methods of concluding a sales contract, determination of selling prices, the period for payment of selling prices, etc. under paragraph (1) shall be determined by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 10331, May 31, 2010] <<Enforcement Date : Mar. 14, 2019>>

Article 35

### **Article 36 (Cancellation of Contracts or Revocation of Gratuitous Concession)**

(1) In any of the following cases, the Administrator of the Korea Forest Service may cancel a sales contract or revoke a gratuitous concession under Article 35 (1), or issue an order to suspend the collection of earth or stone, remove structures and facilities, reinstate the relevant mountainous district, or take other necessary measures: Provided, That in cases falling under subparagraph 6, the said Administrator shall cancel a sales contract or revoke a gratuitous concession:

1. Where a person who has purchased earth or stone fails to meet the standards for equipment, etc. under the main body of Article 28 (1) 5 which apply mutatis mutandis pursuant to Article 35 (5);
2. Where a person who has purchased earth or stone or received gratuitous concession thereof (including any employee and servant) collects earth or stone, other than those so purchased or gratuitously conceded;

3. Where a person who has purchased earth or stone fails to pay the purchase price by a deadline;
  4. Where a person fails to carry out an order to take necessary measures pursuant to any subparagraph of Article 37 (2);
  5. Where a person fails to deposit recovery expenses under Article 38 (including cases where a person fails to re-deposit money for recovery expenses reduced pursuant to Article 37 (4));
  6. Where a person purchases earth or stone or receives gratuitous concession thereof by false or other unjust means;
  7. Where a person fails to commence collection of earth or stone within six months from the date on which he/she purchases earth or stone or receives gratuitous concession thereof, or suspends such work for one year or longer, without justifiable grounds;
  8. Where a person violates the conditions of sale or gratuitous concession.
- (2) Where a sales contract is cancelled pursuant to paragraph (1), the contract bond, price already paid, and earth or stone sold within the relevant mountainous district shall escheat to the State: Provided, That where a person who has purchased earth or stone cancels the relevant sales contract before such earth or stone are collected, the State shall return all or part of the price already paid.

#### **Article 36-2 (Korea Association for Forest, Earth and Stone)**

- (1) The Korea Association for Forest, Earth and Stone (hereafter referred to as the “Association” in this Article) shall be established to carry out projects for research and study on policies and institutions, education, publicity, etc. with a view to facilitating the use, development, and management of earth and stone resources.
- (2) The Association shall be a legal entity.
- (3) Expenses incurred for projects by the Association shall be funded by investments, revenues from projects, etc., and the State or local governments may subsidize some of such expenses within budgetary limits.
- (4) Matters necessary for the organization, operation, etc. of the Association shall be prescribed by Presidential Decree.
- (5) Except as otherwise expressly prescribed by this Act, provisions concerning incorporated associations under the Civil Act shall apply mutatis mutandis to the Association.

## **CHAPTER IV PREVENTION OF DISASTERS, RECOVERY THEREFROM, ETC.**

#### **Article 37 (Prevention, etc. of Disasters)**

- (1) The Administrator of the Korea Forest Service, etc. may, as prescribed by Presidential Decree, conduct surveys, examinations, inspections, etc. necessary for the prevention of disasters, such as earth or sand erosion, landslides, or damage in neighboring areas, or for the maintenance of mountain scenery as to any

mountainous district subject to conversion, temporary use, collection of earth or stone, or restoration, based on permission, etc. falling under any of the following subparagraphs: <Amended by Act No. 11352, Feb. 22, 2012; Act No. 15504, Mar. 20, 2018>

1. Permission for conversion of a mountainous district prescribed in Article 14;
2. Reporting on conversion of a mountainous district prescribed in Article 15;
3. Permission for or reporting on temporary use of a mountainous district prescribed in Article 15-2;
4. Permission to collect earth or stone prescribed in Article 25 (1) or reporting on collection of earth or sand prescribed in paragraph (2) of the same Article;
5. Reporting on the collection of stone within a stone collection complex prescribed in Article 30 (1);
6. Sales contracts or gratuitous concession of earth or stone prescribed in Article 35 (1);
7. Order to recover a mountainous district prescribed in Articles 39 and 44;
8. Administrative disposition by which permission or reporting is deemed granted or filed or such permission or report is deemed excluded, as prescribed in subparagraphs 1 through 5, in accordance with other Acts.

(2) If deemed necessary, as a result of a survey, examination, inspection, etc. conducted under paragraph (1), the Administrator of the Korea Forest Service, etc. may order a person who has obtained permission, etc. or has filed a report, etc. under any subparagraph of paragraph (1) to take any of the following measures as necessary, as prescribed by Presidential Decree: Provided, That a person who has obtained permission or received disposition prescribed in paragraph (1) 1 or 8 and conducts mining pursuant to the Mining Industry Act shall be governed by the Mining Safety Act, and a person who has received administrative dispositions, such as authorization, permission, and approval, as to any urban area or planned control area pursuant to the National Land Planning and Utilization Act shall be governed by the National Land Planning and Utilization Act: <Amended by Act No. 11352, Feb. 22, 2012; Act No. 13729, Jan. 6, 2016; Act No. 15504, Mar. 20, 2018>

1. Temporarily suspending the conversion or temporary use of a mountainous district, the collection of earth or stone, or restoration;
2. Measures to prevent earth or sand erosion, such as afforesting mountainous districts subject to conversion, temporary use, collection of earth or stone, or restoration;
3. Measures necessary for preventing disasters, such as installation of facilities, tree planting, or erosion control;
4. Other measures necessary for maintaining the mountain scenery.

(3) The Administrator of the Korea Forest Service, etc. may take measures according to the following classifications, if a person in receipt of an order to take measures necessary for preventing disasters, such as earth or sand erosion, landslides, or damage in neighboring areas, to maintain the mountain scenery, or to recover from a disaster pursuant to paragraphs (1) and (2) fails to comply with such order: <Amended by Act No. 11352, Feb. 22, 2012; Act No. 15504, Mar. 20, 2018>

1. For a person who has deposited restoration expenses pursuant to the main sentence of Article 38 (1): Measures to designate an agent to conduct restoration activities on his/her behalf and to appropriate the expense with the restoration expenses deposited;
  2. For a person to whom the proviso to Article 38 (1) applies: Vicarious execution under the Administrative Vicarious Execution Act.
- (4) Where the Administrator of the Korea Forest Service, etc. designates an agent to take measures necessary for preventing disasters, such as earth or sand erosion, landslides, or damage in neighboring areas, to maintain the mountain scenery, or to perform restoration on his/her behalf pursuant to paragraph (3) 1, and appropriates the expenses incurred therein with restoration expenses deposited, he/she shall issue an order to redeposit the amount of deposit money for restoration expenses reduced due to such appropriation, as prescribed by Presidential Decree. <Amended by Act No. 11352, Feb. 22, 2012; Act No. 15504, Mar. 20, 2018>

### **Article 38 (Deposit, etc. of Restoration Expenses)**

- (1) Where a person intends to obtain permission, etc. or file a report, etc. falling under any subparagraph of Article 37 (1), he/she shall, in advance, deposit with the Administrator of the Korea Forest Service, etc. expenses to be incurred in preventing disasters, such as earth or sand erosion, landslides, or damage in neighboring areas, in maintaining the mountain scenery, or in performing restoration (hereinafter referred to as "restoration expenses"), as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: Provided, That the same shall not apply where an area for conversion of a mountainous district does not exceed 660 square meters or otherwise in cases prescribed by Presidential Decree. <Amended by Act No. 11352, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013; Act No. 15504, Mar. 20, 2018>
- (2) Notwithstanding the main sentence of paragraph (1), the Administrator of the Korea Forest Service, etc. may order a person who intends to be subject to an administrative disposition under Article 37 (1) 8 to deposit restoration expenses with the Administrator of the Korea Forest Service, etc., after receiving such disposition, when such person actually converts or temporarily uses a mountainous district or collects earth or stone, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11352, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>
- (3) Where a period for the conversion or temporary use of a mountainous district or the collection of earth or stone by a person liable to deposit restoration expenses pursuant to paragraph (1) or (2) exceeds one year, the Administrator of the Korea Forest Service, etc. shall recalculate the restoration expenses, as prescribed by Presidential Decree, and where the restoration expenses deposited pursuant to paragraph (1) or (2) are less than the recalculated restoration expenses, the Administrator of the Korea Forest Service, etc. shall have such person further deposit the shortfall. <Amended by Act No. 11352, Feb. 22, 2012>
- (4) Taking into account the period, area, etc. for the conversion or temporary use of a mountainous district or the collection of earth or stone, the Administrator of the Korea Forest Service, etc. may allow a person to deposit restoration expenses in installments, as prescribed by Presidential Decree. <Amended by Act No.

11352, Feb. 22, 2012>

(5) Matters necessary for standards and methods of calculation of restoration expenses, timing for making a deposit, procedures therefor, etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

### **Article 39 (Restoration of Converted Mountainous Districts, etc.)**

(1) Any person who obtains permission, etc. or files a report, etc. falling under any subparagraph of Article 37 (1) shall restore a mountainous district in any of the following cases: <Amended by Act No. 14361, Dec. 2, 2016>

1. Where a person who has obtained permission for conversion of a mountainous district prescribed in Article 14 (1) or has reported conversion of a mountainous district prescribed in Article 15 (1) changes the form and quality of a mountainous district;
2. Where a person who has obtained permission to collect earth or stone under Article 25 (1) or has reported the collection of stone (including the sale of earth or stone) in a stone collection complex prescribed in Article 30 (1) collects earth or stone;
3. Where a person who has obtained permission to temporarily use a mountainous district prescribed in Article 15-2 (1) or has reported the temporary use of a mountainous district prescribed in paragraph (2) of the same Article changes the form and quality of a mountainous district;
4. Where the restoration of a mountainous district is otherwise required.

(2) Where the conversion or temporary use of a mountainous district or the collection of earth or stone continues over a long period, or it is necessary to restore the mountain scenery or conduct forest restoration from a disaster, the Administrator of the Korea Forest Service, etc. may issue an order to conduct interim restoration therein, as prescribed by Presidential Decree: Provided, That the Administrator of the Korea Forest Service, etc. may allow any of the following persons, where he/she files an application, to conduct interim restoration in the areas for which conversion of a mountainous district or collection of earth or stone has been complete if he/she intends to voluntarily conduct such interim restoration: <Amended by Act No. 11352, Feb. 22, 2012; Act No. 12513, Mar. 24, 2014; Act No. 14361, Dec. 2, 2016; Act No. 15309, Dec. 26, 2017; Act No. 15504, Mar. 20, 2018>

1. A person who has applied for the inspection for completion or authorization for completion of the following, where he/she has obtained permission to convert a mountainous district (the conversion of a mountainous district shall be restricted to areas prescribed by Presidential Decree) under Article 14:
  - (a) Inspection for completion of a project to establish a tourist resort, etc. prescribed in Article 58-2 of the Tourism Promotion Act;
  - (b) Inspection for completion of an innovation city development project prescribed in Article 17 of the Special Act on the Construction and Development of Innovation Cities;
  - (c) Authorization for completion of an industrial complex preparation project prescribed in Article 37 of the Industrial Sites and Development Act;

2. A person who has obtained permission to collect earth or stone prescribed in Article 25 (1);
3. A person who has reported the collection of stone prescribed in Article 30 (1);
4. A person who has concluded a sales contract on earth or stone or has been gratuitously granted earth or stone prescribed in Article 35 (1).

(3) Where any area, among areas to be restored in mountainous districts pursuant to paragraphs (1) and (2), (hereinafter referred to as "mountainous district to be restored") falls under any of the followings, and for a person who obtains permission, etc. or files a report, etc. falling under any of the subparagraphs of Article 37 (1) (where there is a person who newly obtains permission, etc. or files a report, etc. falling under any of the subparagraphs of Article 37 (1) for the mountainous district to be restored, it refers to the person who has previously obtained permission or filed a report), the Administrator of the Korea Forest Service, etc. may wholly or partially exempt restoration obligations prescribed in paragraphs (1) and (2):  
<Amended by Act No. 11352, Feb. 22, 2012; Act No. 14361, Dec. 2, 2016>

1. Where a person who intends to obtain permission, etc. or file a report, etc. falling under any of the subparagraphs of Article 37 (1) prior to inspection of completion of restoration works prescribed in Article 42 (1) for the mountainous district to be restored deposits restoration expenses (including where the relevant person does not deposit restoration expenses prescribed in the proviso to Article 38 (1));

2. Cases prescribed by Presidential Decree, such as there is no land to be restored.

(4) Restoration of any mountainous district, in which conversion, temporary use or collection of earth or stone has taken place, shall be conducted by laying earth or stone (referring to earth or stone free of any waste defined in subparagraph 1 of Article 2 of the Wastes Control Act: Provided, That where earth or stone meets the hazard criteria prescribed by the Wastes Control Act and the contamination criteria for forest areas prescribed by the Soil Environment Conservation Act, and can be recycled as filler for rehabilitation of lower parts or for filling of low-lying lands within an area in which earth or stone is collected in accordance with the uses and methods of recycling under the Wastes Control Act, it may be recycled under the same Act) on the ground and covering the surface thereof with earth to be suitable for vegetation. <Amended by Act No. 11352, Feb. 22, 2012>

(5) Matters necessary for the scope of mountainous district restoration prescribed in paragraph (1), procedures for filing an application for exemption from restoration obligations prescribed in paragraph (3), and other matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.  
<Amended by Act No. 11690, Mar 23, 2013>

#### **Article 40 (Approval, etc. for Design Plans for Restoration)**

(1) Any person who is required to restore mountainous districts pursuant to Article 39 (1) or (2) (hereinafter referred to as "person liable to perform restoration") shall submit a design plan for restoration of a mountainous district, containing a period for restoration of the mountainous district, etc. (hereinafter referred to as "design plan for restoration") to the Administrator of the Korea Forest Service, etc. within a period prescribed by Presidential Decree, and obtain approval therefor. The same shall also apply to the

change of the approved design plan for restoration. <Amended by Act No. 11352, Feb. 22, 2012; Act No. 14361, Dec. 2, 2016>

(2) Notwithstanding paragraph (1), any person who intends to obtain permission for conversion of a mountainous district prescribed in Article 14 or permission for temporary use of a mountainous district prescribed in Article 15-2 (1), or any person who intends to file a report on conversion of a mountainous district prescribed in Article 15 or report on temporary use of a mountainous district prescribed in Article 15-2 (2), when applying the relevant permission or filing the relevant report, may submit a design plan for restoration. In such cases, where the Administrator of the Korea Forest Service, etc. grants permission for conversion of a mountainous district or permission for temporary use of a mountainous district, or accepts a report on conversion of a mountainous district or report on temporary use of a mountainous district, it is deemed that permission by the Administrator of the Korea Forest Service, etc. prescribed in paragraph (1) is granted to the relevant design plan for restoration. <Newly Inserted by Act No. 14361, Dec. 2, 2016>

(3) Where it is deemed inevitable to prevent a person liable to perform restoration from submitting a design plan for restoration within a prescribed period under paragraph (1), the Administrator of the Korea Forest Service, etc. may extend such period, in accordance with Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11352, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013; Act No. 14361, Dec. 2, 2016>

(4) Matters necessary for standards for preparing design plans for restoration, procedures for filing an application for approval, approval criteria, etc. shall be determined by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar 23, 2013; Act No. 14361, Dec. 2, 2016>

#### **Article 40-2 (Supervision, etc. of Mountainous District Restoration Works)**

(1) Works to restore a mountainous district conducted by a person liable to perform restoration (including an agent or a person who performs vicarious execution under Article 41; hereafter the same shall apply in this Article), the area of which is at least an area prescribed by Presidential Decree, shall be supervised by any of the following persons: Provided, That the same shall not apply where he/she has undergone supervision of mountainous district restoration works under any other Act: <Amended by Act No. 11794, May 22, 2013; Act No. 14773, Apr. 18, 2017>

1. A professional engineering office specializing in the field of forestry under the Professional Engineers Act;
2. An engineering business operator specializing in the field of forestry under the Engineering Industry Promotion Act;
3. A person qualified to supervise mountainous district restoration works under the Forestry Cooperatives Act or the Construction Technology Promotion Act.

(2) Where a person who supervises mountainous district restoration works pursuant to paragraph (1) (hereinafter referred to as "supervisor") discovers that this Act or any other related statute is violated or that mountainous district restoration works are not performed as set forth in the design plan for restoration

approved pursuant to Article 40, during supervising such works, he/she shall, without delay, notify a person liable to perform restoration that corrective measures should be taken, and report such fact to the Administrator of the Korea Forest Service, etc. within seven days. <Amended by Act No. 11352, Feb. 22, 2012>

(3) A person liable to perform restoration shall, upon receipt of a notice to take corrective measures under paragraph (2), promptly correct the violation in question and have it confirmed by the supervisor.

(4) A person liable to perform restoration, who has an objection against a notice to take corrective measures given by the supervisor under paragraph (2), may suspend the relevant works and file an objection with the Administrator of the Korea Forest Service, etc. <Amended by Act No. 11352, Feb. 22, 2012>

(5) Standards and procedures for the supervision of mountainous district restoration works, criteria for selection of supervisors, the management and supervision of supervisors, and other necessary matters shall be determined by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 41 (Vicarious Execution, etc. of Restoration)**

Where a person liable to perform restoration fails to submit a design plan for restoration within a prescribed period pursuant to Article 40 (1) or (2) to the Administrator of the Korea Forest Service, etc. or fails to complete restoration works within a period for restoration specified in the design plan for restoration approved pursuant to paragraph (1) of the same Article, the Administrator of the Korea Forest Service, etc. may take the following measures: <Amended by Act No. 11352, Feb. 22, 2012; Act No. 14361, Dec. 2016>

1. For a person who has deposited restoration expenses pursuant to the main sentence of Article 38 (1): Measures to designate an agent to perform restoration on his/her behalf and to appropriate the expenses with the deposited restoration expenses;
2. For a person to whom the proviso to Article 38 (1) applies: Vicarious execution under the Administrative Vicarious Execution Act.

#### **Article 42 (Inspection for Completion of Restoration Works)**

(1) Where a person liable to perform restoration completes restoration works or an agent or a person who performs vicarious execution completes restoration works pursuant to Article 41, the Administrator of the Korea Forest Service, etc. shall conduct an inspection for completion of restoration works. <Amended by Act No. 11352, Feb. 22, 2012>

(2) The Administrator of the Korea Forest Service, etc. shall have a person who intends to undergo an inspection of completion of restoration works under paragraph (1) deposit, in advance, the defect warranty bond pursuant to Ordinance of the Ministry of Agriculture, Food and Rural Affairs in order to have him/her repair defects that may be generated after such inspection: Provided, That where expenses for

restoration are not deposited pursuant to the proviso to Article 38 (1) or as otherwise prescribed by Presidential Decree, the deposition of the defect warranty bond may be exempted. <Amended by Act No. 11352, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>

(3) Matters necessary for procedures, etc. for applying for an inspection for completion of restoration works under paragraph (1), the amount of defect warranty bond under paragraph (2), the methods and period of deposit thereof, etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 43 (Return of Expenses for Restoration)**

(1) In any of the following cases, the Administrator of the Korea Forest Service, etc. shall return whole or part of the expenses for restoration deposited based on restored areas to a depositor: <Amended by Act No. 11352, Feb. 22, 2012>

1. Where exemption from restoration obligation under Article 39 (3) is determined;
2. Where an inspection for completion of restoration works under Article 42 is completed;
3. Where an order to remove structures or restore mountainous districts under Article 44 (1) (limited to cases falling under subparagraphs 3 through 5 of the same paragraph) is executed, or vicarious execution under paragraph (2) of the same Article is completed;
4. Where the validity of permission for conversion of a mountainous district, etc. expires before a person who has received a disposition, such as permission for conversion of a mountainous district, commences the relevant project.

(2) In returning expenses for restoration deposited pursuant to paragraph (1), if the Administrator of the Korea Forest Service, etc. has appropriated expenses for performance by an agent or vicarious execution with the restoration expenses deposited pursuant to subparagraph 1 of Article 41 or the latter part of Article 44 (2), it shall return the amount less such appropriated expenses. <Amended by Act No. 11352, Feb. 22, 2012>

(3) Matters necessary for return of expenses for restoration under paragraphs (1) and (2) shall be determined by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 44 (Restoration, etc. of Unlawfully Converted Mountainous Districts)**

(1) In any of the following cases, the Administrator of the Korea Forest Service, etc. may order a person who has engaged in the relevant activities to remove structures or restore a mountainous district, the form or quality of which has been changed: <Amended by Act No. 11352, Feb. 22, 2012>

1. Where a use is changed without obtaining approval for change of use under Article 21 (1);
2. Where a person conducts the conversion or temporary use of a mountainous district or collects earth or stone without obtaining permission, etc. or reporting, etc. under any subparagraph of Article 37 (1);

3. Permission, a sales contract, etc. under any subparagraph of Article 37 (1) is revoked or cancelled in accordance with Article 20, 31, or 36 (1);
  4. Where a person who has made a report under any subparagraph of Article 37 (1) violates an order to take measures pursuant to Article 20, 31, or 36 (1);
  5. Where any administrative disposition under Article 37 (1) 8 is revoked.
- (2) Where a person who has received an order under paragraph (1) fails to comply with such order, the Administrator of the Korea Forest Service, etc. may perform vicarious execution pursuant to the Administrative Vicarious Execution Act. In cases falling under paragraph (1) 3 through 5, if the relevant actor has deposited restoration expenses pursuant to the main sentence of Article 38 (1), the relevant restoration expenses may be appropriated for expenses for vicarious execution. *<Amended by Act No. 11352, Feb. 22, 2012>*
- (3) Where a mountainous district is restored under paragraph (1), Article 38 shall apply mutatis mutandis to deposit of restoration expenses, Article 39 (3) and (5) shall to the exemption of restoration obligation and application therefor, Article 39 (4) to the methods of restoration; Article 40 to the approval, etc. of design plans for restoration, Article 40-2 to the supervision of restoration works, and Article 42 to the inspection for completion of restoration works and the deposition and exemption of the defect warranty bond, respectively. *<Amended by Act No. 14773, Apr. 18, 2017>*

#### **Article 44-2 (Investigation of Unlawfully Converted Mountainous Districts, etc.)**

(1) In order to investigate the following matters, the Administrator of the Korea Forest Service, etc. may require a person who has obtained permission for conversion or temporary use of a mountainous district or has reported conversion or temporary use of a mountainous district, or a person who has obtained permission to collect earth or stone or has reported the collection of earth or stone, or the collection of stone, to report his/her business affairs, to submit related data, or to cooperate in on-the-spot investigations, and may order relevant public officials to visit a workplace, mountainous district, and other places of the person who has obtained such permission or has so reported to inspect accounting books, documents and other things or to question related persons: *<Amended by Act No. 11352, Feb. 22, 2012; Act No. 14361, Dec. 2, 2016>*

1. Whether the mountainous district is unlawfully converted;
  2. Whether a ground for revoking permission, etc. exists under any subparagraph of Article 20 (1);
  3. Whether a ground for revoking permission, etc. exists under any subparagraph of Article 31 (1).
- (2) Where the Administrator of the Korea Forest Service, etc. deems it necessary to conduct an overall nationwide investigation with respect to the matters provided for in any subparagraph of paragraph (1), he/she may authorize a specialized mountainous district institution prescribed by Presidential Decree to conduct such investigation on his/her behalf, or entrust such institution with such investigation, for a fixed period. *<Amended by Act No. 11352, Feb. 22, 2012>*

(3) The Administrator of the Korea Forest Service, etc. may take any necessary measures prescribed in Articles 20, 31 and 44, based on the outcomes of investigations conducted under paragraphs (1) and (2).  
<Amended by Act No. 11352, Feb. 22, 2012>

(4) Any person who pays a visit or conducts inspections or investigations prescribed in paragraphs (1) and (2) shall carry an identification card indicating his/her authority and produce it to persons involved.

#### **Article 45 (Designation and Fostering of Specialized Institutions for Recovery)**

(1) For the purpose of efficiently restoring mountainous districts, the Administrator of the Korea Forest Service may designate persons who perform any of the following duties as specialized institutions or organizations for recovery of mountainous district (hereinafter referred to as "specialized institutions for recovery") and foster them as such:

1. Designing and supervising the reinstatement of mountainous districts, the form or quality of which has been changed;
2. Restoring the natural ecosystem of mountainous districts, the form or quality of which has been changed, and conducting investigation and research on and development of methods of environmentally friendly reinstatement;
3. Reinstating mountainous districts, the form or quality of which has been changed;
4. Other duties designated by the Administrator of the Korea Forest Service concerning reinstatement of mountainous districts, the form or quality of which has been changed.

(2) The specialized institutions for recovery shall be the National Forestry Cooperatives Federation established under the Forestry Cooperatives Act and other corporations designated in accordance with requirements and procedures prescribed by Presidential Decree (excluding corporations prescribed by the Commercial Act).

(3) The Administrator of the Korea Forest Service may subsidize all or part of the expenses incurred by specialized institutions for recovery to perform their duties.

#### **Article 46 (Korea Forest Conservation Association)**

(1) A Korea Forest Conservation Association (hereinafter referred to as the "Association") shall be established to implement projects, such as investigation and research as well as education and publicity of policies and institutions, to preserve mountainous districts and develop forest resources.

(2) The Association shall be a legal entity.

(3) The Association shall carry out the following projects: <Newly Inserted by Act No. 11352, Feb. 22, 2012>

1. Investigation and research on policies and institutions designed to preserve mountainous districts and develop forest resources;
2. Support for post-management of a mountainous district subject to an investigation under Article 44-2 (1) or a mountainous district for which permission for or reporting on conversion or collection of earth or stone has been granted or filed;

3. Education and publicity on conservation of mountainous districts and cultivation of forest resources;
  4. Advisory consultations on development and restoration of mountainous districts;
  5. Supervision on damage to mountainous districts;
  6. Exchange and cooperation with organizations working for conserving mountainous districts home and abroad;
  7. Any project commissioned by the Administrator of the Korea Forest Service or the head of a local government;
  8. Other projects defined by the articles of association in order to achieve the purposes of the Association.
- (4) Expenses to be incurred in implementing projects by the Association shall be appropriated with membership fees, business revenues, etc., and the State or local governments may subsidize some of such expenses within budgetary limits.
- (5) Matters necessary for business, structure, operation, etc. of the Association shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (6) Except as otherwise expressly prescribed by this Act, provisions concerning incorporated associations under the Civil Act shall apply mutatis mutandis to the Association.

## CHAPTER V SUPPLEMENTARY PROVISIONS

### **Article 46-2 (Monetary Rewards)**

The Administrator of the Korea Forest Service (limited to mountainous districts in State forests) or the head of a Si/Gun/Gu (limited to mountainous districts in forests, other than State forests) may grant monetary rewards to those who report or accuse any person who has violated any of the main sentence of Article 14 (1), the former part of Article 15 (1), the main sentence of Article 15-2 (1) (excluding permission for change), the former part of Article 15-2 (2), and the main sentence of Article 25 (1) (excluding permission for change) to a mountainous district administrative agency or investigation agency, as prescribed by Presidential Decree. *<Amended by Act No. 11352, Feb. 22, 2012>*

### **Article 46-3 (Designation and Education of Persons Responsible for Sites Management Business)**

(1) Any of the following persons shall designate a person responsible for business (hereinafter referred to as “person responsible for site management business), such as securing safety of a business place for collection of earth or stone and prevention of forest damage, and he/she shall file a report thereon to the Administrator of the Korea Forest Service. The same shall apply when a person responsible for site management business is changed:

1. A person to whom permission for collecting earth or stone has been granted under Article 25 (1);

2. A person who has reported the collection of stone under Article 30 (1);
  3. A person who has purchased or been gratuitously granted earth and stone under Article 35 (1).
- (2) A person responsible for site management business shall not concurrently take charge of two or more business places for collection of earth or stone: Provided, That this shall not apply to a case prescribed by Presidential Decree including a case where the same business entity consecutively obtains permission for collection of earth or stone. *<Newly Inserted by Act No. 14773, Apr. 18, 2017>*
- (3) A person responsible for site management business shall receive education necessary for engaging in business, such as securing safety of a business place of collecting earth and stone, and preventing forest damage in an institution prescribed by Presidential Decree. *<Amended by Act No. 14773, Apr. 18, 2017>*
- (4) Matters necessary for duties, criteria for designation, reporting period of designation and change, and methods of reporting, etc. of a person responsible for site management business referred to in paragraph (1), and period, details, and expenses of education, and other matters necessary for education under paragraph (3) shall be determined by Presidential Decree. *<Amended by Act No. 14773, Apr. 18, 2017>*

#### **Article 47 (Access to Third Person's Land, etc.)**

- (1) Where necessary to have public officials affiliated with the Administrator of the Korea Forest Service, etc. conduct surveys of matters concerning conservation and use of mountainous districts, such as basic and regional surveys on mountainous districts to establish a master plan and regional plans, designation and change of preserved mountainous districts or cancellation of designation thereof, and designation of restricted areas for conversion or temporary use of mountainous districts and cancellation thereof, the Administrator of the Korea Forest Service, etc. may allow them to enter a third person's land or temporarily use such land, and, under uncontrollable situations, may have such public officials remove or change standing timber, bamboo, or other obstacles. *<Amended by Act No. 11352, Feb. 22, 2012>*
- (2) Where a person intends to enter a third person's land, temporarily use a third person's land, or remove or change obstacles pursuant to paragraph (1), he/she shall give notice of the date and place to the owner, occupant or administrator of such land by no later than three days prior to the date on which he/she intends to enter or use such land or to remove or change such obstacles.
- (3) No one is allowed to enter a third person's housing site or land enclosed by walls or fences, before sunrise or after sunset, without obtaining approval from an occupant of the relevant land.
- (4) Any person who conducts surveys pursuant to paragraph (1) shall carry an identity card indicating his/her authority and produce it to persons involved.
- (5) Matters necessary for identity cards under paragraph (4) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

#### **Article 48 (Compensation for Loss due to Access, etc. to Land)**

- (1) Where any person suffers loss due to activities prescribed in Article 47 (1), the Administrator of the Korea Forest Service, etc. shall compensate him/her for such loss. *<Amended by Act No. 11352, Feb. 22,*

2012>

(2) With regard to compensation for loss referred to in paragraph (1), the Administrator of the Korea Forest Service, etc. shall consult with the person who suffers loss. <Amended by Act No. 11352, Feb. 22, 2012>

(3) Where an agreement fails to or cannot be reached pursuant to paragraph (2), the Administrator of the Korea Forest Service, etc. or a person who suffers loss may file an application for adjudication with the competent Land Tribunal under Article 49 of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects. <Amended by Act No. 11352, Feb. 22, 2012>

#### **Article 49 (Hearings)**

Where the Administrator of the Korea Forest Service, etc. intends to take any of the following dispositions, he/she shall hold a hearing: <Amended by Act No. 11352, Feb. 22, 2012; Act No. 14361, Dec. 2, 2016; Act No. 14773, Apr. 18, 2017>

1. Where he/she intends to revoke permission for the conversion or temporary use of a mountainous district or issues an order to suspend the intended project pursuant to Article 20;
2. Where he/she intends to cancel designation of a stone collection complex pursuant to Article 29 (4);
3. Where he/she intends to revoke permission to collect earth or stone or issues an order to suspend the collection of earth or stone or collection of stone that has been reported pursuant to Article 31 (1).

#### **Article 50 (Fees)**

Any of the following persons shall pay fees, as prescribed by Presidential Decree: Provided, That the same shall not apply to cases prescribed by Presidential Decree, such as where the State or a local government installs any official or public facilities: <Amended by Act No. 11352, Feb. 22, 2012>

1. A person who applies for permission for conversion of a mountainous district pursuant to Article 14;
2. A person who reports the conversion of a mountainous district pursuant to Article 15;
3. A person who applies for permission for the temporary use of a mountainous district or reports the temporary use of a mountainous district pursuant to Article 15-2;
4. A person who applies for approval to change a use under Article 21;
5. A person who applies for permission to collect earth or stone under Article 25 (1) or reports the collection of earth or sand under paragraph (2) of the same Article;
6. A person who applies for designation of a stone collection complex pursuant to Article 29 (2);
- 6-2. A person who intends to obtain approval of a design plan for restoration pursuant to Article 40;
7. A person who applies for an inspection on completion of restoration works pursuant to Article 42.

#### **Article 51 (Succession etc., to Rights and Obligations)**

(1) Any of the following persons shall succeed to rights and obligations of a person who is subject to a disposition or makes a report falling under any subparagraph of Article 37 (1) through a modification

report etc., under this Act:

1. Where after an owner of a mountainous district is subject to a disposition or makes a report falling under any subparagraph of Article 37 (1), the relevant ownership is changed due to purchase and sale, transfer, auction etc.: An owner of the mountainous district of which the ownership is changed such as a purchaser, transferee etc., of the relevant mountainous district;
  2. Where after a person not falling under subparagraph 1 is subject to a disposition or makes a report falling under any subparagraph of Article 37 (1), he/she dies or transfers his/her rights and obligations: The relevant successor or transferee.
- (2) Where a person falling under any subparagraph of paragraph (1) fails to make a modification report within 30 days from the day the relevant cause arises, the relevant permission etc., is deemed revoked or withdrawn.
- (3) Where a case does not fall under paragraph (1), and permission etc., is revoked or withdrawn under paragraph (2), any of the following shall remain effective in relation to an owner of a mountainous district, a person who may use or make a profit from a mountainous district, or successor of an owner or possessor of a mountainous district:
1. Obligation to take measures for preventing disasters under Article 39 (2);
  2. Obligation to restore under Article 39;
  3. Obligation to submit a design plan for restoration under Article 40;
  4. Appointment of a supervisor of mountainous district restoration works under Article 40-2;
  5. Obligation to restore unlawfully converted mountainous districts under Article 44.

#### **Article 52 (Delegation, etc. of Authority)**

(1) Authority of the Administrator of the Korea Forest Service prescribed in this Act may be partially delegated to the heads of institutions belonging to the Korea Forest Service, the Mayors/Do Governors, or the heads of Sis/Guns/Gus, as prescribed by Presidential Decree.

(2) The Administrator of the Korea Forest Service may allow the National Forestry Cooperatives Federation and other forestry cooperatives prescribed in the Forestry Cooperatives Act, or an association, to engage in his/her business prescribed in this Act on his/her behalf, as prescribed by Presidential Decree.

*<Amended by Act No. 14361, Dec. 2, 2016>*

#### **Article 52-2 (Legal Fiction as Public Officials in Application of Penalty Provisions)**

(1) Any of the following persons shall be deemed a public official in application of penalty provisions prescribed in Articles 129 through 132 of the Criminal Act:

1. Officers and employees of the institution such as an association which is entrusted with a basic survey on a mountainous district prescribed in Article 3-4 (3) and conducts the basic survey on the mountainous district (limited to the survey concerning Article 3-4 (1) 2);

2. Officers and employees of a specialized mountainous district institution which is entrusted to build and operate information system on the management of mountainous districts pursuant to Article 3-5 (2).  
(2) Any member who is not a public official among the members of the Mountainous District Management Committee shall be deemed a public official in application of penalty provisions under the Criminal Act or other Acts.

#### **Article 52-3 (Reexamination of Regulations)**

The Government shall examine the appropriateness of restrictions on activities in preserved mountainous districts prescribed in Article 12 and take measures, such as abolishing, relaxing, or maintaining such restrictions, every five years beginning on December 31, 2010.

## **CHAPTER VI PENALTY PROVISIONS**

#### **Article 53 (Penalty Provisions)**

For a preserved mountainous district, any of the following persons shall be punished by imprisonment for not more than five years or by a fine not exceeding 50 million won, and for a mountainous district other than a preserved mountainous district, any of the following persons shall be punished by imprisonment for not more than three years or by a fine not exceeding 30 million won. In such cases, imprisonment and a fine may be imposed concurrently: <Amended by Act No. 11352, Feb. 22, 2012; Act No. 14361, Dec. 2, 2016>

1. A person who violates the main sentence of Article 14 (1) by converting a mountainous district without permission therefor or by converting a mountainous district upon obtaining permission therefor by false or other unlawful means;
2. A person who violates the main sentence of Article 15-2 (1) by temporarily using a mountainous district without permission therefor or by temporarily using a mountainous district upon obtaining permission therefor by false or other unlawful means;
- 2-2. A person who violates Article 16 (1) 1 by converting a mountainous district or temporarily using a mountainous district, where it is necessary for obtaining authorization, permission and approval, etc. granted under other Acts to implement the project for converting a mountainous district or temporarily using a mountainous district, without undergoing such administrative measures;
3. A person who violates the main sentence of Article 25 (1) by collecting earth or stone without permission therefor or by collecting earth or stone upon obtaining permission therefor by false or other unlawful means;
4. A person who collects natural rocks, in violation of Article 28 (3);
5. A person who collects earth or stone in the mountainous district of a State forest by means, other than purchase or gratuitous concession prescribed in Article 35 (1).

#### **Article 54 (Penalty Provisions)**

For a preserved mountainous district, any of the following persons shall be punished by imprisonment for not more than three years or by a fine not exceeding 30 million won, and for a mountainous district other than a preserved mountainous district, any of the following persons shall be punished by imprisonment for not more than two years or by a fine not exceeding 20 million won: <Amended by Act No. 11352, Feb. 22, 2012; Act No. 14361, Dec. 2, 2016>

1. A person who violates the main sentence of Article 14 (1) by converting a mountainous district without permission for change or by converting a mountainous district upon obtaining permission for change by false or other unlawful means;
2. A person who violates the main sentence of Article 15-2 (1) by temporarily using a mountainous district without permission for change or by temporarily using a mountainous district upon obtaining permission for change by false or other unlawful means;
3. A person who converts or temporarily uses a mountainous district without paying expenses incurred in creating forest replacement resources, in violation of the latter part of Article 19 (2) 1;  
3-2 A person who violates the suspension order on conversion of a mountainous district or temporary use of a mountainous district prescribed in Article 20 (2);
4. A person who violates the main sentence of Article 25 (1) by collecting earth or stone without permission for change or by collecting earth or stone upon obtaining permission for change by false or other unlawful means;
5. A person who violates the suspension order on the collection of earth and stone or collection of stone pursuant to Article 31 (1).

#### **Article 55 (Penalty Provisions)**

For a preserved mountainous district, any of the following persons shall be punished by imprisonment for not more than two years or by a fine not exceeding 20 million won, and for a mountainous district other than a preserved mountainous district, any of the following persons shall be punished by imprisonment for not more than one year or by a fine not exceeding 10 million won: <Amended by Act No. 14361, Dec. 2, 2016>

1. A person who violates the first part of Article 15 (1) by conducting any conversion of a mountainous district without reporting thereon or by conducting any conversion of a mountainous district upon reporting thereon by false or other unlawful means;
2. A person who violates the first part of Article 15-2 (2) by temporarily using a mountainous district without reporting thereon or by temporarily using a mountainous district upon reporting thereon by false or other unlawful means;
3. A person who violates Article 18-2 (1) or (3) by conducting a feasibility survey on conversion of a mountainous district by false or other unlawful means or by notifying or submitting any falsified or altered outcomes of a study;

4. A person who uses land which has undergone conversion of a mountainous district for other purposes without obtaining approval, in violation of Article 21 (1);
5. A person who violates the first part of Article 25 (2) by collecting earth or sand without reporting thereon or by collecting earth or sand upon reporting thereon by false or other unlawful means;
6. A person who violates the first part of Article 30 (1) by collecting stone in a stone collection complex without reporting thereon or by collecting stone in a stone collection complex upon reporting thereon by false or other unlawful means;
7. A person who violates an order to take measures prescribed in any subparagraph of Article 37 (2);
8. A person who reinstates a mountainous district by using wastes or earth or stones containing wastes, in violation of Article 39 (4);
9. A person who fails to undergo supervision, or conducts supervision by false means, in violation of Article 40-2 (1) (including where it applies mutatis mutandis under Article 44 (3)) or (2);
10. A person who violates an order to remove structures or to reinstate a mountainous district, the form or quality of which has been changed, as prescribed by Article 44 (1).

#### **Article 56 (Joint Penalty Provisions)**

If a representative of a corporation, or an agent, employee, or other servant of the corporation or an individual, commits an offence under Articles 53 through 55 in connection with the business of the corporation or the individual, not only shall such offender be punished, but also the corporation or the individual shall be punished by a fine under the relevant provisions: Provided, That this shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such offence.

#### **Article 57 (Administrative Fines)**

(1) Any of the following persons shall be punished by an administrative fine not exceeding ten million won: <Amended by Act No. 11352, Feb. 22, 2012; Act No. 14361, Dec. 2, 2016>

1. A person who fails to report any change, in violation of any of the proviso to Article 14 (1), the latter part of Article 15 (1), the proviso to Article 15-2 (1), the latter part other than subparagraphs of Article 15-2 (2), the proviso to Article 25 (1) or the latter part of Article 25 (2), or the latter part of Article 30 (1);
2. A person who fails to submit to the Administrator of the Korea Forest Service, etc. a design plan for restoration within a period prescribed in the former part of Article 40 (1) (including cases where it applies mutatis mutandis under Article 44 (3));
3. A person who fails to report the details of the notice of correction, in violation of Article 40-2 (2) (including cases where it applies mutatis mutandis under Article 44 (3));
4. A person who refuses, interferes with, or evades reporting on business affairs, the submission of data, or on-the-spot investigation, in violation of Article 44-2 (1) or (2);

5. A person who files an objection by making a false list of joint and several signatures under Article 18-5 (3).

(2) Any of the following persons shall be punished by an administrative fine not exceeding five million won: <Newly Inserted by Act No. 13256, Mar. 27, 2015; Act No. 14773, Apr. 18, 2017>

1. A person who violates Article 46-3 (1);

2. A person who violates Article 46-3 (3).

(3) Administrative fines prescribed in paragraph (1) shall be imposed and collected by the Administrator of the Korea Forest Service, etc., as prescribed by Presidential Decree. <Amended by Act No. 11352, Feb. 22, 2012; Act No. 13256, Mar. 27, 2015>

## ADDENDA

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

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

### **Article 2 (Transitional Measures concerning Preserved Forest Land, etc.)**

(1) Among preserved forest lands designated and publicly announced by the previous provisions of Articles 16 (1) and 17 (1) of the Forestry Act, as at the time this Act enters into force, production forest lands shall be deemed mountainous districts for forestry under Articles 4 (1) 1 (a) and 5, and forest lands for public interests mountainous districts for public interests designated and publicly announced under Articles 4 (1) 1 (b) and 5.

(2) The base map for forest use prepared pursuant to the previous provisions of Article 16-2 (2) of the Forestry Act as at the time this Act enters into force shall be deemed a classification map for mountainous district use under this Act until a classification map for mountainous district use is prepared pursuant to Article 4 (2).

### **Article 3 (Transitional Measures concerning Application for Permission, etc.)**

An application for any of the following permission or consultation as at the time this Act enters into force shall be governed by the previous provisions of the Forestry Act:

1. Permission for conversion of preserved forest land pursuant to the previous provisions of Article 18 (1) and (2) of the Forestry Act;

2. Consultation on designation, etc. of a district, zone, area, etc. pursuant to the previous provisions of Article 18 (3) of the Forestry Act;

3. Sale, gratuitous concession, etc. of earth or sand pursuant to the previous provisions of Article 87 (1) of the Forestry Act;

4. Permission for or reporting on changes to form or quality of mountainous districts pursuant to the previous provisions of Article 90 of the Forestry Act;

5. Permission to collect stone pursuant to the previous provisions of Article 90-2 of the Forestry Act;

6. Reporting on collection of stone in a stone collection complex pursuant to the previous provisions of Article 90-5 of the Forestry Act;

7. Permission for or reporting on collection of earth or sand pursuant to the previous provisions of Article 90-6 of the Forestry Act.

**Article 4 (Transitional Measures concerning Dispositions, etc.)**

(1) In cases of any person who has obtained permission, etc. as stated in the left column in the following table or reported pursuant to the previous provisions of the Forestry Act, as at the time this Act enters into force, and any person who has obtained permission, etc. in the left column in the following table or reported pursuant to Article 3 of the Addenda after this Act enters into force, he/she shall be deemed obtained permission, etc., or reported as stated in the right column of the following table or reported pursuant to this Act.

(2) Any person permitted to collect stone pursuant to the previous provisions of Article 90-2 of the Forestry Act, as at the time this Act enters into force, shall be equipped with equipment, etc. under Article 25 (2) within one year after this Act enters into force.

**Article 5 (Transitional Measures concerning Payment of Expenses Incurred in Re-Forestation)**

(1) A person who pays expenses incurred in re-forestation pursuant to the previous provisions of Articles 20-2 (1) and (2) of the Forestry Act, as at the time this Act enters into force, shall be deemed a person who pay the expenses incurred in creating forest replacement resources pursuant to Articles 19 (1) and (2).

(2) An obligor to pay expenses incurred in re-forestation pursuant to the previous provisions of Article 20-2 (1) and (2) of the Forestry Act shall be deemed an obligor to pay expenses incurred in creating forest replacement resources pursuant to Article 19 (1) and (2).

(3) A person eligible for a refund of expense incurred in re-forestation pursuant to the previous provisions of Article 20-2 (3) of the Forestry Act, as at the time this Act enters into force, shall be deemed eligible for a refund of expenses incurred in creating forest replacement resources pursuant to Article 19 (4).

**Article 6 (Transitional Measures concerning Restricted Areas to Change Form or Quality of Mountainous Districts and Restriction of Permission, etc. for Stone Collection, etc.)**

(1) A district publicly announced by a Mayor/Do Governor or the Chief of Regional Forest Management Service (limited to areas under Article 9 (1) 1 and 2 of this Act), which shall not be subject to changes to form or quality of mountainous districts under the provisions of Article 90 (8) 1 of the Forestry Act, as at the time this Act enters into force, shall be deemed a restricted area for conversion of a mountainous district designated and publicly announced by the Administrator of the Korea Forest Service pursuant to Article 9.

(2) A district publicly announced by a Mayor/Do Governor (limited to areas under Articles 28 (1) 2 and 33 (1) 2 of this Act), for which no permission for stone collection shall be granted pursuant to the previous provisions of Article 90-2 (6) 1 of the Forestry Act, as at the time this Act enters into force, shall be deemed an area designated and publicly announced by the Administrator of the Korea Forest Service pursuant to Articles 28 (1) 2 and 33 (1) 2.

## **Article 7 (Transitional Measures concerning Orders for Removal of Structures or Reinstatement thereof)**

(1) A person in receipt of an order to remove or reinstate structures pursuant to the previous provisions of Article 90 (11) of the Forestry Act shall be deemed received an order to remove or reinstate structures pursuant to Article 44 of this Act.

(2) A person in receipt of an order to take measures, such as installation of structures, suspension of stone collection, or earth or sand for the purposes of preventing disasters pursuant to the previous provisions of Articles 87 (2), 90-4 (1), 90-5 (4) and 90-6 (4) of the Forestry Act, as at the time this Act enters into force, shall be deemed a person in receipt of an order to take measures necessary to suspend extraction and/or collection of stone, earth or sand, prevent disasters or recover therefrom, pursuant to Article 37.

## **Article 8 (Transitional Measures concerning Deposit, etc. of Recovery Expenses)**

(1) Recovery expenses deposited or to be deposited pursuant to the previous provisions of Article 91 (1) and (2) of the Forestry Act, as at the time this Act enters into force, shall be deemed recovery expenses deposited or to be deposited pursuant to Article 38 (1) and (2).

(2) A person obligated to perform recovery pursuant to the previous provisions of Article 91 (3) of the Forestry Act as at the time this Act enters into force shall be deemed obliged to perform recovery pursuant to Article 39.

(3) A design plan for recovery approved pursuant to the previous provisions of Article 91 (4) of the Forestry Act, as at the time this Act enters into force, shall be deemed approved pursuant to Article 40.

## **Article 9 (Transitional Measures concerning Defect Warranty Bonds)**

Defect warranty bonds deposited or repair bonds deposited pursuant to the previous provisions of Article 91-2 (2) of the Forestry Act as at the time this Act enters into force shall be deemed defects warranty bonds deposited or to be deposited pursuant to Article 42 (2).

## **Article 10 (Transitional Measures concerning Application of Penalty Provisions)**

The application of penalty provisions to acts done before this Act enters into force shall be governed by the previous provisions of the Forestry Act.

## **Article 11 Omitted.**

## **Article 12 (Relationship with other Acts)**

Where other Acts cite the Forestry Act and previous provisions thereof as at the time this Act enters into force, it shall be deemed that this Act or the corresponding provision of this Act is cited in lieu of the previous provisions, any provision corresponding thereto exists in this Act.

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.**

ADDENDA <Act No. 7284, Dec. 31, 2004>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.  
**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 7297, Dec. 31, 2004>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.  
**Articles 2 through 9 Omitted.**

ADDENDA <Act No. 7335, Jan. 14, 2005>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation.  
**Articles 2 through 12 Omitted.**

ADDENDA <Act No. 7677, Aug. 4, 2005>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.  
**Articles 2 through 8 Omitted.**

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

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.  
**Articles 2 through 12 Omitted.**

ADDENDA <Act No. 8283, Jan. 26, 2007>

**Article 1 (Enforcement Date)**

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

**Article 2 (Applicability to Designation, etc. of Areas, etc.)**

The amended provisions of Article 8 shall apply from first application for consultation made to the Administrator of the Korea Forest Service after this Act enters into force.

**Article 3 (Applicability to Restriction of Activities in Preserved Mountainous Districts and Special Cases concerning Application)**

The amended provisions of Article 12 shall apply from the first-filed application for conversion of mountainous district after this Act enters into force.

**Article 4 (Applicability to Permission for and Reporting on Mountainous District Conversion)**

The amended provisions of Articles 14 and 15 shall apply from the first-filed application for permission for or the first reporting on conversion of mountainous district after this Act enters into force.

**Article 5 (Applicability to Refund of Expenses Incurred in Creating Forest Replacement Resources)**

The amended provisions of Articles 19 and 19-2 shall apply from the first application for permission for conversion of mountainous district and/or the first reporting on conversion of mountainous district or administrative disposition under any subparagraph of Article 19 (1) filed after this Act enters into force.

**Article 6 (Applicability to Approval of Changes of Use)**

The amended provisions of Article 21 shall apply from the first application for permission for conversion of mountainous district or the first reporting on conversion of mountainous district filed after this Act enters into force.

**Article 7 (Applicability to Restriction of Changes of Land Category of Mountainous Districts)**

The amended provisions of Article 21-2 shall apply from the first application for permission for conversion of mountainous district or the first reporting on conversion of mountainous district filed after this Act enters into force.

**Article 8 (Applicability to Permission, etc. for Collection of Earth or Sand)**

The amended provisions of Articles 25, 25-2 through 4, 26 through 29, and 31 through 34 shall apply from the first application for collection of earth or sand or the first reporting on collection of earth or sand filed after this Act enters into force.

**Article 9 (Applicability to Sale, etc. of Earth or Sand in State Forests)**

The amended provisions of Article 35 shall apply from the first application for sale of earth or sand in mountainous districts of State forests or gratuitous grant thereof filed after this Act enters into force.

**Article 10 (Transitional Measures concerning Application of Penalty Provisions and Administrative Fines)**

The application of administrative fines and penalty provisions to any act done prior to the enforcement of this Act shall be governed by the previous provisions of the Forestry.

**Article 11 Omitted.**

**Article 12 (Relationship with Other Acts)**

Where other Acts cite permission for stone collection or permission for earth or sand pursuant to the previous provisions as at the time this Act enters into force, it shall be deemed, that permission to collect earth or sand under this Act is cited in lieu of the previous provisions.

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. 8355, Apr. 11, 2007>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 6 Omitted.**

ADDENDUM <Act No. 8504, Jul. 13, 2007>

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

ADDENDUM <Act No. 8754, Dec. 21, 2007>

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

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 8976, Mar. 21, 2008>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 10 Omitted.**

ADDENDA <Act No. 9401, Jan. 30, 2009>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 11 Omitted.**

ADDENDUM <Act No. 9722, May 27, 2009>

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

ADDENDA <Act No. 9982, Jan. 27, 2010>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 10 Omitted.**

ADDENDA <Act No. 10001, Feb. 4, 2010>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 6 Omitted.**

ADDENDA <Act No. 10331, May 31, 2010>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 18-2, the proviso to Article 18-4 (1) other than the subparagraphs thereof, Articles 40-2, and 44 (3) (limited to any related portion of Article 40-2), subparagraphs 3 and 9 of Article 55, and Articles 56 (limited to any related portions of subparagraphs 3 and 9 of Article 55) and 57 (1) 3 shall take effect on July 1, 2011.

**Article 2 (Provisional Special Cases concerning Unlawfully Converted Mountainous Districts)**

(1) Any person who uses or manages a mountainous district for five or more consecutive years for any of the following purposes without due process of law as at the time this Act enters into force shall report such fact to the head of the competent Si/Gun/Gu within one year from the date on which this Act enters into force, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries:

1. National defense or military facilities;
2. Facilities for official or public use or facilities for agriculture, forestry or fisheries (including facilities used by any farmer, forester or fisherman mainly for purposes of residence), as prescribed by

Presidential Decree.

(2) Where any mountainous district reported pursuant to paragraph (1) meets the standards for restriction of and permission for conversion of mountainous district under this Act or any other Act or other standards prescribed by Presidential Decree, the head of a Si/Gun/Gu may, subject to examination, take measures necessary to reclassify the relevant land, such as permission for conversion of a mountainous district.

(3) This Act shall apply to any measure to be taken under paragraph (2): Provided, That where any provision in force at the time of converting a mountainous district is more favorable to the relevant reporter, such provision shall prevail.

(4) In granting permission for conversion of a mountainous district, etc. under paragraph (2), if the relevant mountainous district is subject to any restriction of conversion of mountainous district or to any administrative disposition, such as authorization, permission or approval, under any other Act, the head of the competent Si/Gun/Gu shall consult in advance with the head of the competent administrative agency with regards thereto.

(5) Matters regarding the methods of examination, procedures to take measures, etc. under paragraph (2) shall be prescribed by Presidential Decree.

### **Article 3 (Applicability to Establishment, etc. of Master Plans for Management of Mountainous Districts)**

An initial master plan for mountainous district management to be developed pursuant to the amended provisions of Article 3-2 shall be established by no later than December 31, 2012: Provided, That where necessary to ensure coherence and linkage with the plans established under other Acts, such period may be adjusted.

### **Article 4 (Applicability to Feasibility Surveys on Conversion of Mountainous District)**

The amended provisions of Article 18-2 shall apply from the first-filed application for permission for conversion or temporary use of mountainous districts after such amended provisions enter into force.

### **Article 5 (Applicability to Raising Ground Level at Time of Restoring Mountainous Districts, Supervising Mountainous District Recovery Works, etc.)**

(1) The amended provisions of Article 39 (4) shall apply from the first-submitted design plan for recovery after this Act enters into force.

(2) The amended provisions of Article 40-2 shall apply from the first-submitted design plan for recovery after such amended provisions enter into force.

### **Article 6 (Transitional Measures Following Devolution of Powers to Local Governments)**

With respect to applications, reports, etc. filed pursuant to the previous provisions of Articles 15, 17, 20, 21, 25, 26, 28, 30, 31, 37 through 40, 41 through 44, 47 through 49, and 57 as at the time this Act enters into force, the previous provisions shall prevail.

### **Article 7 (Transitional Measures concerning Permission for and Reporting on Temporary Use of Mountainous Districts)**

(1) Where any permission for conversion of a mountainous district or any reporting on conversion of a mountainous district that is granted or filed under the previous provisions of Articles 14 and 15 as at the time this Act enters into force meets the requirements prescribed by the amended provisions of Article 15-2 (1) and (2), such permission or reporting shall be deemed to include permission for or reporting on the temporary use of the relevant mountainous district.

(2) Where any application for or any report on conversion of a mountainous district that is filed under the previous provisions of Articles 14 and 15 as at the time this Act enters into force meets the requirements prescribed by the amended provisions of Article 15-2 (1) and (2), such application or report shall be deemed to include an application for or a report on the temporary use of the relevant mountainous district.

#### **Article 8 (Transitional Measures concerning Restricted Areas for Conversion or Temporary Use of Mountainous Districts)**

Any restricted areas for conversion of mountainous districts designated under the previous provisions of Article 9 (1) as at the time this Act enters into force shall be deemed designated as the restricted areas for the conversion or temporary use of mountainous districts under the amended provisions of Article 9 (1).

#### **Article 9 (Transitional Measures concerning Restriction of Reclassification of Land within Mountainous Districts)**

With respect to the restriction of reclassification of land within mountainous districts by a person who has reported conversion of a mountainous district under the previous provisions as at the time this Act enters into force, the previous provisions shall apply, notwithstanding the amended provisions of Article 21-2.

#### **Article 10 (Transitional Measures concerning Surface Surveys in Search of Buried Cultural Heritage Assets under the Act on Protection and Survey of Buried Cultural Heritage)**

"Surface surveys in search of buried cultural heritage assets under the Act on Protection and Survey of Buried Cultural Heritage" in the amended provisions of Article 15-2 (2) 6 shall be construed as "surface surveys in search of cultural heritage assets under the Cultural Heritage Protection Act" until February 4, 2011.

#### **Article 11 (Transitional Measures concerning Subparagraphs 3-2 and 3-3 of Article 3 of the Mining Industry Act)**

"Subparagraphs 3-2 and 3-3 of Article 3 of the Mining Industry Act" in the main sentence of Article 27 (1) shall be construed as "subparagraph 3 of Article 3 of the Mining Industry Act" until January 27, 2011.

#### **Article 12 Omitted.**

#### **Article 13 (Relationship to other Statutes)**

A citation of the previous provisions of this Act in other statutes as at the time this Act enters into force shall be deemed a citation of the corresponding provisions of this Act in lieu of the previous provisions,

if any provisions corresponding thereto exist in this Act.

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. 11352, Feb. 22, 2012>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 39 (4) shall enter into force on the date of its promulgation.

**Article 2 (Applicability to Period for Conversion of Mountainous Districts)**

The amended provisions of the provisos to Article 17 (1) 1 and 2 shall apply from the first application for permission for conversion of a mountainous district or the first reporting on conversion of a mountainous district after this Act enters into force.

**Article 3 (Applicability to Payment in Installment and Refund of Expenses Incurred in Creating Forest Replacement Resources)**

(1) The amended provisions of the proviso to the part other than the subparagraphs of Article 19 (2) shall apply from the first application for permission for conversion or temporary use of a mountainous district after this Act enters into force.

(2) The amended provisions of subparagraph 4 of Article 19-2 shall apply from the first case where the period for temporary use of a mountainous district expires before the intended project is complete after this Act enters into force.

**Article 4 (Applicability to Orders to Suspend Conversion or Temporary Use of Mountainous Districts)**

The amended provisions of Article 20 (2) shall apply from the first administrative disposition that falls under any of the subparagraphs of the amended Article 20 (1) after this Act enters into force.

**Article 5 (Applicability to Deliberation by Subcommittees)**

The amended provisions of the latter part of Article 22 (3) shall apply from the first matter deliberated by a subcommittee after this Act enters into force.

**Article 6 (Applicability to Deposit of Restoration Expenses)**

The amended provisions of Article 38 (3) shall apply from the first recalculation of restoration expenses after this Act enters into force.

**Article 7 (Applicability to Restoration, etc. of Unlawfully Converted Mountainous Districts)**

The amended provisions of Article 44 (1) 4 shall apply from the first person who violates an order to take measures after this Act enters into force.

#### **Article 8 (Applicability to Hearings)**

The amended provisions of subparagraphs 1 and 3 of Article 49 shall apply from the first order to suspend an intended project or collection of earth or stone after this Act enters into force.

#### **Article 9 (Applicability to Payment of Fees)**

The amended provisions of subparagraph 6-2 of Article 50 shall apply from the first application for approval of a design plan for restoration after this Act enters into force.

#### **Article 10 (Transitional Measures to Modification of Authority)**

Where any of the following procedures are underway as at the time this Act enters into force, the previous provisions shall apply, notwithstanding the amended provisions of the relevant provisions on modification of authority:

1. Confirmation as to whether permission criteria, etc. for conversion of a mountainous district are met under the amended provisions of Article 18-4;
2. Imposition and collection or refund of expenses incurred in creating forest replacement resources under the amended provisions of Article 19 or 19-2;
3. Reporting on collection of earth or sand (including reporting on modification thereof), reporting on modification of the period for collection of earth or sand, or procedures for consultations on constructive reporting on collection of earth or sand under the amended provisions of Article 25 (2), (4), or (5);
4. Reporting on collection of stone, reporting on modification thereof, or reporting on extension of the period therefor under the amended provisions of Article 30;
5. Revocation of permission, suspension of collection of stone or an order for other necessary measures under the amended provisions of Article 31.

#### **Article 11 (Transitional Measures to Permission for or Reporting on Change of Temporary Use of Mountainous Districts)**

(1) Where procedures for permission for change of temporary use of a mountainous district are underway as at the time this Act enters into force, the previous provisions shall apply, notwithstanding the amended provisions of the proviso to Article 15-2 (1).

(2) Where procedures for reporting on change of temporary use of a mountainous district are underway as at the time this Act enters into force, the previous provisions shall apply, notwithstanding the amended provisions of the latter part of the part other than the subparagraphs of Article 15-2 (2).

#### **Article 12 (Transitional Measures to Permission Criteria, etc. for Conversion of Mountainous Districts)**

Where procedures for permission for conversion of a mountainous district are underway as at the time this Act enters into force, the previous provisions shall apply, notwithstanding the amended provisions of Article 18 (4) (limited to cases where a preserved mountainous district is included in the

mountainous district subject to permission for conversion).

**Article 13 (Transitional Measures to Application of Penalty Provisions)**

The application of penalty provisions to any act done before this Act enters into force shall be governed by the previous provisions.

**Article 14 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. 11794, May 22, 2013>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 26 Omitted.**

ADDENDA <Act No. 11998, Aug. 6, 2013>

**Article 1 (Enforcement Date)**

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

**Articles 2 and 3 Omitted.**

ADDENDA <Act No. 12248, Jan. 14, 2014>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 25 Omitted.**

ADDENDA <Act No. 12412, Mar. 11, 2014>

**Article 1 (Enforcement Date)**

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

**Articles 2 and 3 Omitted.**

ADDENDUM <Act No. 12513, Mar. 24, 2014>

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

ADDENDA <Act No. 12738, Jun. 3, 2014>

**Article 1 (Enforcement Date)**

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

**Articles 2 and 3 Omitted.**

ADDENDA <Act No. 13256, Mar. 27, 2015>

**Article 1 (Enforcement Date)**

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

**Article 2 (Transitional Measures concerning Designation of Persons responsible for Sites Management Business)**

Any person falling under the amended provisions of each subparagraph of Article 46-3 (1) as at the time this Act enters into force shall designate a person responsible for site management business within three months after this Act enters into force.

ADDENDA <Act No. 13729, Jan. 6, 2016>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 13796, Jan. 19, 2016>

**Article 1 (Enforcement Date)**

This Act shall enter into force on September 1, 2016.

**Articles 2 through 4 Omitted.**

ADDENDA <Act No. 14357, Dec. 2, 2016>

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

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

### **Article 2 Omitted.**

ADDENDA <Act No. 14361, Dec. 2, 2016>

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

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

### **Article 2 (Applicability to Scope of Feasibility Surveys on Conversion of Mountainous Districts)**

(1) The amended provisions of Article 18-2 (1) shall apply, beginning with cases where consultation on change is held, or an application for permission for changing conversion of a mountainous district or permission for changing temporary use of a mountainous district is filed after this Act enters into force.

(2) The amended provisions of Article 18-2 (4) shall apply, beginning with cases where a specialized mountainous district institution conducts a feasibility survey on conversion of a mountainous district as at the time this Act enters into force.

### **Article 3 (Provisional Special Cases concerning Unlawful Conversion of Mountainous Districts)**

(1) Any person, who has used or managed a mountainous district (limited to a mountainous district under the amended provisions of subparagraph 1 of Article 2) for the purpose of field, paddy field, or orchard for three consecutive years beginning on January 21, 2016 without undergoing legal procedures as at the time this Act enters into force, and who intends to obtain permission for conversion of a mountainous district prescribed in paragraph (2) necessary for changing the classification, shall report such fact to the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, within one year after the date on which this Act enters into force.

(2) Where the mountainous district reported under paragraph (1) is appropriate for restriction of activities, permission criteria and criteria, prescribed by Presidential Decree, of conversion of the mountainous district under this Act or other Acts, the head of a Si/Gun/Gu may grant permission for conversion of the mountainous district necessary for changing the classification in review of such matters. In such cases, the head of a Si/Gun/Gu, where it is required to take administrative measures, such as authorization, permission, and approval granted under other Acts for changing the classification of the relevant mountainous district, shall consult with the heads of the relevant administrative agencies in advance.

(3) Matters necessary for methods of review and procedures for dispositions prescribed in paragraph (2) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

### **Article 4 (Transitional Measures concerning Effects of Permission, etc. for Conversion of Mountainous Districts)**

The effect of permission for conversion of a mountainous district prescribed in Article 14 (1) or permission for temporary use of a mountainous district prescribed in Article 15-2 (1) before this Act

enters into force, and a report on conversion of a mountainous district prescribed in Article 15 (1) or report on temporary use of a mountainous district prescribed in Article 15-2 (2) before this Act enters into force, shall be governed by the previous provisions, notwithstanding amended provisions of Article 16 (1).

**Article 5 (Transitional Measures concerning Recoveries of Areas for Conversion of Mountainous Districts, etc.)**

Recovery of area for conversion of a mountainous district, etc. where permission, etc. is granted or a report, etc. is filed, falling under any of the subparagraphs of Article 37 (1) before this Act enters into force, shall be governed by the previous provisions, notwithstanding the amended provisions of Article 39 (1).

**Article 6 (Transitional Measures concerning Penalty Provisions)**

The application of the penalty provisions concerning activities conducted before this Act enters into force shall be governed by the previous provisions.

**Article 7 Omitted.**

ADDENDA <Act No. 14773, Apr. 18, 2017>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 40-2 (1), 44-3 (3), and 51 shall enter into force on the date of its promulgation.

**Article 2 (Applicability to Succession etc., to Rights and Obligations)**

The amendments of Article 51 shall apply from when causes of succession to rights and obligation arise after the same amendments enter into force.

**Article 3 Omitted.**

ADDENDA <Act No. 15309, Dec. 26, 2017>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 4 Omitted.**

ADDENDA <Act No. 15460, Mar. 13, 2018>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 3 Omitted.**

ADDENDUM <Act No. 15504, Mar. 20, 2018>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 19, 19-2, 20 (3), and 21 (1) 1 shall enter into force on six months after the date of its promulgation.

Last updated : 2020-01-30

