

Act on the National Forest Administration and Management

Partly revised on April 4 2007

CHAPTER 1 GENERAL PROVISIONS

Enacted on 4 Aug. 2005 and partly revised on 11 April 2007

Act no.: 7677

Article 1 (Purpose)

The purpose of this Act is to determine the necessary details for national forest administration and management in order to promote multiple functions of the national forests, contributing to national economy and enhancing public welfare.

Article 2 (Definitions)

The terms used in this Act are as follows:

1. The term “national forest administration” refers to activities within national forests that aims to produce forest products such as timber, and maintain/enhance economic, social, cultural, environmental and other diverse forest functions through forest projects including afforestation, forest tending, forest stock production, forest management facility establishment, forest genetic resources conservation, etc.
2. “National forest management” refers to activities within national forests related to property management such as forest conservation, lease and authorization of forest use, trade, purchase and disposal of national forests.

Article 3 (Fundamental Principles of National Forest Administration and Management)

The state shall conduct administration and management of the national forests in accordance with the following paragraphs.

1. Promote national benefits taking the development of local societies into consideration,
2. Provide stable forest product supply through sustainable forest management,
3. Extend forest public benefits though environmentally sound national forest development
4. Enhance the quality of life by promoting public use of national forests
5. Provide guidance for public and private forest administration

Article 4 (Administration and management authorities)

1. The national forests shall be administered and managed by the Chief of the Korea Forest Service (hereinafter referred to as the “Chief”). However, a national forest considered as an administrative or preservation property under Article 4 Paragraph 2 and Paragraph 3 of the Act on National Property and under the jurisdiction of the head of other central administrative agency (refers to the heads of central government agencies prescribed in Article 14 of the Act on Budget and Accounting, hereinafter referred to as the “Head of the Central Government Agencies”) shall be administered and managed by the Head of the competent Central Government Agency.
2. The Head of the Central Government Agency shall turn over the authority to the Chief without delay, should the purpose of the national forest under the provision of Paragraph 1 be annulled. However, exception is made in case the land use is annulled due to management changes or concessional purposes.

Article 5 (National Forest Survey)

1. The Chief shall conduct regular survey on soil, vegetation, growth rate, and other forest status in order and use the collected data for national forest administration and management.
2. The method and other related details of the survey in Paragraph 1 shall be prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

Article 6 (Integrated National Forest Plan)

1. The Chief shall establish and implement the Integrated National Forest Plan every 10 (ten) years in accordance with the Forest Framework Plan and Regional Forest Plan under Article 11 of the Framework Act on Forest in order to promote integrated and effective management of national forests.
2. The following items shall be included in the Integrated National Forest Plan provided in Paragraph 1.
 - a. Objectives and implementation direction on national forest administration and

- management,
 - b. Current state of national forest administration and management,
 - c. Key projects and implementation method of national forest administration and management,
 - d. Assessment of necessary expenses and procurement on project implementation,
 - e. Other matters prescribed by the Ordinance of the Ministry of Agriculture and Forestry regarding national forest administration and management.
3. The Chief shall analyze and assess the implementation results of the Integrated National Forest Plan. The Integrated National Forest Plan shall be revised or reflect the modifications on the next Plan when deemed necessary by the analysis and assessment.
4. The necessary details in the establishment, analysis, and assessment of the Integrated National Forest Plan shall be prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

Article 7 (Board of Advisors for National Forest Administration and Management)

1. Each regional forest management offices may organize a board of advisors (hereinafter referred to as the “Board”) in order to take advices from them on the following issues:
- a. analysis and assessment of the establishment and accomplishments of the Integrated National Forest Plan,
 - b. national forest disposal, lease or other matters prescribed by the ordinance of the Ministry of Agriculture and Forestry,
 - c. experiment forest establishment and operation,
 - d. other matters necessary in the national forest administration and management.
2. The details regarding the organization and operation shall be prescribed by the Presidential Decree.

CHAPTER 2 NATIONAL FOREST ADMINISTRATION

Article 8 (National Forest Administration)

1. The Chief shall establish and implement National Forest Administration Plan every 10 years, in accordance with the Integrated National Forest Plan, by classifying into administrative districts prescribed by the Presidential Decree, taking into consideration the national forest distribution and administrative efficiency.
2. The necessary details regarding the target, period and methods for the National Forest Administration Plan shall be prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

Article 9 (Administration Plan of National Forests under the Jurisdiction of the Central Agency)

1. The heads of the Central Agencies or individuals authorized with lease and use permits (hereinafter referred to as “lease”) may establish administration plan for the national forests under their management and have it approved by the Chief. Same applies when the administration plan is modified or abolished.
2. The head of the Central Agencies or individuals authorized with lease etc shall notify the Chief according to the Ordinance of the Ministry of Agriculture and Forestry in case activities prescribed by the Presidential Decree such as afforestation and logging are necessary in implementing the forest projects in accordance with the administration plan provided in Paragraph 1. Such case shall be implied as a case reported and/or granted permission under Article 36 of the Act on the Promotion and Management of Forest Resources.

Article 10 (Timber Production in National Forests)

1. The Chief shall produce timber from national forests to the extent that does not exceed the total annual growth rate taking into consideration the long term outlooks on supply and demand. However in case of forest fire, natural disasters, and pest control, logging may exceed the annual growth rate.
2. The target for timber production and its method including other necessary details under Paragraph 1 shall be prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

Article 11 (National Forest Conservation Arrangement)

1. The Chief, when deemed necessary for the protection of national forests under the provisions of the Ordinance of Ministry of Agriculture and Forestry, shall establish an arrangement on national forests conservation(hereinafter referred to as the “Protection Arrangement”) with the local forest cooperatives prescribed in the Act on the Forest Cooperatives, local communities, schools or organizations that have been prescribed by the Presidential Decree and composed of foresters under the provisions of Article 14 Paragraph 1 of the Act on the Promotion of Forestry and Mountain Villages. The parties of the Protection Arrangement may be given authorization to practice protection activities under the Ordinance of the Ministry of Agriculture and Forestry including forest fire control and illegal logging prevention.
2. The duration of the Protection Arrangement shall be within 5 years, however, when necessary, designated duration may be extended within 5 years’ period.
3. The Chief may invalidate the Protection Arrangement in case the parties violate or does not perform due protection activities. The Chief shall notify the parties of the invalidation.

Article 12 (Practice Forest Establishment and Operation)

1. The Chief shall develop and disseminate forest technologies and designate the national forests which have succeeded in forestation or commercial forest clusters as practice forests in view to promoting efficient administration of public and private forests.
2. The Chief, in consultation with the competent authorities or owners of public or private forests adjacent to practice forests designated under Paragraph 1, may include such forests to practice forests, in case deemed to contribute to more effective management.
3. The standards of practice forest establishment and other necessary details shall be prescribed by the Presidential Decree.

Article 13 (Administration of National Forests under the Jurisdiction of the Heads of Central Agencies in Proxy)

1. The Chief may conduct administration of national forests under the jurisdiction of the heads of central agencies, public forests or private forests that are adjacent to or surrounded by national forest under Korea Forest Service, in case the competent authorities or the owner requests for forest administration. In such case, the forest administration cost shall be covered by the competent authorities or the owner.
2. The procedures or cost sharing and other necessary details of the forest administration in proxy under Paragraph 1 shall be prescribed by the Presidential Decree.

Article 14 (Designation and Operation of Forests for People)

1. The Chief may designate and operate Forests for People to enable public participation in forest tending projects and other national forest protection and cultivation programs as well as to enable public use of forests in forest education and recreation.
2. The standards in designating Forests for People provided in Paragraph 1, operation methods, and other necessary details shall be prescribed by the Ordinance of the Ministry of Agriculture and Forestry.
3. The Chief may restrict use of the Forests for People for a certain set period or invalidate the designation, in case:
 - a. necessary for protection and ecosystem conservation of such forests;
 - b. causes inconvenience or impediment to benefits of the local residents; or
 - c. necessary for other matters related to national forest administration and management prescribed by the Ordinance of the Ministry of Agriculture and Forestry.
4. Announcements shall be made in case Forests for People are designated, restricted or invalidated according to Paragraph 1 and Paragraph 3.

Article 15 (Joint Forest Projects)

1. The Chief, when deemed necessary for more efficient forest projects, social development, or local income increase, may conduct any of the following projects(hereinafter referred to as the “Joint Projects”) in coordination with the heads of related central administrative agencies /local governments or organizations prescribed by the Presidential Decree (hereinafter referred to as the “Project Partner”).
 - a. Forest income projects in agricultural areas or mountain villages
 - b. Establishment or operation of public forest facilities prescribed by the Presidential Decree including arboretums, natural recreation forests, forest bathing areas, etc
 - c. Research projects based on forestry
 - d. Other projects prescribed by the Ordinance of the Ministry of Agriculture and Forestry which is necessary for efficient management of the national forest
2. The Chief, when seeks to conduct a Joint Project pursuant to Paragraph 1, shall sign an arrangement with the Project Partner.
3. The Chief, when necessary, may conduct the Joint Project on the public or private forests adjacent to the project site after seeking approval from the landowner. Such case shall be undertaken in consultation with the Joint Partner.
4. The necessary details of the arrangement including the project scope under Paragraph 1 and 2 shall be prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

CHAPTER 3 NATIONAL FORESTS MANGEMENT

Article 16 (National Forest Classification)

1. The Chief shall classify and manage the national forests under his jurisdiction as conservation forest and semi-conservation forests according to the standards of the following items.
 - a. Conservation forests
 - i. National forests worth conserving for securing commercial forests, forest technology development and academic studies.

- ii. National forests in need of conservation such as historical remains, monuments, cultural properties, ecosystem conservation and water resource protection
 - iii. Other national forests in need of protection prescribed by the Presidential Decree
 - b. Semi-conservation forests: national forests unspecified as conservation forest
- 2. Semi-conservation forest designated as any of the following items shall be considered as conservation forest.
 - a. Protected forest, seed orchard, forest genetic resources conservation forest or experiment forest under the Act on Establishment and Management of Forest Resources.
 - b. Natural recreation forests under the Act on Forest Culture and Recreation or erosion control sites under the Act on Erosion Control
- 3. The conservation forest under Paragraph 1 Subparagraph a is considered as administrative property or conservation property pursuant to Article 4 Paragraph 2 or Paragraph 3 of the Act on National Properties. The semi-conservation forest under Paragraph 1 Subparagraph b is considered as miscellaneous property pursuant to Article 4 Paragraph 4 of the Act on National Properties.
- 4. The Chief may re-classify the national forests classified as conservation and semi-conservation according to Paragraph 1 and Paragraph 2 under anyone of the following cases. In case:
 - a. the forest management is agreed to be transferred under the provisions of Article 22 of the Act on National Properties;
 - b. the forest falls under a project prescribed by the Presidential Decree deemed necessary for public benefits provided under the Act on Property Purchase and Compensation for Public Benefit Projects;
 - c. forest disposal is intended according to the national property management and disposal plans established under Article 12 of the Act on National Properties;
 - d. the implementation plans under Article 17 of the Act on Regional Balance and Small and Medium Scale Enterprises is approved on the forest;
 - e. the forest is needed in exchange with public or private forests for

- implementation of forest policy;
 - f. the designation under the provisions of Paragraph 2 is revoked;
 - g. protection of forest as conservation forest is no longer necessary in the context of national forest administration and management, or conversion of a part of the conservation forest to other project sites pursuant to other provisions is unavoidable, among which are prescribed by the Presidential Decree; or
 - h. any semi-conservation forest falls under Paragraph 1 Subparagraph a.
5. National forest reclassification criteria under Paragraph 4 shall be prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

Article 17 (Disposal Prohibition on Conservation Forest)

The conservation forest shall not be leased, sold, exchanged, or conceded. However, the Chief, when deemed necessary for implementation of forest projects, may exchange the conservation forest with public forests under local governments only if the local government agrees to continue managing or conserving forests according to the management standards.

Article 18 (Expanding or Acquiring National Forests)

1. The Chief shall seek to expand national forests to secure forest public benefits and to increase the efficiency of national forest management.
2. The Chief may purchase public or private forests as prescribed in the Presidential Decree when deemed necessary for national forest administration and management.
3. The purchase method and process shall be prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

Article 19 (National Forest Management Transfer)

In case intended to transfer national forest management, it shall be done with compensation notwithstanding the provision under Article 23 of the Act on National Property. However, such case may not be applicable to semi-conservation forest.

Article 20 (Disposal and Exchange of Semi-conservation Forests)

1. The Chief may dispose or exchange semi-conservation forest under anyone of the following cases. In case:

- a. forest disposal or exchange is necessary for public benefit projects under the Act on Property Purchase and Compensation for Public Benefit Projects or under other provisions;
 - b. a local government requests for forest disposal or exchange to undertake public or community projects; or
 - c. it is deemed necessary to dispose or exchange forests to enhance efficiency in forest management such as enlarging national forest area and connectivity.
2. Necessary details related to disposal or exchange procedure and price of the semi-conservation forest shall be prescribed by the Presidential Decree.
 3. The revenues from national forest disposal may be used as financial resource for expansion of national forest expansion.

Article 21 (National Forest Lease)

1. The Chief, according to the standards set by the Presidential Decree, may authorize conservation forest use and lease semi-conservation forest. However, conservation forest use shall be authorized only under anyone of the following conditions:
 - a. the government or local governments seeks to use the national forest for the public or community;
 - b. intended to be used for foundation infrastructure prescribed by the Presidential Decree such as electricity, communication, broadcasting, gas, waterworks, etc;
 - c. intended to be used as forest public benefit facilities prescribed by the Presidential Decree including arboretum, natural recreation forest, forest bathing area, etc;
 - d. forest cooperatives or forest cooperatives federation according to the Act on Forest Cooperatives intend to use the national forests for projects approved by the Chief;
 - e. the buyer of the forest products produced from the national forests (hereinafter referred to as the “National Forest Products”) wishes to use the forest for harvesting, processing or transportation of the National Forest Products;
 - f. any individual with mining authority under the provision of Article 5 of the Act on Mining intends to use the national forest in acquiring minerals;
 - g. intended to be used in harvesting prospective subsidized forest income products

- especially mushrooms and mountain herbs or medicinal herbs;
- h. intended to be used in transportation of forest products produced from public or private forests surrounded by national forest; or
 - i. essential to mountain village development project under Article 21 of the Act on the Promotion of Forestry and Mountain Villages.
2. In case the lessee pursuant to Paragraph 1 performs logging, harvesting, or mining activities as specified in the lease contract or terms, it shall be understood that the lessee had been granted permission for forest conversion or declared forest conversion under Paragraph 14 or Paragraph 15 of the Act on Forest Land Management and had been granted permission or declared under the provision of Article 36 of the Act on the Promotion and Management of Forest Resources.
 3. The period or procedures of national forest lease and other necessary details shall be prescribed by the Presidential Decree.

Article 22 (Restriction in Building Permanent Structures)

1. Any lessee shall not be allowed to build permanent structures within the national forests. However, exemptions may be made in cases prescribed by the Presidential Decree on condition to completely remove the structure or restore the forest to its initial state.
2. The Chief shall, in case allowing establishment of permanent structures, let the lessee take appropriate measures regarding the amount necessary in structure removal or forest restoration to ensure such action (hereinafter referred to as the "Implementation Guarantee Measures"). However, exemptions may be made in cases prescribed by the Presidential Decree.

Article 23 (Lease Rate)

1. The Chief shall annually levy the lease fee or payment (hereinafter referred to as the "Lease Fee") according to the rate and calculation fixed by the Presidential Decree.
2. The Lease Fee under Paragraph 1 may be paid in installment according to the Presidential Decree. In case the Lease Fee is more than the rate fixed by the Presidential Decree, the lessee shall deposit amount specified by the Presidential

Decree as Implementation Guarantee Measures.

3. The Chief may not levy the entire or a part of the lease fee under the Ordinance of the Ministry of Agriculture and Forestry, notwithstanding Paragraph 1 in any one of the following cases.
 - a. In case of Article 21 Paragraph 1 Subparagraph a, d and e; or
 - b. In case it is deemed that the project implemented on the leased forests does not produce income due to natural disasters and other cases specified by the Presidential Decree.
4. The Chief may, in case a lessee(successor is considered as the same lessee) continue to lease the same forest for more than 1 year and the lease fee has increased more than 10% from the previous year, reduce the increased amount according to the Presidential Decree.
5. The Chief may collect the lease fee according to the provisions of Article 21 or Article 23 of the Act on National Tax Collection in case of payment overdue.

Article 24 (Restriction in Harvesting Forest Products)

1. The Lessee shall not be allowed to harvest forest products other than what is specified in the lease contract or terms.
2. In case the lessee intends to harvest forest products unspecified in the contract that cause difficulty in project implementation, the lessee shall request for timber or bamboo logging permit pursuant to Article 36 of the Act on the Promotion and Management of Forest Resources or sign a contract with the Chief on national forest product disposal.

Article 25 (Restriction in Transferring Rights or Holders)

1. The lessee of the national forests shall request for permission from the Chief in case he wishes to transfer rights or change the holders.
2. The criteria or procedures for transferring rights or changing holders provided in Paragraph 1 shall be prescribed by the Presidential Decree.

Article 26 (Invalidation of Lease)

1. The Chief may invalidate the lease and let the lessee restate the entire or a part of the leased national forest in any one of the following cases:
 - a. forest lease under false statement or illegal procedure;
 - b. lease fee has been overdue or the lessee has not made guarantee deposit or has not undertaken the Implementation Guarantee Measures pursuant to Article 23 Paragraph 2;
 - c. the project on the leased forest has not had any progress or project objectives are deemed unattainable;
 - d. violation of Article 22 Paragraph 1, Article 24 Paragraph 1, or Article 25 Paragraph 1;
 - e. violation of the obligations or terms in the lease contract;
 - f. lease under misapprehension; or
 - g. it is deemed necessary for national/community projects or public benefit projects under the Act on Property Purchase and Compensation for Public Benefit Projects.

2. The Chief may, in case of lease invalidation under Paragraph 1 Subparagraph a or Subparagraph e, give orders to the lessee to return illegal profits gained from the leased forest or to remove any structure and restore the forest to its initial state within set period of time. However, exemption may be made in case the lessee files for exemption with a condition to donate the structure and falls under any one of the following cases:
 - a. government use is deemed appropriate;
 - b. removal of the structure is deemed practically impossible; or
 - c. removal of the structure is deemed to cost large sum of amount causing social losses.

3. The Chief may take following actions in case the lessee refuses to undertake the orders provided under Paragraph 2:
 - a. Collect fee pursuant to Article 21 or Article 23 of the Act on National Tax Collection if the lessee refuses to return the illegal profits gained; or
 - b. Execute by proxy pursuant to the Act on Administrative Execution by Proxy if the lessee refuses to remove structures or to restore the forest to its initial state.

4. The Chief may refund the whole or a part of the lease fee as prescribed in the

Presidential Decree, in case of lease invalidation under Paragraph 1 Subparagraph f or Subparagraph g.

5. The government, local government, or the project operator, as prescribed by the Presidential Decree, shall compensate for any losses to the lessee arose from lease invalidation under Paragraph 1 Subparagraph g.

Article 27 (Disposal of National Forest Products)

1. The Chief shall dispose the national forest products by public auction. However, the national forest products may be disposed by private contract under any one of the following cases:
 - a. When it is deemed necessary in community projects or public benefit projects;
 - b. When national forest products are sold to an individual with special relation as prescribed in the Presidential Decree;
 - c. When the Chief specifies timber use or the qualifications of the buyer for enhancement of the domestic timber industry;
 - d. When public auction is deemed to cause negative impact on national forest management, the national forest products are sold to buyer with criteria set by the Chief;
 - e. When it is deemed necessary in transporting the disposed national forest products;
 - f. When selling to an individual, recommended by the competent authority, who intends to use the national forest products as raw materials for exportation;
 - g. When selling to forest cooperatives or forest cooperatives federation; or
 - h. Other cases deemed essential to balanced timber supply and demand that are prescribed by the Presidential Decree.
2. The procedures and details of national forest product disposal shall be prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

Article 28 (Invalidation of Contract)

1. The Chief may invalidate the contract on the disposal of national forest product in case the buyer falls under any one of the following cases:
 - a. when the payment for the national forest product is overdue; or

- b. when the terms or obligations specified in the contract is violated.
2. The Chief may refund the whole or a part of the payment made for national forest projects in any one of the following cases:
 - a. when the national forest disposal is invalidated; or
 - b. when the contract for national forest products is invalidated before the buyer has harvested or transferred the national forest products.

Article 29 (Gratuitous Conveyance of the National Forest Products)

1. The Chief may convey the national forest product without compensation in any one of the following cases
 - a. Provision of construction materials for natural disaster prevention or restoration;
or
 - b. Provision of construction materials or wood fuel to the victims required in disaster restoration.
2. The process or method of conveyance without compensation provided in Paragraph 1 shall be prescribed by the Ordinance of the Ministry of Agriculture and Forestry.

Article 30 (Application of the Provisions)

The provisions in Article 20 and Article 26 may be applied to land other than forests under the jurisdiction of the Korea Forest Service.

CHAPTER 4 SUPPLEMENTARY RULES

Article 31 (Hearing) The Chief shall, in case intends to invalidate lease pursuant to Article 26, hold a hearing prior to the invalidation.

Article 32 (Delegation and Commissioning of Authority)

The Chief may delegate all or some of his authority, as prescribed in the Presidential Decree, to the heads of local governments or affiliate agencies, and they may re-delegate all or some of the authority to city mayors, county hear, district head, or secondary affiliate agency.

CHAPTER 5 PENAL CLAUSE

Article 33 (Penal Clause) Any individual who falls under the following cases shall be punished by imprisonment for not more than 3 years or fine not exceeding 15 million won.

1. Individual who established permanent structure, in violation of Article 22 Paragraph 1.
2. Individual who harvested forest products not specified in the lease contract or terms, in violation of Article 24 Paragraph 1.

SUPPLEMENTARY PROVISIONS

Article 1 (Date of Enforcement) This Act shall enter into force **as of the date** of its promulgation.

From Article 2 to Article 4 omitted

From Article 5 Para 1 to 3 omitted

Article 5 Para 4 regarding national forest management and administration regulations is revised as follows: In Article 21 Para 1- 6, ‘in accordance with Article 5’ is revised to ‘in accordance with Article 3 -3 or 3-4.

From Article 5 Para 5 to <20> omitted.

Article 6 omitted.