

EROSION CONTROL WORK ACT

Wholly Amended by Act No. 4748, Mar. 24, 1994

Amended by Act No. 4816, Dec. 22, 1994

Act No. 5079, Dec. 29, 1995

Act No. 5153, Aug. 8, 1996

Act No. 5454, Dec. 13, 1997

Act No. 5766, Feb. 5, 1999

Act No. 6187, Jan. 21, 2000

Act No. 6489, Jul. 24, 2001

Act No. 6841, Dec. 30, 2002

Act No. 7678, Aug. 4, 2005

Act No. 8104, Dec. 28, 2006

Act No. 8283, Jan. 26, 2007

Act No. 8592, Aug. 3, 2007

Act No. 8852, Feb. 29, 2008

Act No. 9176, Dec. 26, 2008

Act No. 10331, May 31, 2010

Act No. 10844, Jul. 14, 2011

Act No. 11690, Mar. 23, 2013

Article 1 (Purpose)

The purpose of this Act is to contribute to the promotion of the public interest and the development of industries by effectively executing erosion control work in order to prevent devastation of national land and conserve the national land.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term "devastated land" means an area which requires restoration work for the conservation of national land, prevention of disasters, creation of landscapes or development of source water, where mountainous districts (including other land; hereinafter the same shall apply) collapse, or soil and rocks, trees, etc. erode, or sand is blown by the wind due to natural or artificial causes;
2. The term "erosion control work" means a project building structures, or sowing or planting plants, as well as creating landscapes or developing source water incidental thereto, in order to restore devastated

land, prevent or protect collapse of mountainous districts, erosion of soil and rocks, trees, etc. or sand blown by the wind, etc.;

3. The term "erosion control facilities" means structures built and plants sown or planted (including plants that have been growing before erosion control work is executed in areas where such is executed) by erosion control work;

4. The term "land for erosion control" means an area designated and announced by the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do Governor, the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor") or the Chief of the Regional Forest Service pursuant to Article 4, as the area where erosion control work has been executed or is to be executed;

5. The term "landslide" means the collapse of a mountainous district all at once due to natural or artificial causes.

Article 3 (Classification of Erosion Control Projects)

Depending on regions subject to erosion control work, erosion control projects shall be classified as follows:

1. Erosion control project in mountainous districts: Each of the following erosion control works executed in mountainous districts:

(a) A landslide prevention work: Erosion control work to prevent a landslide;

(b) A landslide restoration work: Erosion control work to restore a region where a landslide has occurred;

(c) A mountainous district conservation work: Erosion control work to prevent collapse or erosion of a mountainous district, or erosion of soil and stone;

(d) A mountainous district restoration work: Erosion control work to restore a mountainous district destroyed due to natural or artificial causes;

2. Erosion control work in coastal areas: Erosion control work executed in areas adjacent to the coast, such as sand dunes as follows:

(a) A work to create a forest for damage prevention along the beach: Erosion control work to reduce damage from tidal waves, wind and waves, sand blown by the wind, salt, etc.;

(b) A work to prevent coastal erosion: Erosion control work to prevent coastal erosion or restore the coast eroded by waves, etc.

3. Erosion control project in wild stream: Erosion control work executed in mountainous valleys, stream or river connected to mountainous districts as follows:

(a) A mountain stream conservation work: Erosion control work to reduce the velocity of a mountain stream and prevent erosion;

(b) A mountain stream restoration work: Erosion control work to restore a mountain stream destroyed due to natural or artificial causes;

(c) A construction work of an erosion control dam: Erosion control work to build a small dam across a mountain stream to prevent erosion and block soil, stone, trees, etc. coming from upstream by reducing the gradient of a mountain stream, and develop source water.

Article 3-2 (Master Plans on Erosion Control Work)

(1) The Minister of Korea Forest Service shall formulate and implement a master plan on erosion control work (hereinafter referred to as "master plan") stating each of the following matters every five years to promote erosion control work in a planned and systematic manner:

1. Basic objectives of and direction for the erosion control work;
2. Matters necessary to facilitate the development of erosion control technology and the utilization thereof;
3. Matters concerning regions subject to erosion control work and post-management thereof;
4. Matters concerning the nurturing of technical human resources for erosion control work;
5. Matters concerning the expansion of international exchanges of erosion control technology;
6. Other matters deemed necessary by the Minister of Korea Forest Service.

(2) A master plan may be amended where there are extenuating grounds for modification regarding circumstances of erosion control works and economic conditions, etc.

(3) Where the Minister of Korea Forest Service intends to formulate or amend a master plan pursuant to paragraphs (1) and (2), he/she shall hear opinions of the head of the relevant administrative agency or a Mayor/Do Governor, and where he/she has formulated or amended a master plan, he/she shall notify a Mayor/Do Governor or the Chief of a Regional Forest Service of the details thereof without delay and announce the outline thereof.

Article 3-3 (Investigation into Actual State of Devastated Land)

(1) The Minister of Korea Forest Service shall conduct a basic investigation into the actual condition of devastated land and reflect the outcomes thereof in master plans, in order to efficiently promote erosion control work.

(2) The Minister of Korea Forest Service may conduct a close investigation into a region where the basic investigation pursuant to paragraph (1) shows that the topography may be changed or the ecosystem may be damaged due to localized torrential downpours, etc.

(3) Details and methods of conducting investigations pursuant to paragraphs (1) and (2) or other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 4 (Designation of Land for Erosion Control)

(1) A Mayor/Do Governor or the Chief of a Regional Forest Service shall designate a land for erosion control as prescribed by Presidential Decree. In such cases, he/she shall hear the opinions of the head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply), and where he/she intends to designate a land for erosion control, in which erosion control work in wild stream is to be performed pursuant to subparagraph 3 of Article 3 for the river under the River Act, he/she shall consult

with the head of a river management office in advance.

(2) Where a Mayor/Do Governor or the Chief of a Regional Forest Service has designated a land for erosion control pursuant to paragraph (1), he/she shall announce such fact. The same shall also apply to any revision to announced regions.

(3) Where the land to be designated as a land for erosion control under paragraph (1) falls short of the scale prescribed by Presidential Decree, such land may not be designated as a land for erosion control.

Article 5 (Execution of Erosion Control Work)

(1) Erosion control work shall be the projects of the State.

(2) Mayors/Do Governors or the Chiefs of the Regional Forest Services shall execute erosion control work (hereinafter referred to as "national erosion control work") as projects of the State pursuant to paragraph (1), as prescribed by Presidential Decree.

Article 6 (Execution of Erosion Control Work by Persons other than the State)

(1) Local governments, public organizations and persons other than the State may execute erosion control work, notwithstanding the provisions of Article 5. In such cases, any person who intends to perform erosion control work shall submit a plan on erosion control work prescribed by Presidential Decree to a Mayor/Do Governor or the Chief of a Regional Forest Service.

(2) Where a Mayor/Do Governor or the Chief of a Regional Forest Service has received a plan on erosion control work under paragraph (1) and where such plan is deemed reasonable, he/she shall designate and announce a land for erosion control pursuant to Article 4: Provided, That where work is performed as an erosion control work in wild stream falling under the latter part of Article 4 (1), he/she shall consult with a river management office in the region where erosion control work is to be executed, before designating and announcing the land for erosion control.

(3) Where a Mayor/Do Governor or the Chief of a Regional Forest Service designates and announces a land for erosion control pursuant to paragraph (2), he/she may attach conditions necessary for the prevention of disasters, etc.

Article 7 (Bearing of Expenses, etc.)

The State shall bear expenses incurred in the execution of erosion control work: Provided, That where a local government, public organization or person other than the State executes erosion control work pursuant to Article 6, the relevant implementer shall bear the expenses incurred therein and the State may subsidize all or some of such expenses.

Article 7-2 (Design and Execution of Erosion Control Work)

(1) Where a Mayor/Do Governor or the Chief of a Regional Forest Service intends to execute erosion control work, he/she shall design and execute such work, in consideration of the conservation of national land, prevention of disasters, creation of landscapes or development of source water.

(2) Matters necessary for standards for the design and execution of erosion control work pursuant to paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

<Amended by Act No. 11690, Mar. 23, 2013>

Article 7-3 (Evaluation of Validity of Erosion Control Work)

(1) When a Mayor/Do Governor or the Chief of a Regional Forest Service intends to execute erosion control work, he/she shall evaluate in advance the validity thereof (hereinafter referred to as "evaluation of validity") in a comprehensive consideration of the master plan and the necessity, suitability, environmental friendliness, etc. of erosion control work: Provided, That where he/she executes erosion control work to recover from natural disasters, such as landslide, he/she may not evaluate the validity thereof.

(2) Standards for and methods of evaluation of validity and projects subject to evaluation of validity and other necessary matters shall be prescribed by Presidential Decree.

Article 8 (Disposition of Forestry Engineers)

(1) Any person who executes erosion control work exceeding a certain scale prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs (including a person who executes such work on commission pursuant to Article 26) shall man forestry engineers among forestry technicians pursuant to Article 30 of the Creation and Management of Forest Resources Act in order to provide instructions on duties related to formulation of a plan on erosion control work and execution thereof and make them perform such duties. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Matters necessary for the disposition, etc. of forestry engineers shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 9 (Investigation, etc. by Public Officials)

(1) If necessary for investigation into and measurement of the national erosion control work, a Mayor/Do Governor or the Chief of a Regional Forest Service may have public officials under his/her jurisdiction enter land of third persons, change or remove trees, bamboo, soil and stone and other obstacles.

(2) Any public official who enters land of third persons, or changes or removes obstacles shall carry an identity card indicating his/her authority and produce it to relevant persons.

(3) If necessary for executing the national erosion control work, a Mayor/Do Governor or the Chief of a Regional Forest Service may temporarily use the land for erosion control and land adjacent thereto as a material storage yard or temporary road, or change the form or quality of land, or collect trees, bamboo, soil and stone, chunks of sod or grasses, as prescribed by Presidential Decree. In such cases, Articles 14, 15, 15-2 and 25 (1) of the Management of Mountainous Districts Management Act and Article 36 (1) and (4) of the Creation and Management of Forest Resources Act shall not apply.

Article 10 (Compensation for Losses)

Where any person has suffered a loss due to acts prescribed in Article 9 (1) and (3), a Mayor/Do Governor or the Chief of a Regional Forest Service shall compensate such loss, as prescribed by Presidential decree.

Article 11 (Determinations of Compensation)

With regard to compensation for losses pursuant to Article 10, a Mayor/Do Governor or the Chief of a Regional Forest Service shall agree with a person who has suffered such losses.

Article 12 (Requests for Adjudication)

Where an agreement pursuant to Article 11 has failed to be reached or cannot be reached, the relevant parties may request a competent land expropriation committee under Article 51 of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects to adjudicate, as prescribed by Presidential Decree.

Article 13 (Prohibition of Refusal, etc. of Erosion Control Work)

No one shall refuse or interfere with the execution of erosion control work or management of erosion control facilities.

Article 14 (Restrictions on Acts in Land for Erosion Control)

(1) No one shall fell trees or bamboo, collect soil or stone, tree roots or grass roots, graze livestock, destroy or change other erosion control facilities, or change the form or quality of land in land for erosion control, without obtaining permission from the Governor of a Special Self-Governing Province, the head of a Si/Gun/Gu or the Chief of a Regional Forest Service: Provided, That this shall not apply where a person executes river conservation works or obtains permission to occupy a river zone under the River Act.

(2) Where the Governor of a Special Self-Governing Province, the head of a Si/Gun/Gu or the Chief of a Regional Forest Service receives a request for permission pursuant to the main sentence of paragraph (1), he/she shall grant permission, except in cases where details of such request fall under any of the following subparagraphs:

1. Destroying fundamental structures built by erosion control work or changing the original form thereof;
2. Lumbering standing trees or bamboo other than damaged trees, which obstructs achieving the purpose of designating land for erosion control;
3. Collecting chunks of sod, grasses, soil or stone or grazing livestock that may lead to soil erosion, etc., to the extent that the same may hinder the achievement of the purpose of designating land for erosion control.

(3) Where a person has obtained permission pursuant to paragraph (2), he/she shall be deemed to have obtained permission or have reported pursuant to Articles 14, 15, 15-2 and 25 (1) of the Mountainous Districts Management Act and Article 36 (1) and (4) of the Creation and Management of Forest Resources Act.

Article 15 (Management of Erosion Control Facilities)

(1) A person who has executed erosion control work shall manage erosion control facilities.

(2) If necessary to secure the safety of erosion control facilities, managers of erosion control facilities pursuant to paragraph (1) shall conduct inspections and safety tests, and take safety measures in accordance with the results thereof.

(3) Matters necessary for management, inspections, safety tests and safety measures of erosion control facilities pursuant to paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 16 (Bearing of Management Expenses)

The relevant manager shall bear expenses incurred in management of erosion control facilities.

Article 17 (Reversion of Earnings)

A Mayor/Do Governor or the Chief of a Regional Forest Service may distribute earnings from erosion control facilities, which have been established by the national erosion control work, to an owner or occupant of land for erosion control or a manager of such facilities, as prescribed by Presidential Decree.

Article 18 Deleted. <by Act No. 8104, Dec. 28, 2006>

Article 19 Deleted. <by Act No. 10844, Jul. 14, 2011>

Article 20 (Cancellation, etc. of Designation of Land for Erosion Control)

(1) Where a land for erosion control falls under any of the following subparagraphs, a Mayor/Do Governor or the Chief of a Regional Forest Service may cancel the designation thereof, as prescribed by Presidential Decree. In such cases, he/she shall hear opinions of the head of a Si/Gun/Gu:

1. Where the land for erosion control is deemed necessary for a business directly conducted by the State or a local government;
2. Where the land for erosion control is deemed necessary for a business recommended by the State or a local government as its policy measures;
3. Where the land for erosion control is deemed necessary for public works pursuant to Article 4 of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects;
4. Where the land for erosion control is deemed necessary for collecting soil and stone for projects prescribed by Presidential Decree;
5. Where the purpose of designating the land for erosion control prescribed by Presidential Decree has been achieved;
6. Where the purpose of designating the land for erosion control prescribed by Presidential Decree has become irrelevant.

(2) Where a Mayor/Do Governor or the Chief of a Regional Forest Service has cancelled the designation of a land for erosion control pursuant to paragraph (1), he/she shall announce such cancellation.

(3) Where the designation of a land for erosion control has been cancelled pursuant to paragraph (1), a Mayor/Do Governor or the Chief of a Regional Forest Service may gratuitously transfer erosion control facilities which have been established by the national erosion control work to the owner of such land, as prescribed by Presidential Decree.

Article 21 (Compensation for Expenses)

Any person who intends to obtain cancellation of designation of a land for erosion control for any business falling under Article 20 (1) 2 through 4 shall compensate expenses incurred in the execution of erosion control work and other expenses prescribed by Presidential Decree to a manager of erosion control facilities: Provided, That this shall not apply to cases prescribed by Presidential Decree.

Article 22 (Perusal, etc. of Documents, etc. Free of Charge)

Where necessary for the execution of erosion control work, the relevant public official may peruse or make copies necessary documents and drawings, or apply for a certified copy thereof free of charge at a registry office, tax office or office of a Si/Gun/Gu (referring to an autonomous Gu) or Eup/Myeon having jurisdiction over the relevant land for erosion control.

Article 22-2 (Association for Erosion Control)

(1) An association for Erosion Control (hereinafter referred to as "Association") shall be established to conduct business, such as support of erosion control technology and international technology exchanges, investigations, evaluation and tests in connection with erosion control work and education and publicity of erosion control policies.

(2) The Association shall be a juristic person.

(3) Business, structure, and entrustment of the Association and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 11690, Mar. 23, 2013>

(4) The provisions on incorporated associations of the Civil Act shall apply mutatis mutandis to matters not prescribed in this Act regarding the Association.

Article 23 (Erosion Control Work by Local Governments)

Articles 7-3, 9 through 12, 17 and 20 (3) shall apply mutatis mutandis to erosion control work which is executed by local governments pursuant to Article 6 and to management of erosion control facilities. In such cases, "a Mayor/Do Governor or the Chief of a Regional Forest Service" shall be construed as "the head of a local government", and "national erosion control work" shall be construed as "erosion control work executed by local governments", respectively.

Article 24 (Erosion Control Work by Public Organizations)

In cases of erosion control work which is executed pursuant to Article 6 by a person other than the State or local governments, Articles 14, 15, 15-2 and 25 (1) of the Mountainous Districts Management Act and Article 36 (1) and (4) of the Creation and Management of Forest Resources Act shall not apply to the land for erosion control where such work is executed.

Article 24-2 (International Cooperation, etc.)

The State or local governments may strengthen international cooperation on land erosion control, such as international exchanges on erosion control technology and information, nurturing of human resources specialized in international business and international joint research and development, and provide necessary support therefor.

Article 25 (Delegation of Authority)

(1) Authority of the Minister of Korea Forest Service under this Act may be partially delegated to a Mayor/Do Governor or the Chief of a Regional Forest Service, as prescribed by Presidential Decree.

(2) Authority of a Mayor/Do Governor or the Chief of a Regional Forest Service under this Act may be partially delegated to the head of a Si/Gun/Gu or the head of a management office of national forests of a Regional Forest Service, as prescribed by Presidential Decree.

Article 26 (Entrustment of Work)

A Mayor/Do Governor or the Chief of a Regional Forest Service may entrust a forestry cooperative or the National Forestry Cooperatives Federation under the Forestry Cooperatives Act with the execution of erosion control work, as prescribed by Presidential Decree.

Article 27 (Penal Provisions)

Any person who violates Article 14 (1) shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 20 million won.

Article 28 (Penal Provisions)

Any person who violates Article 13 shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding five million won.

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (Amendment of other Acts)

(1) through (9) Omitted.

(10) Where the provisions of the former Work against Erosion Control Work Act has been cited by other Acts and subordinate statutes as at the time this Act enters into force, when provisions corresponding thereto exist in this Act, the relevant provisions of this Act shall be deemed cited in lieu of the former provisions.

ADDENDA <Act No. 4816, Dec. 22, 1994>

Article 1 (Enforcement Date)

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

Articles 2 through 10 Omitted.

ADDENDA <Act No. 5079, Dec. 29, 1995>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 1996.

Articles 2 and 3 Omitted.

ADDENDA <Act No. 5153, Aug. 8, 1996>

Article 1 (Enforcement Date)

This Act shall enter into force on the date the Presidential Decree on the structure of the Ministry of Maritime Affairs and Fisheries and the Korea Coast Guard enters into force in accordance with the amended provisions of Article 41 within 30 days after the date of its promulgation.

Articles 2 through 4 Omitted.

ADDENDUM <Act No. 5454, Dec. 13, 1997>

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

ADDENDUM <Act No. 5766, Feb. 5, 1999>

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

ADDENDA <Act No. 6187, Jan. 21, 2000>

Article 1 (Enforcement Date)

This Act shall enter into force on May 1, 2000. (Proviso Omitted.)

Articles 2 through 14 Omitted.

ADDENDUM <Act No. 6489, Jul. 24, 2001>

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

ADDENDA <Act No. 6841, Dec. 30, 2002>

Article 1 (Enforcement Date)

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

Articles 2 through 12 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. 8104, Dec. 28, 2006>

(1) (Enforcement Date) This Act shall enter into force three months after the date of its promulgation.

(2) (Transitional Measures concerning Reversion of Earnings) The former provisions of Article 17 shall apply to reversion of earnings to persons who have paid an apportionment by beneficiaries pursuant to the former provisions of Article 18 as at the time this Act enters into force.

(3) (Transitional Measures concerning Apportionment by Beneficiaries) The former provisions shall apply to the collection of an apportionment to persons who have been taken a disposition of imposition of an apportionment by beneficiaries pursuant to the former provisions of Article 18 as at the time this Act enters into force.

(4) 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.

Articles 2 through 12 Omitted.

ADDENDA <Act No. 8592, Aug. 3, 2007>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.

(2) (Cancellation of Designation of Managers of Erosion Control Facilities) Designation of a manager of erosion control facilities pursuant to the proviso to Article 15 (1) as at the time this Act enters into force shall be deemed to have been cancelled on the date this Act enters into force.

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

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 9176, Dec. 26, 2008>

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

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. (Proviso Omitted.)

Articles 2 through 13 Omitted.

ADDENDA <Act No. 10844, Jul. 14, 2011>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Expenses Borne by Contributors)

Where procedures for collecting expenses borne by contributors pursuant to the former provisions of Article 19 (1) and (3) are underway, as at the time when this Act enters into force, the former provisions shall apply.

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.

