

SMALL RIVER MAINTENANCE ACT

Amended by Act No. 4873, Jan. 5, 1995

Amended by Act No. 5453, Dec. 13, 1997

Act No. 6000, Aug. 31, 1999

Act No. 6563, Dec. 31, 2001

Act No. 6656, Feb. 4, 2002

Act No. 6841, Dec. 30, 2002

Act No. 7058, Dec. 31, 2003

Act No. 7186, Mar. 11, 2004

Act No. 7678, Aug. 4, 2005

Act No. 7905, Mar. 24, 2006

Act No. 8014, Sep. 27, 2006

Act No. 8351, Apr. 11, 2007

Act No. 8352, Apr. 11, 2007

Act No. 8370, Apr. 11, 2007

Act No. 8819, Dec. 27, 2007

Act No. 8820, Dec. 27, 2007

Act No. 8852, Feb. 29, 2008

Act No. 8976, Mar. 21, 2008

Act No. 9200, Dec. 26, 2008

Act No. 9313, Dec. 31, 2008

Act No. 9758, jun. 9, 2009

Act No. 10223, Mar. 31, 2010

Act No. 10272, Apr. 15, 2010

Act No. 10331, May 31, 2010

Act No. 10752, May 30, 2011

Act No. 11405, Mar. 21, 2012

Act No. 11690, Mar. 23, 2013

Article 1 (Purpose)

The purpose of this Act is to contribute to preventing disasters and improving the living environment by providing for matters necessary for the maintenance, utilization, management, and conservation of small

rivers.

Article 2 (Definitions)

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

1. The term "small river" means a river, the name and the course of which is designated and officially announced pursuant to Article 3, to which the River Act neither applies nor applies mutatis mutandis;
2. The term "small river area" means any of the following areas:
 - (a) The area of land which retains the shape and functions of a small river;
 - (b) The area of land where appendages to a small river are installed;
 - (c) The area of land on the side where water flows from an embankment in cases of a place where the embankment exists;
3. The term "appendages to a small river" means facilities or artificial structures, such as an embankment, bank protection, dammed pool for irrigation, floodgate, drainage pump station (limited to facilities which need to be managed together with the small river because the floodgate, etc. is installed on the embankment) and storage pond necessary for the utilization and management of the small river;
4. The term "small river maintenance" means construction works concerning the building, rebuilding, dredging or conservation of a small river (including the small river area and appendages to the small river; hereinafter the same shall apply).

Article 3 (Designation of Small Rivers and Managing Authorities)

- (1) The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) shall designate small rivers.
- (2) Where the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu designates a small river pursuant to paragraph (1), he/she shall officially announce the name and the course of the small river, as prescribed by Ordinance of the Ministry of Security and Public Administration. The same shall also apply where he/she alters or cancels such designation. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (3) Where a Special Metropolitan City Mayor, a Metropolitan City Mayor, the Do Governor or the Governor of a Special Self-Governing Province designates a small river designated pursuant to paragraphs (1) and (2) as a local river pursuant to Article 7 of the River Act, the designation of such small river shall become void.
- (4) Except as otherwise expressly provided for in this Act or other Acts, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu (hereinafter referred to as "managing authority") who designated a small river shall take charge of the maintenance, conservation and management of the small river.

Article 3-2 (Management of Trans-Boundary Small Rivers)

- (1) Related managing authorities shall separately determine the method of management of a small river located on the border of a Si/Gun/Gu (hereinafter referred to as "trans-boundary small river") in consultation with one another.

(2) Where related managing authorities fail to reach an agreement under paragraph (1), the related Special Metropolitan City Mayor, Metropolitan City Mayor or Do Governor (excluding the Governor of a Special Self-Governing Province; hereinafter referred to as "Mayor/Do Governor") may determine the method of management and notify related managing authorities of such method of management.

(3) Where related managing authorities have reached an agreement pursuant to paragraph (1), they shall officially announce the agreed matters; and where they have been notified by the Mayor/Do Governor pursuant to paragraph (2), they shall officially announce the notified matters. The same shall also apply where they alter such matters.

(4) Related managing authorities shall notify the relevant Mayor/Do Governor of the matters officially announced under paragraph (3).

Article 4 (Official Announcement of Land Reserved for Small Rivers)

(1) When there exists land to be newly included in a small river area due to a plan for maintenance of small rivers or various construction plans, etc. under other Acts, a managing authority may designate such land as land reserved for a small river.

(2) Where a managing authority designates land reserved for a small river pursuant to paragraph (1), it shall prepare a topographic map under Article 8 (2) of the Framework Act on the Regulation of Land Use and officially announce the designation thereof along with such topographic map, as prescribed by Ordinance of the Ministry of Security and Public Administration. The same shall also apply where it alters or cancels such designation. *<Amended by Act No. 11405, Mar. 21, 2012; Act No. 11690, Mar. 23, 2013>*

(3) Where a project for a small river fails to commence within three years from the date land reserved for the small river is designated and officially announced pursuant to paragraphs (1) and (2), the designation of land reserved for the small river shall become void. *<Newly Inserted by Act No. 11405, Mar. 21, 2012>*

(4) Where the maintenance of a small river is completed on land designated and officially announced as land reserved for the small river pursuant to paragraphs (1) and (2), a managing authority shall designate and officially announce such land as a small river pursuant to Article 3 (1) and (2). *<Newly Inserted by Act No. 11405, Mar. 21, 2012>*

Article 4-2 (Succession, etc. to Rights or Obligations)

(1) Any of the following persons shall succeed to rights or obligations arising from permission to perform small river conservation works under Article 10 or a permit to occupy and use, or use a small river under Article 14:

1. A successor;
2. A transferee;
3. A corporation surviving a merger or corporation incorporated in the course of a merger.

(2) A person who succeeds to rights or obligations pursuant to paragraph (1) shall report the succession to a managing authority, as prescribed by Ordinance of the Ministry of Security and Public Administration. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 5 (Relationship to other Acts, etc.)

(1) Where an agency intends to create a right or make other dispositions in a small river area pursuant to other Acts, the agency that makes dispositions shall consult with a managing authority beforehand.

(2) Where the State or a local government intends to execute a project accompanying an act that must be permitted by a managing authority pursuant to this Act, it shall consult with the managing authority beforehand.

Article 6 (Formulation of Comprehensive Plans for Maintenance of Small Rivers)

(1) Each managing authority shall formulate a comprehensive plan for maintenance of small rivers (hereinafter referred to as "comprehensive plan") which will serve as guidelines for approach to the maintenance of small rivers every ten years, as prescribed by Ordinance of the Ministry of Security and Public Administration, and obtain approval of the comprehensive plan from the Mayor/Do Governor.

<Amended by Act No. 11405, Mar. 21, 2012; Act No. 11690, Mar. 23, 2013>

(2) A comprehensive plan shall include the following matters:

1. Basic policies for the maintenance of small rivers;
2. Formation of a small river network for each water system;
3. Matters concerning disaster prevention, environmental improvement, and water quality conservation;
4. Matters concerning multipurpose use of small rivers and an increase in the income of residents;
5. Other matters prescribed by Presidential Decree.

(3) A managing authority shall examine the propriety of a comprehensive plan every five years from the year the comprehensive plan is formulated and, where necessary, shall alter the comprehensive plan and obtain approval from the Mayor/Do Governor: Provided, That this shall not apply where it alters insignificant matters prescribed by Presidential Decree. *<Newly Inserted by Act No. 11405, Mar. 21, 2012>*

(4) Where the Mayor/Do Governor intends to approve a comprehensive plan (including approval for the alteration thereof), he/she shall examine the relation of the comprehensive plan with a development plan for the relevant area formulated in accordance with other Acts. *<Amended by Act No. 11405, Mar. 21, 2012>*

(5) Where a managing authority intends to formulate a comprehensive plan, it shall consult with the head of a regional environment agency (hereinafter referred to as "head of a regional environment agency") prescribed by Presidential Decree beforehand.

Article 7 (Formulation of Mid-Term Plans for Maintenance of Small Rivers)

(1) Each managing authority shall formulate a mid-term plan for maintenance of small rivers (hereinafter referred to as "mid-term plan") every five years in accordance with the comprehensive plan, as prescribed by Ordinance of the Ministry of Security and Public Administration. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) A mid-term plan shall include matters prescribed by Presidential Decree, such as matters concerning the annual maintenance of small rivers.

Article 8 (Formulation of Plans for Implementing Maintenance of Small Rivers)

(1) Where a managing authority intends to implement the maintenance of small rivers according to a mid-term plan, it shall formulate a plan for implementing the maintenance of small rivers (hereinafter referred to as "implementation plan"): Provided, That this shall not apply where it intends to implement the maintenance of insignificant small rivers prescribed by Presidential Decree.

(2) Where a managing authority has formulated an implementation plan, it shall officially announce such implementation plan, as prescribed by Ordinance of the Ministry of Security and Public Administration. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Where a managing authority intends to formulate an implementation plan, it shall consult with the head of a regional environment agency beforehand.

(4) Paragraphs (1) and (2) shall apply mutatis mutandis to any modification to an implementation plan.

Article 9 (Register of Small Rivers)

(1) Where a managing authority has designated a small river pursuant to Article 3, it shall prepare the register of small rivers. The same shall also apply where the managing authority has officially announced land reserved for a small river pursuant to Article 4.

(2) Matters necessary for the preparation and management of the register of small rivers shall be prescribed by Ordinance of the Ministry of Security and Public Administration. <Amended by Act No. 11690, Mar. 23, 2013>

Article 10 (Execution of Construction Works by Person other than Managing Authority)

(1) A person, other than a managing authority (excluding the State or a local government), may execute small river conservation works upon obtaining permission from the managing authority: Provided, That in cases of an insignificant small river conservation works prescribed by Presidential Decree, he/she does not need to obtain permission.

(2) Where a managing authority intends to grant permission under paragraph (1), it shall examine the following matters:

1. Whether the relevant small river conservation works interfere with a comprehensive plan, mid-term plan or implementation plan;
2. Where a person who has obtained permission (hereinafter referred to as "right holder") under Article 14 sustains a loss, whether the right holder has consented to the execution of the relevant small river conservation works;
3. Whether the cost and period of small river conservation works are reasonable;
4. Whether an artificial structure to be installed in a small river meets related design standards.

(3) Where a person who undertakes small river conservation works pursuant to paragraph (1) completes such small river conservation works, he/she shall, without delay, undergo a completion inspection by a managing authority.

(4) Where a managing authority deems it particularly necessary when it grants permission under paragraph (1), it may require a person who has applied for permission to deposit all or some of the cost of small river conservation works.

(5) The scope of small river conservation works for which the cost of small river conservation works may be deposited pursuant to paragraph (4), the basis of money deposited, the timing of deposit and other necessary matters shall be prescribed by Presidential Decree.

Article 10-2 (Legal Fiction of Authorization, Permission, etc. under other Acts)

(1) When a managing authority officially announces an implementation plan pursuant to Article 8 (2), or when a person, other than a managing authority, has obtained permission for small river conservation works under Article 10, he/she shall be deemed to have obtained any of the following permission, authorization, licenses or approval, to have filed a report, to have obtained a decision, or to have reached an agreement, etc.: *<Amended by Act No. 10272, Apr. 15, 2010; Act No. 10331, May 31, 2010>*

1. Decision on an urban management plan under Article 30 of the National Land Planning and Utilization Act, permission to engage in development activities under Article 56 of the said Act, designation of an operator of an urban planning facility project under Article 86 of the said Act, or preparation and approval of an implementation plan under Article 88 of the said Act;
2. Permission for, or agreement on the conversion of farmland under Article 34 of the Farmland Act, reporting on the conversion of farmland under Article 35 of the said Act and permission to temporarily use farmland under Article 36 of the said Act;
3. Permission for, reporting on, or agreement on the conversion of grassland under Article 23 of the Grassland Act;
4. Permission to alter the form and quality of land under Article 111 of the Rearrangement of Agricultural and Fishing Villages Act;
5. Permission to convert mountainous districts under Article 14 of the Management of Mountainous Districts Act and reporting on the conversion of mountainous districts under Article 15 of the said Act, permission for, or reporting on temporary use of mountainous districts under Article 15-2 of the said Act, and permission for, or reporting on logging of standing trees, etc. under Article 36 (1) and (4) of the Forest Resources Creation and Management Act;
6. Permission to engage in activities under Article 9 (2) 1 of the Forest Protection Act, or reporting on activities in a forest reserve (excluding a forest gene source reserve) under subparagraph 2 of the said paragraph;
7. Permission for logging, etc. under Article 14 of the Work against Land Erosion or Collapse Act;
8. Approval for water supply for exclusive use under Article 52 of the Water Supply and Waterworks Installation Act, and approval for industrial water supply for exclusive use under Article 54 of the said Act;
9. Permission to execute public sewerage works under Article 16 of the Sewerage Act, and permission to occupy and use public sewerage under Article 24 of the said Act;
10. Permission for the development and use of groundwater under Article 7 of the Groundwater Act;
11. Permission to engage in activities in a park area under Article 23 of the Natural Parks Act;

12. Permission to reinter a grave under Article 27 of the Act on Funeral Services, etc.;
13. Consultation with a road managing authority or approval under Article 5 of the Road Act, decision on a road district under Article 24 of the said Act, permission to execute road works to a person, other than a road managing authority under Article 34 of the said Act, and permission to occupy and use a road under Article 38 of the said Act;
14. Permission for the opening of a private road under Article 4 of the Private Road Act;
15. Permission to extract aggregates under Article 22 of the Aggregate Extraction Act;
16. Permission to occupy and use, or use public waters under Article 8 of the Public Waters Management and Reclamation Act, approval of a plan for implementation of occupancy and use or use under Article 17 of the said Act, the formulation of a master plan for reclamation under Article 22 of the said Act, a modification of a master plan for reclamation under Article 27 of the said Act, a permit to reclaim land from public waters under Article 28 of the said Act, consultation about or approval for reclamation implemented by the State, etc. under Article 35 of the said Act, and approval of a plan for implementation of reclamation of land from public waters under Article 38 of the said Act;
17. Deleted. *<by Act No. 10272, Apr. 15, 2010>*

(2) When a managing authority intends to undertake small river maintenance and improvement works or to grant permission for small river conservation works, if any matter falling under any of the subparagraphs of paragraph (1) is included therein, it shall consult with related agencies beforehand.

Article 11 (Hearing Opinions of Residents, etc.)

A managing authority shall hear opinions of related experts and residents of the relevant area on matters prescribed by Presidential Decree concerning the designation of a small river and the maintenance and improvement of the small river.

Article 12 (Expropriation of Land, etc.)

(1) If necessary for undertaking small river maintenance and improvement works according to an implementation plan, a managing authority may expropriate or use the ownership of land or buildings in an area where such implementation plan is executed, and fixtures on such land or rights other than ownership of such land, buildings or fixtures.

(2) Where an implementation plan is officially announced pursuant to Article 8 (2), approval and an official announcement of a project under Articles 20 (1) and 22 of the Act on Acquisition of and Compensation for Land, etc. for Public Works shall be deemed granted and made, respectively, and an application for adjudication can be made within two years from the date the implementation plan is officially announced, notwithstanding Articles 23 (1) and 28 (1) of the Act on Acquisition of and Compensation for Land, etc. for Public Works.

(3) Except as otherwise expressly provided for in this Act, the Act on Acquisition of and Compensation for Land, etc. for Public Works shall apply mutatis mutandis to expropriation or use under paragraph (1).

Article 13 (Subsidizing Expenses)

The head of a related central administrative agency and the Mayor/Do Governor may partially subsidize expenses incurred in undertaking small river maintenance and improvement works to a managing authority.

Article 14 (Occupancy and Use, etc. of Small Rivers)

(1) Any person who intends to do any of the following acts in a small river area shall obtain permission from a managing authority, as prescribed by Ordinance of the Ministry of Security and Public Administration: Provided, That this shall not apply to cases prescribed by Presidential Decree: <Amended by Act No. 11690, Mar. 23, 2013>

1. Occupancy and use of flowing water;
2. Occupancy and use of land;
3. Occupancy and use, building, rebuilding, alteration or removal of appendages to a small river;
4. Building, rebuilding, or alteration of other artificial structures;
5. Excavation in the ground, mounding or cutting the ground, or other alterations of the shape of land;
6. Collection of earth and stones, sands, gravels, bamboos, or other objects coming from the small river;
7. Polluting or destroying a small river.

(2) Where a managing authority intends to grant permission under paragraph (1), it shall examine matters referred to in the subparagraphs of Article 10 (2).

(3) Where a managing authority has granted permission under paragraph (1) on a small river flowing into a national river or local river under the River Act, it shall notify the competent river managing authority under Article 8 of the River Act of the details thereof. In such cases, it shall also notify the Minister of Land, Infrastructure and Transport of permission for the act referred to in paragraph (1) 1. <Amended by Act No. 11690, Mar. 23, 2013>

(4) Where the State or a local government has consulted with a managing authority in advance pursuant to Article 5 (1) or (2), paragraph (1) shall not apply within the limits already consulted, and where a person has obtained permission to undertake small river conservation works pursuant to Article 10, paragraph (1) shall not apply within the limits already permitted.

(5) A person who has installed or has been occupying and using appendages to a small river or other artificial structures in the small river area as at the time the small river is designated and officially announced pursuant to Article 3 shall file a report to the competent managing authority within one year from the date such small river is designated and officially announced, and the person who has filed a report shall be deemed to have obtained permission under paragraph (1).

(6) A managing authority shall notify an applicant for permission of whether it has granted permission or a reason for delay in granting permission within 20 days after receipt of an application for permission under paragraph (1). In such cases, where the managing authority fails to notify the applicant of whether it has granted permission or a reason for delay in granting permission within that period, it shall be deemed to have granted permission on the date following the date that period has elapsed. <Amended by Act No. 10752, May 30, 2011>

(7) Where a managing authority notifies an applicant for permission of a reason for delay in granting permission pursuant to paragraph (6), the period for granting permission referred to in paragraph (6) may be extended for up to ten days. <Amended by Act No. 10752, May 30, 2011>

Article 15 (Restrictions on Permission)

Where a disaster is likely to occur or where a managing authority deems it particularly necessary for the maintenance and conservation of a small river, the managing authority shall not grant permission under Article 14 (1), and may restrict the installation of artificial structures in land reserved for the small river officially announced pursuant to Article 4 (2).

Article 16 (Obligations to Reinstate Small Rivers)

(1) Any person who has obtained permission for small river conservation works pursuant to Article 10 or who has obtained permission to occupy and use or use a small river pursuant to Article 14 shall reinstate the small river when such permission becomes void or he/she ceases to occupy and use or use the small river: Provided, That where it is impossible to reinstate the small river or a managing authority deems such reinstatement unnecessary, it may exempt the person who obtained permission from obligations to reinstate the small river either at his/her request or ex officio.

(2) Where obligations to reinstate a small river are exempted pursuant to the proviso to paragraph (1), such artificial structures or other objects shall gratuitously devolve on the relevant local government.

Article 17 (Measures against Violators of Acts and Subordinate Statutes)

A managing authority may revoke permission for small river conservation works under Article 10 or permission to occupy and use, or use a small river under Article 14, or order the relocation or removal of the relevant artificial structures or other objects, or other necessary measures in any of the following circumstances:

1. Where a person has obtained permission for small river conservation works under Article 10 or permission to occupy and use, or use a small river under Article 14 by fraudulent or other unlawful means;
2. Where a person has undertaken small river conservation works without obtaining permission, in violation of Article 10 (1);
3. Where a person has failed to undergo a completion inspection, in violation of Article 10 (3);
4. Where a person has occupied and used flowing water, etc. without obtaining permission, in violation of Article 14 (1);
5. Where a person has failed to report the occupancy and use of a small river, in violation of Article 14 (5);
6. Where a person has violated restrictions on installation of artificial structures in land reserved for a small river under Article 15;
7. Where a person has failed to fulfill obligations to reinstate a small river, in violation of the main sentence of Article 16 (1);

8. Where a person shall obtain approval, permission or other disposition from a related administrative agency pursuant to other Acts and subordinate statutes, but a person has failed to obtain approval, permission or other disposition, or such approval, permission or other disposition has been revoked after a person obtained any of them, or permission under this Act is no longer required because the effect thereof was lost;

9. Where construction works related to permission, any other act, or the whole or part of a project related thereto has been cancelled.

Article 18 (Dispositions for Public Interest)

Where a disposition is required for any of the following, a managing authority may make a disposition under Article 17 on a person who has obtained permission for small river conservation works under Article 10 or permission to occupy and use, or use a small river under Article 14, or order him/her to take necessary measures:

1. Where it is required for the maintenance of a small river;
2. Where it is required to eliminate or lessen damage to the public interest, such as the conservation of a small river and the prevention of disasters;
3. Where it is required for public works under Article 4 of the Act on Acquisition of and Compensation for Land, etc. for Public Works.

Article 18-2 (Hearings)

Where a managing authority intends to revoke permission pursuant to Article 17 or 18, it shall hold a hearing.

Article 19 (Supervision over Managing Authority)

(1) The Mayor/Do Governor may direct and supervise a managing authority in relation to the maintenance and conservation of small rivers.

(2) Where the Mayor/Do Governor deems it necessary for the conservation of small rivers and the prevention of disasters or the prevention or elimination of pollution, he/she may require a managing authority to revoke or change a disposition it has made or construction works it undertakes or to take measures necessary therefor.

Article 20 (Invalidation of Permission)

Where a managing authority designates the deadline for commencing construction or the deadline for completion when granting permission for small river conservation works under Article 10 or permission to occupy and use, or use a small river under Article 14, such permission shall become void if a person who obtained such permission fails to commence or complete construction by the designated date: Provided, That where the managing authority receives an application for the recovery of the effect within three months from the date the effect is lost, it may retroactively recover the effect thereof if it deems that a person who obtained such permission could not meet the deadline for commencing construction or the deadline for completion due to inevitable circumstances, such as a natural disaster or force majeure.

Article 21 (Scope, etc. of Earnings and Expenses)

The scope of earnings from a small river and expenses for the maintenance, etc., of the small river, and criteria for the use of earnings shall be prescribed by the Presidential Decree.

Article 22 (Collection of Fees for Occupancy and Use, etc.)

(1) A managing authority may collect fees for occupancy and use of flowing water and land, and extraction fees for products from a small river, such as earth and stones, sand and gravels (hereinafter referred to as "fees for occupancy and use, etc.") from a person who obtains permission to occupy and use the small river under Article 14: Provided, That this shall not apply where the right to property subject to occupancy and use or use does not belong to the State or a local government.

(2) A managing authority may collect an amount of money equivalent to fees for occupancy and use, etc. as compensation from a person who has occupied and used or used a small river without obtaining permission, in violation of Article 14: Provided, That this shall not apply where the right to property subject to occupancy and use or use does not belong to the State or a local government.

(3) A person who intends to obtain permission for small river conservation work under Article 10 or permission to occupy and use, or use a small river under Article 14 shall pay fees.

(4) Where a managing authority grants permission for small river conservation works under Article 10 or permission to occupy and use, or use a small river under Article 14, which falls under any of the following, it may reduce or exempt fees for occupancy, etc. or other fees:

1. Where it is a public project or a project for public interest or a non-profit project for the purpose of the public interest;
2. Where it is a project prescribed by Presidential Decree, which is public works having important influence on the national economy;
3. Where it is impossible to achieve the original purpose of occupancy and use due to a disaster or other extenuating circumstances.

(5) Fees for occupancy and use, etc., compensation and other fees under paragraphs (1) through (3) shall be the revenue of the relevant local government, and the amount thereof, methods of collection and the percentage of the reduction or exemption of fees for occupancy and use, etc., and other fees under paragraph (4) shall be prescribed by ordinance of the relevant local government.

Article 23 (Compulsory Collection of Fees for Occupancy and Use, etc.)

Where a person fails to pay fees for occupancy and use, etc. under Article 22 (1) or compensation under paragraph (2) of the said Article, a managing authority shall collect such fees and compensation in the same manner as delinquent local taxes are collected.

Article 24 (Compensation for Losses Due to Public Burdens, etc.)

(1) Where any person has suffered a loss due to the maintenance of a small river according to an implementation plan, or a disposition or order of a managing authority under Article 18, or a disposition or order of the Mayor/Do Governor under Article 19 (2), the managing authority shall compensate for such loss.

(2) Where a managing authority intends to compensate for losses pursuant to paragraph (1), it shall make arrangements with a person who has suffered a loss.

(3) Where a managing authority fails to arrive at an arrangement or cannot make arrangements under paragraph (2), it may apply for ruling to the competent land tribunal, as prescribed by Presidential Decree.

(4) Except as otherwise expressly provided for in this Act, the Act on Acquisition of and Compensation for Land, etc. for Public Works shall apply to compensation for losses under paragraphs (1) through (3).

(5) Where a loss referred to in paragraph (1) is incurred due to a reason referred to in subparagraph 3 of Article 18, a managing authority may require a person who executes the project to fully or partially compensate for the loss.

Article 24-2 (Management of Land where No Small River Flows, etc.)

(1) Where there exists land excluded from a small river area (only applicable to State-owned or public land; hereinafter referred to as "land where no small river flows, etc.") because the course of a small river changes due to small river conservation works, flood or other natural phenomena, a managing authority shall officially announce land where no small river flows, etc. within three years from the date land where no small river flows, etc. exists, as prescribed by Ordinance of the Ministry of Security and Public Administration. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Land where no small river flows, etc. that exists pursuant to paragraph (1) shall be utilized first for the purposes of flood control, irrigation, water-friendly use and the conservation of small river environment.

Article 25 (Exchange or Transfer of Land where No Small River Flows, etc. with Compensation)

Where land where no small river flows, etc. meets all of the following requirements, a managing authority may exchange such land where no small river flows, etc. with another person's land that newly becomes a small river area or another person's land already included in the small river area, or transfer such land where no small river flows, etc. to the original owner of land before it was included in the small river or a person, other than the managing authority, that performed small river conservation works pursuant to Article 10 with compensation according to the order and standards prescribed by Presidential Decree:

1. It shall not be needed to be utilized for the purposes of flood control, irrigation, water-friendly use and the conservation of small river environment;
2. It shall not be needed to remain as State-owned property or public property.

Article 26 (Establishment, etc. of Small River Management Committee)

(1) There shall be established a large area small river management committee under the jurisdiction of the Mayor/Do Governor and a basic small river management committee under the jurisdiction of a managing authority to deliberate on small river maintenance works (hereinafter referred to as "small river maintenance works") and the conservation, management, etc. of small rivers: Provided, That in the case of a Special Self-Governing Province, a large area small river management committee shall be established and the large area small river management committee shall also deliberate on matters which are deliberated on by a basic small river management committee.

(2) A large area small river management committee shall deliberate on the following:

1. Matters concerning approval of a comprehensive plan;
2. Matters concerning the selection of small rivers subject to small river maintenance works;
3. Matters concerning methods of the management of trans-boundary small rivers;
4. Matters concerning the promotion and the results of inspection of small river maintenance works;
5. Other matters prescribed by Presidential Decree, which are matters concerning the management of small rivers.

(3) A basic small river management committee shall deliberate on the following:

1. Matters concerning a comprehensive plan and mid-term plan;
2. Matters concerning permission to perform small river conservation works by a person, other than a managing authority and the completion thereof;
3. Matters concerning the designation, change and cancellation of designation of small rivers;
4. Matters concerning the exchange or transfer of land where no small river flows, etc.;
5. Other matters prescribed by Presidential Decree, which are matters concerning the management of small rivers.

(4) Except as otherwise expressly provided for in paragraphs (1) through (3), matters necessary for the composition and operation of a large area small river management committee and a basic small river management committee shall be prescribed by Presidential Decree.

Article 26-2 (Inspection, etc. of Actual Status of Management of Small Rivers)

(1) Each managing authority shall conduct inspections on the status of management of small river facilities and the status of occupancy and use of small rivers and take measures necessary for maintenance, repair of small river facilities or correction of offences, and notify the Administrator of the National Emergency Management Agency of the results of measures taken.

(2) Matters necessary for the details and methods of inspections, notification of the results of measures taken for inspected matters, etc. under paragraph (1) shall be prescribed by Presidential Decree.

Article 26-3 (Promotion of Research and Development Projects for Mitigation of Disasters in Small Rivers)

(1) The Administer of the National Emergency Management Agency, the Mayor/Do Governor and each managing authority shall promote research and development projects and related projects in order to mitigate disasters which occur in small rivers.

(2) The Administer of the National Emergency Management Agency, the Mayor/Do Governor and each managing authority may provide necessary support in order to promote research and development projects and related projects.

(3) Detailed matters necessary for support under paragraph (2) shall be prescribed by Presidential Decree.

Article 27 (Penal Provisions)

Any of the following persons shall be punished by imprisonment for not more than six months, or by a fine not exceeding one million won:

1. A person who causes damage to the community or interferes with flowing water by relocating or destroying appendages to a small river without just ground;
2. A person who undertakes small river conservation works without obtaining permission, in violation of Article 10;
3. A person who occupies or uses flowing water without obtaining permission, in violation of Article 14;
4. A person who violates an order issued by a managing authority under Article 17 or 18.

Article 28 (Joint Penal Provisions)

If the representative of a corporation, or an agent, employee or other servant of the corporation or an individual commits an offence under Article 27 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.

ADDENDA

- (1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.
- (2) (Transitional Measures concerning Administrative Dispositions, etc.) Where the person has already obtained permission, authorization, approval, etc., for the actions provided in each subparagraph of Article 14 (1) in accordance with other Acts and subordinate statutes at the time this Act enters into force, he/she shall be regarded as having obtained permission for each of the actions in accordance with this Act.

ADDENDA <Act No. 5453, Dec. 13, 1997>

Article 1 (Enforcement Date)

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

Article 2 Omitted.

ADDENDA <Act No. 6000, Aug. 31, 1999>

- (1) (Enforcement Date) This Act shall enter into force two months after the date of its promulgation.
- (2) (Transitional Measures on Approval of Comprehensive Plans for Small River Maintenance) The comprehensive plan for the small river maintenance and the plan of the enforcement of small river maintenance approved by the Minister of Government Administration and Home Affairs under the former provisions at the time when this Act enters into force are regarded as approved by the amended provisions of Article 6 (1) and Article 8 (1).

ADDENDUM <Act No. 6563, Dec. 31, 2001>

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

ADDENDA <Act No. 6656, Feb. 4, 2002>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2003.

Articles 2 through 12 Omitted.

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. 7058, Dec. 31, 2003>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2004.

Article 2 Omitted.

ADDENDA <Act No. 7186, Mar. 11, 2004>

Article 1 (Enforcement Date)

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

Articles 2 through 5 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.

ADDENDUM <Act No. 7905, Mar. 24, 2006>

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

ADDENDA <Act No. 8014, Sep. 27, 2006>

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. 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. 8352, Apr. 11, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 16 Omitted.

ADDENDA <Act No. 8370, Apr. 11, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 20 Omitted.

ADDENDA <Act No. 8819, Dec. 27, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

ADDENDA <Act No. 8820, Dec. 27, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

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.

ADDENDUM <Act No. 9200, Dec. 26, 2008>

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

ADDENDA <Act No. 9313, Dec. 31, 2008>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDA <Act No. 9758, Jun. 9, 2009>

Article 1 (Enforcement Date)

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

Articles 2 through 23 Omitted.

ADDENDA <Act No. 10223, Mar. 31, 2010>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Compensation for Loss)

(1) The amended provisions of Article 24 (2) through (4) shall apply beginning with compensation for loss for which arrangements are being made at the time this Act enters into force.

(2) The former provisions shall apply to compensation for loss for which ruling is applied for pursuant to the former Article 24 (3) at the time this Act enters into force.

Article 3 (Transitional Measures concerning Compensation)

An unreasonable profit under the former provisions at the time this Act enters into force shall be deemed compensation under this Act.

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

Article 1 (Enforcement Date)

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

Articles 2 through 14 Omitted.

ADDENDA <Act No. 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. 10752, May 30, 2011>

Article 1 (Enforcement Date)

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

Article 2 (Applicability)

The amended provisions of Article 14 shall apply beginning with the first person who applies for permission for occupancy and use after this Act enters into force.

ADDENDA <Act No. 11405, Mar. 21, 2012>

Article 1 (Enforcement Date)

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

Article 2 (Special Cases on Formulation of Comprehensive Plans)

Notwithstanding the amended provisions of Article 6 (1), the first comprehensive plan after this Act enters into force shall be formulated beginning with the year following the year in which this Act enters into force as the commencing year of a planned period.

Article 3 (Transitional Measures concerning Loss of Effect of Designation of Land Reserved for Small River)

Notwithstanding the amended provisions of Article 4 (3), the initial date in reckoning the loss of effect of designation of land reserved for a small river on land designated and officially announced as land reserved for the small river as at the time this Act enters into force shall be the enforcement date of this Act.

Article 4 (Transitional Measures concerning Management of Land where No Small River Flows, etc.)

Notwithstanding the amended provisions of Article 24-2, land where no small river flows, etc. in which case three years have passed from the date land where no small river flows, etc. existed, which existed before this Act enters into force, shall be officially announced within three months after this Act enters into force.

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.