

RIVER ACT

Wholly Amended by Act No.5893, Feb. 8,1999

Amended by Act No.6367, Jan. 16,2001

Act No.6655, Feb. 4,2002

Act No.6656, Feb. 4,2002

Act No.6841, Dec. 30,2002

Act No.7101, Jan. 20,2004

Act No.7592, Jul. 13,2005

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to manage rivers appropriately and contribute to the promotion of public welfare by providing for matters on the designation, management, use and conservation, etc. of rivers for the prevention of any damage caused by river running water, the promotion of benefits from river use and the nature-friendly maintenance and conservation of rivers. *<Amended by Act No. 7592, Jul. 13, 2005>*

Article 2 (Definitions, etc. of Terms)

(1) For the purpose of this Act, the definitions of terms shall be as follows: *<Amended by Act No. 6367, Jan. 16, 2001; Act No. 7101, Jan. 20, 2004>*

1. The term "river" means any system of running water (hereinafter referred to as "water system") closely connected with public interests, which includes the water system's river area and river appurtenance;
2. The term "river area" means:
 - (a) Land and topography on which water is flowing steadily or area of land (excluding land which presents its temporary conditions by a great flood or other natural phenomenon) on which present traces of water having flowed at least once a year by the appearances of plants growing or other appearances;
 - (b) Area of land which is a riverbed with river appurtenances on;
 - (c) Where there exists a bank (limited to one built by the river management agency or a person who has obtained permission or has been entrusted by the management agency), non-bank area (referring to a land on the side of river heart from a bank); and

- (d) The area of the land that is designated by an agency in charge of managing rivers (hereinafter referred to as the "management agency") provided for in Article 12 as a land needed be managed together with the area falling under item (a) from among the area of the land falling under any of the followings:
- (i) The area of the land that is prescribed by the Presidential Decree as a land needed to serve as a flood way in a place without the bank in the event of a flood; and
 - (ii) The area of the land that is similar to the non-bank area prescribed by the Presidential Decree;
3. The term "river appurtenances" means dams, estuarine levees, embankments, bank protections, water control works, reservoirs for irrigation, lock gates, floodgates, waterway tunnels, canals, observation facilities necessary for the maintenance of rivers or other facilities or structures installed under this Act: *Provided*, That for facilities or structures installed by a person other than the management agency, they shall be limited to facilities or structures which consented by their installer for the management agency to manage such facilities or structures as river appurtenances;
4. The term "river work" means work on newly constructing, reconstructing or repairing rivers carried out to promote public benefits arising from river running water or to eliminate or reduce any damage caused by river running water; and
5. The term "river basin survey" means observation, measurement, survey of the matters as prescribed by the Presidential Decree, such as the peculiarity of river basin, water level, flow volume, etc. of rivers.
- (2) Rivers shall be divided into:
- 1. National rivers: Rivers of vital importance to territorial integrity or national economy, which are managed by the State;
 - 2. Local first-class rivers: Rivers closely connected with local public interests, which are managed by the Special Metropolitan City Mayor, Metropolitan City Mayor or *Do* governor (hereinafter referred to as the "Mayor/*Do* governor"); and
 - 3. Local second-class rivers: Watercourses flowing into or out of a national or local first-class river, which are managed by the Mayor/*Do* governor similarly to national rivers or local first-class rivers.

Article 3 (Title to Rivers)

Rivers shall be owned by the State: *Provided*, That this shall not apply to a local second-class river except a case it is nationalized after the compensation for any land incorporated into such river due to river work, etc.

Article 4 (Succession, etc. to Rights and Obligation)

(1) Where any person who has rights and obligations derived from permission or approval under this Act dies or transfers his rights and obligations or there takes place a merger of corporations which have such rights and obligations, his successor, transferee of such rights and obligation, or any corporation which continues to exist after a merger or is established due to a merger shall succeed to his status.

(2) Any successor to rights and obligations pursuant to paragraph (1) shall report it to the management agency on such terms and conditions as the Ordinance of the Ministry of Construction and Transportation.

Article 5 (Relationship with Other Acts)

The head of an administrative agency shall consult with or obtain approval in advance from the management agency where he intends to create rights or take other dispositions in a river area by any other Acts.

Article 6 (Relationship with Other National Projects)

Where the State or a local government intends to carry out a project relating to matters subject to permission by the management agency pursuant to this Act, the administrative agency which carries out such project shall consult with or obtain such approval in advance from the management agency under the conditions as prescribed by the Presidential Decree.

Article 7 (Designation of Rivers)

(1) The names and sections of national rivers and local first-class rivers shall be fixed and delimited on such terms and conditions as the Presidential Decree may determine.

(2) The names and sections of local second-class rivers shall be designated by the Mayor/*Do* governor.

(3) Where any river borders another Special Metropolitan City, Metropolitan City or *Do* (hereinafter referred to as the "City/ *Do*") in designating it as a local second-class river pursuant to paragraph (2), the Mayor/*Do* governor shall consult with the other Mayor/*Do* governor.

(4) Where the Mayor/*Do* governor designates a local second-class river pursuant to paragraph (2), he shall publish its name and section and notify the Minister of Construction and Transportation of them under the conditions as prescribed by the Presidential Decree. The same shall apply to a case where he changes or closes them. *<Amended by Act No. 7101, Jan. 20, 2004>*

Article 8 (Designation, etc. of River Areas)

(1) The management agency shall, when it intends to designate the river area provided for in Article 2 (1) 2 (d), go through deliberation thereon of the Central River Management Committee or the local river management committee provided for in Article 60 (hereinafter referred to as the "River Management Committee"). *<Amended by Act No. 7101, Jan. 20, 2004>*

(2) The management agency shall, when it designates the river area referred to in paragraph (1),

publish its designation under the conditions as prescribed by the Ordinance of the Ministry of Construction and Transportation and make the general public accessible to its perusal. In this case, the management agency that is the Mayor/*Do* governor shall notify the Minister of Construction and Transportation of details of the designation of the river area and the publication thereof.

<Newly Inserted by Act No. 7101, Jan. 20, 2004>

(3) The provisions of paragraphs (1) and (2) shall apply *mutatis mutandis* to any change in the river area or the revocation of the river area. <Newly Inserted by Act No. 7101, Jan. 20, 2004>

(4) The methods for delimiting a river section where two rivers joint or branch off and for delimiting embanked sections and un-embanked sections shall be determined by the Presidential Decree.

Article 9 (Planned Areas to be Rivers)

(1) The management office may designate any land to be newly incorporated into a river section due to a new creation of a river or other river work as a planned area to be a river.

(2) The management agency shall, when it intends to designate a planned area to be a river in accordance with paragraph (1), go through deliberation thereon of the River Management Committee. The same shall apply to a change in such planned area to be a river or the revocation of such area. <Amended by Act No. 7101, Jan. 20, 2004>

(3) The provisions of Article 8 (2) shall apply *mutatis mutandis* to the designation, change, and revocation of a planned area to be a river. <Newly Inserted by Act No. 7101, Jan. 20, 2004>

(4) Any planned area to be a river designated and publicly notified pursuant to paragraphs (1) through (3) shall lose the effect of such designation unless work on the river starts within three years from the date of its designation and notice. <Amended by Act No. 7101, Jan. 20, 2004>

(5) The management agency shall, upon completion of river work on the land designated and published as a planned area to be a river pursuant to paragraphs (1) through (3), give notice of a river area by delimiting it. In this case, the provisions of Article 8 (2) shall apply *mutatis mutandis* to the perusal and notice. <Amended by Act No. 7101, Jan. 20, 2004>

(6) The provisions of Articles 5, 12 through 14, 17, 27 through 32, 47 through 52, 55 through 59, 64 through 66, 68 through 70, 74 through 76 and 81 shall apply *mutatis mutandis* to any planned area to be a river designated and publicly notified pursuant to paragraphs (1) through (3).

<Amended by Act No. 7101, Jan. 20, 2004>

Article 10 (Coastal Areas)

(1) The management agency may designate a certain zone contiguous to a river where it threatens to damage its river appurtenances, cause a landslide into the river or overflow its banks (hereinafter referred to as "coastal area") as a coastal area in order to preserve a river and its appurtenances and prevent any river damage.

(2) The management agency shall, when it intends to designate a coastal area in accordance with paragraph (1), go through deliberation thereon of the River Management Committee. The same shall apply to a change in such coastal area and the revocation of such coastal area. <Amended by Act No. 7101, Jan. 20, 2004>

(3) The provisions of Article 8 (2) shall apply *mutatis mutandis* to the designation, change, and revocation of a coastal area. <Newly Inserted by Act No. 7101, Jan. 20, 2004>

(4) The scope of coastal area listed in paragraph (1) shall be determined by the Presidential Decree.

Article 11 (Establishment of Long-term Master Plan for Water Resources)

(1) The Minister of Construction and Transportation shall establish a ten-year unit long-term master plan for the stable security and effective management of water resources (hereinafter referred to as the "water resources plan") on such terms and conditions as the Presidential Decree may determine.

(2) The Minister of Construction and Transportation shall review a water resources plan every five years from the date of its establishment whether it is feasible and shall change it as necessary.

(3) Where the Minister of Construction and Transportation intends to establish or change a water resources plan, he shall refer it to deliberation by the National River Management Committee under Article 60 after consultations with the head of the related central administrative agency, and notify a water resources plan, if established or changed, to the head of the related central administrative agency.

Article 11-2 (Establishment of Comprehensive Water Control Plans for River Basin)

(1) The Minister of Construction and Transportation shall devise the comprehensive water control plans for river basin on the ten-year unit (hereinafter referred to as the "water control plan for river basin") with the contents necessary for the flood prevention of river basin and the minimization of damages due to flood.

(2) The Minister of Construction and Transportation shall scrutinize whether or not the water control plan for river basin is proper every five years from the day on which the said plan has been devised, and if necessary, alter it.

(3) The area for which a water control plan for river basin is to be devised and other necessary matters for the water control plan for river basin shall be prescribed by the Presidential Decree.

(4) The Minister of Construction and Transportation shall, in case where he intends to devise or alter the water control plan for river basin, consult in advance with the head of related administrative agency, and go through the advice of the local river management committee under Article 60 (where the river basin spreads over two or more Cities/Dos, each relevant local river management committee) and the deliberation of the Central River Management Committee under the same Article.

(5) In the event that the basin and river management council referred to in paragraph (6) (hereafter

in this Article referred to as the "basin and river management council") is established, the Minister of Construction and Transportation shall hear the opinion of the basin and river management council before going through the procedures provided

for in paragraph (4). <Amended by Act No. 7101, Jan. 20, 2004>

(6) The Minister of Construction and Transportation may set up and operate the basin and river management council that consists of basin residents, public officials of administrative agencies concerned and employees of institutions concerned in order to reflect the opinions of basin residents, etc. in developing and changing a water control plan for river basin. <Newly Inserted by Act No. 7101, Jan. 20, 2004>

(7) Necessary matters concerning the composition and operation of the basin and river management council referred to in paragraph (6) shall be prescribed by the Presidential Decree. <Newly Inserted by Act No. 7101, Jan. 20, 2004>

(8) The provisions of Article 8 (2) shall apply *mutatis mutandis* to the development and alteration of the water control plan for river basin. <Newly Inserted by Act No. 7101, Jan. 20, 2004>

[This Article Newly Inserted by Act No. 6367, Jan. 16, 2001]

Article 11-3 (Relations between Water Control Plans for River Basin and Other Plans)

The water control plans for river basin shall be devised within the scope of water resources plans, and shall form the basis for the basic plans for river maintenance under Article 17.

[This Article Newly Inserted by Act No. 6367, Jan. 16, 2001]

CHAPTER II RIVER MANAGEMENT

SECTION 1 Common Provisions

Article 12 (Management Agency)

(1) National rivers shall be managed by the Minister of Construction and Transportation.

(2) Local first-class rivers and local second-class rivers shall be managed by the Mayor/Do governor within their jurisdiction.

Article 13 (Management of Border Rivers)

(1) Local first-class rivers and local second-class rivers located on any City/Do border may otherwise be determined for the management agency and their method of management by an agreement between the related Mayor/Do governors. <Amended by Act No. 7101, Jan. 20, 2004>

(2) Where an agreement referred to in paragraph (1) is not reached, the related Mayor/Do governor may apply for ruling to the Minister of Construction and Transportation.

(3) Where a ruling by the Minister of Construction and Transportation is handed down upon an application referred to in paragraph (2), it shall be deemed that an agreement referred to in

paragraph (1) has been reached.

(4) The related Mayor/*Do* governor shall give notice of the contents of agreement or ruling referred to in paragraphs (1) through (3). The same shall apply in cases where he changes or closes it.

Article 14 (River Register)

(1) The management agency shall prepare and maintain a register of rivers (hereinafter referred to as a "river register") of its own managing.

(2) A river register shall be divided into a river status register and an irrigation register.

(3) The making and keeping of the river register, the delivery of the certified copy of the river register, the perusal of the river register, fees and other matters concerning the management of the river register shall be prescribed by the Ordinance of the Ministry of Construction and Transportation. <Amended by Act No. 7101, Jan. 20, 2004>

Article 15 (Check, etc. of River Management Status)

(1) The management agent shall take necessary measures for the maintenance and repair of river appurtenance and remedy, etc. for injustices by carrying out a check of management status of river appurtenances and river occupancy status.

(2) Necessary matters concerning the contents and methods of performing the check referred to in paragraph (1) and the notification of the result of measures taken with respect to checked matters, etc. shall be determined by the Presidential Decree. <Amended by Act No. 7101, Jan. 20, 2004>

Article 15-2 (Emergency Countermeasure Plan to Deal With River Appurtenances)

(1) Any person who builds river appurtenances, including dams, etc. prescribed by the Presidential Decree shall map out a comprehensive countermeasure plan (hereinafter referred to as the "emergency countermeasure plan") to prevent and reduce damage incurred by any emergency situation, including the collapse of any river appurtenance, etc. to the people's lives and properties before the building of such river appurtenance is completed. In this case, he shall consult in advance with the heads of administrative agencies concerned thereabout.

(2) Any person who draws up the emergency countermeasure plan referred to in paragraph (1) shall notify without delay the heads of administrative agencies concerned of such emergency countermeasure plan. In this case, the heads of administrative agencies concerned shall, upon receiving the emergency countermeasure plan, take measures necessary to deal with any emergency situation according to the emergency countermeasure plan.

(3) The provisions of paragraphs (1) (latter part) and (2) shall apply *mutatis mutandis* to any change in the emergency countermeasure plan that has already been mapped out.

(4) Matters needed to be included in the emergency countermeasure plan and other detailed matters concerning the development of the emergency countermeasure plan shall be prescribed by the

Presidential Decree.

[This Article Newly Inserted by Act No. 7101, Jan. 20, 2004]

Article 16 (Management Regulations of River Appurtenances)

(1) Any person who has installed river appurtenances as prescribed by the Presidential Decree such as dams, reservoirs or floodgates shall establish the management regulations of river appurtenances under the conditions as prescribed by the Ordinance of the Ministry of Construction and Transportation.

(2) Any person other than the management agency shall, if he establishes the management regulations of river appurtenances referred to in paragraph (1), obtain approval from the management agency. The same shall apply in cases where he modifies it.

(3) Where the management agency establishes or amends any management regulations referred to in paragraph (1) or grants approval or approval of modification referred to in paragraph (2), it shall seek opinions from the related Mayor/*Do* governor for national rivers and from the head of related *Si/Gun/Gu* (referring to the head of autonomous *Gu*; hereinafter the same shall apply) for local first-class rivers and local second-class rivers.

(4) The Minister of Construction and Transportation may, in case where necessary for the prevention of damages due to floods and the efficient operation of water resources, set forth the management regulation for the organic connective operation between two or more river appurtenances. *<Newly Inserted by Act No. 6367, Jan. 16, 2001>*

(5) The Minister of Construction and Transportation may order the necessary measures for the flood prevention, etc. on the basis of the management regulation under paragraph (4). In this case, the manager of river appurtenances shall comply with it. *<Newly Inserted by Act No. 6367, Jan. 16, 2001>*

Article 17 (Basic Plan for River Maintenance)

(1) The management agency shall establish a basic plan for river maintenance (hereinafter referred to as "basic plan for river maintenance") for rivers under its management on such terms and conditions as the Presidential Decree may determine.

(2) The Minister of Construction and Transportation may, if he deems it necessary to draw up a basic plan for river maintenance in connection with the water control plan for river basin notwithstanding the provisions of paragraph (1), draw up a basic plan for river maintenance for a river, the management agency of which is the Mayor/*Do* governor. In this case, the Minister of Construction and Transportation shall consult in advance with the Mayor/*Do* governor who is the management agency. *<Newly Inserted by Act No. 7101, Jan. 20, 2004>*

(3) The basic plan for river maintenance shall be drawn up every 10 years and the Minister of Construction and Transportation or the management agency shall examine its appropriateness

every five years from the date on which the basic plan is mapped out and if necessary, change the basic plan for river maintenance. <Newly Inserted by Act No. 7101, Jan. 20, 2004>

(4) A basic plan for river maintenance shall be established by water system, taking into account the severity of flood occurrences, present situation of water resource development and use and river environment, etc.

(5) Where the Minister of Construction and Transportation or the management agency intends to establish or change a basic plan for river maintenance, it shall refer it to deliberation by the River Management Committee after prior consultations with the head of the related administrative agency: *Provided*, That this shall not apply in cases where it intends to change minor matters as determined by the Presidential Decree. <Amended by Act No. 7101, Jan. 20, 2004>

(6) The provisions of Article 8 (2) shall apply *mutatis mutandis* to developing and changing the basic plan for river maintenance. <Amended by Act No. 7101, Jan. 20, 2004>

(7) The provisions of Article 13 shall apply *mutatis mutandis* in cases where the Mayor/Do governor establishes a basic plan for river maintenance for local first-class rivers and local second-class rivers stretching over two or more Cities/Dos.

SECTION 2 River Basin Survey and Flood Prevention, etc.

Article 18 (Carrying Out River Basin Survey)

(1) The Minister of Construction and Transportation shall conduct the river basin survey necessary for the management of rivers and establishment of national land development plan. <Amended by Act No. 6367, Jan. 16, 2001>

(2) The Mayor/Do governor may carry out a river basin survey on local first-class rivers and local second-class rivers as necessary for river management: *Provided*, That where the Mayor/Do governor carries out a river basin survey, he shall ensure that it does not duplicate a river basin survey carried out by the Minister of Construction and Transportation referred to in paragraph (1) and notify the Minister of Construction and Transportation the result thereof. <Amended by Act No. 6367, Jan. 16, 2001>

(3) The Minister of Construction and Transportation may pigeonhole and analyze the river basin survey data referred to in paragraph (1), and provide it to the person who requires such result. <Amended by Act No. 6367, Jan. 16, 2001>

(4) The method of river basin survey or other matters necessary for a river basin survey shall be determined by the Presidential Decree. <Amended by Act No. 6367, Jan. 16, 2001>

Article 18-2 (Survey of State of River Flood)

(1) The Minister of Construction and Transportation shall conduct a survey of the state of river flood (hereinafter referred to as the "survey of the state of river flood") in order to develop

measures to upgrade river areas, forecast floods and prevent flood-caused damage.

(2) The Minister of Construction and Transportation shall, when he conducts the survey of the state of river flood, notify the heads of administrative agencies concerned of the results thereof.

(3) The State and local governments shall, when they draw up their various plans, including their respective urban planning, etc, under the National Land Planning and Utilization Act, examine the results of the survey of the state of river flood referred to in paragraph (2) and reflect the survey results in drawing up such plans.

(4) Methods of surveying the state of river flood and other necessary matters shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 7101, Jan. 20, 2004]

Article 19 (Information Systematization for Water Resources Data)

(1) The Minister of Construction and Transportation may construct and operate water resources information system for the efficient utilization of the river basin survey data under Article 18 and other data necessary for river management. *<Amended by Act No. 6367, Jan. 16, 2001>*

(2) The Minister of Construction and Transportation may request the head of the related central administrative agency or the head of the related agency such as a local government, government-invested institution or government-contributed institution to submit necessary data in order to construct a water resources information system referred to in paragraph (1). In this case, the head of the related agency who has been requested to submit data shall comply with such request unless there exists any special cause.

(3) The construction scope and operating procedures of water resources information system referred to in paragraph (1) or other necessary matters shall be determined by the Presidential Decree.

Article 20 (Quantity of River Maintenance Flowing Water)

(1) The Minister of Construction and Transportation shall determine the minimum quantity of flowing water necessary to maintain normal functions and state of rivers (hereinafter referred to as "flowing water quantity for river maintenance") and give notice of it after deliberation by the National River Management Committee referred to in Article 60.

(2) The flowing water quantity for river maintenance shall be determined based on a main point which can represent the status of flowing river water (hereinafter referred to as "datum point") set for each river.

(3) Where the Minister of Construction and Transportation intends to set a datum point, he shall consult in advance with the Minister of Environment.

(4) The matters necessary for calculating the flowing water quantity for river maintenance and selecting a datum point referred to in paragraphs (1) through (3) shall be determined by the

Presidential Decree.

Article 21 (Use and Management of Flowing River Water)

- (1) Any user of flowing river water as determined by the Presidential Decree shall install measuring instruments, which can check the amount used, and record and keep matters as determined by the Ordinance of the Ministry of Construction and Transportation.
- (2) Any user of flowing river water referred to in paragraph (1) shall notify his use plan and actually used amount to the management agency, which shall report it to the Minister of Construction and Transportation.
- (3) The matters necessary for the installation of measuring instruments referred to in paragraph (1) and the report, etc. on use plan and actually used amount of flowing river water referred to in paragraph (2) shall be determined by the Ordinance of the Ministry of Construction and Transportation.

Article 22 (Installation, etc. of Disaster Prevention Facilities by Installers of Dams, etc.)

Installers of dams (limited to dams installed for storing or impounding flowing water from a river or drawing water, which are 15m or higher from a dam's foundation to its crest or have a total storage of twenty million or more cubic meters of water), structures or canals which store or impound flowing water from a river at an estuarine bank or from the surface of the sea near an estuary (hereinafter referred to as "dams, etc.") shall install facilities necessary and take other necessary measures to prevent and reduce disaster occurrences due to the installation of dams, etc. on such terms and conditions as the Presidential Decree may determine. *<Amended by Act No. 7101, Jan. 20, 2004>*

Article 23 (Management Engineers of Dams, etc.)

- (1) Installers of dams, etc. shall assign management engineers having qualifications as determined by the Ordinance of the Ministry of Construction Transportation for the adequate management of dams, etc. in question.
- (2) Installers of dams, etc. shall prepare and keep records on the management and hydrology of dams, etc. and present promptly them if the management agency requests on such terms and conditions as the Ordinance of the Ministry of Construction and Transportation may determine.

Article 24 (Observation of Water Level and Quantity of Flowing Water at Dams, etc.)

- (1) Installers of dams, etc. shall install observation facilities and observe the water level, quantity of flowing water and precipitation for the adequate management of rivers in question and prevention of damage and injury on such terms and conditions as the Presidential Decree may determine.
- (2) Where a flood rises or it is threatening to have a flood, installers of dams, etc. shall notify the results of observation referred to in paragraph (1) and management status of dams, etc. in question

to the management agency and the related Mayor/*Do* governor on such terms and conditions as the Presidential Decree may determine.

(3) The management agency shall notify the results of observation and management status of dams, etc. in question notified by the installers of dams, etc. pursuant to paragraph (2) to the Director of the Central Anti-Calamity Headquarters under the Countermeasures against Natural Disasters Act.

Article 25 (Measures for Flood Control)

(1) Where it is necessary to take emergency measures to prevent and reduce disaster occurrences caused by a flood, the management agency may order the installer of a dam, etc. to take necessary measures, taking into account river conditions on the water system: *Provided*, That in the event that the Minister of Construction and Transportation consults with the Mayor/*Do* governor who is the management agency in advance, the former may order the installer of the relevant dam, etc. to take necessary measures for himself. <Amended by Act No. 7101, Jan. 20, 2004>

(2) The Minister of Construction and Transportation or the management agency shall, on taking measures referred to in paragraph (1), notify the contents to the Director of the Central Anti-Calamity Headquarters under the Countermeasures against Natural Disasters Act. <Amended by Act No. 7101, Jan. 20, 2004>

Article 25-2 (Installment of Flood-Forecast Facilities, etc.)

(1) The Minister of Construction and Transportation may install (including expanding; hereinafter the same shall apply) flood-forecast facilities (including their incidental facilities; hereafter the same shall apply) in order to survey and measure rainfall quantity, water level, quantity of flowing water, etc. in basin areas under the conditions as prescribed by the Presidential Decree.

(2) The Minister of Construction and Transportation shall, when he intends to install the flood-forecast facilities referred to in paragraph (1), map out a plan for installing the flood-forecast facilities under the conditions as prescribed by the Presidential Decree. In this case, he shall consult in advance with the heads of administrative agencies concerned thereabout.

(3) The Minister of Construction and Transportation shall, when he draws up the plan for installing flood-forecast facilities in accordance with paragraph (2), publish such plan under the conditions as prescribed by the Presidential Decree.

(4) The provisions of the latter part of paragraph (2) and paragraph (3) shall apply *mutatis mutandis* to changing the plan for installing the flood-forecast facilities.

(5) The Minister of Construction and Transportation shall, when he completes the work of installing the flood-forecast facilities in accordance with the plan for installing the flood-forecast facilities under paragraphs (2) and (4), publish the completion of such work under the conditions as prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 7101, Jan. 20, 2004]

Article 26 (Flood Forecasting)

(1) The Minister of Construction and Transportation may forecast a flood to prevent or reduce its damage where it is expected that damage is done to human life and property due to a flood.

(2) The details on flood forecast referred to in paragraph (1) shall be determined by the Ordinance of the Ministry of Construction and Transportation.

SECTION 3 River Work, etc.

Article 27 (River Maintenance Implementation Plan)

(1) Where the management agency (including the Minister of Construction and Transportation executing river work by proxy pursuant to Article 29 (1); hereafter in this Article this same shall apply) intends to carry out any river work, it shall establish a plan on carrying out river work (hereinafter referred to as "river maintenance implementation plan") on such terms and conditions as the Presidential Decree may determine: *Provided*, That this shall not apply in cases where it intends to carry out any minor river work as determined by the Presidential Decree.

(2) A river maintenance implementation plan shall be established to the extent of the basic plan for river maintenance.

(3) The management agency shall give notice of a river maintenance implementation plan, if it establishes or changes it, on such terms and conditions as the Presidential Decree may determine.

Article 28 (River Work and Maintenance and Management by Management Agency)

(1) Except as otherwise provided in this Act, river work and the maintenance and management of rivers shall be carried out by the management agency: *Provided*, That river work on the repair and maintenance and management of national rivers shall be carried out by the Mayor/Do governor.

(2) The management agency may, if a case falls under any of the following subparagraphs, do river work or maintain and manage rivers on such terms and conditions as the Presidential Decree may determine:

1. Construction and maintenance and management of other structures which combine river appurtenances' utility; and
2. Where it executes a second work necessitated due to river work or a third work necessitated to execute river work together with such river work.

(3) The management agency shall, if it performs any river work in accordance with paragraph (2), use an environment-friendly engineering method: *Provided*, That the same shall not apply to river works, including any urgent river work, which are prescribed by the Presidential Decree. *<Newly Inserted by Act No. 7101, Jan. 20, 2004>*

(4) The Minister of Construction and Transportation shall develop and disseminate new techniques needed for the environment-friendly engineering method referred to in paragraph (3).
<Newly Inserted by Act No. 7101, Jan. 20, 2004>

(5) The management agency shall, on completion of any construction work referred to in paragraphs (1) and (2), give notice of it on such terms and conditions as the Presidential Decree may determine.

(6) The provisions of Article 13 shall apply *mutatis mutandis* to the proviso of paragraph (1).

Article 29 (Execution of River Work by Proxy)

(1) The Minister of Construction and Transportation may, if deemed necessary, execute any river work to be carried out by the Mayor/*Do* governor as proxy.

(2) The Minister of Construction and Transportation may, if deemed necessary, get the Mayor/*Do* governor or government-invested institution prescribed by the Presidential Decree to perform any river work in any national river by proxy, which the Minister of Construction and Transportation has to perform. In this case, if the Minister of Construction and Transportation gets any government-invested institution prescribed by the Presidential Decree to perform the river work by proxy, he shall consult in advance with the relevant Mayor/*Do* governor thereabout. <Amended by Act No. 7101, Jan. 20, 2004>

(3) The matters necessary for the scope of execution of work by proxy referred to in paragraphs (1) and (2) shall be determined by the Presidential Decree.

(4) Any person who completes work referred to in paragraphs (1) through (3) shall give notice of it under the conditions as prescribed by the Presidential Decree.

Article 30 (River Work by Non-Management Agency)

(1) A person other than the management agency (hereinafter referred to as a "non-management agency") may execute river work or maintain and manage rivers with permission by the management agency on such terms and conditions as the Presidential Decree may determine except as provided in Articles 6, 13, and 29: *Provided*, That minor matters as determined by the Presidential Decree shall not be subject to permission.

(2) Where the management agency intends to grant permission referred to in paragraph (1), it shall examine whether the relevant matters for such permission are adequate to the basic plans for river maintenance. In this case, the management agency shall consult in advance with the head of the related administrative agency. <Amended by Act No. 6367, Jan. 16, 2001>

(3) Where two or more matters to be permitted under paragraph (1) and Article 33 (1) are mutually overlapped or related, the matters necessary for such permission shall be determined by the Presidential Decree.

(4) The Minister of Construction and Transportation shall, on granting permission referred to in

paragraph (1), promptly notify the Mayor/*Do* governor having jurisdiction over the area concerned.

(5) The management agency may have all or part of necessary construction cost deposited on such terms and conditions as the Presidential Decree may determine as deems, in particular, necessary in granting permission referred to in paragraph (1).

(6) Any person who has obtained permission pursuant to paragraph (1) shall prepare a river work implementation plan and have it authorized by the management agency on such terms and conditions as the Presidential Decree may determine. The same shall apply in cases where he changes matters as determined by the Presidential Decree from among authorized matters.

(7) The management agency shall, on granting authorization referred to in paragraph (6), give notice of it on such terms and conditions as the Ordinance of the Ministry of Construction and Transportation may determine.

(8) The provisions of Article 28 (3) shall apply *mutatis mutandis* to the performance of the river work referred to in paragraph (1). <*Newly Inserted by Act No. 7101, Jan. 20, 2004*>

Article 31 (Authorization of Completion)

(1) Where any non-management agency completes any river work pursuant to Article 30, it shall submit a report on completion of work to and have it authorized by the management agency. In this case, the management agency which has received an application for authorization of completion may request the head of the related central administrative agency, a local government or government-invested institution to conduct an inspection necessary for authorization of completion.

(2) Where the management agency has received an application for authorization of completion referred to in paragraph (1), it shall grant authorization of completion if it deems that such work was carried out as per contents of the authorized implementation plan pursuant to Article 30 (6).

Article 32 (Fiction of Authorization and Permission, etc. under Other Acts)

(1) In the event that the Minister of Construction and Transportation draws up and publishes a plan for installing flood-forecast facilities in accordance with Article 25-2, the management agency draws up and publishes an implementation plan for river maintenance in accordance with Article 27 or the non-management agency has a river work implementation plan authorized pursuant to Article 30 (6), any matter which the management agency consulted under the provisions of paragraph (2) with the head of the related administrative agency about permission, authorization, license, approval, decision, cancellation, deliberation, report, consultation or disposition, etc. (hereafter in this Article referred to as "authorization or permission, etc.") hereunder shall be deemed to have obtained authorization or permission, etc., and in the event that a plan for installing flood-forecast facilities is published, an implementation plan for river

maintenance is published, or the authorization of a river work implementation plan is published by the non-management agency, it shall be deemed to have given notice of or announced authorization or permission, etc. under related Acts hereunder: <Amended by Act No. 6655, Feb. 4, 2002; Act No. 6841, Dec. 30, 2002; Act No. 7101, Jan. 20, 2004>

1. Decision on urban management plan (limited to the facilities referred to in subparagraph 6 of Article 2 of the National Land Planning and Utilization Act) referred to in Article 30 of the said Act, permission on development act referred to in Article 56 of the said Act, designation of operator of urban planning facility project referred to in Article 86 of the said Act and authorization of implementation plan thereof referred to in Article 88 of the said Act;
2. Deleted; <by Act No. 6655, Feb. 4, 2002>
3. Consultation with or approval from the road management agency referred to in Article 8 of the Road Act, decision of road areas referred to in Article 25 of the said Act, permission on execution of roadwork by a person other than the road management agency referred to in Article 34 of the said Act and permission on road occupancy referred to in Article 40 of the said Act;
4. Permission on opening private roads referred to in Article 4 of the Private Road Act;
5. Permission on aggregate picking referred to in Article 22 of the Aggregate Picking Act;
6. Deliberation by the Guiding Committee referred to in Article 4 of the Building Act, building permission referred to in Article 8 of the said Act, building report referred to in Article 9 of the said Act, building permission on provisional buildings referred to in Article 15 (1) of the said Act and building consultation referred to in Article 25 of the said Act;
7. Permission on development and use referred to in Article 7 of the Groundwater Act;
8. Establishment of a basic plan for reclamation referred to in Article 4 of the Public Waters Reclamation Act, change or closure of a basic plan for reclamation referred to in Article 8 of the said Act, reclamation license referred to in Article 9 of the said Act, authorization of enforcement plan referred to in Article 15 of the said Act and consultation or approval referred to in Article 38 of the said Act;
9. Permission on occupancy or use referred to in Article 5 of the Public Waters Management Act;
10. Permission on or consultation about farmland conversion referred to in Article 36 of the Farmland Act and permission on temporary use of farmland referred to in Article 38 of the said Act;
11. Permission on changes, etc. in shape and quality of land referred to in Article 92 of the Rearrangement of Agricultural and Fishing Villages Act;
12. Permission, report or consultation on grassland conversion referred to in Article 23 of the Grassland Act;
13. Permission for diversion of mountainous district and report on diversion of mountainous

district as referred to in Articles 14 and 15 of the Management of Mountainous Districts Act, permission for quarrying as referred to in Article 25 of the same Act, revocation of designation of reserved forest as referred to in Article 57 of the Forestry Act, permission for cutting, etc. of standing timber in the reserved forest as referred to in Article 62 (1) of the same Act, permission for cutting, etc. of standing timber as referred to in Article 90 (1) of the same Act;

14. Permission on deforestation, etc. referred to in Article 14 of the Work against Land Erosion or Collapse Act and cancellation of designation as land for erosion control referred to in Article 20 of the said Act;
15. Consultation with the park management agency referred to in Article 50 (1) of the Natural Parks Act, permission on occupancy or use of parks referred to in Article 23 of the said Act and permission on acts in a park protection zone referred to in Article 25 of the said Act;
16. Authorization of exclusive waterworks referred to in Article 36 of the Water Supply and Waterworks Installation Act and authorization of exclusive waterworks for industrial use referred to in Article 38 of the said Act;
17. Permission on execution of public sewerage work referred to in Article 13 of the Sewerage Act and permission on occupancy of public sewerage referred to in Article 20 of the said Act;
18. Non-permission disposition of creation of mining rights referred to in Article 29 of the Mining Industry Act and cancellation of mining rights or disposition of decrease in mining blocks referred to in Article 39 of the said Act;
19. Permission on access to protection zones or military installations referred to in Article 7 of the Protection of Military Installations Act and consultation about matters to be permitted by the administrative agency referred to in Article 10 of the said Act; and
20. Permission for reburying a corpse in any grave under Article 23 (1) of the Burial and Graveyard, etc. Act.

(2) The non-management agency shall, if it intends to obtain a legal fiction of the authorization and permission, etc. referred to in paragraph (1), submit related documents prescribed by the relevant Act when it files an application for authorizing its river work implementation plan under Article 30 (6). <Newly Inserted by Act No. 7101, Jan. 20, 2004>

(3) The Minister of Construction and Transportation or the management agency shall, if he or it intends to draw up a plan for installing flood-forecast facilities in accordance with Article 25-2 and an implementation plan for river maintenance in accordance with Article 27 and to authorize an implementation plan for a river work by the nonmanagement agency in accordance with Article 30 (6), consult in advance with the heads of administrative agencies thereabout when the matters referred to in each subparagraph of paragraph (1) are included. <Amended by Act No. 7101, Jan. 20, 2004>

(4) In the case falling under any of the following subparagraphs, the matters that the Minister of Construction and Transportation or the management agency has consulted with the heads of administrative agencies under paragraph (6) in connection with the inspection of work completion and the authorization of work completion, etc. following the authorization and permission, etc. that are made legally fictitious to be granted by the Minister of Construction and Transportation or the management agency shall be deemed to be published: <Newly Inserted by Act No. 7101, Jan. 20, 2004>

1. Where the completion of the installment of flood-forecast facilities is published in accordance with Article 25-2 (5);
2. Where the completion of river work is published in accordance with Articles 28 (5) and 29 (4); and
3. Where the completion of any river work is authorized in accordance with Article 31 (2).

(5) The non-management agency shall, when it intends to obtain a legal fiction of the inspection of work completion and the authorization of work completion, etc. referred to in paragraph (4), submit related documents prescribed by the relevant Act when it files an application for authorizing the work completion in accordance with Article 31 (1). <Newly Inserted by Act No. 7101, Jan. 20, 2004>

(6) The Minister of Construction and Transportation or the management agency shall, if the matters falling under the inspection of work completion or the authorization of work completion, etc. following the authorization and permission, etc. that are made legally fictitious under paragraph (1) exist in performing the work completion or granting the authorization of work completion in accordance with Articles 25-2 (5), 28 (5), 29 (4) and 31 (2), consult in advance with the heads of administrative agencies concerned. <Newly Inserted by Act No. 7101, Jan. 20, 2004>

SECTION 4 Occupancy of Rivers

Article 33 (Occupancy Permission, etc. on Rivers)

(1) Any person who intends to perform an act hereunder (hereinafter referred to as "occupancy") in a river area shall obtain permission from the management agency on such terms and conditions as the Presidential Decree may determine: *Provided*, That such permission shall be attached to by additional clauses necessary in preventing pollution or any health and sanitary danger and injury caused by river contamination:

1. Use of flowing water (including flowing water permeating the riverbed);
2. Occupancy of land;
3. Occupancy of river appurtenances;
4. New construction, reconstruction and alteration of structures: *Provided*, That this shall exclude

- any river work executed with permission referred to in Article 30;
5. Excavating, banking and cutting the ground and other changes in shape and quality of land;
 6. Picking earth and stones, sands, gravels or river products as determined by the Presidential Decree;
 7. Installation of skating rinks and pleasure boat places;
 8. Culture of plants as determined by the Presidential Decree; and
 9. Operation of ships as determined by the Presidential Decree.
- (2) The management agency shall, on granting permission referred to in paragraph (1), give notice of it on such terms and conditions as the Presidential Decree may determine.
- (3) The detailed standards for permission referred to in paragraph (1) shall be determined by the Ministry of Construction and Transportation.
- (4) Where the Minister of Construction and Transportation intends to set or change detailed standards referred to in paragraph (3), he shall consult in advance with the head of the related administrative agency.
- (5) The provisions of Article 30 (4) shall apply *mutatis mutandis* to paragraph (1), and the provisions of Articles 30 (6) and (7) and 31 shall apply *mutatis mutandis* to matters to be permitted under paragraph (1) 4 and 5.

Article 34 (Requirements for Permission on River Occupancy)

Where it is evident that a person who has a right to a river as determined by the Presidential Decree such as who has obtained already permission on river occupancy (hereinafter referred to as "vested river user") suffers losses due to any permission in question in granting permission referred to in Article 33 (1), the management agency shall have the applicant obtain the consent of vested river users: *Provided*, That this shall not apply hereunder:

1. Where a project for occupying a river in question prevails over a project on the river use by the vested river users in public interests; and
2. Where it is deemed that it creates no obstacles to carrying out a project on the river use by vested river users by installing facilities for preventing losses.

Article 35 (Consultation, etc. about Compensation for Losses for River Occupancy)

- (1) Where any vested river user suffers losses due to permission on river occupancy, the person who obtains permission on the river occupancy shall compensate for losses.
- (2) As to compensation for losses referred to in paragraph (1), a person who has obtained permission on river occupancy and the vested river user shall consult.
- (3) Where an agreement referred to in paragraph (2) is not reached or cannot be make, they may apply for a ruling to the competent land expropriation commission on such terms and conditions as the Presidential Decree may determine.

(4) Except as otherwise provided in this Act in making compensation for losses referred to in paragraphs (1) through (3), the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor shall apply *mutatis mutandis*. <Amended by Act No. 6656, Feb. 4, 2002>

Article 36 (Execution of Occupancy Work by Proxy)

(1) The management agency may, on application of a person who has obtained permission referred to in Article 30 or 33, execute any work on river occupancy by proxy as deems, in particular, necessary for the preservation of rivers.

(2) Where the management agency intends to execute work pursuant to paragraph (1), it shall notify in advance the river occupant of a period of execution.

(3) Any work on river occupancy executed by the management agency pursuant to paragraphs (1) and (2) shall be deemed any river work.

Article 37 (Addition to Things for River Occupancy)

Any non-management agency's act of adding things which are going to have a new effect on the preservation of a river to things for river occupancy shall be a new occupancy of a river.

Article 38 (Collection of Occupancy Fees, etc.)

(1) The management agency may collect fees for use of flowing water, fees for land occupancy, fees for picking river products such as earth and stones, sands and gravel or other fees for river use (hereinafter referred to as "occupancy fees, etc.") from a person who has obtained permission pursuant to Article 33: *Provided*, That this shall not apply in cases where he carries out occupancy activities listed in Article 33 (1) 2 and 4 through 9 in the river area of private-owned local second-class rivers.

(2) Where picking up the groundwater in the vicinity of rivers, if it is recognized to affect the water volume of river as a result of the survey on effects of groundwater under Article 7 of the Groundwater Act, the management agency may collect the fees for use of flowing water under paragraph (1) from the person who picks up the relevant groundwater. <Newly Inserted by Act No. 6367, Jan. 16, 2001>

(3) In collecting occupancy fees, etc. referred to in paragraphs (1) and (2), the Mayor/*Do* governor who maintains and manages, for a national river, the river pursuant to the proviso of Article 28 (1) shall be deemed the management agency of the river. <Amended by Act No. 6367, Jan. 16, 2001>

(4) The management agency may collect an amount equivalent to 120/100 of occupancy fees, etc. in question as an indemnification from a person who occupies or uses a river without permission referred to in Article 33.

(5) The amount and method for collection of occupancy fees, etc. and indemnification referred to in paragraphs (1) through (4) shall be determined by the Municipal Ordinance of City/*Do*.

<Amended by Act No. 6367, Jan. 16, 2001>

Article 39 (Reduction and Exception of Occupancy Fees, etc.)

The management agency may, if the occupancy or use provided for in Article 33 (1) 1 through 9 falls under any of the following case in granting the permission therefor under the same Article, reduce or exempt occupancy fees, etc. provided for in Article 38 (1) under the conditions as prescribed by the Presidential Decree:

1. Where the occupancy or use is made by a non-profit business that is done for official and public purposes as well as the public interest;
2. Where the occupancy or use is made by a business that is prescribed by the Presidential Decree as a public-interest business that has a great impact on the national economy; and
3. Where the intended purpose of the occupancy or use is impossible to be achieved on the grounds of disaster and special circumstances.

[This Article Wholly Amended by Act No. 7101, Jan. 20, 2004]

Article 40 (Permission on Acts in Planned Areas to be Rivers, etc.)

(1) Any person who intends to perform any act hereunder in a planned area to be a river given notice of pursuant to Article 9 (3) or in a coastal area given notice of pursuant to Article 10 (3) shall obtain permission from the management agency on such terms and conditions as the Presidential Decree may determine: *Provided*, That this shall not apply to minor acts as determined by the Presidential Decree: *<Amended by Act No. 7101, Jan. 20, 2004>*

1. New construction or reconstruction of structures;
 2. Excavating, banking and cutting the ground or other changes in shape and quality of land; and
 3. Planting bamboos.
- (2) The provisions of Articles 30 (6) and (7) and 31 shall apply *mutatis mutandis* to paragraph (1) 1, and the provisions of the proviso of Article 33 (1) shall apply *mutatis mutandis* to paragraph (1).

**CHAPTER III DISPUTE MEDIATION OF FLOWING WATER USE
MEDIATION**

Article 41 (Application, etc. for Mediation)

(1) Any person hereunder may, if a dispute on the use of flowing water arises, apply for mediation to the River Management Committee on such terms and conditions as the Presidential Decree may determine:

1. An installer of dams, etc. referred to in Article 22;
2. A person who intends to obtain permission on river occupancy referred to in Article 33;
3. A vested river user; and
4. A local government which has interests in the use of flowing water.

(2) The River Management Committee shall, on receipt of application for mediation pursuant to

paragraph (1), notify promptly the contents of such application to the other party.

(3) The other party who has received a notification pursuant to paragraph (2) shall notify his intentions to the River Management Committee as to whether he will comply with a mediation.

Article 42 (Refusal and Suspension of Mediation)

(1) The River Management Committee may not mediate a dispute where it is deemed not appropriate for the River Management Committee to mediate for its nature or it is deemed that it has applied for mediation for illegal purposes. In this case, it shall notify causes, etc. for not mediating it to the applicant.

(2) Where either of parties to a dispute refuses a mediation, the River Management Committee shall notify in writing the procession of mediation and causes, etc. for refusal to mediate to the other party.

(3) Where either of parties institutes a lawsuit during the dispute mediation, the party may request the River Management Committee to suspend a dispute mediation. In this case, the River Management Committee shall suspend promptly such dispute mediation.

Article 43 (Proceeding Period)

(1) The River Management Committee shall review an application for mediation and prepare a draft mediation within ninety days from the date of receipt of such application: *Provided*, That under unavoidable circumstances, the period may be extended within a period of no more than sixty days by a resolution of the River Management Committee.

(2) Where the River Management Committee extends the period pursuant to the proviso of paragraph (1), it shall notify the contents of and causes, etc. for such extension of period to the parties.

Article 44 (Investigation and Hearing)

(1) The River Management Committee may, if it deems necessary for a dispute mediation, have any public officials under the jurisdiction of the Ministry of Construction and Transportation or the City/Do have access to related documents or enter any related business place and investigate, and have any party or related expert present himself at the meetings of the River Management Committee and state his opinions.

(2) Any public officials who have access or investigate pursuant to paragraph (1) shall carry themselves with certificates indicating their powers and produce them to interested persons.

Article 45 (Effect, etc. of Mediation)

(1) The River Management Committee shall, on preparing a draft mediation, produce promptly it to each party.

(2) Any party who has been produced a draft mediation pursuant to paragraph (1) shall notify the River Management Committee whether he accepts it within fifteen days from the date of its

production.

(3) Where each party accepts a draft mediation, the River Management Committee shall prepare promptly a mediation protocol and the chairman of the River Management Committee and each party shall sign and seal it.

(4) Where each party accepts a draft mediation, an agreement identical in contents to a mediation protocol shall be deemed to have reached between the parties.

Article 46 (Bearing Expenses)

(1) The expenses used for an investigation and services for a dispute mediation shall be borne by the applicant: *Provided*, That where a mediation is reached and unless the parties otherwise agree, they shall be borne on equal shares by the parties.

(2) The River Management Committee may, if necessary, have parties deposit expenses referred to in paragraph (1) on such terms and conditions as the Presidential Decree may determine.

CHAPTER IV RIVER EXPENSES AND REVENUES

Article 47 (Scope of Expenses and Revenues)

The scope of expenses on river work and maintenance and management, etc. of rivers and revenues arising from rivers under this Act shall be determined by the Presidential Decree.

Article 48 (Principle of Bearing Expenses)

Except as otherwise provided in this Act or other Acts, the river expenses shall be borne by the National Treasury for national rivers and by the City/*Do* concerned for local first-class rivers and local secondclass rivers: *Provided*, That the expenses necessary for river work on repairs and maintenance and management of national rivers referred to in the proviso of Article 28 (1) shall be borne by the City/*Do* concerned.

Article 49 (Expenses for Vicarious Work)

The expenses used for river work which the Minister of Construction and Transportation executes by proxy pursuant to Article 29 and for river work which the Minister of Construction and Transportation have the Mayor/*Do* governor or a government-invested institution execute by proxy shall be borne by the State.

Article 50 (Expenses for Border Rivers)

(1) Where the management agency and management methods are otherwise determined pursuant to Article 13 (1) (including cases applied *mutatis mutandis* pursuant to Article 28 (6)), the amount to be borne and bearing method of the river management expenses may be otherwise determined by mutual agreement between the related Mayors/*Do* governors. <Amended by Act No. 7101, Jan. 20, 2004>

(2) The provisions of Article 13 (2) and (3) shall apply *mutatis mutandis* to paragraph (1).

Article 51 (Bearing Expenses by Local Governments)

(1) The Minister of Construction and Transportation may have any City/*Do* which benefits from such river work or maintenance and management bear part of river expenses to be borne by the National Treasury on such terms and conditions as the Presidential Decree may determine.

(2) Where another City/*Do* benefits from such river work or maintenance and management executed by the Mayor/*Do* governor, the Minister of Construction and Transportation may have another City/*Do* receiving benefits bear part of the expenses necessary for such river work or maintenance and management on such terms and conditions as the Presidential Decree may determine.

(3) The Mayor/*Do* governor who has been ordered to bear expenses pursuant to paragraphs (1) and (2) may, if there exist any *Si/Gun/Gu* (referring to autonomous *Gu*; hereinafter the same shall apply) which benefits exceptionally from such river work or maintenance and management, have the *Si/Gun/Gu* bear all or part of the charges.

Article 52 (Bearing of Expenses by Management Office for Dual-Use Structures)

Part of the expenses necessary for the construction or maintenance and management of other structures which combine river appurtenances' utility executed by any non-management agency may be borne by the National Treasury or the City/*Do* bearing such expenses according to a classification referred to in Article 48 to the extent within its benefits.

Article 53 (Expenses for Occupancy Work)

The expense necessary for work on river occupancy executed by the management agency pursuant to Article 36 (1) shall be borne by the river occupant.

Article 54 (Expenses Necessary for Fulfilling Obligations)

The expenses necessary for the fulfillment of obligations arising from this Act, an order or Municipal Ordinance issued under this Act or a disposition thereof shall be borne by the obligator except as otherwise provided in this Act.

Article 55 (Expenses Subsidy)

The Minister of Construction and Transportation may provide the City/*Do* with subsidies in order to help it partially cover the expenses of river works, etc. including projects prescribed by the

Presidential Decree.

[This Article Wholly Amended by Act No. 7101, Jan. 20, 2004]

Article 56 (Title to Charges)

(1) Charges on river expenses shall go to the National Treasury if the Minister of construction and transportation causes to bear them and go to the City/*Do* purse if the Mayor/*Do* governor causes to bear them: *Provided*, That charges referred to in Article 51 (2) and (3) shall go to the purse of City/*Do* which executes such river work or maintenance and management and charges referred to in Article 52 shall go to the manager of other structures.

(2) Occupancy fees, etc. collected pursuant to Article 38 shall go to the City/*Do* purse, and other river revenues shall go to the National Treasury for national rivers and go to the City/*Do* purse for local first-class rivers and local second-class rivers.

Article 57 (Restriction on Use of Receipts)

Any local government shall use charges, occupancy fees, use fees and indemnifications derived from rivers, receipts arising from sites for desolate rivers transferred pursuant to Article 78 and other revenues for the expenses on river maintenance and management according to the standards as determined by the Presidential Decree.

Article 58 (Forced Collection of Charges, etc.)

(1) Where a person who is liable to pay charges, occupancy fees, use fees and indemnifications or other money due arising from this Act, and order or Municipal Ordinance issued under this Act or a disposition thereof fails to pay them, additional dues shall be collected from him.

(2) The provisions of Articles 21 and 22 shall apply *mutatis mutandis* to additional dues referred to in paragraph (1).

(3) Where a person who is liable to pay charges, occupancy fees, use fees and indemnifications or other money due fails to pay them within the time limit for such payment, they may be collected pursuant to the examples of disposition on default of national or local taxes.

Article 59 (Refund of Overpayment)

The management agency shall, in refunding overpaid charges, occupancy fees, use fees and indemnifications, or other money due, refund them with interest as determined by the Presidential Decree for the period from the date following that of overpayment (the last day of payment for installment payment) to the refund date.

CHAPTER V RIVER MANAGEMENT COMMITTEE

Article 60 (Establishment of River Management Committee)

A Central River Management Committee shall be established at the Ministry of Construction and

Transportation and local management committees shall be established at Cities and *Dos* in order to deliberate important matters on river management and mediate disputes on the use of flowing water.

Article 61 (Functions and Competence of River Management Committee)

(1) The Central River Management Committee shall take charge of the following matters on national rivers, and any local river management committee shall take charge of the following matters on local firstclass rivers and local second-class rivers, respectively: *<Amended by Act No. 6367, Jan. 16, 2001; Act No. 7101, Jan. 20, 2004; Act No. 7592, Jul. 13, 2005>*

1. Deliberation of the following matters on river management: Provided, That in the case where the Minister of Construction and Transportation draws up a basic plan for river maintenance in regard to the river whose management agency is the Mayor/*Do* governor, in accordance with Article 17 (2) and where it falls under the following item (a), and in the case of item (d), the deliberation shall be only taken by the Central River Management Committee:

- (a) Establishment of and changes in a basic plan for river maintenance;
- (b) Designation of and changes in river areas, planned areas to be rivers, and coastal areas;
- (c) Important matters relating to river basin survey such as calculation of the flowing water quantity for river maintenance;
- (d) Establishment of and changes in a water resources plan and river basin plan;
- (e) Matters on the prevention of river disasters;
- (f) Matters on the prevention of turning the river into a dry stream; and
- (g) Matters on the nature-friendly maintenance and conservation of rivers;

2. Examination and mediation on disputes on the use of flowing water;

2-Matters made by the provisions of other Acts as the function of the River Management Committee; and

3. Other matters on river management, requested by the chairman of the River Management Committee.

(2) The examination and mediation of disputes to which the State or any City/*Do* is a party or which span not less than two Cities or *Dos* among disputes listed in paragraph (1) 2 shall be supervised by the Central River Management Committee.

Article 62 (Composition of River Management Committee)

(1) The Central River Management Committee shall be composed of not more than twenty members, including a chairman and a vice chairman, and any local river management committee shall be composed of not more than fifteen members, including a chairman and a vice-chairman.

(2) The chairman of the Central River Management Committee shall be nominated from public officials of Grade I under the jurisdiction of the Ministry of Construction and Transportation and its

vice-chairman shall be nominated from public officials of Grade II or III under the jurisdiction of the Ministry of Construction and Transportation by the Minister of Construction and Transportation, and the members shall be appointed or commissioned by the Minister of Construction and Transportation among public officials of related administrative agencies and those falling hereunder:

1. A person who holds or held assistant professorship or higher teaching river engineering, environmental engineering, hydrology, hydraulics, economics or jurisprudence at a university or college under the Higher Education Act;
2. A person who is qualified as a judge, prosecutor or lawyer; and
3. A person of much learning and experience in water resources development, rivers, cities, environment, law and economy.

(3) The chairman of a local river management committee shall be nominated from public officials of Grade III under the jurisdiction of the City/*Do*, and its vice-chairman shall be nominated from the members by the Mayor/*Do* governor, and the members shall be appointed or commissioned by the Mayor/*Do* governor from public officials of related administrative agencies and those falling under any of paragraph (2).

(4) The terms of the members other than public officials from among the members of the River Management Committee shall be two years, and they may be re-appointed, and the term of a person appointed to fill a vacancy shall hold office for the remainder of the predecessor's term.

Article 63 (Operation, etc. of River Management Committee)

Except as provided in Articles 60 through 62, the matters necessary for the composition and operation, etc. of committees shall determined by the Presidential Decree.

CHAPTER VI SUPERVISION

Article 64 (Disposition, etc. on Violators of Acts and Subordinate Statutes)

(1) The management agency may cancel or change permission or approval granted under this Act, suspend its validity, suspend work or other acts, order a disposition to reconstruct, alter, relocate or remove any structure or things or take other necessary dispositions in any of the following subparagraphs:

1. Where this Act or an order or a disposition taken under this Act is violated;
2. Where permission or approval referred to in this Act is granted by fraud or other illegal means;
3. Where any permission, authorization or other disposition, which is to be granted or taken to carry out a project on permission or approval under this Act, is not granted or taken or cancelled or terminated after it was granted or taken; and
4. Where all or part of any work or other act related to permission or approval or of any project

related thereto is closed.

(2) The provisions of Article 30 (4) shall apply *mutatis mutandis* to paragraph (1).

Article 65 (Dispositions, etc. for Public Interests)

(1) The management agency may take dispositions referred to in Article 64 (1) against a person who has obtained permission or approval under this Act or order him to take measures therein in any of the following subparagraphs:

1. Where it is inevitable to take or order due to shortages of river water or changes in river circumstances;
2. Where it is necessary to execute any river work;
3. Where it is necessary to remove or reduce damage to public interests; and
4. Where it is necessary for public projects.

(2) The provisions of Article 30 (4) shall apply *mutatis mutandis* to paragraph (1).

Article 66 (Supervision, etc. over Management Agency)

(1) The Minister of Construction and Transportation may cancel or change any disposition taken by the management agency, suspend or change the execution of work or take necessary measures for river maintenance and management:

1. Where any disposition or work done by the management agency violates this Act or an order or a disposition taken under this Act; and
2. Where it is deemed necessary to preserve rivers, remove or prevent pollution therein.

(2) The Minister of Construction and Transportation may request the management agency to make a report on necessary matters or submit data, etc. as deems necessary for the effective performance of his duties under this Act.

Article 67 (Minister of Construction and Transportation's Authorization on Mayor/Do Governor)

Where the Mayor/Do governor intends to hold consultations or grant approval referred to in Article 6, or grant permission referred to in Article 30 (1) or 33 (1), he shall obtain authorization from the Minister of Construction and Transportation in respect of the use of flowing water as determined by the Presidential Decree among the use of flowing water which is likely to have a serious effect on the water quantity of national rivers. The same shall apply in case where he intends to change the authorized matters.

Article 68 (Supervision over Rivers)

(1) The management agency may appoint river supervisors from among public officials under its jurisdiction and may have them exercise their competence to order necessary measures against a person who violates this Act or an order or a disposition taken under this Act to remedy his offense.

(2) The details necessary for the activities of river supervisors shall be determined by the Ordinance

of the Ministry of Construction and Transportation.

(3) The river supervisors shall, in exercising their competence referred to in paragraph (1), carry themselves with certificates indicating their powers and produce them to interest persons.

(4) The matters necessary for certificates referred to in paragraph (3) shall be determined by the Ordinance of the Ministry of Construction and Transportation.

Article 68-2 (Special Case for Application of Vicarious Administrative Execution)

(1) In the event that urgent measures are needed to be taken to prevent flood damage, etc., the management agency may, if it deems it difficult to achieve the purpose of preventing such flood damage when it acts according to the procedures provided for in Article 3 (1) and (2) of the Administrative Vicarious Execution Act, remove occupied fixtures and others in use, etc. and take other measures without going through such procedures.

(2) The removal of occupied fixtures and others in use, etc. referred to in paragraph (1) and other necessary measures shall be limited to the minimum extent necessary to manage the relevant river.

(3) Necessary matters concerning the storage and handling of the occupied fixtures and others in use that are removed by the vicarious execution referred to in paragraphs (1) and (2) shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 7101, Jan. 20, 2004]

Article 69 (Report and Entry, etc.)

(1) The management agency may have any public officials under its jurisdiction enter the offices, business places of a person who has obtained permission or approval or other necessary place and inspect the work progress, structures, design plans, other necessary things and documents to the extent necessary in order to have the person who has obtained permission or approval make a report necessary for river maintenance or to exercise its competence under this Act.

(2) The provisions of Article 68 (3) and (4) shall apply *mutatis mutandis* to public officials who enter and inspect pursuant to paragraph (1).

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 70 (Entry, etc. to Others' Land)

(1) The Minister of Construction and Transportation, the management agency, any person who has been ordered, commissioned or entrusted by the Minister of Construction and Transportation and the management agency, or any person who has performed the river work by proxy for the Minister of Construction and Transportation and the management agency may enter another's land or use temporarily another's land that is not used for any special purposes as a material yard, passage or temporary road if it is necessary for the works of installing flood-forecast facilities, river works, research and survey on rivers or other river management, and may, if inevitable, alter or remove

bamboos, earth and rocks or other obstacles. <Amended by Act No. 7101, Jan. 20, 2004>

(2) Any person who intends to enter another's land pursuant to paragraph (1) shall notify the date and place to enter to the land's owner, possessor or manager three days in advance of the date of his entry.

(3) Any person who intends to use temporarily another's land as a material yard, passage or temporary road or alter or remove bamboos, earth and rocks or other obstacles shall obtain the consent of its owner, possessor or manager in advance: *Provided*, That where the former does not know the owner, possessor or manager's address or residential place or cannot obtain the latter's consent, he shall obtain permission from the head of the competent *Si/Gun/Gu*.

(4) No person shall enter any curtilage or another's land surrounded with a fence or a wall without approval of the land's possessor before sunrise and after sunset.

(5) Any person who intends to enter another's land pursuant to paragraph (1) shall carry himself with a certificate indicating his powers and produce it to the interested persons.

(6) The matters necessary for certificate referred to in paragraph (5) shall be determined by the Ordinance of the Construction and Transportation.

Article 71 (Prohibited Acts on Rivers)

No person shall perform any act hereunder in respect of rivers without any justifiable cause:

1. An act of altering the storage and impoundment of flowing river water or its direction;
2. An act of damaging or threatening to damage river appurtenances;
3. An act of coating rivers not specified in a basic plan for river maintenance; and
4. An act of camping out or angling which contaminates rivers by cooking and using pastes and fish meal for bait in an area as designated by the Mayor/*Do* governor on such terms and conditions as the Presidential Decree may determine, taking into account the purposes of use and water quality situation, etc.

Article 72 (Prohibition, etc. of River Use)

(1) The management agency may prohibit or restrict the use of a river with its sections specified on such terms and conditions as the Presidential Decree may determine for any river work, the preservation of rivers or as deems otherwise inevitable.

(2) Where the management agency intends to prohibit or restrict the use of a river pursuant to paragraph (1), it shall set up a mark specifying the objects, section, period and reasons therefor and announce it. The same shall apply in cases where it intends to change or cancel it.

Article 73 (Duty of Restitution)

(1) Any person who occupies or uses a river pursuant to Article 30 or 33 shall retribute the river when his permission loses its effect or he closes its occupancy or use: *Provided*, That where it deems that it is impossible to retribute it or it is not necessary to retribute it, the management agency

may, on the permittee's application or *ex officio*, exempt the duty to restate it.

(2) Where an application is made by the permittee pursuant to the proviso of paragraph (1), the management agency shall notify whether to exempt it or not within fifteen days from the date of receipt of such application.

(3) Where duty is exempted pursuant to the proviso of paragraph (1) and paragraph (2), the management agency may nationalize such structures or other things without consideration.

(4) The management agency may ensure that an amount equivalent to the expenses used for the restitution is deposited in the management agency on such terms and conditions as the Presidential Decree may determine as deems necessary to guarantee the fulfillment of the duty of restitution referred to in paragraph (1).

Article 74 (Compensation for Losses due to Burden of Public Responsibilities)

(1) The management agency shall compensate for any land which becomes a new river area (excluding river areas of local second-class rivers) for falling under Article 2 (1) 2 (a) or is designated as a river area pursuant to Article 2 (1) 2 (d).

(2) Where there is any person who suffers a loss due to a designation of a planned area to be a river referred to in Article 9 (1) or a disposition or restrictions referred to in Article 70 or there is any person who suffers a loss due to any river work done by the management agency, such loss incurred from any disposition or work done by the Minister of Construction and Transportation shall be compensated for from the National Treasury and such loss incurred from any disposition or work done by the Mayor/*Do* governor shall be compensated for from the City/*Do* in question.

(3) The Minister of Construction and Transportation or the Mayor/*Do* governor shall consult with any person who suffered losses in compensating for losses referred to in paragraphs (1) and (2).

(4) Where an agreement referred to in paragraph (3) is not or cannot be reached, an application for ruling may be made to the competent land expropriation commission on such terms and conditions as the Presidential Decree may determine.

(5) Except as otherwise provided for in this Act in compensating for losses pursuant to paragraphs (1) through (4), the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor shall apply *mutatis mutandis*. <Amended by Act No. 6656, Feb. 4, 2002>

Article 75 (Compensation for Losses Due to Supervisory Dispositions)

(1) The provisions of Article 74 shall apply *mutatis mutandis* to compensation for a loss incurred due to any disposition by the management agency referred to in Article 65, a loss incurred due to any disposition taken by the Minister of Construction and Transportation referred to in Article 66 or a loss incurred from a cancellation of or changes in such disposition by the management agency following the Minister of Construction and Transportation's orders.

(2) Where such loss is incurred due to any disposition referred to in Article 65 (1) 4 for paragraph

(1), the management agency may have a person who bears the expenses for the project compensate for all or part of his loss.

Article 75-2 (Delegation or Entrustment of Losses Compensation Affairs)

(1) The Minister of Construction and Transportation may delegate the losses compensation affairs due to the river works to the head of the competent local government, or entrust them to the head of government-invested institution as prescribed by the Presidential Decree, under the conditions as prescribed by the Presidential Decree.

(2) The Minister of Construction and Transportation shall, in case where he delegates or entrusts the losses compensation affairs under paragraph (1), pay the fees of the rate as prescribed by the Presidential Decree within the limit of 2/100 of the amount of losses compensation to the head of local government or the head of the government-invested institution to whom the relevant affairs have been delegated or entrusted.

[This Article Newly Inserted by Act No. 6367, Jan. 16, 2001]

Article 76 (Expropriation and Use of Land, etc.)

(1) Any person falling under any of the following subparagraphs may, when he deems it necessary to perform the work of installing floodforecast facilities or any river work, expropriate or use land, fixtures or rights (hereinafter referred to as the "land, etc.") provided for in Article 3 of the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor: *<Amended by Act No. 7101, Jan. 20, 2004>*

1. The Minister of Construction and Transportation who performs the work of installing flood-forecast facilities in accordance with Article 25-2;
2. The management agency that performs river works in accordance with Article 28;
3. The person who performs any river work by proxy in accordance with Article 29; and
4. The non-management agency that obtains permission for performing any river work in accordance with Article 30 (limited to any administrative agency or any government-invested institution).

(2) Except as otherwise provided for in this Act, the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor shall apply *mutatis mutandis* in expropriating or using land, etc. under paragraph (1). *<Amended by Act No. 6656, Feb. 4, 2002>*

(3) In any case falling under the following subparagraphs in applying *mutatis mutandis* the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor pursuant to paragraph (2), it shall be deemed that a recognition of project and a notice of recognition of project referred to in Articles 20 (1) and 22 of the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor is granted and given and an application for ruling shall, notwithstanding the provisions of Articles 23 (1) and 28 (1) of the said Act, be made within the

project period of the work of installing flood-forecast facilities or river works: <Amended by Act No. 6656, Feb. 4, 2002; Act No. 7101, Jan. 20, 2004>

1. Where a plan for installing flood-forecast facilities provided for in Article 25-2 is drawn up and published;
2. Where a river maintenance implementation plan is established or given notice of pursuant to Article 27; and
3. Where a river work implementation plan by a non-management agency (limited to any administrative agency or government-invested institution) is authorized and publicly notified under Article 30.

Article 77 (Reuse of Desolate River Sites, etc.)

The management agency shall preferentially reuse any land excluded from the river area and river appurtenances in the area of such land on the grounds of a change in the flow route that results from any river work, any flood or any natural phenomenon (hereinafter referred to as the "desolate river sites, etc.") for the purpose of controlling flood and preserving the river environment, etc.

[This Article Wholly Amended by Act No. 7101, Jan. 20, 2004]

Article 78 (Exchange and Concession of Desolate River Sites, etc.)

(1) In the event that any desolate river sites, etc. fall under each of the following requirements, the Minister of Construction and Transportation may exchange such desolate river sites, etc. for other person's land that becomes a new river area under the conditions as prescribed by the Presidential Decree or concede such desolate river sites, etc. to its original owner before his land was incorporated into a river, any person who has performed the river work by proxy in accordance with Article 29, the non-management agency that has performed the river work in accordance with Article 30 and the competent Mayor/Do governor according to the order and standards prescribed by the Presidential Decree: *Provided*, That in the case of the local second-class river, the concession shall be limited to a case where the desolate river sites, etc. are owned by the State:

1. It is no longer required to be used for the purpose of controlling floods and preserving river environment, etc.; and
2. It is no longer required to be kept as a State property.

(2) The Mayor/Do governor who is conceded with the desolate river sites, etc. under paragraph (1) may dispose of it, notwithstanding the provisions of Articles 77 and 83 of the Local Finance Act.

[This Article Wholly Amended by Act No. 7101, Jan. 20, 2004]

Article 79 (Expenses, etc. of Desolate River Sites, etc.)

Any expenses necessary for or revenues from the exchange or concession of desolate river sites, etc. shall be borne at the National Treasury's account or go to the national revenues for that done by the Minister of Construction and Transportation and be borne at the City/Do's account or go to the

City/Do's revenues.

Article 80 (Permission Fees)

(1) The management agency may collect permission fees on such terms and conditions as the Presidential Decree may determine in intending to grant permission referred to in Article 30, 33 or 40.

(2) It may reduce or exempt permission fees where such project is a notfor-profit project for public, public service or other public interest purpose for paragraph (1).

Article 81 (Hearings)

The management agency shall hold a hearing, in cancelling permission or approval under this Act, pursuant to Articles 64 and 65.

Article 82 (Delegation and Entrustment of Authority)

(1) The Minister of Construction and Transportation may delegate part of his authority under this Act to the Mayor/*Do* governor or the commissioner of a regional construction and management office (including the head of *Jeju* development construction office and the head of flood control office) on such terms and conditions as the Presidential Decree may determine.

(2) The Mayor/*Do* governor may re-delegate part of his authority delegated under paragraph (1) to the head of *Si/Gun/Gu* on approval by the Minister of Construction and Transportation.

(3) Business hereunder of the Minister of Construction and Transportation's business under this Act shall be entrusted to any agency or organization related to rivers on such terms and conditions as the Presidential Decree may determine: <Amended by Act No. 6367, Jan. 16, 2001; Act No. 7101, Jan. 20, 2004>

1. River basin survey business referred to in Article 18;
 - 1-Service of surveying the state of river flood under Article 18-2;
- 2.
2. Information systematization business on water resources data referred to in Article 19; and
3. Calculation business of the quantity of river maintenances data referred to in Article 20.

CHAPTER VIII PENAL PROVISIONS

Article 83 (Penal Provisions)

Any person who causes public damage or creates obstacles to water control by relocating or destroying river appurtenances without any justifiable cause shall be punished by imprisonment for not more than ten years or a fine not exceeding thirty million won.

Article 84 (Penal Provisions)

Any person who falls hereunder shall be punished by imprisonment for not more than five years or

a fine not exceeding twenty million won: <Amended by Act No. 6367, Jan. 16, 2001>

1. A person who fails to obtain approval on management regulations referred to in Article 16 (2) or violates such approved management regulations;
 - 1-A person who violates the management regulation under Article 16 (4), or fails to implement
 2. the order for measures of the Minister of Construction and Transportation under paragraph (5) of the same Article;
2. A person who fails to install facilities referred to in Article 22; and
3. A person who has others catch or gather or catches or gathers river products in violation of the provisions of Article 33 (1) 6.

Article 85 (Penal Provisions)

Any person who falls hereunder shall be punished by imprisonment for not more than two years or a fine not exceeding ten million won:

1. A person who fails to assign any management engineer referred to in Article 23 (1);
2. A person who fails to install any observation facilities or fails to observe the water level, quantity of flowing water and precipitation referred to in Article 24 (1);
3. A person who executes any river work without permission in violation of the main sentence of Article 30 (1);
4. A person who occupies a river in violation of Article 33 (1) (excluding subparagraph 6);
5. A person who violates an order by the management agency referred to in Article 64 or 65;
6. A person who performs a prohibited act on rivers in violation of the provisions of Article 71 (excluding subparagraph 4); and
7. A person who obtains permission referred to in the main sentence of Article 30 (1) or Article 33 (1) by fraud or other illegal means.

Article 86 (Penal Provisions)

Any person who falls hereunder shall be punished by imprisonment for not more than one year or a fine not exceeding five million won: <Amended by Act No. 7101, Jan. 20, 2004>

1. A person who violates an order by the Minister of Construction and Transportation or the management agency referred to in Article 25 (1);
2. A person who violates any subparagraph of Article 40 (1);
3. A person who violates an order by a river supervisor referred to in Article 68 (1);
4. A person who enters another's land without any notice in violation of the provisions of Article 70 (2);
5. A person who performs an act referred to in the proviso of Article 70 (3) without any permission from the head of the competent *Si/ Gun/ Gu*;
6. A person who uses a river in violation of the prohibition of use of or restrictions on rivers

referred to in Article 72 (1); and

7. A person who obtains permission referred to in Article 40 (1) or the proviso of Article 70 (3) by fraud or other illegal means.

Article 87 (Joint Penal Provisions)

Where the representative of a corporation or an agent, a servant or other employee of a corporation or an individual commits an offense listed in Articles 83 through 86 in connection with the corporation or individual's operations, any fine listed in respective Articles shall be imposed on such corporation or individual in addition to the punishment of the offender: *Provided*, That this shall not apply in cases where the corporation or the individual gives due attention to and exercises closer supervision over the business to prevent such an offense.

Article 88 (Fine for Negligence)

(1) Any person who falls hereunder shall be punished by a fine for negligence not exceeding one million won: <Amended by Act No. 7101, Jan. 20, 2004>

1. A person who fails to record and keep the quantity of flowing river water used or fails to make a report or makes a false report on the use plan and the actually used amount of flowing river water in violation of Article 21;
2. A person who fails to prepare and keep records on the management and hydrology of dams, etc. or refuses to submit such records or submits false records in violation of Article 23 (2);
3. A person who fails to notify the results of observation and management status of dams, etc. in violation of Article 24 (2);
4. A person who fails to make a report or makes a false report or interferes with or evades an inspection referred to in Article 69 (1);
5. A person who refuses or interferes with an entry to or temporary use, etc. of land by a person who has been ordered, delegated or entrusted by the Minister of Construction and Transportation or the management agency, or a person who executes the said Minister's or the management agency's river work by proxy referred to in Article 70 (1) without any justifiable cause; and
6. A person who performs a prohibited act on rivers in violation of subparagraph 4 of Article 71.

(2) A fine for negligence referred to in paragraph (1) shall be imposed and collected by the Minister of Construction and Transportation and

the management agency on such terms and conditions as the Presidential Decree may determine.

<Amended by Act No. 7101, Jan. 20, 2004>

(3) Any person who is dissatisfied with a disposition of fine for negligence referred to in paragraph (2) may make an objection with the Minister of Construction and Transportation and the management agency within thirty days from the date of receipt of such notice for disposition.

<Amended by Act No. 7101, Jan. 20, 2004>

(4) Where any person who has been subject to a disposition of fine for negligence referred to in paragraph (2) makes an objection pursuant to paragraph (3), the Minister of Construction and Transportation and the management agency shall notify promptly the fact to the competent court, and the competent court which has received such notification shall bring a fine for negligence to trial under the Non-Contentious Case Litigation Procedure Act. *<Amended by Act No. 7101, Jan. 20, 2004>*

(5) Where no objection is made and no fine for negligence is paid within the period referred to in paragraph (3), it shall be collected pursuant to the example of dispositions on default of national or local taxes.

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (Examples of Application on Collection of Indemnifications)

The provisions of Article 38 (3) shall apply to any indemnification imposed and collected first after the enforcement of this Act.

Article 3 (Examples of Application on Refund of Overpayment)

The provisions of Article 59 shall apply to overpayment for charges, occupancy fees, use fees and indemnifications or other money due paid first after the enforcement of this Act.

Article 4 (Transitional Measures on Penal Provisions and Fine for Negligence)

The application of penal provisions and fine for negligence to acts committed prior to the enforcement of this Act shall be governed by the former provisions.

Article 5 Omitted.

Article 6 (Relationship with Other Acts and Subordinate Statutes)

Where other Acts and subordinate statutes cite the provisions of the River Act at the time of enforcement of this Act, and if this Act includes such corresponding provisions, they shall be deemed to cite the corresponding provisions of this Act in lieu of the former provisions.

ADDENDA <Act No. 6367, Jan. 16, 2001>

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

(2) (Transitional Measures on Hydrologic Survey) The hydrologic survey under the previous provisions at the time of enforcement of this Act shall be regarded as the river basin survey under this Act.

(3) (Examples of Application on Collection of Fees for Use of Flowing Water) The amendments to Article 38 (2) shall apply to the portion of groundwater picked up first after the enforcement of this Act.

ADDENDA <Act No. 6655, Feb. 4, 2002>

Article 1 (Enforcement Date)

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

Articles 2 through 25 Omitted.

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. 7101, Jan. 20, 2004>

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

(2) (Application Example concerning Exchange and Concession of Desolate River Sites, etc.) The amended provisions of Article 78 shall apply, starting with the desolate river sites, etc. that are first exchanged or conceded after the enforcement of this Act.

(3) (Transitional Measures concerning Emergency Countermeasure Plan for River Appurtenances) Any person who installs and operates river appurtenances in accordance with the amended provisions of Article 15-2 (1) at the time of enforcement of this Act shall start developing the emergency countermeasure plan within one year from the date of enforcement of this Act in accordance with the amended provisions and complete the development of such emergency countermeasure plan within the period set by the Presidential Decree.

(4) Omitted.

ADDENDUM <Act No. 7592, Jul. 13, 2005>

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