

# ACT ON CONSTRUCTION OF DAMS AND ASSISTANCE, ETC. TO THEIR ENVIRONS

Amended by Act No. 6021, Sep. 7, 1999

Amended by Act No. 6587, Dec. 31, 2001

Act No. 6655, Feb. 4, 2002

Act No. 6656, Feb. 4, 2002

Act No. 6841, Dec. 30, 2002

Act No. 6916, May 29, 2003

Act No. 7158, Jan. 29, 2004

Act No. 7678, Aug. 4, 2005

Act No. 7715, Dec. 7, 2005

Act No. 8014, Sep. 27, 2006

Act No. 8283, Jan. 26, 2007

Act No. 8338, Apr. 6, 2007

Act No. 8351, Apr. 11, 2007

Act No. 8352, Apr. 11, 2007

Act No. 8371, Apr. 11, 2007

Act No. 8659, Oct. 17, 2007

Act No. 8733, Dec. 21, 2007

Act No. 8820, Dec. 27, 2007

Act No. 8852, Feb. 29, 2008

Act No. 8976, Mar. 21, 2008

Act No. 9037, Mar. 28, 2008

Act No. 9597, Apr. 1, 2009

Act No. 9758, jun. 9, 2009

Act No. 10272, Apr. 15, 2010

Act No. 10331, May 30, 2010

Act No. 10580, Apr. 12, 2011

Act No. 10599, Apr. 14, 2011

Act No. 10760, May 30, 2011

Act No. 10892, Jul. 21, 2011

Act No. 11185, Jan. 17, 2012

## **Article 1 (Purpose)**

The purpose of this Act is to rationally develop and use water resources and promote the development of the national economy by providing for matters regarding the construction and management of dams, the revolving investment in costs for the construction of dams, environmental measures following the construction of dams, and support for residents in the areas adjacent to dams.

## **Article 2 (Definitions)**

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

1. The term "dam" means a structure of a height of at least 15 meters, built in order to utilize water impounded by blocking the flow of a river for tap water, water for industrial use, water for agriculture, water for environmental reform, power generation, flood control, transportation by ship, and other purposes (hereinafter referred to as "specific purposes"), including spillways, auxiliary dams, and other facilities or structures integrated into the relevant dam to maximize the utility of the dam;
2. The term "multipurpose dam" means a dam constructed by the Minister of Land, Transport and Maritime Affairs for two or more specific purposes (excluding facilities or structures to be used exclusively for a specific purpose);
3. The term "right to use a dam" means the right to secure a certain quantity of water reserved in a multipurpose dam in a certain area and use the water for a specific purpose;
4. The term "residents relocated from an area to be submerged" means persons who are to lose their basis for living due to the implementation of a dam construction project and thus are subject to measures for relocation, as provided for in Article 78 (1) of the Act on Acquisition of and Compensation for Land, etc. for Public Works.

## **Article 3 (Scope of Application)**

This Act shall apply to multipurpose dams and dams constructed by any of the following persons, in order to supply tap water, water for industrial use, or water for environmental reform or to control floods: Provided, That Article 4 shall apply to all dams:

1. The Minister of Land, Transport and Maritime Affairs;
2. The Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do Governor, or a Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor");
3. The head of a Si/Gun;
4. Other persons specified by Presidential Decree.

## **Article 4 (Long-Term Dam Construction Plans)**

(1) The Minister of Land, Transport and Maritime Affairs shall formulate a long-term dam construction plan once every ten years, in order to develop water resources efficiently and environment-friendly, which shall include the following matters:

1. Basic principles for dam construction;
2. Prospects of the supply and demand for water for various purposes;
3. Dam construction plans for each water system (dams for agricultural purposes shall be limited to those with a water storage capacity of at least ten million tons);
4. A plan for securing financial resources;
5. Standards for selecting a dam construction site;
6. Schemes for minimizing the environmental impact of dam construction;
7. Other matters specified by Presidential Decree.

(2) Where the Minister of Land, Transport and Maritime Affairs intends to formulate a long-term dam construction plan pursuant to paragraph (1), he/she shall request the head of each related central administrative agency to formulate a long-term dam construction plan for dams within the agency's jurisdiction and to submit the plan to him/her.

(3) Where the Minister of Land, Transport and Maritime Affairs intends to formulate a long-term dam construction plan pursuant to paragraph (1), he/she shall hear opinions thereon from competent Mayors/Do Governors, consult in advance with the heads of related central administrative agencies, and refer the plan to the Central River Management Committee under Article 87 of the River Act for deliberation: Provided, That matters on which the Committee for the Implementation of Electric Power Source Development Projects under Article 4 of the Electric Power Source Development Promotion Act has deliberated shall be excluded from deliberation.

(4) The Minister of Land, Transport and Maritime Affairs shall examine the feasibility of a long-term dam construction plan once every five years and shall factor outcomes thereof into the long-term dam construction plan.

(5) Paragraph (3) shall apply mutatis mutandis where it is intended to amend a long-term dam construction plan: Provided, That paragraph (3) shall not apply mutatis mutandis where it is intended to modify a minor matter specified by Presidential Decree.

(6) When the Minister of Land, Transport and Maritime Affairs formulates or amends a long-term dam construction plan pursuant to paragraph (1) or (5), he/she shall promptly notify the heads of related central administrative agencies and competent Mayors/Do Governors thereof.

**Articles 5 Deleted.** <by Act No. 7715, Dec. 7, 2005>

**Articles 6 Deleted.** <by Act No. 7715, Dec. 7, 2005>

#### **Article 7 (Basic Plans)**

(1) The implementer of a dam construction project shall formulate a basic plan for the construction of the dam (hereinafter referred to as the "basic plan"), which shall include the following matters: Provided, That matters specified in subparagraph 12 shall be included only where a dam is at least the size prescribed by Presidential Decree pursuant to Article 41 (1):

1. Objectives of construction;

2. The name of the project and the location and area of the project site;
3. Size and type;
4. The water storage capacity and the distribution of stored water for each use;
5. The name or title of the person to whom the right to use the dam is to be granted (hereinafter referred to as "grantee of dam usage rights") and the details of the right to use the dam;
6. The cost for the construction of the dam (including the cost to be borne by the implementer of the dam construction project for the improvement of the areas adjacent to the dam under Article 42) and matters regarding the allocation of the cost;
7. The implementer of the dam construction project;
8. The project period;
9. The detailed list of the land, buildings, and other articles or rights to be expropriated or used;
10. Anticipated damage to the environment as a consequence of the construction of the dam, a scheme for mitigating such damage, and the preservation of the quality of water in the dam;
11. Projects that can contribute to social, cultural and economic development of the areas adjacent to the dam and the enhancement of the utility of the dam;
12. The location and size of the area deemed designated as a development promotion zone under Article 9 (1) (limited to the boundaries of the area adjacent to the dam, as defined in Article 41 (4));
13. Other basic matters regarding the construction of the dam.

(2) If the implementer of a dam construction project, who is neither the Minister of Land, Transport and Maritime Affairs nor a Mayor/Do Governor, intends to formulate a basic plan pursuant to paragraph (1), he/she shall obtain approval thereof from the Minister of Land, Transport and Maritime Affairs (or the competent Mayor/Do Governor, if the head of a Si/Gun intends to formulate a basic plan).

(3) Where the Minister of Land, Transport and Maritime Affairs or a Mayor/Do Governor intends to formulate or approve a basic plan pursuant to paragraph (1) or (2), he/she shall consult thereon with the heads of related administrative agencies and hear opinions of the relevant grantee of dam usage rights.

(4) When the Minister of Land, Transport and Maritime Affairs or a Mayor/Do Governor formulates or approves a basic plan, he/she shall publicly notify the plan, as prescribed by Presidential Decree.

(5) The provisions of paragraphs (1) through (4) shall apply mutatis mutandis where it is intended to amend or abolish a basic plan (excluding modification to a minor matter specified by Presidential Decree).

#### **Article 8 (Implementation Plans)**

(1) The implementer of a dam construction project shall formulate an implementation plan for the construction of the dam (hereinafter referred to as "implementation plan") after formulating the relevant basic plan, as prescribed by Presidential Decree.

(2) Where the implementer of a dam construction project, who is neither the Minister of Land, Transport and Maritime Affairs nor a Mayor/Do Governor, intends to formulate an implementation plan, he/she shall obtain approval thereof in advance from the Minister of Land, Transport and Maritime Affairs (or the competent Mayor/Do Governor, if the head of a Si/Gun intends to formulate an implementation plan).

(3) When the Minister of Land, Transport and Maritime Affairs or a Mayor/Do Governor formulates or approves an implementation plan pursuant to paragraph (1) or (2), he/she shall, without delay, publicly notify the details thereof and notify the heads of related administrative agencies and the grantee of dam usage rights thereof.

(4) Paragraphs (1) through (3) shall apply mutatis mutandis where it is intended to amend or abolish an implementation plan (excluding modification to a minor matter specified by Presidential Decree).

**Article 9 (Legal Fiction of Authorization, Permission, etc. under Other Acts)**

(1) When the Minister of Land, Transport and Maritime Affairs or a Mayor/Do Governor formulates, amends, or approves a basic plan pursuant to Article 7 (1), (2), or (5), the area referred to in Article 7 (1) 12 shall be deemed designated as a development promotion zone under Article 9 (1) of the Balanced Regional Development and Support for Local Small and Medium Enterprises Act; when a basic plan is publicly notified pursuant to Article 7 (4), the designation of a development promotion zone is deemed publicly notified. In such cases, development promotion zones shall be governed by the Balanced Regional Development and Support for Local Small and Medium Enterprises Act, except as otherwise provided for in this Act.

(2) When the Minister of Land, Transport and Maritime Affairs or a Mayor/Do Governor formulates, amends, or approves an implementation plan pursuant to Article 8 (1), (2), or (4), the permission, reporting, cancellation, consultation, approval, authorization, or designation referred to in the following subparagraphs (hereinafter referred to as "authorization or permission") shall be deemed granted, made, or obtained; when an implementation plan is publicly notified pursuant to Article 8 (3), the public notification or public announcement of authorization or permission referred to in the following subparagraphs shall be deemed given or made:

1. The permission to occupy and use public waters under Article 8 of the Public Waters Management and Reclamation Act; the license for the reclamation under Article 28 of the same Act; or the approval of an implementation plan for the reclamation of public waters under Article 38 of the same Act;
2. The determination of an urban management plan under Article 30 of the National Land Planning and Utilization Act (only limited to facilities defined in subparagraph 6 of Article 2 of the National Land Planning and Utilization Act); the permission to engage in development activities under Article 56 of the aforesaid Act; the designation of the implementer of an urban planning facility project under Article 86 of the aforesaid Act; or the authorization for an implementation plan under Article 88 of the aforesaid Act;
3. The consultation on the permission, etc. by an administrative agency under Article 13 of the Protection of Military Bases and Installations Act;
4. The approval for use of an infrastructure facility for agricultural production for purposes other than its original purpose under Article 23 of the Rearrangement of Agricultural and Fishing Villages Act;
5. The permission for, or the consultation on, the diversion of farmland under Article 34 of the Farmland Act;

6. The permission for the implementation of road works under Article 34 of the Road Act or the permission for the occupancy and use of a road under Article 38 of the aforesaid Act;
  7. The permission for opening a private road under Article 4 of the Private Road Act;
  8. The permission for cutting trees, etc. under Article 14 of the Work against Land Erosion or Collapse Act or cancellation of the designation of an erosion control area under Article 20 of the aforesaid Act;
  9. The permission for, or the reporting of, the diversion of a mountainous district under Article 14 or 15 of the Management of Mountainous Districts Act; the permission for, or the reporting of, the temporary use of a mountainous district under Article 15-2 of the aforesaid Act; the permission for gathering rocks and soil (limited to building stones) under Article 25 of the aforesaid Act; the permission for, or the reporting of, cutting standing timber under Articles 36 (1) or (4) of the Forest Resources Creation and Management Act; or the permission for, or the reporting of, activities in a reserved forest (excluding a conservation zone for forest gene resources under Article 9 (1) and (2) 1 or 2 of the Forest Protection Act;
  10. The permission for occupancy and use under Article 14 of the Small River Maintenance Act;
  11. The permission for acts under Article 23 of the Natural Parks Act;
  12. The permission for the relocation of graves under Article 27 (1) of the Act on Funeral Services, etc.;
  13. The permission for the development of grassland under Article 5 of the Grassland Act or the permission for the diversion of grassland under Article 23 of the aforesaid Act;
  14. The approval for, or the reporting of, the installation of a waste disposal facility under Article 29 of the Wastes Control Act;
  15. The permission for the implementation of a public sewerage system (limited to facilities for the treatment of excreta) under Article 11 of the Sewerage Act; the permission for the implementation of a public sewerage project under Article 16 of the aforesaid Act; or the permission for occupancy and use under Article 24 of the aforesaid Act;
  16. The consultation on, or the approval for, matters subject to permission by the competent river management authorities under Article 6 of the River Act; the permission for the implementation of a river project under Article 30 of the aforesaid Act; the permission for the occupancy and use of a river under Article 33 of the aforesaid Act; or the permission for the use of water from a river under Article 50 of the aforesaid Act.
- (3) Where the Minister of Land, Transport and Maritime Affairs or a Mayor/Do Governor intends to formulate, amend, or approve a basic plan, in which any matter specified in Article 7 (1) 12 is included, or an implementation plan, in which a matter specified in any subparagraph of paragraph (2) is included, he/she shall consult with the heads of related administrative agencies. In such cases, upon receipt of a request for consultation on an implementation plan, the head of a related administrative agency shall present his/her opinions within 20 days from such request, and if he/she fails to present his/her opinions within the specified period, he/she shall be deemed to approve an implementation plan. <Amended by Act No. 11185, Jan. 17, 2012>

## **Article 9-2 (Joint Conference on Legal Fiction of Authorization, Permission, etc.)**

(1) In order to discuss the agenda on authorization, permission, etc. with the heads of related administrative agencies pursuant to Article 9 (3), the Minister of Land, Transport and Maritime Affairs or a Mayor/Do Governor may hold a joint conference comprised of all related administrative agencies, as prescribed by Presidential Decree.

(2) The heads of related administrative agencies referred to in Article 9 (3) shall request subordinate public officials to attend the joint conference held pursuant to paragraph (1).

## **Article 10 (Access to Land, etc.)**

(1) When the implementer of a dam construction project needs to conduct an examination or land survey in connection with construction of the dam, he/she may enter or use a third person's land and may relocate or remove trees, rock, soil, or other obstacles therein, if particularly necessary.

(2) When the implementer of a dam construction project intends to enter another person's land pursuant to paragraph (1), he/she shall notify the owner, occupant, or manager of the land of the date and place of his/her intended entry by no later than seven days before the date he/she intends to enter: Provided, That if it is impractical to ascertain the address or abode of the owner, occupant, or manager of the land, the implementer shall notify the date and place of his/her intended entry to the head of the competent Si (referring to the competent Special Self-governing Province Governor, if the competent administrative authority is a Special Self-governing Province), Gun, or Gu (hereinafter referred to as "head of the competent Si/Gun/Gu") *<Amended by Act No. 11185, Jan. 17, 2012>*

(3) Where the implementer of a dam construction project intends to enter another person's land pursuant to paragraph (1), but if the implementer is not an administrative authority, he/she shall obtain permission therefor from the head of the competent Si/Gun/Gu. *<Newly Inserted by Act No. 11185, Jan. 17, 2012>*

(4) Where the implementer of a dam construction project intends to relocate or remove trees, rocks, soils or other obstacles pursuant to paragraph (1), he/she shall obtain consent therefor from the owner, occupant, or manager of such obstacles. *<Amended by Act No. 11185, Jan. 17, 2012>*

(5) If the implementer of a dam construction project is unable to obtain consent from the owner, occupant or manager of obstacles as required under paragraph (4) because he/she is unable to ascertain the whereabouts of the owner, occupant or manager, he/she may relocate or remove such obstacles after giving notice thereof to the head of the competent Si/Gun/Gu: Provided, That if the implementer of a dam construction project is not an administrative authority, he/she shall obtain permission therefor from the head of the competent Si/Gun/Gu. *<Amended by Act No. 11185, Jan. 17, 2012>*

(6) A person who intends to relocate or remove obstacles pursuant to paragraph (4) shall notify the owner, occupant or manager of such obstacles thereof by no later than three days before the date he/she intends to relocate or remove the obstacles: Provided, That the foregoing shall not apply to cases falling under paragraph (5). *<Amended by Act No. 11185, Jan. 17, 2012>*

(7) No person shall enter a housing site or a third person's land enclosed with walls or fences without the consent of the occupant of the land before sunrise or after sunset. *<Amended by Act No. 11185, Jan. 17, 2012>*

(8) No occupant of land shall interfere with or disallow activities of the implementer of a dam construction project, specified in paragraph (1), without justification. <Amended by Act No. 11185, Jan. 17, 2012>

(9) A person who intends to conduct any activity referred to in paragraph (1) shall carry an identification certificate indicating his/her authority and produce it to people involved, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 11185, Jan. 17, 2012>

(10) If any person sustains an injury or loss due to an activity referred to in paragraph (1), the implementer of the relevant dam construction project shall be liable for such injury or loss. <Amended by Act No. 11185, Jan. 17, 2012>

(11) The implementer of a dam construction project and a person who sustains an injury or loss due to the project shall settle the compensation for such injury or loss under paragraph (1) by mutual agreement. <Amended by Act No. 11185, Jan. 17, 2012>

(12) If the implementer of a dam construction project or a person who sustains an injury or loss due to the project fail to, or are unable to, settle the compensation for such injury or loss by agreement under paragraph (11), either party may file a petition for adjudication with the competent Land Expropriation Committee. <Amended by Act No. 11185, Jan. 17, 2012>

#### **Article 11 (Expropriation and Use of Land, etc.)**

(1) The implementer of a dam construction project may expropriate or use land, buildings and other fixtures on the land, rights and interests, except ownership, in the land, buildings, and fixtures, mining rights, fishing rights, and the right to use water (hereinafter referred to as "land and other property"), as necessary for the construction of the dam.

(2) For purposes of paragraph (1), the public notification of a basic plan under Article 7 (4) shall be deemed public notification of the approval of a project and the public notification of the approval of the project under Articles 20 (1) and 22 of the Act on Acquisition of and Compensation for Land, etc. for Public Works, while a petition for adjudication shall be filed within the project period specified in the relevant basic plan, notwithstanding Articles 23 (1) and 28 (1) of the aforesaid Act.

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

#### **Article 12 (Public Notification of Completion of Dam Construction)**

(1) When the construction of a dam is completed, the Minister of Land, Transport and Maritime Affairs or the competent Mayor/DoGovernor shall promptly give public notice of the following matters:

1. The fact that the construction of the dam is completed;
2. The river area, defined in subparagraph 2 of Article 2 of the River Act, in a dam construction area;
3. The fact that the relevant dam is a river facility defined in subparagraph 3 of Article 2 of the River Act.

(2) When the construction of a dam is completed, the implementor of the dam construction project, if he/she is neither the Minister of Land, Transport and Maritime Affairs nor a Mayor/Do Governor, shall

promptly file an application for approval of the completion of the project with the Minister of Land, Transport and Maritime Affairs (or the competent Mayor/Do Governor, if the implementer of the dam construction project is the head of a Si/Gun; hereafter the same shall apply in this Article), as prescribed by Presidential Decree, and the Minister of Land, Transport and Maritime Affairs shall issue a certificate of approval of the completion of the project and shall give public notice of the matters specified in paragraph (1), if he/she approves that the dam has been built in accordance with the relevant implementation plan.

(3) When public notice is given pursuant to paragraph (1) or (2), consent shall be deemed obtained pursuant to the proviso to the main sentence of subparagraph 3 of Article 2 of the River Act, and a river area shall also be deemed determined and publicly notified pursuant to Article 10 (3) of the aforesaid Act.

(4) When public notice is given pursuant to paragraph (1) or (2), it shall be deemed that the completion inspection of the relevant works or project has been conducted, the approval of the completion of the project has been given, and public notice is given in connection with the authorization or permission constructively deemed given or obtained by way of legal fiction under Article 9 (2).

#### **Article 13 (Vesting of Ownership in Public Facilities, etc.)**

(1) Where the implementer of a dam construction project installs a new public facility or a public facility that replaces an existing public facility, the ownership in the existing public facility shall vest in the implementer of the dam construction project without consideration, while the ownership of the new public facility shall vest in the State or the competent local government, whoever shall manage the facility, free of consideration, notwithstanding the State Property Act and the Public Property and Commodity Management Act.

(2) Where the Minister of Land, Transport and Maritime Affairs or a Mayor/Do Governor intends to formulate, amend, or approve an implementation plan, which includes matters relating to the vesting of the ownership of a public facility under paragraph (1), he/she shall hear opinions of the competent management agency responsible for the management of the public facility: Provided, That if no management agency has yet been designated, he/she shall hear the opinions of the competent management agency after such management agency is designated, but before the completion of the project is approved.

(3) The implementer of a dam construction project shall notify the competent management agency of the categories and detailed list of public facilities, the ownership of which shall vest in the implementer, or public facilities, the ownership of which shall vest in the State or a local government, before the construction of the dam is completed, and the ownership of such public facilities shall vest in the persons specified in paragraph (1) on the date the completion of the dam is publicly notified pursuant to Article 12.

(4) For purposes of the registration of public facilities and land under the provisions of paragraphs (1) through (3), a written document certifying the cause of registration under the Registration of Real Estate Act shall be substituted by the public notification of the relevant implementation plan under Article 8 and the public notification of the completion of the relevant dam under Article 12.

(5) The scope of public facilities referred to in paragraphs (1) through (4) shall be prescribed by Presidential Decree.

#### **Article 14 (Disposal of State or Public Property)**

(1) Any asset situated in a project site and owned by the State or a local government may be leased or transferred to the implementer of a dam construction project, notwithstanding the State Property Act or the Public Property and Commodity Management Act.

(2) Where the Minister of Land, Transport and Maritime Affairs or a Mayor/Do Governor intends to formulate, amend, or approve an implementation plan, which involves the disposal of any State or public property under paragraph (1), he/she shall consult in advance with the management agency responsible for the management of the property.

(3) If it is unclear which administrative agency is responsible for the State property to be leased or transferred to the implementer of a dam construction project pursuant to paragraph (1), the Minister of Strategy and Finance shall be deemed the competent management agency.

#### **Article 15 (Administrative Authorities Responsible for Dam Management and Managers Entrusted with Dam Management)**

(1) Dams shall be managed by the Minister of Land, Transport and Maritime Affairs: Provided, That the dams constructed by a Mayor/Do Governor or the head of a Si/Gun/Gu shall be managed by the competent Mayor/Do Governor or the head of the competent Si/Gun/Gu.

(2) If the Minister of Land, Transport and Maritime Affairs, a Mayor/Do Governor, or the head of a Si/Gun/Gu, who is responsible for the management of a dam under paragraph (1) (hereinafter referred to as "dam management agency") deems it necessary for the management of the dam, he/she may entrust the management of the dam to a person who holds the right to use the dam (hereinafter referred to "dam usage right-holder") or a public institution under the Act on the Management of Public Institutions, which performs the installation and operation of dams.

(3) Necessary matters for the entrustment of dam management under paragraph (2) shall be prescribed by Presidential Decree.

#### **Article 16 (Basic Principles for Dam Management)**

Dams shall be managed properly to enhance public interests with water stored in the dams, to ensure to eliminate or mitigate injuries and losses, and to avoid the violation of a right to use a dam.

#### **Article 17 (Dam Management Regulations)**

(1) Each dam management agency shall promulgate regulations for the management of the dam in compliance with the basic principles of dam management under Article 16, as prescribed by Presidential Decree.

(2) A person entrusted with the management of a dam under Article 15 (2) (hereinafter referred to as "dam custodian") shall prepare regulations on dam management and obtain approval thereof from the competent dam management agency. The foregoing shall also apply where he/she intends to amend the regulations on dam management.

(3) Where a dam management agency intends to establish or approve regulations on dam management pursuant to paragraph (1) or (2), it shall consult in advance with the heads of related central administrative agencies and shall hear opinions of the grantee of dam usage rights or the dam usage right-holder. The foregoing shall also apply where it is intended to amend the regulations on dam management.

(4) If deemed necessary for the efficient management of water resources, a dam management agency may order the dam custodian to amend the relevant regulations on dam management under paragraph (2), and require the person to submit a report on the management of the dam, or give instructions to the person, as necessary.

#### **Article 18 (Measures to Prevent Hazards)**

If a dam management agency or a dam custodian finds that an intended discharge of water stored in the relevant dam is likely to cause a significant change in the downstream, the agency or person shall notify the relevant Mayors/Do Governors of the intended discharge to prevent risks, as prescribed by Presidential Decree, and shall take measures to inform the general public thereof.

#### **Article 18-2 (Projects for Management of Dams)**

If necessary to manage a dam appropriately, the competent dam management agency or the dam custodian may implement the following projects, as prescribed by Presidential Decree:

1. Projects for eliminating or alleviating flood damage or traffic inconvenience caused by the dam;
2. Projects for enhancing the utility of the dam, such as projects for creating rest areas and installing sports facilities.

#### **Article 19 (Grantees of Dam Usage Rights)**

(1) In order to qualify for the grant of the right to use a dam, a person shall file an application for the grant of the right to use the dam and shall satisfy the prerequisites specified in Article 25.

(2) An heir, a corporation incorporated in the course of a merger, or any other person who universally succeeds to a grantee of dam usage rights shall succeed to the status of the grantee of dam usage rights.

#### **Article 20 (Cost Contribution for Construction of Multipurpose Dams)**

(1) A grantee of dam usage rights shall contribute an amount apportioned to him/her out of the cost of the construction of the relevant multipurpose dam, as prescribed by Presidential Decree.

(2) The following costs and expenses shall be taken into consideration in apportioning the cost to be contributed by a grantee of dam usage rights under paragraph (1):

1. The estimate of investment calculated on the basis of utility obtained by using the water stored in the relevant multipurpose dam for the use for which the right to use the dam is to be granted;
2. The estimate of the cost necessary for the installation of a structure to be exclusively used for the purpose of use for which the right to use the dam is to be granted to obtain utility, up to the same level as the utility that the structure can provide.

(3) An amount calculated by subtracting the portion to be borne under paragraph (1) from the construction cost of the relevant multipurpose dam shall be borne by the National Treasury.

(4) If a grantee of dam usage rights fails to obtain the right to use the dam, the State shall refund the amount contributed by the person as a portion of cost pursuant to paragraph (1) to the person: Provided, That the refunding of such amount may be suspended until, if any, a third grantee of dam usage rights is designated, except where the relevant plan is abolished.

(5) Where the return of an amount contributed as a portion of cost pursuant to the proviso to paragraph (4), the State shall pay interest for the period of suspension, as prescribed by Presidential Decree.

(6) Matters necessary for the scope of cost necessary for the construction of a multipurpose dam, the payment method for the portion of cost to be contributed, the payment deadline for such contribution, and the refunding of such contribution shall be prescribed by Presidential Decree.

#### **Article 21 (Preceding Investment by State)**

If it is necessary for the control of floods or for any other special purpose, the Minister of Land, Transport and Maritime Affairs may build a multipurpose dam without designating a grantee of dam usage rights. In such cases, the provisions regarding a grantee of dam usage rights or a dam usage right-holder shall become applicable at the time the grantee of dam usage rights or the dam usage right-holder is designated.

#### **Article 22 (Cost Contribution by Local Governments)**

The Minister of Land, Transport and Maritime Affairs may require the local governments that substantially benefits from the construction of a multipurpose dam (excluding the local government having jurisdiction over the area in which the dam is to be built) to contribute the apportionment of costs that shall be otherwise borne by the National Treasury pursuant to Article 20 (3) out of the costs necessary for the construction of the dam, as prescribed by Presidential Decree.

#### **Article 23 (Contribution by Beneficiaries)**

(1) If a person significantly benefits from the construction of a multipurpose dam, the Minister of Land, Transport and Maritime Affairs may require the person who benefits from the dam to contribute a portion of the cost necessary for the construction of the dam, up to the maximum benefit.

(2) Matters necessary for the scope of persons who shall contribute a portion of cost pursuant to paragraph (1), and the methods for calculating and collecting such contributions shall be prescribed by Presidential Decree.

#### **Article 23-2 (Petitions for Objection)**

(1) If a person required to contribute an apportionment of costs pursuant to Article 23 (1) has any objection to the imposition, he/she may file a petition for objection within 60 days from the date of the imposition.

(2) Upon receipt of a petition for objection under paragraph (1), the Minister of Land, Transport and Maritime Affairs shall make a decision thereon within 30 days from the date the petition is filed and shall promptly notify the petitioner of the Minister's decision in writing.

(3) If a person who shall contribute a portion of cost pursuant to Article 23 (1) has any objection to an imposition, he/she may file an appeal for review under the Administrative Appeals Act or an administrative lawsuit under the Administrative Litigation Act, irrespective of whether he/she files a

petition for objection pursuant to paragraph (1).

#### **Article 24 (Grant of Right to Use Dam)**

(1) The right to use a multipurpose dam shall be granted by the Minister of Land, Transport and Maritime Affairs upon receipt of an application from a person who intends to use the water stored in the dam for a specific use.

(2) When the Minister of Land, Transport and Maritime Affairs grants the right to use a dam under paragraph (1), he/she shall clearly stipulate the following matters:

1. Objectives of the grant;
2. The highest and lowest levels of water to be secured with the right to use the relevant dam and the water storage capacity.

(3) The matters specified in paragraph (2) shall be stipulated so as to maximize the utility of the relevant dam.

(4) When the Minister of Land, Transport and Maritime Affairs gives public notice of the completion of a dam pursuant to Article 12, he/she shall promptly grant a right to use the dam to the grantee of dam usage rights.

(5) A person to whom the right to use a multipurpose dam is to be granted may use the water stored in the dam with permission from the Minister of Land, Transport and Maritime Affairs even before the right to use the dam is granted to that person under paragraph (1).

#### **Article 25 (Prerequisites for Grant of Right to Use Dam)**

The Minister of Land, Transport and Maritime Affairs shall grant the right to use a dam to an applicant, only if the applicant satisfies the following prerequisites:

1. If the use of the water stored in the relevant multipurpose dam for the purpose of use for which the right to use the dam is to be granted conforms to the relevant basic plan;
2. If the applicant has obtained permission or authorization necessary for the business for which he/she intends to use the water stored in the multipurpose dam.

#### **Article 26 (Restrictions on Occupancy and Use of River for Specific Purposes)**

A person who intends to use water stored in a multipurpose dam for a specific purpose shall obtain a permit to occupy and use the river under Article 33 of the River Act and a permit to use water from the river under Article 50 of the aforesaid Act and then shall obtain the right to use the dam under Article 24.

#### **Article 27 (Refusal to Grant Right to Use Dam)**

(1) The Minister of Land, Transport and Maritime Affairs may refuse to grant a right to use a dam to a person not designated in the relevant basic plan as a grantee of dam usage rights.

(2) In either of the following cases, the Minister of Land, Transport and Maritime Affairs shall refuse to grant the right to use a dam to the grantee of dam usage rights:

1. If the grantee of dam usage rights fails to satisfy any prerequisite specified in Article 25;
2. If the grantee of dam usage rights fails to pay his/her contribution pursuant to Article 20 (1).

### **Article 28 (Areas to be Covered by Stored Water)**

The area for which stored water may be secured with the right to use a dam shall be limited to the area demarcated by a line along which the highest level of stored water, as defined in Article 24 (2) 2, abuts onto the land.

### **Article 29 (Nature of Right to Use Dam)**

The right to use a dam shall be deemed a real right, and the provisions regarding real property shall apply mutatis mutandis to the right to use a dam, except as otherwise provided for in this Act.

### **Article 30 (Restrictions on Disposal of Right to Use Dam)**

(1) A right to use a dam shall not be subject matter of any other right, except where such right becomes subject matter of inheritance, a merger of, or other universal succession to, a corporation, a transfer, a disposition of tax in arrears, compulsory execution, or a mortgage.

(2) If a right to use a dam becomes subject to a registered mortgage, such right shall not be divided, merged, or waived, nor shall the purpose of the grant of the right be changed, unless the mortgagee consents thereto.

### **Article 31 (Revocation, etc. of Right to Use Dam)**

(1) If the Minister of Land, Transport and Maritime Affairs has no choice but to approve the dam usage right-holder, to use water from a river as before when he/she intends to fully or partially revoke the permit for the occupancy of the river under Article 33 of the River Act and the permit for the use of water from the river under Article 50 of the aforesaid Act, which have been granted to the dam usage right-holder, he/she shall cancel or alter the right to use the dam instead of revoking the permit for occupancy by the dam usage right-holder.

(2) If it is necessary to approve any person, in addition to the dam usage right-holder, of using water from a river when the Minister of Land, Transport and Maritime Affairs intends to fully or partially revoke the permit for the occupancy of a river under Article 33 of the River Act and the permit for the use of water from the river under Article 50 of the aforesaid Act, which have been granted to the dam usage right-holder, he/she may order the dam usage right-holder to fully or partially transfer the right to use the dam to another person within a period specified as reasonable.

(3) If the dam usage right-holder does not transfer his/her right to use the dam within the period specified pursuant to paragraph (2), the Minister of Land, Transport and Maritime Affairs may fully or partially revoke the right to use the dam, only where any person, other than the dam usage right-holder, is eligible for a permit for the use of water from the river on the same terms and conditions as those of the permit granted to the dam usage right-holder for the use of water from the river.

(4) If it is impractical to maintain the right to use a dam as it is in either of the following cases, the Minister of Land, Transport and Maritime Affairs may fully or partially revoke or alter the right to use the dam. In such cases, the Minister of Land, Transport and Maritime Affairs shall hear opinions of the dam usage right-holder:

1. If the water storage capacity has been changed as a result of the extension or reconstruction of the dam;
2. If the pattern of the use of water stored in the dam has changed.

(5) Where the Minister of Land, Transport and Maritime Affairs revokes or alters the right to use a dam under paragraph (4), he/she shall amend and publicly notify the provisions regarding the distribution of stored water for each use in the relevant basic plan publicly notified pursuant to Article 7 (4).

### **Article 32 (Registration)**

(1) The right to use a dam, the creation, alteration, transfer, or extinction of a mortgage on the right to use a dam, or a restriction on the disposal of the right to use a dam shall be ineffective, unless it is registered in the register of rights to use a dam, which shall be kept in the Ministry of Land, Transport and Maritime Affairs.

(2) Except as otherwise provided for in paragraph (1), matters necessary for the registration of rights to use a dam and mortgages on a right to use a dam shall be prescribed by Presidential Decree.

### **Article 33 (Charges)**

Except where the right to use a dam has been granted under Article 24 (4), a dam usage right-holder shall pay charges in an amount calculated by the formula prescribed by Presidential Decree to the National Treasury. The estimate of investment calculated in accordance with Article 20 (2) 1 shall be taken into consideration in calculating charges in such cases.

### **Article 34 (Refunds of Contributions, etc.)**

(1) When the State revokes or alters a right to use a dam under Article 31, it shall partially refund the contributions paid pursuant to Article 20 (1) or charges paid pursuant to Article 33.

(2) The amount to be refunded pursuant to paragraph (1) shall be calculated by the same method as that for calculating the relevant contributions or charges, but the amount to be refunded to a grantee of dam usage rights pursuant to Article 24 (4) shall not exceed an amount calculated by subtracting the depreciation cost calculated by the formula prescribed by Presidential Decree from the charges paid pursuant to Article 20 (1).

(3) If the creation of a mortgage is registered over a right to use a dam, which is extinguished by revocation or alteration under Article 31, the State shall deposit the amount refundable under paragraph (1) in the competent court, except where the mortgagee consents to such revocation or alteration. In such cases, the mortgagee over the right to use a dam may exercise his/her rights on the refund so deposited.

### **Article 35 (Collection, etc. of Usage Charges)**

(1) A dam usage right-holder or a grantee of dam usage rights may collect usage charges from persons who use water stored in the dam: Provided, That no usage charge shall be collected from a person who uses water from a river with a permit for the use of water from the river under Article 50 of the River Act.

(2) A dam usage right-holder or a grantee of dam usage rights shall take into consideration the volume of water used by a person who uses water stored in the dam in determining the amount of usage charges under paragraph (1), which shall not exceed the amount that he/she has contributed pursuant to Article 20

(1) or the amount he/she has paid pursuant to Article 33.

(3) When a dam usage right-holder or a grantee of dam usage rights intends to collect usage charges pursuant to paragraph (1), he/she shall determine the methods for calculating and collecting such usage charges and the deadline for payment and obtain approval thereof from the Minister of Land, Transport and Maritime Affairs.

#### **Article 36 (Apportionment of Expenses for Management of Multipurpose Dams)**

(1) Expenses incurred in maintaining, repairing, or managing a multipurpose dam shall be borne by the National Treasury, the dam usage right-holder or the grantee of dam usage rights. No expenses to be borne by the manager entrusted with the management of the dam shall exceed his/her revenue from the entrusted management of the dam.

(2) Matters necessary for the allocation of expenses under paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 37 (Compulsory Collection of Contributions, etc.)**

(1) If a person fails to pay any of the following contributions or charges, the Minister of Land, Transport and Maritime Affairs shall demand the person in writing to pay it by a payment deadline specified by the Minister:

1. A contribution under Article 20 (1);
2. A beneficiary's contribution under Article 23;
3. A charge under Article 33;
4. A contribution by a dam usage right-holder under Article 36.

(2) When a person in receipt of a demand made pursuant to paragraph (1) to pay a contribution or charge fails to pay the contribution or charge, the Minister of Land, Transport and Maritime Affairs may collect such contribution or charge in the same manner as delinquent national taxes are collected.

(3) A right to collect a contribution or charge under paragraph (1) shall lapse by prescription if it is not exercised within five years.

#### **Article 38 (Recognition, etc. of Multipurpose Dams)**

(1) If it is found that a dam built by any person, other than the Minister of Land, Transport and Maritime Affairs, has great utility as a multipurpose dam, he/she may pay a reasonable compensation to a person who built the dam, through negotiations with the person, and may designate the dam as a multipurpose dam defined in this Act. In such cases, the Minister of Land, Transport and Maritime Affairs may grant the right to use the dam to the person who built the dam, as prescribed by Presidential Decree.

(2) Where the Minister of Land, Transport and Maritime Affairs designates a non-multipurpose dam as a multipurpose dam pursuant to paragraph (1), he/she shall publicly notify the following matters without delay, as prescribed by Presidential Decree:

1. Grounds for recognizing the dam as a multipurpose dam;
2. Matters specified in Article 7 (1) 2 through 4;

3. Matters regarding compensation to the person who built the dam.

(3) If it is found that a dam under construction by any person, other than the Minister of Land, Transport and Maritime Affairs, has great utility as a multipurpose dam, the State may partially subsidize a person who builds the dam for the cost necessary for construction or may arrange a loan for such person.

(4) When the State grants a subsidy or arranges a loan pursuant to paragraph (3), the Minister of Land, Transport and Maritime Affairs may require the subsidy or loan recipient to provide instructions on the construction of the dam or may require such person to inspect facilities of the dams under construction or to submit a report thereon.

#### **Article 39 (Support for Persons Not Relocated to Designated Settlement)**

The implementer of a dam construction project may provide support to persons who fails to move to the designated settlement, among residents relocated from the area to be submerged, and other persons specified by Presidential Decree, as prescribed by Presidential Decree, taking into consideration the loss of their hometown and basis for living due to the construction of the dam.

#### **Article 40 (Support for Persons Relocated from Area to be Submerged)**

(1) If it is necessary to build houses for residents relocated from an area to be submerged and develop infrastructure for their living to facilitate their relocation and settlement, the Minister of Land, Transport and Maritime Affairs may grant subsidies to them preferentially from the National Housing Fund under the Housing Act.

(2) If it is necessary to develop infrastructure for the living of residents relocated from an area to be submerged, the implementer of the relevant dam construction project may request the Minister of Land, Transport and Maritime Affairs to grant subsidies preferentially from the National Housing Fund under the Housing Act.

(3) The head of a local government having jurisdiction over a dam construction area or an area to which water will be supplied from the dam to be built and the dam custodian may provide vocational training programs to residents relocated for the area to be submerged and may take other measures necessary to provide support to such residents for their livelihood, as prescribed by Presidential Decree.

#### **Article 41 (Projects for Rearrangement of Dam Environs)**

(1) The head of a Si/Gun/Gu having jurisdiction over the dam environs not smaller than the standard prescribed by Presidential Decree shall implement projects for rearrangement (hereinafter referred to as "projects for the rearrangement of dam environs") during the construction period of the dam in order to promote the economy in the dam environs and improve the inhabited environment, taking into consideration changes likely to occur due to the construction of the dam.

(2) Where a basic plan for a dam in a size that meets the standard referred to in paragraph (1) is publicly notified, the Mayor/Do Governor having jurisdiction over the area in which the main body of the dam will be built shall promptly formulate a plan for projects for the rearrangement of dam environs and shall obtain approval thereof from the Minister of Land, Transport and Maritime Affairs: Provided, That the plan is not required for approval by the Minister of Land, Transport and Maritime Affairs, if the dam is

built by a Mayor/Do Governor or the head of a Si/Gun/Gu.

(3) Where a Mayor/Do Governor intends to formulate a plan for the rearrangement of dam environs, he/she shall consult in advance with the implementer of the relevant dam construction project and the head of the competent Si/Gun/Gu.

(4) Further details regarding the scope of dam environs under paragraph (1) and projects for the rearrangement of dam environs shall be prescribed by Presidential Decree.

#### **Article 42 (Financial Resources for Projects for Rearrangement of Dam Environs)**

(1) No cost of projects for the rearrangement of dam environs shall exceed the standard amount calculated by adding a factor determined by the method prescribed by Presidential Decree, taking into consideration the water storage area, gross water storage capacity, and demand for development based on households from the submerged area and local requirements, to the basic amount based on either of the following gross water storage capacity: *<Amended by Act No. 11185, Jan. 17, 2012>*

1. At least 20 million cubic meters but less than 150 million cubic meters: 30 billion won;

2. At least 150 million cubic meters: 40 billion won.

(2) The cost of the projects for the rearrangement of dam environs shall be borne by the implementer of the relevant dam construction project and the head of the competent Si/Gun/Gu.

(3) Specific guidelines for the allocation of the cost of projects for the rearrangement of dam environs under paragraph (2) and matters regarding the management of such projects shall be prescribed by Presidential Decree.

#### **Article 43 (Projects for Supporting Dam Environs)**

(1) In order to increase the income of residents in the dam environs specified by Presidential Decree and enhance the welfare of such residents, the competent dam management authority or the dam custodian shall formulate a plan for projects for supporting dam environs (hereinafter referred to as "projects for supporting dam environs") for each year after the construction of the dam is completed, as prescribed by Presidential Decree.

(2) Where a dam management authority or the dam custodian intends to formulate a plan for the projects for support for dam environs pursuant to paragraph (1), the dam management authority or the dam custodian shall consult in advance with the head of a Si/Gun/Gu having jurisdiction over the dam environs.

(3) When the dam custodian formulates a plan for the projects for supporting dam environs pursuant to paragraph (1), the person shall submit it to the competent dam management authority.

(4) A project for supporting dam environs shall be implemented by any of the following persons, as prescribed by Presidential Decree:

1. The competent dam management agency or dam custodian;

2. The head of a Si/Gun/Gu having jurisdiction over the relevant dam environs.

(5) The extent of an area for which a plan shall be formulated with for projects for supporting dam environs shall be prescribed by Presidential Decree.

#### **Article 44 (Financial Resources for Projects for Supporting Dam Environs)**

(1) Funds necessary for projects for supporting dam environs shall be procured from the following sources: Provided, That contributions under subparagraphs 1 and 2 shall be provided only for a dam eligible for the projects for supporting dam environs under Article 43:

1. Contribution by the competent dam management agency or the dam usage right-holder;
2. Contribution by waterworks business operators supplying tap water or industrial water from the dam;
3. Loans;
4. Revenues accruing from the management of the funds procured.

(2) The competent dam management authority or the dam usage right-holder, or the waterworks business operators supplying tap water or industrial water from the dam shall pay an amount at either of the following rates as a contribution referred to in paragraph (1) 1 and 2, respectively:

1. Not more than 6/100 of revenues from the sale of power during the year immediately before the previous year;
2. Not more than 20/100 of the amount calculated by multiplying the volume of tap and industrial water sold during the year immediately before the previous year by a unit price of dam water set by the Korea Water Resources Corporation for the year immediately before the previous year.

(3) The funds procured pursuant to paragraph (1) for projects for supporting dam environs shall be managed by the competent dam management authority or the dam custodian. In such cases, the competent dam management authority or the dam custodian shall manage the funds for projects for supporting dam environs under paragraph (1) in a separate account.

#### **Article 44-2 (Creation of Environment-Friendly Spaces in Dam Environs)**

(1) In order to promote the development of dam environs, the head of a Si/Gun/Gu having jurisdiction over dam environs under Articles 41 and 43 may implement projects for creating space for recreational, cultural, and leisure activities (hereinafter referred to as "environment-friendly space"), including nature-learning places, ecology parks, and water sports facilities utilizing lakes, swamps, and surrounding scenery, as prescribed by Presidential Decree, to the extent that such projects do not adversely affect the total water pollution load control system under the Water Quality and Ecosystem Conservation Act and other relevant Acts.

(2) Where the head of a Si/Gun/Gu intends to implement a project for creating environment-friendly space in dam environs pursuant to paragraph (1), he/she shall consult in advance with the competent dam management authority.

#### **Article 44-3 (Preferential Installment of Public Facilities, etc.)**

The head of a central administrative agency or the head of the competent Si/Gun/Gu may preferentially construct roads, bridges, waterworks, and other public facilities or implement other projects specified by Presidential Decree in dam environs in order to promote the economy in the dam environs and to improve habitats in the dam environs.

#### **Article 44-4 (Installation of Public Sewerage)**

(1) If it is necessary to perform an agreement made pursuant to the provisions of Articles 27 through 31 of the Environmental Impact Assessment Act (including re-consultation under Article 21 of the Environmental Impact Assessment Act and plans for environmental conservation under Article 33 of the aforesaid Act), the implementer of a dam construction project may be entrusted with installation of a public sewerage system from the competent public sewerage management authority under Article 74 (3) of the Sewerage Act and may install the public sewerage system during the construction period of the dam. *<Amended by Act No. 10892, Jul. 21, 2011>*

(2) The apportionment to a local government, of the cost of installing a public sewerage system under paragraph (1), may be reapportioned to either of the following persons:

1. The dam usage right-holder is to be granted to permit the person to use water stored in the dam for tap water and industrial water, if the dam is a multipurpose dam;
2. A waterworks business operator, if the dam is a dam for tap water or industrial water.

#### **Article 45 (Authority of Minister of Land, Transport and Maritime Affairs, etc.)**

(1) Where a basic plan for the construction of a dam is publicly notified, the Minister of Land, Transport and Maritime Affairs shall make the following dispositions, etc. for the project site and the river area publicly notified under Article 12 (1) and (2), notwithstanding the River Act and the Aggregate Extraction Act: Provided, That if the dam is to be built by a Mayor/Do Governor or the head of a Si/Gun/Gu, the competent Mayor/Do Governor or the head of the competent Si/Gun/Gu shall make the following dispositions, etc.; if the management of the dam is entrusted pursuant to Article 15 (2), such dispositions, etc. shall be made by the dam custodian, within the scope of entrustment, as prescribed by Presidential Decree:

1. Permission for the implementation of river works under Article 30 of the River Act; the permission for the occupancy of a river under Article 33 of the aforesaid Act; and the permission for the use of water from a river under Article 50 of the aforesaid Act;
2. Acceptance of a report on the succession to rights and obligations under Article 5 (2) of the River Act from a person to whom the permission under subparagraph 1 has been granted;
3. Designation of an area in which camping, cooking, and fishing, which pollutes a river with bait, such as past bait and fish meal, are prohibited;
4. Permission for extracting aggregate under Article 22 of the Aggregate Extraction Act;
5. The following dispositions made in relation to dispositions, etc. prescribed in subparagraphs 1 through 4:
  - (a) The revocation of a permission or the suspension of construction works under Article 69 or 70 of the River Act;
  - (b) The revocation of permission for extracting aggregate or the suspension of the extraction of aggregate under Article 31 of the Aggregate Extraction Act; and an order to reinstate under Article 33 of the aforesaid Act.

(2) Where the Minister of Land, Transport and Maritime Affairs, a Mayor/Do Governor, the head of a Si/Gun/Gu, or a dam custodian intends to make any disposition under paragraph (1), he/she shall consult in advance with the heads of related administrative agencies.

(3) Where the Minister of Land, Transport and Maritime Affairs, a Mayor/Do Governor, or the head of a Si/Gun/Gu intends to make any disposition under paragraph (1), he/she shall hear opinions of the relevant dam custodian in advance.

(4) A dam custodian may collect rents or usage charges from a person to whom permission has been granted under paragraph (1) 1 or 4 and may appropriate such rents or usage charges to cover expenses incurred in the management of the dam, notwithstanding the provisions of Article 37 (1) through (4) of the River Act.

#### **Article 46 (Relationship to the River Act)**

Except as otherwise provided for in this Act, the River Act shall apply to necessary matters regarding the construction and management of dams.

#### **Article 47 (Hearings)**

When a dam management authority intends to make either of the following dispositions, it shall hold a hearing:

1. An order to transfer a right to use the relevant dam under Article 31 (2);
2. The revocation of permission under Article 45 (1) 5.

#### **Article 48 (Delegation, etc. of Authority)**

(1) The Minister of Land, Transport and Maritime Affairs may partially delegate his/her authority under this Act to the heads of agencies belonging to him/her or the Mayor/Do Governor as prescribed by Presidential Decree.

(2) The Minister of Land, Transport and Maritime Affairs, a Mayor/Do Governor, or the head of a Si/Gun/Gu may partially delegate business on surveys, research, or the construction of a dam under this Act to a juristic person, organization or agency related to dams or enable them to perform such business as an agent.

#### **Article 48-2 (Subsidization for Construction Cost of Dam)**

The State or a Mayor/Do Governor may fully or partially subsidize a local government executing a dam construction project as the implementer for the cost incurred for the dam construction project, within budgetary limits.

#### **Article 49 (Penal Provisions)**

Any executive or employee of a dam custodian who causes damage to the public or hinders flood control in violation of Article 18 shall be punished by imprisonment with prison labor for not more than five years or by a fine not exceeding 30 million won.

**Article 50 Deleted.** <by Act No. 7715, Dec. 7, 2005>

#### **Article 51 (Penal Provisions)**

Any person, other than an administrative authority, who engages in an activity specified in Article 10 (1) without permission or consent required under any provision of Article 10 (3) through (5) shall be punished by imprisonment with prison labor for not more than six months or by a fine not exceeding three million won. <Amended by Act No. 11185, Jan. 17, 2012>

#### **Article 52 (Joint Penal Provisions)**

If a representative of a corporation or an agent, servant or employee of a corporation or an individual performs an act that violates Article 49 or 51 regarding the business of such corporation or individual, not only shall such violator be punished, but also the corporation or individual shall be punished by a fine under the relevant provisions; Provided, That where the corporation or individual has not been negligent in giving due attention and supervision concerning the relevant business to prevent such violation, the foregoing shall not apply.

#### **Article 53 (Fines for Negligence)**

(1) Any person who interferes with or refuses an activity conducted pursuant to Article 10 (1) without justification shall be punished by a fine for negligence not exceeding three million won.

(2) Fines for negligence under paragraph (1) shall be imposed and collected by the Minister of Land, Transportation and Maritime Affairs or the competent Mayor/Do Governor (limited to fines for negligence for offenses committed in connection with a dam built by the Mayor/Do Governor), as prescribed by Presidential Decree. <Amended by Act No. 11185, Jan. 17, 2012>

### ADDENDA

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

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

#### **Article 2 (Repeal of Other Act)**

The Specific Multipurpose Dams Act is hereby repealed.

#### **Article 3 (General Transitional Measures)**

Any disposition, process and other acts performed under the previous Specific Multipurpose Dams Act at the time when this Act is enforced shall be deemed to have been performed under the provisions of this Act unless they are in conflict of this Act.

#### **Article 4 (Transitional Measures concerning Area Intended for Construction of Multipurpose Dam)**

(1) An area intended for a construction of multipurpose dam designated and published under Article 5-3 of the previous Specific Multipurpose Dams Act at the time when this Act is enforced shall be deemed to have been designated and published as an area intended for a construction of a dam under Article 5.

(2) A permission granted by the Minister of Construction and Transportation for the acts under each subparagraph of Article 6 (1) in the area intended for a construction of a multipurpose dam under Article 5-3 (3) of the previous Specific Multipurpose Dams Act at the time when this Act is enforced shall be deemed to have been granted by the head of Si/Gun/Gu under Article 6 (1).

(3) A person who raises livestock under Article 6 (1) 4 in the area intended for a construction of a multipurpose dam under Article 5-3 (3) of the previous Specific Multipurpose Dams Act at the time when this Act is enforced may continue to do so, notwithstanding the provisions of Article 6: Provided, That he shall file a report thereon with the head of Si/Gun/Gu within 3 months from the date on which this Act is enforced.

**Article 5 (Transitional Measures concerning Area Intended for River of Dam)**

(1) An area intended for a river of dams being constructed for the tap and industrial water under the Acts and subordinate statutes other than the previous Specific Multipurpose Dams Act at the time when this Act is enforced shall be deemed to have been designated and published as an area intended for dam construction under Article 5.

(2) A permission granted by a river management agency for the acts under each subparagraph of Article 6 (1) in the area intended for a river of dams for the tap and industrial water under construction under the Acts and subordinate statutes other than the previous Specific Multipurpose Dams Act at the time when this Act is enforced shall be deemed to have been granted by the head of Si/Gun/Gu under Article 6 (1).

(3) A person who is performing the acts newly subjected to a permission under Article 6 (1) in the area intended for a river of a dam for the tap and industrial water under the Acts and subordinate statutes other than the previous Specific Multipurpose Dams Act may continue to do so, notwithstanding the provisions of Article (6): Provided, That he shall file a report thereon with the head of Si/Gun/Gu within 3 months from the date on which this Act is enforced.

**Article 6 (Transitional Measures concerning Existing Multipurpose Dams)**

(1) A multipurpose dam constructed under the previous Specific Multipurpose Dams Act at the time when this Act is enforced shall be deemed to have been constructed under this Act.

(2) Dam management regulations prepared or approved under Article 32 of the previous Specific Multipurpose Dams Act at the time when this Act is enforced shall be deemed to have been prepared or approved under Article 17.

(3) A right for dam use established and any mortgage created for that purpose under Article 15 (1) of the previous Specific Multipurpose Dams Act at the time when this Act is enforced shall be deemed to have been established and created under Article 24.

(4) A plan devised for support projects for dam environs under Article 42-3 of the previous Specific Multipurpose Dams Act at the time when this Act is enforced shall be deemed to have been devised under Article 43.

**Article 7 (Transitional Measures concerning Multipurpose Dam under Construction)**

(1) A basic plan or an implementation plan devised for multipurpose dams under construction in accordance with Articles 5 and 5-2 of the previous Specific Multipurpose Dams Act at the time when this Act is enforced shall be deemed to have been devised under Articles 7 and 8: Provided, That where a basic plan under Article 5 of the previous Multipurpose Dams Act has been devised, and where an

implementation plan under has yet to be devised, the provisions of Article 5-2 and 5-5 of the previous Specific Multipurpose Dams Act shall apply to a formulation of an implementation plan and a land expropriation with respect to a construction of the relevant dam.

(2) In the case of a dam for which an implementation plan has been devised and published under Article 5-2 of the previous Specific Multipurpose Dams Act prior to December 31, 1996 from among the multipurpose dams under construction under the previous Specific Multipurpose Dams Act, the support for those unsettled into resettlement lands under Article 39 shall be governed by Article 42 of the previous Specific Multipurpose Dams Act.

(3) With respect to a multipurpose dam under construction in accordance with the previous Specific Multipurpose Dams Act at the time when this Act is enforced, the consolidation project for dam environs under Articles 41 and 42 may be implemented under the conditions as prescribed by the Presidential Decree.

**Article 8 (Transitional Measures concerning Existing Dam for Tap and Industrial Water)**

A dam constructed for the tap and industrial water under the Acts and subordinate statutes other than the previous Specific Multipurpose Dams Act at the time when this Act is enforced shall be deemed a dam constructed for the tap and industrial water under this Act.

**Article 9 (Transitional Measures concerning Dam for Tap and Industrial Water Under Construction)**

With respect to a dam for the tap and industrial water under construction under the Acts and subordinate statutes other than the previous Specific Multipurpose Dams Act at the time when this Act is enforced, the relevant Acts and subordinate statutes shall apply until a construction of such dam is completed, and with respect to a management after the completion of its construction, this Act shall govern: Provided, That with respect to a dam other than those already in use by obtaining an approval for use prior to the authorization of a completion of construction under relevant Acts and subordinate statutes, the consolidation project for dam environs may be executed by the mutatis mutandis application of Articles 41 and 42 under the conditions as prescribed by the Presidential Decree.

**Article 10 (Transitional Measures concerning River Area in Dam Construction Area)**

(1) In applying the provisions of Article 45 with respect to permission, etc. for a river area in an area intended for dam construction or a dam construction area, the river area falling under each of the following subparagraphs shall be deemed a river area in an area intended for dam construction or a dam construction area under this Act:

1. A river area in an area intended for dam construction or in a dam construction area, in which a multipurpose dam was constructed or is under construction under the previous Specific Multipurpose Dams Act; and
2. A river area in which a dam for the tap or industrial water was constructed or is under construction under the Acts and subordinate statutes other than the previous Specific Multipurpose Dams Act.

(2) In case where a permission has been granted under the River Act or the Aggregate Picking Act with respect to the acts falling under each subparagraph of Article 45 (1) in the river area under paragraph (1)

2 at the time when this Act is enforced shall be deemed to have been granted under Article 45 (1).

**Article 11 (Transitional Measures concerning Penal Provisions)**

In applying the penal provisions to any act committed prior to the enforcement of this Act, the provisions of the previous Specific Multipurpose Dams Act shall apply.

**Article 12 Omitted.**

**Article 13 (Relation with Other Acts and Subordinate Statutes)**

Where the previous Specific Multipurpose Dams Act or its provisions are cited by other Acts and subordinate statutes at the time when this Act is enforced, and where this Act has any provisions corresponding to such citation, this Act or the corresponding provisions of this Act shall be deemed to have been cited.

ADDENDA <Act No. 6587, Dec. 31, 2001>

**Article 1 (Enforcement Date)**

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

**Article 2 (Application Example to Supports for Those Unsettled into Resettlement Lands)**

The amended provisions of Article 39 shall apply from the dam for which a basic plan pursuant to Article 7 has been first devised and publicly notified after January 1, 2001.

**Article 3 (Application Example to Financial Resources for Consolidation Projects for Dam Environs)**

The amended provisions of Article 42 shall apply from the dam for which a basic plan pursuant to Article 7 has been first devised and publicly notified after January 1, 2001.

**Article 4 (Transitional Measures for Existing Dams)**

(1) With respect to the dams which have been completed and publicly notified before March 7, 2000, the consolidation projects for dam environs may be executed by applying mutatis mutandis the provisions of Article 41 and previous Article 42.

(2) The expenses to be borne by the implementer of a dam construction project from among the expenses for consolidation projects of dam environs under paragraph (1), shall be borne by the dam management agency, a person holding a right for dam use, or the tap water business operator from the dams for living and industrial water.

(3) The amount borne by a person holding a right for dam use under paragraph (2) shall, in applying the provisions of Article 35 (2), be included in the shares of the relevant person to be granted a right for dam use or in the paid amount of the relevant person holding a right for dam use.

(4) The dam subject to a consolidation project for dam environs under paragraph (1), devising of plans and time for execution and financial resources shall be prescribed by the Presidential Decree.

**Article 5 (Application Example to Financial Resources for Support Projects for Dam Environs)**

The amended provisions of Article 44 shall apply from the portion of the first contributions by a person holding a right for dam use to create the financial resources for a support project for dam environs after January 1, 2003.

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. 6916, May 29, 2003>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 13 Omitted.**

ADDENDA <Act No. 7158, Jan. 29, 2004>

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

(2) (Application Example concerning Financial Resource for Supporting Project to Dam Environs) The amended provisions of Article 44 shall apply from the portion of contributions by the dam management agency, the holder of rights to use the dam or the tap water business operator from dams for living and industrial water, for the first time after an enforcement of this Act, in order to create the financial resource for supporting project to dam environs.

(3) (Transitional Measures concerning Dams for Flood Control under Construction) With regard to a construction of dams for flood control under construction as referred to other Acts at the time of enforcement of this Act, the relevant Act shall be applied not later than the time when the relevant construction is completed, notwithstanding the amended provisions of Article 3, but with regard to the management after the completion of construction, this Act shall govern: Provided, That the consolidation project for dam environs may be implemented by applying mutatis mutandis the provisions of Articles 41 and 42, under conditions as prescribed by Presidential Decree.

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 12 Omitted.**

ADDENDA <Act No. 7715, Dec. 7, 2005>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 7 Omitted.**

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 11 Omitted.**

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 12 Omitted.**

ADDENDA <Act No. 8338, Apr. 6, 2007>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 17 Omitted.**

ADDENDA <Act No. 8351, Apr. 11, 2007>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 15 Omitted.**

ADDENDA <Act No. 8352, Apr. 11, 2007>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 16 Omitted.**

ADDENDA <Act No. 8371, Apr. 11, 2007>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 10 Omitted.**

ADDENDA <Act No. 8466, May 17, 2007>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**

ADDENDUM <Act No. 8659, Oct. 17, 2007>

This Act shall enter into force on April 7, 2008.

ADDENDA <Act No. 8733, Dec. 21, 2007>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 11 Omitted.**

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 9 Omitted.**

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 7 Omitted.**

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 10 Omitted.**

ADDENDA <Act No. 9037, Mar. 28, 2008>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2009.

**Articles 2 through 19 Omitted.**

ADDENDA <Act No. 9597, Apr. 1, 2009>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation; Provided, That the amended provisions of Articles 51 and 53 shall enter into force six months after the date of its promulgation.

(2) (Transitional Measures) When any act committed prior to the enforcement of this Act is subject to punishment, the previous provisions shall apply.

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 23 Omitted.**

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 14 Omitted.**

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 13 Omitted.**

ADDENDA <Act No. 10580, Apr. 12, 2011>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 10599, Apr. 14, 2011>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 9 Omitted.**

ADDENDA <Act No. 10760, May. 30, 2011>

**Article 1 (Enforcement Date)**

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

**Article 2 Omitted.**

ADDENDA <Act No. 10892, Jul. 21, 2011>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 10 Omitted.**

ADDENDA <Act No. 11185, Jan. 17, 2012>

**Article 1 (Enforcement Date)**

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

**Article 2 (Applicability to Financial Resources for Projects for Rearrangement of Environs of Dam)**

The amended provisions of Article 42 shall apply to dams for which a basic plan is formulated and publicly notified on or after January 1, 2009.

**Article 3 (Transitional Measure concerning Consultation on Authorization, Permission, etc.)**

Where consultation on a case has been requested pursuant to previous provisions before this Act enters into force, such case shall be governed by such previous provisions, notwithstanding the amended provisions of Article 9 (3).