

Final Draft as of December 2018

**FRAMEWORK PLAN FOR THE YSLME BIODIVERSITY CONSERVATION
IN RO KOREA (2018-2030)**

Prepared by
Dr. Won-Tae Shin
Consultant

TABLE OF CONTENTS

CHAPTER 1. STATUS OF MARINE BIODIVERSITY IN RO KOREA	1
1. Introduction	1
2. Marine Habitats – Tidal Flats	2
3. Marine Protected Areas	4
4. Marine Species	7
CHAPTER 2. LEGAL AND INSTITUTIONAL ARRANGEMENTS	9
1. Laws and Regulations	9
2. Institutional Arrangements	10
3. Policies and Programs	13
4. Challenges and Difficulties	14
CHAPTER 3. PRINCIPLES OF YSLME BIODIVERSITY CONSERVATION PLAN	17
1. Principles in the RO Korea Law	17
2. Objectives and Timeframe	17
3. Strategies	18
CHAPTER 4. ACTIONS AND ACTIVITIES	20
CHAPTER 5. MONITORING AND EVALUATION	26
1. Monitoring	26
2. Evaluation	28
REFERENCES	29
Annex 1. Conservation and Management of Marine Ecosystems Act	30
Annex 2. Wetland Conservation Act	53

CHAPTER 1. STATUS OF MARINE BIODIVERSITY IN RO KOREA

1. Introduction

The biodiversity in accordance with the Convention on Biological Diversity is defined as “**Biological diversity means** the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.” Among the sources, in particular, marine biodiversity is of utmost interest to RO Korean government since the terrestrial resources are very limited due to limited area the country possesses (CBD 1993). In Korean law entitled Conservation and Management of Marine Ecosystems Act (2006), the marine biological diversity is defined as “the diversity of biological species or organisms within marine ecosystems, including the diversity of intra-species, interspecies, the habitats of organisms and ecosystems. This is the view of biological diversity as a part of larger ecosystem which includes marine fauna and flora such as microorganisms, plankton, algae, fish, marine mammals and physical components such as saline contents, suspended solids, deposits, benthic soils.

Island, coastal and marine ecosystem

The total area within maritime jurisdiction in Korea is around 443,838 km², 4.5 times of land size of Korea. The number of maritime species is 9,534, including 6,110 (64.1%) animals, 1,048 (11.0%) plants, 2,172 (22.8%) phytoplanktons and 204 zooplanktons. Due to climate change, sea water temperature has risen from 16.5 °C in the 1970s to 17.3 °C in the 2000s, causing the increase of subtropical species in the southern coast of Korea. In spite of the rise in temperature of the open sea of the East Sea, temperature of coast rather drops, which makes the environment favorable for cold sea life to live (5th National Report to CBD, 2014).

The total length of the coastline is 12,682 km, 78% of which is natural coastline and 22% artificial. Coastlines artificially changed or created through the development of coasts include landfills, land reclamation and constructions of ports for residential areas and industrial complexes. Estuaries are ecological zones of transition where freshwater meets seawater. These highly productive ecological regions are being rapidly damaged by development. The status of the ecological system in estuaries, 12 in total, was studied according to the Wetland Conservation Act, and wetland areas designated for conservation at Han River and Nakdong River have been assigned for management. The west southern coastal regions of Jeollabukdo and Jeollanamdo are typical rias coasts dotted by a large number of islands and intricate coastlines. The coastlines of Jeollabukdo and Jeollanamdo account for more than 50% of Korea’s coastlines with Jeollabukdo accounting for 491 km and Jeollanamdo accounting for 6,592 km. Coastal rock faces, coastal sand dunes and salt marshes are well developed in the

eco-zone. The Jeollabukdo and Jeollanamdo, a transition zone where the sea and land meet, have high level of biodiversity (www.coast.go.kr).

With the distribution of a wide range of habitats including estuaries, seashores, and coastal sand dunes, the area has high ecological value that merits protection. The landscape of the diverse coastal topography including sea cliffs, sea caves, notches, tafoni, marine plateaus, and coastal sand dunes are significantly influenced by marine erosion. Of the 3,217 islands nationwide, the ecosystem is well preserved on 1,964 islands situated in the Jeollabukdo and Jeollanamdo, with rich biotic resources having high conservation value. Rare species as well as unregistered ones continue to be discovered here, and among the 170 special islands where species with high conservation value inhabit, 80 islands (47%) are situated in the Jeollabukdo and Jeollanamdo. Also, the area stretching 573.12 km² through Dochodo, Bigeumdo, Chilbaldo, Heuksando, Hongdo and Jeungdo in Sinan, Jeollanamdo, were designated as biodiversity conservation areas by UNESCO (May 2009). Among marine animals, 4,989 species are marine invertebrates, 97 species are Urochordata, 987 species are fish stocks, and 37 species are marine reptiles and mammals. Marine invertebrates comprise the largest proportion at 81.7% (5th National Report to CBD, 2014).

2. Marine Habitats – Tidal Flats

The total area of coastal wetlands in Korea is 2,489.4 km², accounting for 2.5% of the national territory, of which 83.6% (2,080 km²) are concentrated on the western coast. The coastal wetland areas have been decreased by 22% since 1987. Reportedly, 1,141 species of maritime species, including 955 animal species and 186 plant species live on coastline wetlands. The coastal areas in Korea offer magnificent sights with their bays, lagoons, sea cliffs, tidal flats, sand spits, sand bars, and underwater landscape, which are utilized as rural fishing village and ecological tourism resources. A total of 133 coastal sand dunes have been known in Korea, and the number is estimated to exceed 200 including those in the island regions. Coastal sand dunes serve as natural barriers against wind, tidal waves and ocean waves. They have significant conservation value as they play diverse roles as the repository of sand and underground water habitats for rare organisms. Since most coastal sand dunes are situated in the hinterland of sandy coasts that can generally be used as beaches, they face strong pressure to be developed into lodging facilities and parking lots (www.ecosea.go.kr).

The total area of coastal tidal flat is reported as 2,487.2 km² in 2013 according to the National Survey on Tidal Flat. This number is lower than 2008 of 2,489.4 km² due to development at the coastal areas in the country. Table 1 shows the trend of area changes in coastal wetland in the country from 1987 to 2013. It is shown that the area of total tidal flat is somewhat steady since 2000. This might be the results of the government efforts in protecting the tidal flat.

Table 1. Total Tidal Flat Area of RO Korea

Year	1987	1998	2003	2008	2013
Tidal Flat Area (km²)	3,203.5	2,393.0	2,550.2	2,489.4	2,487.2

Table 2 shows the distribution of tidal flat along the coastal regions. As shown in this table, West coast of RO Korea possesses 83.8% of tidal flat. This is the reason why the West Coast of RO Korea is among world’s top 5 coastal wetlands.

Table 2. Distribution of Tidal Flat in RO Korea

Region	Area (km ²)	Proportion (%)	Note
Total	2,487.2	100.0	West Coast:
Incheon	709.6	28.5	2,084.5km ² (83.8%)
Gyeonggido	165.9	6.7	South Coast:
Chungchungnamdo	357.0	14.3	402.7km ² (16.2%)
Jollabukdo	118.2	4.8	
Jollanamdo	1,044.4	42.0	
Kyongsangnamdo	68.8	2.8	
Busan	23.3	0.9	

Figures 1 to 6 show the graphical presentation of the tidal flats along the coastal regions. Incheon and Gyeonggido have the richest tidal flats.



Figure 1. Tidal flats in Gyeonggi area



Figure 2. Tidal flats in Incheon area



Figure 3. Tidal flats in Jollabukdo area



Figure 4. Tidal flats in Chungnam area



Figure 5. Tidal flats in Jollanamdo area



Figure 6. Tidal flats in Busan area

3. Marine Protected Areas

The RO Korean government designated 29 Marine Protected Areas until 2017. There are three types of MPAs in RO Korea depending on the purpose of the designation, namely: Coastal Wetland Protected Areas, Marine Ecosystem Protected Areas and Marine Species Protected Areas. Since the first MPA was designated in 2001, the number of MPAs is steadily increasing. The designation and management of the Marine Protected Areas are stipulated in two laws, namely: the Conservation and Management of Marine Ecosystem Act and the Wetland Conservation Act. Tidal Flats are managed by the Wetland Conservation Act whereas marine ecosystem and marine species are managed by the Conservation and Management of Marine Ecosystem Act. Figure 7 shows the location of MPAs and Table 3 shows the name and year of designation (www.ecosea.go.kr).



Figure 7. Location of MPAs in RO Korea

Table 3. List of Marine Protected Areas in RO Korea (2017)

Type of Marine Protected Area	Name	Year
Coastal Wetland Protected Area	No. 1. Muan Tidal Flat	2001
	No 2. Jindo Tidal Flat	2002
	No 3. Suncheon Bay Tidal Flat	2003
	No 4. Bosung Bulgyo Tidal Flat	2003
	No 5. Ongin-Jangbongdo Tidal Flat	2003
	No 6. Buan Julpo Tidal Flat	2006
	No 7. Gochang Tidal Flat	2007
	No 8. Seocheon Tidal Flat	2008

	Local MPA No 1. Songdo Tidal Flat	2009
	No 9. Jeungdo Tidal Flat	2010
	No 10. Masan Bongam Tidal Flat	2011
	No 11. Siheung Tidal Flat	2012
	No 12. Biguem-Dochodo Tidal Flat	2015
	No 13. Daebudo Tidal Flat	2017
Marine Ecosystem Protected Area	No 1. Sinduri Sand Dunes	2002
	No 2. Mun Island and vicinity marine area	2002
	No 3. Oryuk Island and vicinity marine area	2003
	No 4. Daeijak Island and vicinity marine area	2003
	No 5. Gageo Island and vicinity marine area	2012
	No 6. Sohwa Island and vicinity marine area	2012
	No 7. Namhyungje Island and vicinity marine area	2013
	No 8. Namu Island and vicinity marine area	2013
	No 9. Cheongsan Island and vicinity marine area	2013
	No 10. Ulreung Island and vicinity marine area	2014
	No 11. Chuja Island and vicinity marine area	2015
	No 13. Tokki Island and vicinity marine area	2016
	No 14. Yangyang Jo Island and vicinity marine area	2017
Marine Species Protected Area	No 12. Garorim Bay	2016

RO Korean government put efforts to designate some of the important MPAs as the RAMSAR sites. There are 6 RAMSAR sites in RO Korea. The list includes:

- Gochang and Buan Tidal Flats Wetlands of International Importance
- Jeungdo Tidal Flat Wetlands of International Importance
- Muan Tidal Flat Wetlands of International Importance
- Seocheon Tidal Flat Wetlands of International Importance
- Suncheon Bay Wetlands of International Importance
- Songdo Tidal Flat Wetlands of International Importance

Figure 8 shows the Certificate of Registration for Gochang and Buan Tidal Flats as a RAMSAR site. Also, there is one UNESCO-MAB Biosphere Reserve which is Shinan Dadohae due to its ecological and marine biodiversity importance.

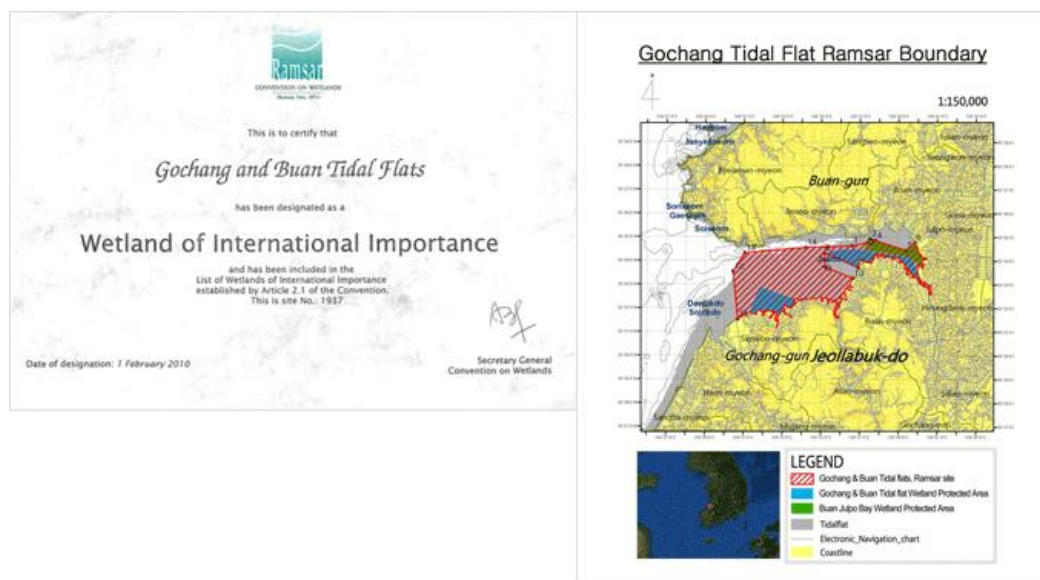


Figure 8. Gochang and Buan Tidal Flats RAMSAR site

4. Marine Species

Although the number of marine species is somewhat lower than that of terrestrial species, marine species in RO Korea’s territorial seas are relatively diverse, classified into 34 phyla and 83 classes. These marine species are protected under the Korean Laws. The Conservation and Management of Marine Ecosystem Act (2006) stipulated the protection of marine organisms in Chapter 3 through article 16 to 24. Under the law, RO Korea identified a total of 77 marine species as protected marine species as shown in Table 4. Regarding the protection of marine species, especially for 4 species of sea turtles and 2 species of sea horses and Indo-Pacific bottlenose dolphin (*Tursiops aduncus*), proactive conservation programs are also underway based on the law.

Table 4. Marine Protected Species of RO Korea

Classification	No. of Species	Name
Marine mammal	16	Indo-Pacific bottlenose dolphin (<i>Tursiops aduncus</i>) etc.
Marine invertebrates	31	Brackish water snail (<i>Clithon retropictum</i>) etc.
Seaweed/Sea plant	7	Eelgrass etc.
Amphibians	4	Green Sea Turtle (<i>Chelonia mydas</i>) etc.
Fish	5	Seahorse (<i>Hippocampus histrix</i>) etc.
Migratory Birds	14	Nordmann's Greenshank (<i>Tringa guttifer</i>) etc.
Total	77	

Protection of migratory birds

Out of all birds reported to inhabit Korea, there are 391 migratory birds, which comprise 86% of total bird species observed in Korea, with 337 of them visiting Russia, 281 visiting Japan, 337 visiting China, and 59 visiting Australia. In this light, Korea signed bilateral agreements on the protection of migratory birds with Russia, Australia and China in 1994, 2006, and 2007, respectively. Furthermore, in 2008, the city of Incheon hosted on the Secretariat of East Asian-Australasian Flyway Partnership (EAAFP).

According to the National Migratory Bird Survey conducted in 2017 at 20 stopover sites on the west and south coasts of Korea (NIBR 2017), it was revealed that 22-36 shorebird species and 49,743-163,249 individuals were counted in spring during their northward migration. In autumn season, 36-39 species and 56,588-65,079 individuals were counted during their southward migration. In spring, the most dominant shorebird species was Dunlins and subsequently, Great Knots and Bar-tailed Godwits were also dominant. And in autumn, Dunlins was the most dominant and followed by Grey Plovers and Kentish Plovers. The highest number of shorebird was recorded in Yubu Island of 20 survey sites, which was maximum 49,015 individuals in spring and 18,894 individuals in autumn.

The NIBR study examined three remote islands of RO Korea to study passage migratory birds in spring and autumn migration season. In Socheong Island, 45-118 species and 641-3,865 individuals were counted in spring, and 44-62 species and 622-2,442 individuals were recorded in autumn. In Eocheong Island, 39-96 species and 512-1,329 individuals were recorded in spring, and 33-42 species and 274-409 individuals were recorded in autumn. In Mara Island, 40-69 species and 282-1,087 individuals were counted in spring, and 21-39 species and 283-398 individuals in autumn.

The results of national survey confirmed that RO Korea is an important passage route of migratory birds which need resting areas and stopover places for regaining strengths for continuing migration to the south/north.

CHAPTER 2. LEGAL AND INSTITUTIONAL ARRANGEMENTS

1. Laws and Regulations

The law governing the entire ecosystem of RO Korea is the ‘Conservation and the Use of Biodiversity Act’, which directly aimed at protecting biodiversity. The Act was enacted on the 1st of February in 2012 and took effect on 2nd of February in 2013. Although the government subsequently enacted several regulations indirectly relating to biodiversity conservation in the past, this act was a meaningful turning point for Korea in that a national level approach is being proactively made, promoting the systematic biodiversity protection. The Korea government is also seeking to raise the public awareness on this crucial topic. Furthermore, the Korean government is making efforts in implementing a wider range of acts related to ecosystem conservation and management:

- Natural Environment Conservation Act (enforced on Sep. 1, 1992)
- Wildlife Conservation and Management Act (enforced on Feb. 10, 2005)
- Conservation and Management of Marine Ecosystems Act (enforced on Apr. 5, 2007)
- Wetland Conservation Act (enforced on Aug. 9, 1999)
- Nature Parks Act (enforced on Jun. 1, 1980)
- Cultural Properties Protection Act (enforced on Jan.10 , 1962)
- Development and Management of Forest Resources Act (enforced on Aug. 5, 2006)
- Baekdudaegan Protection Act (enforced on Jan. 1, 2005)
- Act on the Transboundary Movements of LMOs, etc (enforced on Jan. 1, 2008)
- Conservation and the Use of Biodiversity Act (enforced on Feb. 2, 2013)

Through the ‘2nd Master Plan for Wildlife Conservation (2011-2015)’, the government has carried out ecosystem monitoring, protection of wildlife including endangered species, and management of harmful wildlife and invasive alien species.

In the past, wildlife, agriculture, forest, marine and bio-information were separately handled by different ministries; therefore Korea’s legal system related to biodiversity lacked a systematic management. A comprehensive response on national level was required to adapt to the globally changing demands including Nagoya Protocol adopted at COP 10. From this perspective, the Korean government enacted ‘the Act on Conservation and Use of Biodiversity’ in February, 2012. The Act has three main purposes: i) contribute to the enhancement of biodiversity by creating a national management system, ii) promote the sustainable use of biological resources, and iii) cooperate with the international mechanisms including the Convention and Nagoya Protocol. The Act implements the following: i) setting up NBSAP every five years, ii) building a system for sharing information with National Biodiversity Center with a view to an integrated management of information on biodiversity, iii) preparing National Index of Species, iv) promoting cooperation with North Korea for conservation of biodiversity

and endemic species in the Korean Peninsula, v) fair and equitable sharing of benefits from the use of biological resources, and vi) prerequisite test of alien species for any hazards to the local ecosystem.

Laws relating to Marine Biodiversity Management

Regarding marine ecosystem conservation, the significant milestone has been set up in 2006 when the Conservation and Management of Marine Ecosystem Act has been enacted. The law stipulates specifically the conservation of marine habitats, marine animals, marine protected areas etc. In accordance with the law, the government of Korea developed 'Master Plan for Marine Ecosystem Conservation and Management (2006-2017)'. Under the master plan, its sub plan was also designed called 'Conservation countermeasures for marine life subject to protection'. Through the plans, marine organism habitat protection, marine ecosystem restoration and system management are being carried out. The 2nd Master Plan for Marine Ecosystem Conservation and Management is being crafted by the government in 2018.

The founding laws that govern the marine ecosystem and biodiversity are:

- Conservation and Management of Marine Ecosystems Act
- Wetland Conservation Act

The full texts of the two Acts are found in Annex 1 and 2 (www.law.go.kr).

2. Institutional Arrangements

Ministry of Oceans and Fisheries (MOF)

RO Korea adopted the integrated management of marine and ocean in 1996. As the result, an integrated government agency was formed in the name of the Ministry of Maritime Affairs and Fisheries. As the name suggests, the Ministry is focused on the industrial side of the ocean sector such as marine transportation, port development and fisheries. However, the Ministry has more and more focused on the ocean governance and marine environment in accordance with the global trend of sustainable marine management. In 2007, the Ministry has been reorganized by integrating Land and Ocean sectors into one Ministry. The resultant Ministry is called Ministry of Land, Transport and Maritime Affairs. The intention is to harmonize land and ocean in an integrated way but the implementation was not so effective. Therefore, the government recreated the integrated ocean ministry in 2013 in the name of the Ministry of Oceans and Fisheries.

Ministry of Oceans and Fisheries is taking a significant role in managing sustainable use and conservation of marine resources and environment as a de facto island country of RO Korea. The ministry has grown in number and territorial coverage in recent years. It has several associated and affiliated agencies which support the operation and management of sustainable coastal and ocean of RO Korea.

Marine Environment Management Corporation (KOEM)

Korea Marine Environment Management Corporation (KOEM) is an operational and working arm of MOF in terms of marine environment management. KOEM was established in 2007 when the Marine Environment Management Act was fully re-enacted. KOEM has major projects on marine environment management including Marine Species Protection, Survey of Marine Species and Habitats, MPA management, Marine Water Quality Monitoring, Oil Spill response and preparedness and others. Table 5 shows the major projects of KOEM.

Table 5. Major Projects of KOEM (2018)

Area	Projects
Conserving the marine ecosystem	<ul style="list-style-type: none"> • Creating foundations for climate change adaptation system in coastal areas • Management of Marine Protected Area(MPA) • Conducting research on coastal wetlands • Protecting marine animals
Creating a clean marine environment	<ul style="list-style-type: none"> • Removing remaining oil in the Kyung-Shin wreck • Collecting and processing marine floating waste and waste oil • Undertaking active marine pollution control measures • Purification and restoration of polluted waters
Modernizing marine environment management	<ul style="list-style-type: none"> • Operating national marine environment measurement network • Automated Sea Water Quality Monitoring System • Ferry Box Automated Water Quality Monitoring System • Quality management of marine environment measurement
Establishing a foundation for green growth by strengthening professionalism	<ul style="list-style-type: none"> • Establishment and operation of Marine Environment Research & Training Institute • Strengthening professionalism of response System • Establishing a marine environment expert network • Research and development of marine environment areas
Strengthening international cooperation	<ul style="list-style-type: none"> • Supporting development of marine management capability of developing countries • International exchanges with advanced countries in the marine environment sector • Strengthening international cooperation in responding to marine pollution

KOEM has headquarters in Seoul and several branch offices all around the country. The organizational chart is shown in Figure 9.

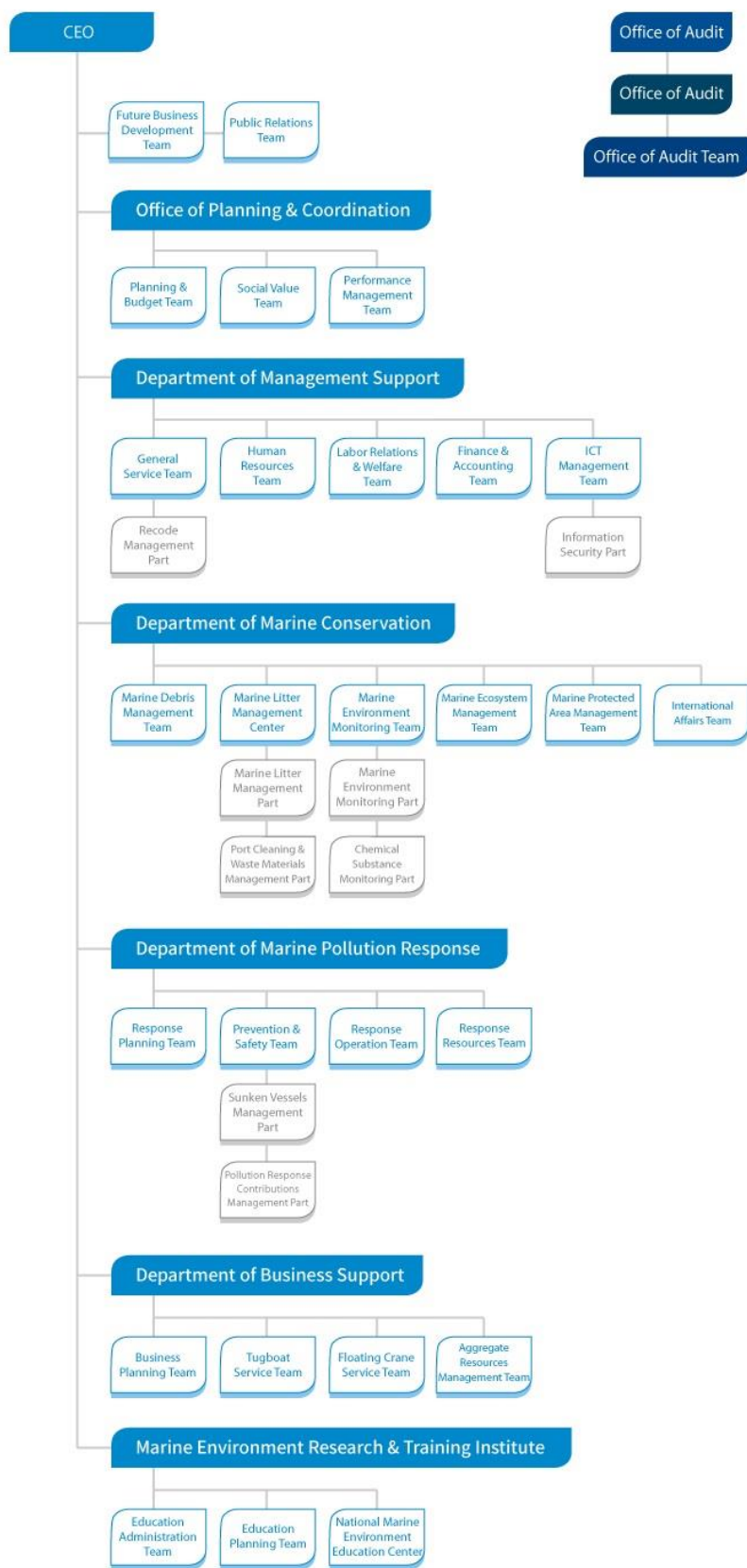


Figure 9. Organizational chart of KOEM

Marine Biodiversity Institute of Korea (MABIK)

MABIK was established relatively recently in the effort of saving the Janghang tidal flat. The residents of Seocheon-Janghang requested their proposal to reclaim the tidal flat so that the land can be developed into an industrial complex which will be economically beneficial to them. The proposal was considered within the ministry and then President late Mr. Roh Mu-Hyun visited the site. The arbitrary recommendation came from the government that the area will be developed as a science complex for attracting tourists and visitors and providing monetary compensation to residents in return of saving the tidal flat. As the results of the negotiation, the MABIK was established in 2015. The Institute is considered as a symbol of Tidal Flat conservation.

Other related Organizations

National Institute of Fisheries Science (NIFS)

Korea Institute of Ocean Science and Technology (KIOST)

Korea Maritime Institute (KMI)

Korea Fisheries Resources Agency (FIRA)

3. Policies and Programs

The 1st Marine Biodiversity Conservation and Management Plan

The 1st Marine Biodiversity Conservation and Management Plan was established in 2008 in accordance with the Chapter 2. Formulation of Plans and Investigations of Marine Ecosystems of the Conservation and Management of Marine Ecosystems Act. The 10 year plan encompassed 5 broad targets, namely:

- Target 1. Systematic Management of Marine Habitats
- Target 2. Enhancing Conservation and Management of Marine Biodiversity
- Target 3. Enhancing Public Awareness on and Sustainable Use of Marine Ecosystem
- Target 4. Establishing Effective Management System for Marine Ecosystem
- Target 5. Establishing Marine Ecosystem Survey System and Enhancing Knowledge Management

The evaluation of the 1st Plan has been conducted in 2018. The evaluation revealed that the Plan invested approximately more than US\$10M during 2009 to 2017. The spending was more than what was planned (about 105% than planned investment). Target 2 and 3 were over spending and Target 1, 4 and 5 was under spending.

Recent trend in Marine Biodiversity Management is that research and development has been steadily increasing. A total of US\$150M investment was devoted to marine ecosystem research. Also, national comprehensive survey on marine ecosystem has become more regular with the survey span of 2 years, compared to 5 years in the past.

Designation of Marine Protected Areas also is in the rising trend. A total of 29 MPAs have been designated by 2018 with a total area of 586km² which covers 0.2% of territorial seas of RO Korea. The designation of Garolim Bay as a MPA is a significant milestone in MPA management. The Bay covers an area of about 91km² which marked as the largest MPA in RO Korea. The government is continuing its efforts in designating MPAs in the coming years.

Designation and registration of protected species and invasive alien species is on the rise. Since 2009, more than 31 species were registered as protected and 4 species as invasive alien species. The government is keeping the monitoring efforts of those species and strengthening the monitoring and response measures. However, species management is perceived as somewhat challenging.

4. Challenges and Difficulties

Development Pressure in Coastal Areas – coastal reclamation

RO Korea is still economically growing in a steady manner. While economic growth is devoted to industrial areas, the coastal areas are also heavily targeted for possible sites for expansion of industrial complex. For example, despite the fact that Sihwa Lake was constructed aiming for agricultural purposes, its usage now is solely devoted to industrial complex development. The original plan of maintaining the lake as freshwater reservoir for agricultural irrigation was reverted to saline lake for tidal power generation. In the same rate, Saemangeum Lake is also planned to develop the industrial complexes.

Both Sihwa and Saemangeum Lakes were created through reclaiming huge areas of tidal flats. The West Coast of RO Korea is considered as one of the richest tidal flat areas in the world. The tidal flats sustain huge population of migratory bird species of international importance. Many of the migratory bird species are endangered or critically endangered. Some of them are about to extinct such as Spoon-billed Sandpiper and Black-faced spoonbill. It was reported that about 22% of the tidal flats were lost during the past three decades. Although the government adopted a policy to ban reclamation, the pressure and desire to reclaim coastal wetlands still exist.

In recent research on marine biodiversity survey, RO Korea reported a total marine species of 13,089 which is No. 1 in species per unit area. However, RO Korea scored 60 out of 100 for

Marine Health Index in 2012. This score is about 124th in global rank which means the marine health of RO Korea is in the risky condition. There is an urgent need for RO Korea to take significant measures to protect and restore the marine health conditions.

Transboundary Impacts of Marine Biodiversity

Reduction of marine biodiversity around the region and the global oceans puts pressure to marine environment as a whole. For example, recent bloom of Nomura jellyfish in RO Korea is suspected to be blamed for coastal environment deterioration of China where jellyfish polyps grow. At the same rate, RO Korea receives tremendous amount of trash drifted from other countries including China. These phenomena only confirmed that the global marine environment is truly a transboundary issue.

The advent of climate change issue is putting pressure to marine environment and biodiversity. Increasing global ocean temperature changes whole marine ecosystems. As marine environment is changing, marine species abide by the environment are inevitably changing. Consequently, human activities are also changing. Fishermen are changing their catch species and whole fishing industry is also changing. However, adaptation to these changes is not easy for poor and marginalized fishermen. Subsequently, large displacement of jobs and livelihoods are happening all over the world.

Ocean sector is also coping with the changes. The concept of blue carbon provides some opportunities to coastal communities and research sectors. It is in its nascent state as of now, however. The efforts will continue in the years to come in response to the changing global ocean environment.

Reduction in marine resources

Overfishing is one of major threats to marine biodiversity. Reduction of fisheries resources put pressure on the entire ecosystem mechanics of the Yellow Sea by disturbing the tropic level of marine food chain. For incidence, jellyfish bloom of Nomura Jellyfish (*Nemopilema nomurai*) in recent years in Yellow Sea is largely blamed for overfishing in the coastal areas of China and RO Korea where jellyfish polyps are growing. Since the amount of catch has been dramatically dropped for last decades, prevention of overfishing is the only solution to recover marine fishery resources and to use them sustainably. RO Korea has introduced legal measures for limiting overfishing. Total Allowable Catch (TAC) is a resource management system by limiting the annual catch of the individual single fish species. For sustainable use of marine ecosystem, MOF strengthen culturing and growing fishery different from past catching fishery through restoration of spawning ground and habitat (sea farm project, sea forest project).The MOF also makes foreshore eco parks, foreshore eco exhibition halls, and

foreshore visit trails. However, policy measures for preventing overfishing seem ineffective. The trend of fisheries catch decline is more and more evident to the extent of capture fishery industry's near collapse in some parts of China and RO Korea.

Impacts of Climate Change on Marine Biodiversity

According to MOFA (2017), in the span of the last century average temperature has risen by 1.5°C (global average has risen by 0.6°C). Temperature has risen from 12°C in the 20th century to 13.5 °C in the 21st century even when excluding the effects of urbanization, there was an increase of 0.4-0.8°C (larger impact of urbanization rather than global warming). The temperature increase in fast pace will affect the coastal area through sea-level rise and changes in marine ecosystem due to sea water warming. This in turn pushes fisheries.

There lies a possibility that the rise in water temperature will change the surrounding temperate waters of Korean Peninsula to subtropical waters. During the past 30-40years, the catch of warm water fishery species such as mackerel, anchovy, cuttlefish, etc. has increased. The winter fisheries for cuttlefish has moved 60miles north and expanded during the past 20years. The catch of cold water fisheries species such as walleye Pollack, codfish, etc. had decreased sharply. The rise in water temperature due to climate change may induce long-term and largescale red- tide, causing serious harm to the reproduction of fish and shellfish. The rise in sea level will cause a serious loss of vast tidal flats. Since many fisheries resources such as micro algae, zooplankton etc. inhabit in tidal flats, encompassing the vital ecosystem, the loss of the area will bring about serious future marine ecosystem damage.

CHAPTER 3. PRINCIPLES OF YSLME BIODIVERSITY CONSERVATION PLAN

1. Principles in the RO Korea Law

The principle of marine ecosystems conservation and management is stipulated in the RO Korean laws. In particular, the Conservation and Management of Marine Ecosystems Act shall be the framework law for the YSLME Biodiversity Conservation Plan. According to the law, the following seven basic principles are stipulated:

- 1) Marine ecosystems shall be conserved or managed as the assets of all nationals, serving the public interests, and marine ecosystems shall be used on a sustainable basis;
- 2) There should be harmony and balance between the use of the sea and the conservation or management of marine ecosystems;
- 3) Endangered marine organisms or ecologically important marine organisms shall be protected, and the diversity of marine organisms shall be conserved;
- 4) Nationals shall take part in the conservation or management of marine ecosystems, and shall be provided more opportunities to use marine ecosystems in a sound manner;
- 5) The burden of conserving or managing marine ecosystems shall be shared in an equitable manner, and benefits generated from marine ecosystems shall be preferentially enjoyed by local residents and interested persons;
- 6) No ecological balance shall be destroyed nor shall the value thereof be undermined, when marine environments are used or developed, and endeavors shall be made to restore or recover marine ecosystems and marine landscape, when they are destroyed, damaged or injured;
- 7) International cooperation shall be promoted for the sustainable use of marine ecosystems.

Development of the Framework Plan for the YSLME Biodiversity Conservation shall be in accordance with the above seven basic principles. In addition to above principles, YSLME specific principle can be added as:

- 1) Conservation and management of Yellow Sea biodiversity shall be in mutual interest of China, DPR Korea and RO Korea;
- 2) Mutual efforts on conservation of Yellow Sea biodiversity shall honor national jurisdiction and internal laws and regulations.

2. Objectives and Timeframe

Objectives

The objectives of the YSLME Biodiversity Conservation Plan are:

- 1) Creating clean and beautiful Yellow Sea;
- 2) Sharing mutual benefits of ecosystem services of Yellow Sea

Timeframe

This framework plan is aiming at medium-term implementation from 2018-2030. Its implementation will be monitored and evaluated every year through monitoring method introduced in Chapter 5 with indicators of success.

3. Strategies

This framework plan contains five (5) strategies. Each strategy has several actions and activities which can be implemented in the form of projects. Details of the actions and activities will be elaborated in Chapter 4.

Strategy 1. Marine Habitat Protection

- 1) Strengthening management of the Marine Protected Area
- 2) Establishing management framework for the marine ecosystem corridors
- 3) Restoring degraded or damaged marine ecosystems

Strategy 2. Marine Species Protection and Restoration

- 1) Conserving and restoring protected marine species and animals
- 2) Strengthening the management of invasive species
- 3) Protecting marine animals in response to climate change

Strategy 3. Enhancing the Benefits of Marine Ecosystem Services

- 1) Providing services of ecosystem-based marine spatial planning
- 2) Establishing framework for increasing the ecosystem services
- 3) Promoting marine eco-tourism

Strategy 4. Improving the Governance on Marine Ecosystem Management

- 1) Reforming coastal resource use consultation process using marine ecosystem-based management

- 2) Enhancing marine ecosystem survey, research and development
- 3) Enhancing public awareness and education on marine ecosystem
- 4) Coordinating and evaluating marine ecosystem related policies, programs and projects

Strategy 5. Enhancing Collaboration for Marine Ecosystem Conservation

- 1) Establishing collaborative framework for central and local governments on marine ecosystem conservation
- 2) Enhancing RO Korea's roles on marine biodiversity in international arena
- 3) Expanding collaboration on marine ecosystem conservation to DPR Korea and South East Asia

CHAPTER 4. ACTIONS AND ACTIVITIES

The following table shows actions, projects and activities of each Strategy:

Strategy	Action	Projects	Activities
Strategy 1. Marine Habitat Protection	1-1. Strengthening management of the Marine Protected Area	1-1-1. Increasing number of MPAs in accordance with international recommendations	1-1-1-1. Designation of more MPAs in accordance with the needs and request from local stakeholders
			1-1-1-2. Designation of MPAs for marine animal protection and marine scenic view
			1-1-1-3. Increasing support for MPA designation
		1-1-2. Strengthening Marine Protected Areas Management in compliance with international standards	1-1-2-1. Reforming survey methods for MPAs
			1-1-2-2. Establishing national platform for MPA management
			1-1-2-3. Site-based MPA management
			1-1-2-4. Reform on MPA management effectivity evaluation
		1-1-3. Strengthening MPA management environment	1-1-3-1. Integrated Database for national MPAs
			1-1-3-2. Establishing a network of MPA competent authorities
	1-2. Establishing management framework for the marine ecosystem corridors	1-2-1. Establishing management framework for marine ecosystem corridors	1-2-1-1. Establishing management directions for marine ecological corridors
			1-2-1-2. Establishing legal and policy for marine ecosystem corridors management and restoration
			1-2-1-3. Developing a guideline for marine ecosystem corridor restoration
			1-2-1-4. Enhancing survey of marine ecosystem corridors
		1-2-2. Restoring marine ecosystems in corridors	1-2-2-1. Restoring estuarine ecosystems
			1-2-2-2. Restoring artificial coastal lines
1-2-2-3. Restoring marine scenic sites			
1-2-2-4. Restoring damaged tidal flat ecosystem			
		1-3-1-1. Fortifying legal mandate for marine ecosystem restoration projects	

	1-3. Restoring degraded or damaged marine ecosystems	1-3-1. Reforming legal instruments for marine ecosystem restoration projects	1-3-1-2. Strengthening marine ecosystem restoration project implementation system		
			1-3-1-3. Establishing marine ecosystem restoration professional license system		
			1-3-1-4. Establishing marine ecosystem restoration education and knowledge management system		
		1-3-2. Establishing marine ecosystem restoration monitoring system	1-3-2-1. Enhancing monitoring of ecosystem in the large development projects		
			1-3-2-2. Survey of marine ecosystem status and damage and put into DB		
		1-3-3. Implementing marine ecosystem restoration projects	1-3-3-1. Restoration of damaged tidal flats		
			1-3-3-2. Restoration of major marine species habitats		
		Strategy 2. Marine Species Protection and Restoration	2-1. Conserving and restoring protected marine species and animals	2-1-1. Strengthening legal and scientific bases for management of marine protected species	2-1-1-1. Restructuring the system of marine protected species designation and declassification
					2-1-1-2. Enhancing marine protected species survey system
2-1-1-3. Enhancing management of protected marine species					
2-1-1-4. Eradication of IUU fishing and reducing by-catch					
2-1-2. Strengthening management of habitats for marine protected species	2-1-2-1. Protection of habitats of the protected species				
	2-1-2-2. Restoration of endangered species for population augmentation				
	2-1-2-3. Implementing protective measures for endemic species				
2-1-3. Strengthening marine protected species management system	2-1-3-1. Establishing specialized organization for the protected species				
	2-1-3-2. Establishing integrated DB for protected marine species				
	2-1-3-3. Organizing inter-agency committee for the protected marine species				
	2-1-3-4. Enhancing public awareness and education on protected marine species				
2-2. Strengthening the management of invasive species	2-2-1. Strengthening management of invasive alien species		2-2-1-1. Enhancing management of invasive alien species		
			2-2-1-2. Enhancing management of ecosystem disrupting species		
	2-2-2. Managing marine biodiversity threats and risks		2-2-2-1. Reforming the evaluation for ecosystem health rating		
			2-2-2-2. Removal of ecosystem disruption species		

		2-2-3. Minimizing the adverse impacts of harmful marine species	2-2-3-1. Strengthening the system for preventive measures on red tide occurrence
			2-2-3-2. Minimizing the adverse impacts of red tides
		2-2-4. Strengthening safety management of marine species and fisheries products	2-2-4-1. Establishing medium to long term comprehensive plan for marine species safety
			2-2-4-2. Enhancing safety management of Persistent Organic Pollutants
			2-2-4-3. Strengthening safety management of marine species LMO
		2-2-5. Establishing infrastructure for managing invasive alien species	2-2-3-1. Establishing the specialized institute for invasive alien marine species
			2-2-3-2. Establishing DB for invasive alien marine species
			2-2-3-3. Organizing inter-agency committee for invasive alien marine species
			2-2-3-4. Enhancing public awareness and education for invasive alien marine species
	2-3. Protecting marine animals in response to climate change	2-3-1. Reducing climate change impacts using marine species and ecosystem	2-3-1-1. Enhancing greenhouse gas sequestration capacity of marine species and ecosystem
			2-3-2. Enhancing adaptive capacity of marine ecosystem
			2-3-2-1. Establishing evaluation system for climate change risk to marine ecosystem
		2-3-2-2. Formulation of climate change adaptation plan for marine ecosystem	
		2-3-2-3. Strengthening awareness and publicity of vulnerable marine species	
Strategy 3. Enhancing the Benefits of Marine Ecosystem Services	3-1. Providing services of ecosystem-based marine spatial planning	3-1-1. Strengthening science base of marine spatial planning	3-1-1-1. Establishing evaluation system for the marine ecosystem services
			3-1-1-2. Conducting evaluation of marine ecosystem services and management
		3-1-2. Strengthening the capacity for marine spatial planning implementation	3-1-2-1. Developing guideline for application of marine ecosystem services
			3-1-2-1. Enhancing collaboration between local governments
		3-1-2-2. Conducting education and public outreach for marine ecosystem services	
	3-2. Establishing framework for	3-2-1. Mainstreaming the ecosystem services pay system	3-2-1-1. Considering introducing marine ecosystem services finance
3-2-1-2. Making applicable marine ecosystem conservation fund			

	increasing the ecosystem services		3-2-1-3. Establishing marine ecosystem services recipients charge-based principle	
		3-2-2. Securing marine scenic resources and utilization	1-2-1-1. Strengthening marine scenery management	
			1-2-1-2. Survey and development of marine scenery sites	
	1-2-1-3. Establishing marine scenic resources DB			
	3-3. Promoting marine eco-tourism	3-3-1. Fortifying the capacity of marine eco-tourism development	3-3-1-1. Establishing the system for promoting marine eco-tourism	
			3-3-1-2. Establishing marine eco-tourism DB	
			3-3-1-2. Introducing recognition system for model marine eco-tourism sites	
			3-3-1-4. Implementing needs-based marine eco-tourism programs	
		3-3-2. Establishing the management system for ocean front	3-3-1-3. Conducting international collaboration projects	
			3-3-2-1. Building foundation for promoting ocean front	
Strategy 4. Improving the Governance on Marine Ecosystem Management	4-1. Reforming coastal resource use consultation process using marine ecosystem-based management	4-1-1. Scaling up the marine eco-mapping	4-1-1-1. Improving marine eco-map development	
			4-1-1-2. Enhancing precision of marine eco-map	
	4-2. Enhancing marine ecosystem survey, research and development	4-1-2. Enhancing the relevance of marine eco-map and marine resource use consultation	4-2-1. Reforming the national marine ecosystem survey system	4-1-2-1. Conducting feasibility study for marine natural resources management system
				4-2-2. Establishing information system for marine ecosystem
		4-2-3. Strengthening the research, development and industrialization of marine ecosystem	4-2-1-2. Introducing new marine ecosystem survey projects	
			4-2-2-1. Establishing and operating national marine ecosystem database system	4-2-2-2. Introducing marine ecosystem data donation system
				4-2-3-1. Developing marine ecosystem restoration technologies
		4-2-3-2. Developing marine ecosystem evaluation methods		
	4-2-3-3. Conducting studies and research on marine ecosystem structure and function			

	4-3. Enhancing public awareness and education on marine ecosystem	4-3-1. Broadening of public awareness and participation	4-2-3-4. Developing marine protected species management techniques	
			4-2-3-5. Developing marine invasive alien species management techniques	
		4-3-2. Strengthening education on marine biodiversity	4-3-1-1. Enhancing public awareness and participation	
			4-3-1-2. Promoting local residents' participation of marine ecosystem conservation activities	
			4-3-2-1. Strengthening public school education on marine ecosystem	
			4-3-2-2. Developing activity-oriented marine ecosystem education program	
		4-4. Coordinating and evaluating marine ecosystem related policies, programs and projects	4-4-1. Strengthening the management system for adaptive capacity of marine ecosystem	4-3-2-3. Establishing regional marine biodiversity activity centers
				4-3-2-4. Broadening students' involvement in marine biodiversity survey
				4-4-1-1. Developing and implementing marine biodiversity health index
				4-4-1-2. Implementing regular monitoring and assessment on national marine biodiversity strategy
Strategy 5. Enhancing Collaboration for Marine Ecosystem Conservation	5-1. Establishing collaborative framework for central and local governments on marine ecosystem conservation	5-1-1. Strengthening local marine ecosystem management system	5-1-1-1. Supporting regional activities on marine biodiversity conservation	
			5-1-1-2. Operating regional marine biodiversity centers	
			5-1-1-3. Evaluation of local governments' marine biodiversity financial management	
		5-1-2. Strengthening inter-agency collaboration on marine ecosystem	5-1-2-1. Inter-ministerial collaboration on marine biodiversity conservation policy	
		5-1-3. Strengthening collaboration among local governments on marine ecosystem	5-1-3-1. Strengthening collaboration between MOF and local governments on marine biodiversity policy and programs	
			5-1-3-2. Providing incentives to model cases on marine biodiversity conservation	
		5-1-4. Strengthening participation of local residents on marine ecosystem activities	5-1-4-1. Implementing citizen-led marine biodiversity survey and conservation activities	
			5-1-4-2. Strengthening local experts' knowledge base	

	5-2. Enhancing RO Korea’s roles on marine biodiversity in international arena	5-2-1. Strengthening the system for international collaboration on marine biodiversity	5-2-1-1. Strengthening the response system on international agreements on marine biodiversity
			5-2-1-2. Implementing RO Korea-led initiatives on marine biodiversity
	5-3. Expanding collaboration on marine ecosystem conservation to DPR Korea and South East Asia	5-3-1. Broadening collaboration with DPR Korea on NLL and marine ecosystem	5-3-1-1. Reforming legal instruments for inter-Korean collaboration on marine biodiversity
			5-3-1-2. Supporting marine biodiversity conservation of DPR Korea
			5-3-1-3. Establishing conflict-free zone at NLL
		5-3-2. Broadening collaboration with North East Asia on marine ecosystem	5-3-2-1. Establishing collaborative framework for marine biodiversity with South-North East Asia
5-3-2-2. Implementing collaborative projects with North East Asia on marine biodiversity			

CHAPTER 5. MONITORING AND EVALUATION

1. Monitoring

Monitoring will be conducted yearly with the following indicators. Baseline assessment will be conducted in 2018 and the targets will be spread to the target year of 2030.

Strategy	Action	Indicator
Strategy 1. Marine Habitat Protection	1-1. Strengthening management of the Marine Protected Area	No of MPAs are in compliance with the recommendations of the Aichi Target
		RO Korea MPAs are yearly assessed for management effectiveness and ecosystem health using internationally acceptable evaluation tools
		MPA ecosystem health score is maintained in good health range
	1-2. Establishing management framework for the marine ecosystem corridors	Marine ecosystem corridors are designated and their management plans are developed and implemented properly
		Threats and risks in marine ecosystem corridor are removed and risks are properly managed.
	1-3. Restoring degraded or damaged marine ecosystems	Marine ecosystem restoration related laws were amended in support of the marine ecosystem restoration projects
		Marine ecosystem restoration projects are monitored using a sets of monitoring tools
		At least 10 marine ecosystem restoration projects are implemented yearly
	Strategy 2. Marine Species Protection and Restoration	2-1. Conserving and restoring protected marine species and animals
Habitats of marine protected species are scientifically monitored and restored		
Marine protected species are registered in national DB system with yearly monitoring and evaluation		
2-2. Strengthening the management of invasive species		Invasive alien species are surveyed and registered in DB system
		Marine biodiversity threats and risks are assessed and responsive actions are implemented
		Harmful marine species and their adverse impacts are assessed with relevant response measures are taken
		Safety of marine species and fisheries products are assessed and pertinent guidelines are established
		An institute specialized in invasive alien species are established
2-3. Protecting marine animals in response to climate change		Capacity of reducing climate change impacts by marine species and ecosystem is assessed through scientific research

		Adaptive capacity of marine ecosystem is assessed and projects augmenting its capacity are implemented
Strategy 3. Enhancing the Benefits of Marine Ecosystem Services	3-1. Providing services of ecosystem-based marine spatial planning	Scientific base of marine spatial planning is established through research and development
		Experts working on marine spatial planning are trained and registered in national DB
	3-2. Establishing framework for increasing the ecosystem services	Marine ecosystem pay system is studied for possible application at demonstration sites
		Marine scenic resources are surveyed and registered with possible application for marine eco-tourism
	3-3. Promoting marine eco-tourism	Marine eco-tourism sites are developed to cover at least 10% of the total tourists
		Ocean front management system is developed and functional
Strategy 4. Improving the Governance on Marine Ecosystem Management	4-1. Reforming coastal resource use consultation process using marine ecosystem-based management	Nation-wide marine eco-mapping project is conducted
		Marine eco-map is utilized as a mandatory reference in the marine resource use consultation process
	4-2. Enhancing marine ecosystem survey, research and development	Marine ecosystem survey is conducted using updated manuals
		Marine ecosystem information system is established and being serviced to the public
		Marine ecosystem research is covering at least 10% of total research program funding
	4-3. Enhancing public awareness and education on marine ecosystem	Marine ecosystem is covering at least 10% of all marine related public awareness activities
		Marine ecosystem is being taught at the middle school science curriculum
	4-4. Coordinating and evaluating marine ecosystem related policies, programs and projects	Adaptive capacity of marine ecosystem is assessed
Strategy 5. Enhancing Collaboration for Marine Ecosystem Conservation	5-1. Establishing collaborative framework for central and local governments on marine ecosystem conservation	Each local government hires at least an expert on marine ecosystem
		Inter-agency coordinating committee is regularly convened
		League of local governments for marine ecosystem projects is regularly convened
		At least 10% of local residents are participating marine ecosystem related activities
	5-2. Enhancing RO Korea's roles on marine biodiversity in international arena	RO Korea is hosting an international organization for marine ecosystem conservation
	5-3. Expanding collaboration on	A long-term project on NLL marine ecosystem survey with DPR Korea is initiated with proper funding

	marine ecosystem conservation to DPR Korea and South East Asia	Research projects on marine biodiversity with North East Asian countries are initiated
--	--	--

2. Evaluation

The indicators will be assessed annually and evaluated in accordance with the scoring system to be developed later.

REFERENCES

- Convention on Biological Diversity (CBD) website. <http://www.cbd.int>
- National Biodiversity Strategic Action Plan (2015) of RO Korea
- 5th National Report to CBD (2014) of RO Korea, <http://www.cbd.int>
- National Institute of Biological Resources (2017), 2017 Monitoring of Passage Migratory Birds in Korea.
- Coastal information center website. www.coast.kr
- Tidal flat information center website. www.ecosea.go.kr
- Ministry of Foreign Affairs (2017) Korea's Vulnerability to Climate s Vulnerability to Climate Change and its Adaptation Policies (presentation).
- RO Korean laws website. www.law.go.kr
- Korea Marine Environment Management Corporation, 2018.
- Korea Institute of Ocean Science and Technology, 2018
- Marine Biodiversity Institute of RO Korea, 2018

Annex 1. Conservation and Management of Marine Ecosystems Act

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to protect marine ecosystems from artificial damage and conserve or manage marine ecosystems in a comprehensive and systematic manner, such as conserving marine biological diversity and promoting the sustainable use of marine biological resources, thereby improving the quality of national life and protecting marine assets.

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows: <Amended by Act No. 8852, Feb. 29, 2008>

1. The term marine ecosystems means the biological community of specific sea areas, and a material system or a functional system where inorganic and organic environments surrounding such community are combined;
2. The term conservation and management of marine ecosystems means all activities committed to conserve, protect or restore marine ecosystems in a systematic manner and conserve marine biological diversity;
3. The term marine biological diversity means the diversity of biological species or organisms within marine ecosystems, including the diversity of intra-species, interspecies, the habitats of organisms and ecosystems;
4. The term marine biological resources means genetic resources, organisms, a part of organisms, population and other biological components of marine ecosystems, which have a value to people or have practical or potential purposes;
5. The term marine ecosystem axis means the network of habitats which connects the ecosystems of ecologically important areas or sea areas maintaining ecological functions, so as to protect and manage marine ecosystems and marine biological diversity in an integrated manner, and maintain the ecological structure and the continuity of ecological functions;
6. The term marine ecology map means a map drawn up under Article 12, by classifying marine ecosystems according to ecological or landscape value, etc.;
7. The term marine primary production means the production of organic materials through photosynthesis or chemical synthesis in the sea;
8. The term marine organisms means organisms which inhabit or grow naturally in marine ecosystems;
9. The term migratory marine animals means animals moving in a group for spawning, feeding activities or reproduction, etc., determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs;
10. The term marine mammals means mammals living in the sea, which are determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs;
11. The term marine organisms under protection means marine species falling under any of the following items, determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs:
 - (a) Unique species living in the Republic of Korea;
 - (b) Species, the number of which is remarkably decreasing;
 - (c) Species of high academic or economic value;
 - (d) Species worthy of being highly protected internationally;
12. The term organisms disturbing marine ecosystems means organisms falling under any of the following items, which are determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs:
 - (a) Marine organisms flowing in from abroad artificially or naturally, which cause or are likely to cause disturbance to the balance of marine ecosystems;
 - (b) Marine organisms which cause or are likely to cause disturbance to the balance of marine ecosystems, from among genetically modified organisms produced through genetic modification;
13. The term harmful marine organisms means marine organisms causing harm to the life or property of people, which are determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs;
14. The term protected marine areas means areas worthy of preservation, as they are ecologically important due to diverse marine organisms, or they have excellent marine assets, including marine landscape, determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs under Article 25;

15. The term marine assets means the total of non-biological resources of tangible or intangible value, which can be used in the life of people or economic activities, including biological resources of marine ecosystems, marine landscape, marine minerals, seawater and marine energy.

Article 3 (Basic Principles on Conservation and Management of Marine Ecosystems)

Marine ecosystems shall be conserved or managed, according to the following basic principles: 1. Marine ecosystems shall be conserved or managed as the assets of all nationals, serving the public interests, and marine ecosystems shall be used on a sustainable basis;

2. There should be harmony and balance between the use of the sea and the conservation or management of marine ecosystems;

3. Endangered marine organisms or ecologically important marine organisms shall be protected, and the diversity of marine organisms shall be conserved;

4. Nationals shall take part in the conservation or management of marine ecosystems, and shall be provided more opportunities to use marine ecosystems in a sound manner;

5. The burden of conserving or managing marine ecosystems shall be shared in an equitable manner, and benefits generated from marine ecosystems shall be preferentially enjoyed by local residents and interested persons;

6. No ecological balance shall be destroyed nor shall the value thereof be undermined, when marine environments are used or developed, and endeavors shall be made to restore or recover marine ecosystems and marine landscape, when they are destroyed, damaged or injured;

7. International cooperation shall be promoted for the sustainable use of marine ecosystems.

Article 4 (Obligations of State)

(1) The State or local governments shall take the following measures to conserve or manage marine ecosystems:

1. Formulation and implementation of measures to conserve or manage marine ecosystems, in an effort to prevent inordinate damage to marine ecosystems due to activities or projects (hereinafter referred to as development activities, etc.) affecting marine ecosystems, including the development or use of the sea, or promote the sustainable use of marine ecosystems;

2. Promotion of policies which encourage nationals to take an active part in the conservation or management of marine ecosystems and the creation of conditions therefor;

3. Investigation, research and technology development concerning the conservation and management of marine ecosystems, or the fosterage of specialized human resources;

4. Formulation and implementation of measures to restore or recover damaged marine ecosystems;

5. Raising the public awareness of the importance of marine ecosystems, through education and public relations concerning marine ecosystems;

6. Promotion of international cooperation concerning the conservation of marine environments.

(2) Business operators shall observe the following matters, in conducting business activities:

1. Business operators shall preferentially consider marine ecosystems and marine landscapes;

2. Business operators shall take necessary measures to restore or recover damaged marine environments due to business activities on their own behalf;

3. Business operators shall take part in or cooperate in measures to conserve the marine environments, formulated and implemented by the State and local governments under paragraph (1).

(3) All nationals shall endeavor to protect marine ecosystems, including active participation in policies of the State and local governments to conserve and manage marine ecosystems.

(4) Any one who intends to conduct development activities, etc. shall take necessary measures to minimize damage to marine ecosystems.

Article 5 (Consultations on Major Policies)

(1) The heads of central administrative agencies shall, when they intend to formulate and implement major policies or plans directly related to the conservation and management of marine ecosystems, consult with the Minister of Land, Transport and Maritime Affairs in advance: Provided, That this shall not apply to cases where they have consulted with the Minister of Land, Transport and Maritime Affairs under other Acts. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Minister of Land, Transport and Maritime Affairs may, when he/she conducts development activities, etc., in consultation with the heads of the relevant central administrative agencies, draw up guidelines on the

conservation, management and sustainable use of marine ecosystems, and order persons engaged in development activities, etc. to utilize such guidelines. <Amended by Act No. 8852, Feb. 29, 2008>

(3) Necessary matters concerning the kinds of major polices or plans subject to consultation and the preparation of guidelines under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 6 (Support for Movements to Protect Marine Ecosystems)

The State shall support local governments, civil groups, etc. to ensure that nationals can take part in movements to protect marine ecosystems and encourage movements to protect marine ecosystems by taking into account ecological characteristics by region.

Article 7 (Establishment and Operation of Marine Ecosystem Information System)

(1) The Minister of Land, Transport and Maritime Affairs may establish and operate the marine ecosystem information system (hereinafter referred to as marine ecosystem information system) which computerizes a marine ecology map, marine species and information on habitats, etc., so as to smoothly produce and distribute knowledge and information on marine ecosystems. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Minister of Land, Transport and Maritime Affairs may request the heads of the relevant administrative agencies to submit data necessary for the establishment and operation of the marine ecosystem information system. In such cases, the heads of the relevant administrative agencies shall comply with such requests, unless any extraordinary ground exists. <Amended by Act No. 8852, Feb. 29, 2008>

(3) The Minister of Land, Transport and Maritime Affairs may entrust the establishment and operation of the marine ecosystem information system to specialized institutions, when necessary for the efficient establishment and operation of the marine ecosystem information system. <Amended by Act No. 8852, Feb. 29, 2008>

(4) Necessary matters concerning the establishment and operation of the marine ecosystem information system under paragraph (1) and entrustment to specialized institutions under paragraph (3) shall be prescribed by Presidential Decree.

Article 8 (Formulation of Joint Measures with Neighboring Countries)

(1) The State may formulate joint measures with neighboring countries, to conserve and manage marine ecosystems and marine biological resources in a systematic and comprehensive manner.

(2) The State or local governments may conduct cooperative projects, such as investigations, research, restoration or recovery, with neighboring nations, in an effort to promote international joint responses to the protection of marine organisms, the conservation of habitats of marine organisms and influences on marine ecosystems of marine pollution, and may order the relevant research institutes or academic institutions to take part in such projects.

(3) The State or local governments may support the relevant research institutes or academic institutions which take part in cooperative projects under paragraph (2), and the kinds of and procedures for support for cooperative projects and institutions subject to support shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

CHAPTER II FORMULATION OF PLANS AND INVESTIGATIONS

Article 9 (Formulation of Basic Plans on Conservation and Management of Marine Ecosystems)

(1) The Minister of Land, Transport and Maritime Affairs shall formulate basic plans (hereinafter referred to as basic plans) on the conservation and management of marine ecosystems every ten years, so as to conserve and manage marine ecosystems in a comprehensive and systematic manner. <Amended by Act No. 8852, Feb. 29, 2008>

(2) Basic plans shall include the following matters:

1. The actual status or use of marine ecosystems;
2. Basic directions and major projects concerning the conservation and management of marine ecosystems;
3. Matters concerning the protection or restoration of habitats or the migratory routes of marine organisms;
4. Matters concerning the establishment and promotion of the marine ecosystem axis;
5. Education and public relations concerning the conservation and management of marine ecosystems and the promotion of civil cooperation;
6. Cooperation of the relevant central administrative agencies and local governments;
7. International cooperation on the conservation and management of marine ecosystems;

8. Matters concerning the calculation of expenses incurred in conducting projects and methods of procuring financial resources;

9. Other matters prescribed by Presidential Decree concerning the conservation and management of marine ecosystems.

(3) The Minister of Land, Transport and Maritime Affairs shall, when he/she intends to formulate basic plans, go through deliberations by the Marine Fishery Development Committee under Article 7 of the Framework Act on Marine Fishery Development, after consulting with the heads of the relevant central administrative agencies, the Metropolitan City Mayor, Do Governors, the Governors of a Special Self-Governing Province (hereinafter referred to as Mayors/Do Governors) in advance. <Amended by Act No. 8260, Jan. 19, 2007; Act No. 8852, Feb. 29, 2008; Act No. 9454, Feb. 6, 2009>

(4) The Minister of Land, Transport and Maritime Affairs may request the heads of the relevant central administrative agencies and Mayors/Do Governors to submit data necessary for formulating basic plans. <Amended by Act No. 8852, Feb. 29, 2008>

(5) The Minister of Land, Transport and Maritime Affairs shall notify the heads of the relevant central administrative agencies and Mayors/Do Governors of basic plans and publicly notify such plans. <Amended by Act No. 8852, Feb. 29, 2008>

(6) Mayors/Do Governors shall formulate detailed implementation plans on the conservation and management of marine ecosystems in areas under their jurisdiction, according to basic plans, and report such plans to the Minister of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

(7) The Minister of Land, Transport and Maritime Affairs or Mayors/Do Governors may change basic plans and detailed implementation plans, when they deem that such plans need to be changed due to changes in natural or social conditions. In such cases, they shall consult with the heads of the relevant central administrative agencies and Mayors/Do Governors in advance. <Amended by Act No. 8852, Feb. 29, 2008>

(8) The Minister of Land, Transport and Maritime Affairs may request Mayors/Do Governors to change detailed implementation plans, when it is deemed necessary for the conservation and management of marine ecosystems. <Amended by Act No. 8852, Feb. 29, 2008>

(9) Paragraphs (3) and (6) shall apply mutatis mutandis to changes of basic plans: Provided, That this shall not apply to changes to insignificant matters prescribed by Presidential Decree.

(10)The heads of the relevant central administrative agencies or Mayors/Do Governors shall preferentially consider basic plans, when they authorize, permit, approve, license, decide on or designate development activities, etc.

(11)The Minister of Land, Transport and Maritime Affairs shall analyze and evaluate the outcomes of implementing basic plans on the conservation and management of marine ecosystems on a regular basis every two years, and reflect such outcomes in policies on the conservation and management of marine ecosystems. <Amended by Act No. 8852, Feb. 29, 2008>

Article 10 (Basic Investigation into Marine Ecosystems)

(1) The Minister of Land, Transport and Maritime Affairs shall conduct a basic investigation into marine ecosystems nationwide every ten years, in collaboration with the heads of the relevant central administrative agencies. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Minister of Land, Transport and Maritime Affairs may conduct an investigation into the marine ecosystems of regions and sea areas classified as the first-class zone on a marine ecology map under Article 12 and regions and sea areas where it is especially necessary to understand changes in marine ecosystems, every five years, in collaboration with the heads of the relevant central administrative agencies. <Amended by Act No. 8852, Feb. 29, 2008>

(3) Necessary matters concerning the details and methods of investigations under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

(4) Mayors/Do Governors may conduct an investigation into marine ecosystems in areas under their jurisdiction, in accordance with Municipal Ordinance of the relevant local governments, and shall report investigation plans and the outcomes of investigations to the Minister of Land, Transport and Maritime Affairs, when they conduct an investigation. <Amended by Act No. 8852, Feb. 29, 2008>

Article 11 (Detailed Investigation and Observation of Changes in Marine Ecosystems)

(1) The Minister of Land, Transport and Maritime Affairs shall formulate and implement plans on detailed investigation of the relevant marine ecosystems, when he/she deems that it is especially necessary to investigate

and manage such marine ecosystems which came to be newly understood as a result of an investigation under Article 10. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Minister of Land, Transport and Maritime Affairs may conduct a supplementary investigation of regions and sea areas, where changes in marine ecosystems due to natural or artificial factors are deemed to be obvious, from among regions and sea areas, the investigation of which has been conducted under Article 10. <Amended by Act No. 8852, Feb. 29, 2008>

(3) The Minister of Land, Transport and Maritime Affairs shall continue to observe changes in marine ecosystems due to natural or artificial factors. <Amended by Act No. 8852, Feb. 29, 2008>

(4) Mayors/Do governors may investigate and observe marine ecosystems in areas under their jurisdiction under paragraphs (1) and (3), in accordance with the Municipal Ordinance of the relevant local governments.

(5) The items, details and methods of investigations under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

Article 12 (Drafting Marine Ecology Maps)

(1) The Minister of Land, Transport and Maritime Affairs shall draft a marine ecology map, which classifies the marine ecosystems nationwide according to the following criteria, on the basis of the results of investigations and observation under Articles 10 and 11, so as to utilize such map for formulating basic plans and take into account such map in conducting development activities, etc.: <Amended by Act No. 8852, Feb. 29, 2008>

1. First-class zone: Regions and sea areas falling under any of the following items:

(a) Regions and sea areas which become the major habitats, spawning areas and major migratory routes of marine organisms under protection;

(b) Regions and sea areas which have excellent marine ecosystems or magnificent marine landscape;

(c) Regions and sea areas which are located in geographical distribution limits of organisms or which represent the types of marine vegetation;

(d) Regions and sea areas with especially diverse marine organisms, where marine biological resources worthy of preservation exist and are distributed;

(e) Regions and sea areas which have a marine ecological value equivalent to items (a) through (d), satisfying standards prescribed by Presidential Decree;

2. Second-class zone: Regions and sea areas equivalent to those falling under any item of subparagraph 1, which are worthy of future preservation in terms of marine biological value, or regions and sea areas outside of the first-class zone, which are necessary for protecting the first-class zone;

3. Third-class zone: Regions and sea areas to be developed or used, which are not classified as a first-class zone, second-class zone or separately managed zone;

4. Separately managed zone: Regions of landscape value, which are prescribed by Presidential Decree, from among areas conserved under other Acts.

(2) The Minister of Land, Transport and Maritime Affairs may, when he/she draws up a marine ecology map, request the heads of the relevant central administrative agencies or the heads of local governments to cooperate in drawing such map, including the submission of necessary data or the cooperation of specialized human resources, and the heads of the relevant central administrative agencies or the heads of local governments shall comply with such requests, as prescribed by Presidential Decree, unless any unavoidable ground exists in fulfilling military purposes. <Amended by Act No. 8852, Feb. 29, 2008>

(3) Mayors/Do Governors may draw up a detailed marine ecology map in areas under their jurisdiction for the efficient conservation and management of marine ecosystems, in consultation with the Minister of Land, Transport and Maritime Affairs, and necessary matters concerning a marine ecology map shall be determined by the Municipal Ordinance of the relevant local governments. <Amended by Act No. 8852, Feb. 29, 2008>

(4) The Minister of Land, Transport and Maritime Affairs shall, when he/she drafts a marine ecology map, consult with the heads of the relevant central administrative agencies, after undergoing public perusal for not less than 14 days. <Amended by Act No. 8852, Feb. 29, 2008>

(5) The Minister of Land, Transport and Maritime Affairs shall notify the heads of the relevant central administrative agencies and the heads of the relevant local governments of a marine ecology map and publicly announce such map. <Amended by Act No. 8852, Feb. 29, 2008>

(6) Standards and methods for drafting up marine ecology maps shall be prescribed by Presidential Decree.

Article 13 (Marine Ecology Research Institute)

(1) The Minister of Land, Transport and Maritime Affairs or Mayors/Do Governors may establish the Marine Ecology Research Institute (hereinafter referred to as the Research Institute), when it is necessary for investigations and observation under Articles 10 and 11 or other investigations of marine ecosystems. <Amended by Act No. 8852, Feb. 29, 2008>

(2) Qualifications for researchers and procedures for appointing researchers under paragraph (1) or other necessary matters shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs or Municipal Ordinance of the relevant local governments. <Amended by Act No. 8852, Feb. 29, 2008>

Article 14 (Entry into Land Owned by Another)

(1) The Minister of Land, Transport and Maritime Affairs or Mayors/Do Governors may order public officials or researchers to conduct an investigation or make an observation by entering public waters or land owned by another, or order them to change or remove trees, soil, stones or other obstacles (hereinafter referred to as obstacles, etc.) of such public waters or land, when necessary for investigations and observation under Articles 10 and 11. <Amended by Act No. 8852, Feb. 29, 2008>

(2) When public officials or researchers intend to change or remove obstacles, etc. under paragraph (1), they shall obtain the consent of those who (hereinafter referred to as occupiers, users, etc.) occupy and use, use, possess, occupy or manage public waters or land: Provided, That when occupiers, users, etc. are not on site, or when it is impossible to obtain consent thereof due to incorrect addresses, they shall post a notice on the bulletin board of a Eup/Myeon/Dong having jurisdiction over the relevant areas or publicly announce such fact in daily newspapers, and when 14 days elapse after the date on which notification or announcement is made, they shall be deemed to obtain consent.

(3) No occupier or user of public waters or land may refuse, obstruct or evade entrance, investigations or observation and the change or removal of obstacles, etc. under paragraph (1) without any justifiable ground.

(4) Any one who intends to enter public waters or land owned by another under paragraph (1) shall carry a certificate indicating his/her authority and show such certificate to the relevant person, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

Article 15 (Maintenance and Management of Marine Primary Production)

(1) The Minister of Land, Transport and Maritime Affairs shall take measures to maintain and manage marine primary production, in consultation with the heads of the relevant central administrative agencies and Mayors/Do Governors. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Minister of Land, Transport and Maritime Affairs shall conduct an investigation of necessary matters, including the actual state, characteristics and influences, etc. of marine ecosystems by sea area, in advance, to maintain and manage marine primary production. <Amended by Act No. 8852, Feb. 29, 2008>

(3) The Minister of Land, Transport and Maritime Affairs may request the relevant specialized institutions to conduct an investigation under paragraph (2), for scientific and specialized investigations and measurement. <Amended by Act No. 8852, Feb. 29, 2008>

CHAPTER III PROTECTION OF MARINE ORGANISMS

Article 16 (Protection of Migratory Marine Animals)

(1) The State or local governments shall protect the habitats, spawning areas and migratory routes of migratory marine animals and marine mammals.

(2) The State or local governments may establish exhibit halls and education or information centers for the conservation or management of migratory marine animals and marine mammals, and subsidize expenses incurred in conducting research or investigations by the relevant institutions or organizations in whole or in part.

(3) The Minister of Land, Transport and Maritime Affairs, the heads of the relevant central administrative agencies or the heads of local governments may prohibit or restrict capturing, so as to conserve and manage the spawning or breeding environments of migratory marine animals and marine mammals. <Amended by Act No. 8852, Feb. 29, 2008>

(4) Necessary matters concerning procedures or methods for supporting research and investigations of migratory marine animals and marine mammals under paragraph (2) shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

Article 17 (Designation or Revoking Designation of Conservation Institutions other than Habitats)

(1) The Minister of Land, Transport and Maritime Affairs may designate institutions prescribed by Presidential Decree, including zoos, as conservation institutions of marine organisms, other than habitats, (hereinafter referred to as conservation institutions other than habitats), after listening to the opinions of the relevant central administrative agencies, where it is difficult to conserve marine organisms in habitats or it is necessary to conserve marine organisms in places, other than habitats, for the conservation of species: Provided, That he/she shall consult with the Administrator of the Cultural Heritage Administration, when he/she intends to designate conservation institutions other than habitats, so as to conserve natural monuments designated under Article 6 of the Cultural Heritage Protection Act in places other than habitats. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Minister of Land, Transport and Maritime Affairs may subsidize expenses incurred in conserving marine organisms in whole or in part, when it is especially necessary to preserve marine organisms in conservation institutions other than habitats. <Amended by Act No. 8852, Feb. 29, 2008>

(3) The Minister of Land, Transport and Maritime Affairs may revoke the designation, when conservation institutions other than habitats fall under any of the following subparagraphs: Provided, That he/she shall revoke designation, when conservation institutions other than habitats fall under subparagraph 1: <Amended by Act No. 8852, Feb. 29, 2008>

1. When they are designated as conservation institutions other than habitats, by fraud or other wrongful means;
2. When they capture migratory marine animals and marine mammals, in violation of prohibitions and restrictions under Article 16 (3);

3. When they fall under any of the following items, in violation of Article 20 (1):

(a) When they capture, collect or damage marine organisms under protection, without permission;

(b) When they install explosives, nets or fishing gear or use harmful materials (referring to harmful materials under subparagraph 3 of Article 2 of the Toxic Chemicals Control Act; hereinafter the same shall apply) or electric currents, so as to capture or damage marine organisms under protection;

4. When they import or bring in marine organisms, the capture of which is prohibited or restricted, without permission, or export, import, ship out or bring in marine organisms under protection, in violation of Article 42 (1) 1 and 2.

(4) Necessary matters concerning procedures for designating conservation institutions other than habitats, or the operation thereof shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

Article 18 (Rescue and Treatment of Marine Organisms)

(1) The Minister of Land, Transport and Maritime Affairs or Mayors/Do Governors shall take necessary measures to rescue or treat marine animals in distress or wounded, such as the establishment and operation of facilities for rescuing and treating marine animals. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Minister of Land, Transport and Maritime Affairs or Mayors/Do Governors may designate the relevant institutions or organizations as institutions specialized in rescuing and treating marine animals, for the rescue and treatment of marine animals. <Amended by Act No. 8852, Feb. 29, 2008>

(3) The Minister of Land, Transport and Maritime Affairs or Mayors/Do Governors may subsidize expenses incurred in rescuing and treating marine animals in whole or in part, for institutions specialized in rescuing and treating marine animals designated under paragraph (2). <Amended by Act No. 8852, Feb. 29, 2008>

(4) The Minister of Land, Transport and Maritime Affairs or Mayors/Do Governors may revoke the designation, when institutions specialized in rescuing and treating marine animals fall under any of the following subparagraphs: Provided, That he/she shall revoke the designation, when institutions specialized in rescuing and treating marine animals fall under subparagraph 1: <Amended by Act No. 8852, Feb. 29, 2008>

1. When they are designated as institutions specialized in rescuing and treating marine animals by fraud or other wrongful means;

2. When they refuse to rescue or treat marine animals in distress or wounded for not less than three times without any extraordinary ground;

3. When they abuse marine animals;

4. When they acquire, transfer, take over, transport, keep or offer marine organisms under protection, which have been captured in an illegal manner, and processed goods made of such marine organisms, in violation of Article 20.

(5) Necessary matters concerning procedures for designating institutions specialized in rescuing and treating marine animals and subsidies for expenses incurred in rescuing and treating marine animals under paragraphs

(2) and (3) shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

Article 19 (Plans to Conserve Marine Organisms under Protection)

(1) The Minister of Land, Transport and Maritime Affairs may take measures to conserve marine organisms under protection, as prescribed by Presidential Decree, and implement such measures, in collaboration with the heads of the relevant central administrative agencies and Mayors/Do Governors, or request the heads of the relevant central administrative agencies and Mayors/Do Governors to implement such measures. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Minister of Land, Transport and Maritime Affairs shall take measures to protect the habitats, etc. of marine organisms under protection and take necessary measures, such as increasing or restoring species, when he/she deems that it is difficult for the current populations to continue to survive in nature and it is especially necessary to take measures to protect species. <Amended by Act No. 8852, Feb. 29, 2008>

(3) The Minister of Land, Transport and Maritime Affairs may request for cooperation from the heads of the relevant central administrative agencies or Mayors/Do Governors, when necessary for protecting, increasing or restoring marine organisms under protection. <Amended by Act No. 8852, Feb. 29, 2008>

(4) The Minister of Land, Transport and Maritime Affairs, the heads of the relevant central administrative agencies or Mayors/Do Governors may recommend appropriate methods of using public waters or land to the occupiers and users of the public waters or land, as prescribed by Presidential Decree, when they deem that it is necessary for protecting marine organisms under protection. <Amended by Act No. 8852, Feb. 29, 2008>

(5) The Minister of Land, Transport and Maritime Affairs may provide support necessary for following recommendations to the occupiers and users of the public waters or land, within budget limits. <Amended by Act No. 8852, Feb. 29, 2008>

Article 20 (Prohibitions against Capturing or Collecting Marine Organisms under Protection)

(1) No one shall capture, collect, transplant, process, distribute, store (including dead marine organisms in cases of process, distribution or storage) or damage (hereinafter referred to as capture or collection, etc.) marine organisms under protection, and shall install explosives, nets or fishing gear or use harmful materials or electric currents, so as to capture or damage marine organisms under protection: Provided, That marine organisms under protection may be captured or collected, with permission from the Minister of Land, Transport and Maritime Affairs, in any of the following cases: <Amended by Act No. 8852, Feb. 29, 2008>

1. When anyone intends to use marine organisms, so as to protect, increase, or restore marine organisms under protection or conduct academic research;
2. When anyone intends to use marine organisms for viewing or exhibition in facilities for conserving or using marine ecosystems established under Article 43;
3. When it is necessary for preventing damage to cultured fish species or fishery products;
4. When it is inevitable to conserve marine organisms under protection by moving or transplanting them, so as to perform the public works under Article 4 of the Act on the Acquisition of Land, etc. for Public Works and the Compensation therefor or conduct projects which receive authorization, permission or approval (hereinafter referred to as authorization or permission, etc.) under Acts and subordinate statutes;
5. When anyone exports, imports, ships out or brings in artificially proliferated marine organisms, as prescribed by Presidential Decree;
6. Other cases determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs, unless the protection of marine organism is interrupted.

(2) When anyone obtains permission under Article 19 of the Protection of Wild Fauna and Flora Act, he/she shall be deemed to have obtained permission of the Minister of Land, Transport and Maritime Affairs under the proviso to paragraph (1). <Amended by Act No. 8852, Feb. 29, 2008>

(3) The provisions of paragraph (1) shall not apply in cases falling under any of the following subparagraphs: <Amended by Act No. 8852, Feb. 29, 2008>

1. When anyone captures marine organisms, for fear that they are likely to cause urgent harm to human;
2. When anyone captures marine organisms, as it is urgent to rescue and treat marine animals in distress or wounded;
3. When it is inevitable for anyone to incidentally catch marine organisms due to fishing activities, and such catch is reported to the Minister of Land, Transport and Maritime Affairs within three months;

4. When conservation institutions, other than habitats, receive authorization or permission for capture or collection under the relevant Acts and subordinate statutes;

5. When matters are permitted under Article 20 of the Cultural Heritage Protection Act;

6. When marine organisms fall under wild animals or plants in danger of extinction under subparagraph 2 of Article 2 of the Protection of Wild Fauna and Flora Act.

(4) Any one who intends to capture or collect marine organisms under protection, after obtaining permission under the proviso to paragraph (1), shall carry a certificate of permission, and when any one captures or collects marine organisms under protection, he/she shall report the results of capture or collection to the Minister of Land, Transport and Maritime Affairs, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

(5) Where specific marine organisms are designated as marine organisms under protection, anyone who has continued to keep the relevant marine organisms shall make a report to the Minister of Land, Transport and Maritime Affairs, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs, within one year. <Amended by Act No. 8852, Feb. 29, 2008>

(6) Necessary matters concerning standards and procedures for permission and the issuance of certificates of permission under the proviso to paragraph (1) shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

Article 21 (Revocation of Permission)

(1) When anyone who obtains permission under the proviso to Article 20 (1), falls under any of the following subparagraphs, the Minister of Land, Transport and Maritime Affairs may revoke such permission: Provided, That when anyone falls under subparagraph 1, he/she shall revoke such permission: <Amended by Act No. 8852, Feb. 29, 2008>

1. When anyone obtains permission by fraud or other wrongful means;

2. When anyone violates permitted matters in capturing or collecting marine organisms under protection.

(2) Anyone whose permission is revoked under paragraph (1), shall return a certificate of permission to the Minister of Land, Transport and Maritime Affairs, within seven days after the date on which such revocation is made. <Amended by Act No. 8852, Feb. 29, 2008>

Article 22 (Restrictions on Advertisements Related to Marine Organisms under Protection)

No one shall place an advertisement which is likely to promote the extinction or decrease of marine organisms under protection or provoke the abuse of marine organisms under protection: Provided, That this shall not apply to cases where he/she receives authorization or permission, etc. under other Acts.

Article 23 (Management of Organisms Disturbing Marine Ecosystems)

(1) No one shall bring organisms disturbing marine ecosystems into marine systems and increase their habitats or numbers.

(2) Anyone who intends to import or bring in organisms disturbing marine ecosystems, shall obtain permission from the Minister of Land, Transport and Maritime Affairs, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs: Provided, That genetically modified organisms under Article 2 of the Transboundary Movement, etc. of Living Modified Organisms Act, among organisms disturbing marine ecosystems, shall be governed by the Act. <Amended by Act No. 8762, Dec. 21, 2007; Act No. 8852, Feb. 29, 2008>

(3) When organisms disturbing marine ecosystems disturb or damage the balance of marine ecosystems, the Minister of Land, Transport and Maritime Affairs shall establish measures through investigation, and request the heads of relevant central administrative agencies or the heads of local governments to take relevant measures. In such cases, the Minister of Land, Transport and Maritime Affairs may permit the capture or collection of organisms disturbing marine ecosystems, notwithstanding restriction on acts in protected marine areas under Article 27 (1). <Amended by Act No. 8852, Feb. 29, 2008>

Article 24 (Management of Harmful Marine Organisms)

The Minister of Land, Transport and Maritime Affairs shall manage harmful marine organisms, by taking into account damage caused by harmful marine organisms to fishery industries and the types or numbers of harmful marine organisms, and endeavor to ensure that marine ecosystems are not disturbed due to inordinate capture or collection. <Amended by Act No. 8852, Feb. 29, 2008>

CHAPTER IV DESIGNATION AND MANAGEMENT OF PROTECTED MARINE AREAS

Article 25 (Designation and Management of Protected Marine Areas)

(1) The Minister of Land, Transport and Maritime Affairs may designate areas, the marine ecosystems or marine landscape of which need to be especially protected, falling under any of the following subparagraphs, as protected marine areas and manage such areas: <Amended by Act No. 8852, Feb. 29, 2008>

1. Sea areas where marine ecosystems maintain primitiveness or sea areas worthy of being preserved or of being the subject matter of academic research thanks to diverse marine organisms;
2. Areas which need academic research or preservation, due to unusual topography, geological features or ecology of the sea;
3. Sea areas which are worthy of being preserved as the habitats or spawning areas of marine organisms under protection or sea areas which have high primary production capacity;
4. Sea areas which may represent diverse marine ecosystems or are equivalent to examples thereof;
5. Sea areas which are worthy of special conservation, due to beautiful submarine landscape, including coral reefs and seaweeds, or marine landscape;
6. Sea areas prescribed by Presidential Decree, which are especially necessary for the effective conservation and management of marine ecosystems.

(2) Protected marine areas under paragraph (1) may be designated and managed, after protected marine areas are classified into the following sub-areas, according to the characteristics of marine ecosystems:

1. Areas for protecting marine organisms: Areas needed to protect marine organisms;
2. Areas for protecting marine ecosystems: Areas which have excellent marine ecosystems or diverse marine organisms or areas, the vulnerable ecosystems of which are unlikely to be restored, if damaged;
3. Areas for protecting marine landscape: Areas which have excellent marine landscape, as the topography, geological features and biota of the seaside or in the sea achieve harmony with marine ecosystems.

(3) The Minister of Land, Transport and Maritime Affairs may alter or cancel the designation of protected marine areas, when such areas lose the value of protected marine areas under paragraph (1) or do not need to be conserved, due to military purposes, natural disasters or other grounds. <Amended by Act No. 8852, Feb. 29, 2008>

(4) Necessary matters for the designation or management of protected marine areas under paragraphs (1) through (3) shall be determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

Article 26 (Procedures for Designation of Protected Marine Areas)

(1) The Minister of Land, Transport and Maritime Affairs shall, when he/she intends to designate or alter protected marine areas, draft a topographic map (including a marine chart) determined by Presidential Decree in a written plan on designation, including the following matters, and undergo consultations with the heads of the relevant central administrative agencies and deliberations of the Marine Fishery Development Committee under Article 7 of the Framework Act on Marine Fishery Development, after listening to the opinions of the relevant local residents, interested persons and the heads of local governments in advance: Provided, That when insignificant matters prescribed by Presidential Decree are revised, deliberations of the Marine Fishery Development Committee may be omitted: <Amended by Act No. 8260, Jan. 19, 2007; Act No. 8852, Feb. 29, 2008; Act No. 9454, Feb. 6, 2009>

1. Grounds and purposes of designation or alteration;
2. Current status and characteristics of major marine ecosystems;
3. Specific use zone or current status of using land in designated areas and adjacent land;
4. Classification of protected marine areas and measures to manage such areas;
5. Current status of a fishing right and a mining right and drawings;
6. Current status of regulated areas under Acts and subordinate statutes.

(2) The heads of local governments or the heads of the relevant central administrative agencies shall, upon receiving requests for opinions or consultations under paragraph (1), shall present their opinions to the Minister of Land, Transport and Maritime Affairs within 30 days after the date on which they receive such requests, unless any extraordinary ground exists. <Amended by Act No. 8852, Feb. 29, 2008>

(3) The Minister of Land, Transport and Maritime Affairs shall, when he/she designates, alters or cancels protected marine areas, publicly notify the details of designation, alteration or cancellation in the official gazette,

without delay, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

Article 27 (Restrictions on Acts in Protected Marine Areas)

(1) No one shall commit any act falling under any of the following subparagraphs in protected marine areas: Provided, That when park areas designated under the Natural Parks Act or cultural heritage (including protected areas) under the Cultural Heritage Protection Act are included in protected marine areas, the provisions of the Natural Parks Act or Cultural Heritage Protection Act shall apply: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10676, May 19, 2011>

1. Capturing, collecting, transplanting, or damaging marine organisms prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs, among marine organisms which do not fall under marine organisms under protection, or installing explosives, nets or fishing gear or using harmful materials or electric currents, so as to capture or damage marine organisms in protected marine areas;
2. Newly constructing or extending buildings or other structures (limited to cases where buildings are extended on not less than two occasions the size of the total ground area at the time of designation of protected marine areas);
3. Changing the structure of public waters, or increasing or decreasing the water level or quantity of the sea water;
4. Changing the quality of public waters or land;
5. Collecting the sea sand, quartz sand, soil and stones;
6. Throwing away specific substances harmful to the quality of water under subparagraph 8 of Article 2 of the Water Quality and Ecosystem Conservation Act, or wastes or harmful materials under subparagraph 1 of Article 2 of the Wastes Control Act;
7. Damaging, destroying or relocating notices concerning the conservation and management of marine ecosystems or other landmarks;
8. Other acts prescribed by Presidential Decree as deemed to be harmful to marine ecosystems.

(2) In cases falling under any of the following subparagraphs, the provisions of paragraph (1) shall not apply: <Amended by Act No. 8377, Apr. 11, 2007; No. 8852, Feb. 29, 2008>

1. When it is necessary for military purposes;
2. When it is necessary to take urgent measures to cope with natural disasters or other disasters prescribed by Presidential Decree;
3. Acts falling under paragraph (1) 2 through 5, which are necessary for maintaining or improving the unique life styles of residents in marine protected areas or adjacent areas (hereinafter referred to as adjacent areas) which may pollute or affect protected marine areas, or acts for maintaining the existing farming or fishing activities, which are prescribed by Presidential Decree;
4. Acts or related facilities for conducting an investigation into marine ecosystems, or academic investigation or research, which are deemed to cause no harm to the conservation of the relevant protected marine areas and permitted by the Minister of Land, Transport and Maritime Affairs;
5. Where the heads of the relevant administrative agencies are directly engaged in development activities under other Acts and subordinate statues, or where the authorization or permission of the relevant administrative agencies are given. In such cases, the heads of the relevant administrative agencies shall consult with the Minister of Land, Transport and Maritime Affairs in advance;
6. Projects for rearranging the basis of agricultural production under subparagraph 5 of Article 2 of the Rearrangement of Agricultural and Fishing Villages Act and complex projects for the development of fishing villages under subparagraph 2 of Article 2 of the Fishing Villages and Fishery Harbors Act, which implement matters included in a basic management plan for protected marine areas under Article 28 of this Act;
7. When the Minister of Land, Transport and Maritime Affairs commit acts prescribed by Presidential Decree or establish necessary facilities, so as to protect and manage protected marine areas;
8. When facilities prescribed by Presidential Decree, including facilities for experiencing ecosystems, are established in areas for protecting marine landscape under Article 25 (2) 3.

(3) No act falling under paragraph (1) 1 shall be committed against marine organisms in any area for protecting marine organisms under Article 25 (2) 1, notwithstanding the proviso to paragraph (1).

(4) Any one may capture or collect marine organisms in areas protecting marine landscape under Article 25 (2) 3, unless it damages marine landscape, which serves as a ground for the designation of areas for protecting marine landscape, notwithstanding paragraph (1).

(5) The Minister of Land, Transport and Maritime Affairs or Mayors/Do Governors may restrict development activities prescribed by Presidential Decree or fishing activities in protected marine areas, notwithstanding paragraph (2) 3, when it is inevitable to protect marine organisms under protection or it is especially necessary to conserve and manage vulnerable marine ecosystems. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10676 May 10, 2011>

Article 28 (Basic Management Plan of Protected Marine Areas)

The Minister of Land, Transport and Maritime Affairs shall formulate and implement basic management plans of protected marine areas, including the following matters, after consulting with the heads of the relevant central administrative agencies and the heads of local governments: <Amended by Act No. 8852, Feb. 29, 2008>

1. Conservation and management of marine ecosystems and marine biological diversity;
2. Special management of areas for protecting marine organisms, areas for protecting marine ecosystems and areas for protecting marine landscape under each subparagraph of Article 25 (2);
3. Improvement of the life quality of residents in protected marine areas and adjacent areas and the protection of interests of interested persons;
4. Matters which contribute to the development of local community through the conservation and management of marine ecosystems.

Article 29 (Investigation and Observation of Protected Marine Areas)

(1) The Minister of Land, Transport and Maritime Affairs shall, when he/she intends to designate or alter protected marine areas, investigate and measure matters, in advance, necessary for designation or alteration thereof, such as the current status, characteristics and topography of marine ecosystems. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Minister of Land, Transport and Maritime Affairs may request the relevant specialized institutions to conduct investigations or take measurements under paragraph (1), for scientific and specialized investigation and measurements. <Amended by Act No. 8852, Feb. 29, 2008>

(3) The Minister of Land, Transport and Maritime Affairs may request the heads of the relevant central administrative agencies or the heads of local governments to submit data necessary for designating protected marine areas. In such cases, the heads of the relevant central administrative agencies or the heads of local governments shall comply with such requests, unless there exists any extraordinary grounds to the contrary. <Amended by Act No. 8852, Feb. 29, 2008>

(4) The Minister of Land, Transport and Maritime Affairs or Mayors/Do Governors shall continue to observe the current status of marine ecosystems and inhabitation of marine organisms in protected marine areas. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10676 May, 19, 2011>

Article 30 (Orders for Suspension)

The Minister of Land, Transport and Maritime Affairs or Mayors/Do Governors may order any person who commits acts violating the provisions of Article 27 (1), (3) and (5) in protected marine areas, to suspend the relevant acts or restore protected marine areas by fixing a considerable period: Provided, That when it is difficult to restore protected marine areas, he/she may give an order to take measures equivalent thereto, including the creation of alternative nature. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10676 May, 19, 2011>

Article 31 (Urgent Protected Marine Areas)

(1) The Minister of Land, Transport and Maritime Affairs may designate regions or sea areas falling under any of the subparagraphs of Article 25 (1), which are deemed to need urgent protection for fear of significant damage to marine ecosystems, as urgent protected marine areas, after listening to the opinions of the heads of the relevant central administrative agencies or the heads of local governments. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Minister of Land, Transport and Maritime Affairs shall, when he/she designates urgent protected marine areas under paragraph (1), announce such fact and notify the heads of the relevant central administrative agencies or the heads of local governments of such fact. <Amended by Act No. 8852, Feb. 29, 2008>

(3) The Minister of Land, Transport and Maritime Affairs may, when he/she designates urgent protected marine areas under paragraph (1), request the heads of the relevant administrative agencies to supplement plans with regard to authorization or permission for plans or projects which are likely to transform marine ecosystems,

adjust implementation periods, change implementation methods or reserve authorization or permission. <Amended by Act No. 8852, Feb. 29, 2008>

(4) When any ground for designating urgent protected marine areas under paragraph (1) disappears, the Minister of Land, Transport and Maritime Affairs shall cancel such designation without delay and publicly notify such fact. <Amended by Act No. 8852, Feb. 29, 2008>

(5) When the relevant areas are not designated as protected marine areas within one year after the date on which such areas are designated and publicly notified as urgent protected marine areas under paragraph (1), the designation of urgent protected marine areas shall be deemed to have been cancelled.

Article 32 (Securing Land for Conservation and Management of Marine

(1) When land, public waters, structures or other articles settled in the relevant land in protected marine areas, or in regions or sea areas (hereinafter referred to as land, etc.), which need to be designated as protected marine areas due to excellent ecological value, are not necessary for military purposes or the purposes of protecting cultural heritage, the Minister of Land, Transport and Maritime Affairs may request for administrative conversion under subparagraph 5 of Article 2 of the State Property Act from the heads of central administrative agencies who have authority to manage the relevant land, etc., such as the Minister of National Defense: Provided, That this shall not apply to land under Articles 20 and 20-2 of the Act on Special Measures for Readjustment of Requisitioned Properties or Articles 2 and 3 of the Act on Special Measures for Readjustment of Expropriated or Used Lands under the Decree on Special Measures for Expropriation or Uses of Lands in Areas to be Mobilized pursuant to the Provisions of Article 5 (4) of the Act on Special Measures for National Integrity. <Amended by Act No. 8852, Feb. 29, 2008, Act No. 9401, Jan. 30, 2009>

(2) The Minister of Land, Transport and Maritime Affairs may conduct an investigation into land, etc., in consultation with the heads of the relevant central administrative agencies, including the Minister of National Defense and the Administrator of the Cultural Heritage Administration, as prescribed by Presidential Decree, so as to select land, etc. subject to administrative conversion under paragraph (1). <Amended by Act No. 8852, Feb. 29, 2008, Act No. 9401, Jan. 30, 2009; Act No. 10676 May, 19, 2011>

Article 33 (Purchase of Land in Protected Marine Areas)

(1) The Minister of Land, Transport and Maritime Affairs or Mayors/Do Governors may purchase land, etc., in consultation with owners, when necessary for the conservation and management of marine ecosystems in protected marine areas. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10676 May, 19, 2011>

(2) Purchase prices of land, etc. under paragraph (1) shall depend on prices calculated under the Act on the Acquisition of Land, etc. for Public Works and the Compensation therefor. <Amended by Act No. 10676 May, 19, 2011>

Article 34 (Support for Residents in Protected Marine Areas)

(1) The Minister of Land, Transport and Maritime Affairs may conduct the following projects in protected marine areas or adjacent areas: <Amended by Act No. 8852, Feb. 29, 2008>

1. Projects for collecting marine wastes;
2. Projects for facilities aimed at reducing marine pollution;
3. Other projects for supporting residents in protected marine areas and adjacent areas.

(2) The Minister of Land, Transport and Maritime Affairs shall, when he/she designates each protected marine area under Article 25, preferentially take and implement measures to support public facilities for residents in the relevant protected marine area and adjacent areas, establish convenience facilities and increase incomes of residents. <Amended by Act No. 8852, Feb. 29, 2008>

(3) The Minister of Land, Transport and Maritime Affairs or the heads of local governments may use parts of protected marine areas and adjacent areas as places for visiting marine ecosystems or recreation, etc. <Amended by Act No. 8852, Feb. 29, 2008>

(4) Types, procedures and methods of support in protected marine areas and adjacent areas shall be prescribed by Presidential Decree.

Article 35 (Preferential Use of Protected Marine Areas)

(1) The Minister of Land, Transport and Maritime Affairs shall endeavor to ensure that residents in protected marine areas and adjacent areas can preferentially use protected marine areas, in consultation with the heads of the relevant central administrative agencies and the heads of local governments: Provided, That when

interested persons exist, this shall be limited to cases where consensus is reached with the interested persons. <Amended by Act No. 8852, Feb. 29, 2008>

(2) Local residents who use protected marine areas under paragraph (1) shall endeavor to protect protected marine areas.

Article 36 (Designation and Management of City/Do Protected Marine Areas)

(1) Mayors/Do Governors may designate regions or sea areas, which need to be conserved like protected marine areas, as City/Do protected marine areas and manage such areas.

(2) Mayors/Do Governors shall, when they intend to designate City/Do protected marine areas, listen to the opinions of interested persons and consult with the heads of the relevant central administrative agencies, as prescribed by Presidential Decree. This shall apply to cases where the designation of City/Do protected marine areas is altered or cancelled.

(3) When it is necessary to conserve and manage marine ecosystems representing the relevant regions, the Minister of Land, Transport and Maritime Affairs may recommend Mayors/Do Governors to designate regions or sea areas, to which the relevant ecosystems belong, as City/Do protected marine areas and manage such areas. <Amended by Act No. 8852, Feb. 29, 2008>

(4) Mayors/Do Governors shall, when they designate City/Do protected marine areas under paragraph (1), publicly notify the location, size, date of designation of the relevant areas or other matters determined by the Municipal Ordinance of the relevant local governments. The same shall apply to cases where the designation of City/Do protected marine areas is altered or cancelled. (5) Mayors/Do Governors may take necessary measures to conserve City/Do protected marine areas, such as restrictions on the capture and collection of marine organisms, as prescribed by Municipal Ordinance of the relevant local governments, in accordance with Articles 25 (2) and (3), 27 through 29 and 34 through 35. <Amended by Act No. 10676, May 19, 2011>

Article 37 (Consultations on Development Activities in City/Do Protected Marine Areas)

When the State or local governments intend to conduct development activities, etc. or grant authorization or permission concerning development activities, etc. in City/Do protected marine areas under other Acts and subordinate statutes, the heads of the competent administrative agencies shall consult with Mayors/Do Governors who are in charge of City/Do protected marine areas.

CHAPTER V CONSERVATION OF MARINE BIOLOGICAL DIVERSITY

Article 38 (Formulation of Measures to Conserve Marine Biological Diversity and International Cooperation)

(1) The State shall formulate and implement measures to conserve marine biological diversity, including the following matters, as prescribed by Presidential Decree, for the conservation of marine biological diversity, the sustainable use of components thereof, the appropriate management of marine biological resources and the implementation of international agreements for the conservation and management of marine ecosystems, to which the State has acceded (including the Convention on Biological Diversity, the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Convention on Wetlands of International Importance Especially as Waterfowl Habitat):

1. Conserving the components of marine biological diversity in habitats and places other than habitats;
2. Promoting and supporting projects for protecting and increasing marine biological resources;
3. Securing specialized human resources and facilities for the operation of facilities for conserving marine biological resources and the research of marine biological diversity;
4. Developing technology for the conservation and management of marine biological resources;
5. Evaluating impacts of mutated organisms in biotechnology on marine ecosystems, when such organisms are introduced into marine ecosystems;
6. Other matters prescribed by Presidential Decree, which are deemed to be necessary for implementing international agreements for the conservation and management of marine ecosystems.

(2) The State shall endeavor to exchange technology and information for the conservation and management of marine ecosystems, in cooperation with international organizations and related nations, ensure that knowledge concerning the conservation of marine biological diversity and sustainable use of components of marine biological diversity are easily acquired and transferred, in collaboration with countries directly involved in international agreements for the conservation and management of marine ecosystems and cooperate with each other, with regard to the management of marine biotechnology and the distribution of profits thereof.

Article 39 (Research of Marine Biological Diversity and Technology Development)

(1) The State shall conduct a research and develop technology concerning the structure, functions, research and restoration of marine ecosystems, the classification of marine organisms and the conservation of components of marine biological diversity in habitats and places other than habitats.

(2) The State shall conduct a necessary investigation into the distribution and trends of components of marine biological diversity which need separate measures for conservation or which has social, economic, cultural and scientific value, and development activities which may have negative influences on the conservation of marine biological diversity and the sustainable use of components of marine biological diversity, so as to contribute to the conservation of marine biological diversity and the sustainable use of components of marine biological diversity: Provided, That this shall not apply to cases where investigations under Articles 10 and 11 may substitute the aforementioned investigation.

(3) The State shall analyze, evaluate and record the outcomes of investigations into the components of marine biological diversity under paragraph (2), manage such information in a systematic manner and reflect such information in measures to conserve marine biological diversity under Article 38 (1), to ensure that such information can be used for the conservation of marine biological resources in an appropriate manner.

(4) Subjects and methods of investigations under paragraph (2) shall be prescribed by Presidential Decree.

Article 40 (Establishment and Operation of Institute of Marine Biological Resources)

(1) The State or local governments may establish and operate the Institute of Marine Biological Resources, for the efficient conservation of marine biological resources. (2) When the State or local governments establish the Institute of Marine Biological Resources under paragraph (1), the Institute of Marine Biological Resources shall have experts in the classification and conservation of biological resources, for the efficient operation and management thereof.

(3) Necessary matters concerning the establishment and operation of the Institute of Marine Biological Resources shall be prescribed by Presidential Decree.

Article 41 (Contracts on Management of Marine Biological Diversity)

(1) The Minister of Land, Transport and Maritime Affairs may conclude a contract (hereinafter referred to as contract on the management of marine biological diversity) on the alteration of methods of capture or collection, a reduction in the use of chemical substances, the creation of wetlands and methods of managing public waters, with occupiers and users of public waters or land, or recommend the heads of the relevant central administrative agencies or the heads of local governments to conclude a contract on the management of marine biological diversity, for the conservation of the following regions or sea areas: <Amended by Act No. 8852, Feb. 29, 2008>

1. Regions necessary for protecting marine organisms;

2. Sea areas, the marine biological diversity of which needs to be improved;

3. Sea areas with distinct or excellent marine biological diversity

(2) When the Minister of Land, Transport and Maritime Affairs, the heads of the relevant central administrative agencies or the heads of local governments conclude a contract on the management of marine biological diversity, they shall reimburse actual expenses to any person whose profits from the relevant public waters or land are reduced due to the implementation of such contract, in accordance with standards prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008>

(3) When any party to a contract on the management of marine biological diversity intends to terminate a contract, he/she shall notify the other parties to a contract of such fact three months before the termination of such contract.

(4) Necessary matters concerning the conclusion of a contract on the management of marine biological diversity shall be prescribed by Presidential Decree.

Article 42 (Restrictions on Exports and Imports of Marine Organisms)

(1) Any one shall obtain permission of the Minister of Land, Transport and Maritime Affairs in cases falling under any of the following subparagraphs, in an effort to prevent damage to marine ecosystems and conserve marine biological diversity: Provided, That when any one obtains permission or approval under Article 21 of the Cultural Heritage Protection Act and Articles 21 and 41 of the Protection of Wild Fauna and Flora Act, he/she shall be deemed to obtain permission of the Minister of Land, Transport and Maritime Affairs: <Amended by Act No. 8852, Feb. 29, 2008>

1. When any one imports or brings in marine animals (including processed products), the capture of which is prohibited or restricted under Article 6 (3), from foreign nations;
2. When any one exports, imports, ships out or brings in marine organisms under protection (including easily recognizable parts, derivatives and processed products), the capture or collection of which is restricted under Article 20 (1);
3. When any one exports, imports, ships out or brings in species determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs, as likely to significantly affect the conservation, management and sustainable use of marine ecosystems and marine biological resources.
 - (2) The Minister of Land, Transport and Maritime Affairs may specify or restrict the methods, quantities or regions of imports or shipments and business owners, etc. under paragraph (1), as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>
 - (3) When any person who obtains permission under the main sentence of paragraph (1), falls under any of the following subparagraphs, the Minister of Land, Transport and Maritime Affairs may revoke such permission: Provided, That when any one falls under subparagraph 1, he/she shall revoke such permission: <Amended by Act No. 8852, Feb. 29, 2008>
 1. When any one obtains permission by fraud or other wrongful means;
 2. When any one violates permitted matters, in exporting, importing, shipping out or bringing in marine animals, etc. under any subparagraph of paragraph (1).

CHAPTER VI MANAGEMENT OF MARINE ASSETS

Article 43 (Establishment and Operation of Facilities for Conserving and Using Marine Ecosystems)

- (1) The Minister of Land, Transport and Maritime Affairs, the heads of the relevant central administrative agencies or the heads of local governments may establish and operate the following facilities (hereinafter referred to as facilities for conserving and using marine ecosystems), for the conservation and management of marine ecosystems or the sound use of the sea: <Amended by Act No. 8852, Feb. 29, 2008>
 1. Facilities for conserving and managing marine ecosystems or preventing damage to marine ecosystems;
 2. Information facilities for the conservation and management of marine ecosystems and facilities for using marine ecosystems, such as a wooden bridge for observing natural ecosystems;
 3. Educational facilities, PR facilities or management facilities for conserving and using marine ecosystems, such as facilities for observing marine ecosystems, the institute for conservation of marine ecosystems and a marine ecosystem learning institute;
 4. Facilities for conserving and restoring ecosystems in protected marine areas and City/Do protected marine areas;
 5. Facilities for conserving and restoring landscape in areas for protecting marine landscapes;
 6. Other facilities for protecting marine assets.
- (2) The Minister of Land, Transport and Maritime Affairs, the heads of the relevant central administrative agencies or the heads of local governments shall, when they intend to establish or operate facilities for conserving and using marine ecosystems under paragraph (1), formulate plans on the establishment of such facilities and publicly notify such plans, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>
- (3) The Minister of Land, Transport and Maritime Affairs, the heads of the relevant central administrative agencies or the heads of local governments may collect charges from persons who use facilities for conserving and using marine ecosystems established under paragraph (1), by taking into account expenses incurred in maintenance and management thereof: Provided, That park areas designated under the Natural Parks Acts shall be governed by the Natural Parks Acts. <Amended by Act No. 8852, Feb. 29, 2008>
- (4) Necessary matters concerning procedures for collecting charges under paragraph (3) and exemption therefrom shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

Article 44 (Designation and Management of Seaside Rest Areas)

- (1) The heads of local governments may designate places of high ecological and landscape values, which are suitable for visiting marine ecosystems and giving an education on marine ecosystems, from among regions which are not designated as parks or a tourist complex under other Acts, as seaside rest areas, as prescribed by Presidential Decree. In such cases, they shall obtain the consent of owners of privately-owned land.

(2) The heads of local governments may collect charges from persons who use the seaside rest areas under the Municipal Ordinance, by taking into account expenses incurred in maintenance and management thereof, for the efficient management of seaside rest areas designated under paragraph (1): Provided, That this shall not apply to cases where such areas are designated as parks or a tourist complex under other Acts, after they are designated as seaside rest areas.

(3) Management of seaside rest areas under paragraphs (1) and (2) and other necessary matters shall be determined by Municipal Ordinance of the relevant local governments.

Article 45 (Conservation of Marine Landscapes)

(1) The Minister of Land, Transport and Maritime Affairs, the heads of the relevant central administrative agencies or the heads of local governments shall endeavor to ensure that major landscape factors beside the seaside of high landscape value and under the sea are not damaged or visibility is not blocked. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The heads of local governments shall take necessary measures to preserve marine landscape, in conducting development activities, etc., under the Municipal Ordinance.

(3) The Minister of Land, Transport and Maritime Affairs may draw up guidelines necessary for preserving marine landscapes and notify the heads of the relevant administrative agencies and the heads of local governments of such guidelines. <Amended by Act No. 8852, Feb. 29, 2008>

Article 46 (Restoration of Marine Ecosystems)

(1) The Minister of Land, Transport and Maritime Affairs or the heads of local governments shall take necessary measures to ensure that marine ecosystems of high ecological value are not damaged, in conducting development activities, etc. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Minister of Land, Transport and Maritime Affairs may take measures to conserve and manage the relevant marine ecosystems and implement such measures, in cooperation with the heads of the relevant central administrative agencies and the heads of local governments in the following cases: <Amended by Act No. 8852, Feb. 29, 2008>

1. When the major habitats or spawning areas of marine organisms under protection are destroyed or damaged, which endangers the existence of species;
2. When the parts of marine ecosystems maintaining primitiveness or vulnerable marine ecosystems are destroyed, damaged or disturbed;
3. When nature of high-level marine biological diversity or unique nature is damaged;
4. Other regions prescribed by Presidential Decree as necessary for the protection of marine ecosystems, such as seaside and habitats.

(3) The Minister of Land, Transport and Maritime Affairs or the heads of local governments shall formulate and implement necessary measures to restore damaged marine ecosystems. <Amended by Act No. 8852, Feb. 29, 2008>

(4) The Minister of Land, Transport and Maritime Affairs may request the heads of the relevant central administrative agencies or the heads of local governments, who formulate or finalize business plans for development activities, etc. or who grant permission for development activities, etc., to formulate and implement measure to restore marine ecosystems. <Amended by Act No. 8852, Feb. 29, 2008>

(5) The Minister of Land, Transport and Maritime Affairs shall formulate and implement necessary policies to conserve or restore marine ecosystems, such as the development of technology to restore marine ecosystems, or support for projects to restore marine ecosystems and institutions specializing in restoring marine ecosystems. <Amended by Act No. 8852, Feb. 29, 2008>

Article 47 (Preventing Damage to Marine Ecosystems in Public Waters)

The Minister of Land, Transport and Maritime Affairs or the heads of local governments may restrict changes in the shape and quality of public waters, or entry, cooking and camping, as prescribed by Presidential Decree, in the following cases, so as to prevent damage to ecological or landscape value in public waters: <Amended by Act No. 8852, Feb. 29, 2008>

1. When marine ecosystems are significantly damaged or a decrease in marine biological resources is remarkable in public places, such as a beach or mud flat;
2. Regions or sea areas equivalent to those falling under subparagraph 1, which meet standards prescribed by Presidential Decree.

Article 48 (Support for Marine Ecological Tourism)

(1) The Minister of Land, Transport and Maritime Affairs may support local governments, tourist business operators and private organizations for the conservation and management of marine ecosystems, in consultation with the Minister of Culture, Sports and Tourism, so as to support ecologically sound and environmentally friendly tourism (hereinafter referred to as marine ecological tourism). <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10676, May 19, 2011>

(2) The Minister of Land, Transport and Maritime Affairs may, in consultation with the Minister of Culture, Sports and Tourism and heads of local governments, formulate and implement plans on education programs necessary for marine ecological tourism, the investigation and discovery of marine ecological tourism resources and the establishment and management of facilities for the sound use of marine ecological tourism resources by nationals, or recommend the heads of local governments to formulate and implement plans. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 10676, May 19, 2011>

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 49 (Marine Ecosystem Conservation Levy)

(1) The Minister of Land, Transport and Maritime Affairs shall impose and collect the marine ecosystem conservation levy from any person who conducts development projects which remarkably affect marine ecosystems or reduce marine biological diversity. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The following projects are the subjects of marine ecosystem conservation levy under paragraph (1): <Amended by Act No. 9037, Mar. 28, 2008; Act No. 9982, Jan. 27, 2010; Act No. 10676, May 19, 2011>

1. Development projects conducted in public waters, from among projects subject to impact assessment under Article 4 of the Environmental Impact Assessment Act;

2. Projects for prospecting and mining in public waters, the size of which is not less than a size prescribed by Presidential Decree, among mining industry under subparagraph 2 of Article 3 of the Mining Industry Act;

3. Collection of not less than 500,000 cubic meters of marine aggregate under Article 22 of the Aggregate Collection Act among projects subject to the sea area utilization assessment in accordance with Article 85 of the Marine Environment Management Act; and designation of marine aggregate collection complex pursuant to the provisions of Article 34 of the Aggregate Collection Act;

4. Other projects prescribed by Presidential Decree, from among projects which remarkably affect marine ecosystems or projects using marine assets in public waters. <Newly Inserted by Act No. 10676, May 19, 2011>

(3) The marine ecosystem conservation levy under paragraph (1) shall be calculated and imposed, by multiplying damaged areas of ecosystems by amounts to be imposed per unit area and regional coefficients, not exceeding two billion won: Provided, That projects prescribed by Presidential Decree, from among projects conducted for military purposes, may be exempted from the marine ecosystem conservation levy.

(4) Procedures for collecting the marine ecosystem conservation levy under paragraph (1), standards for exemption therefrom, amounts to be imposed per unit area and regional coefficients shall be determined by Presidential Decree. In such cases, amounts to be imposed per unit area shall be based on the value of damaged marine ecosystems and regional coefficients shall be based on purposes of using land under the National Land Planning and Utilization Act, but regional coefficients of green belt zones shall apply mutatis mutandis to harbor areas under the Harbor Act, from among sea and beaches under the Public Waters Management Act and regional coefficients of natural environment conservation areas shall apply mutatis mutandis to other areas.

(5) The Minister of Land, Transport and Maritime Affairs shall pay the marine ecosystem conservation levy under paragraph (1) and additional charges under Article 51 (1) using the fisheries development fund under Article 76 of the Fisheries Act. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9614454, Apr. 1, 2009; Act No.9626, Apr. 22, 2009>

(6) When the Minister of Land, Transport and Maritime Affairs delegates the authority to collect the marine ecosystem conservation levy and additional charges to Mayors/Do Governors under Article 60 (1), he/she may grant amounts equivalent to 50/100 of the marine ecosystem conservation levy and additional charges collected to Mayors/Do Governors in charge of the relevant projects areas. In such cases, Mayors/Do Governors may use parts of grant money for imposing and collecting the marine ecosystem conservation levy, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008>

(7) When any person who has paid the marine ecosystem conservation levy conducts projects for the conservation and management of marine ecosystems, which are prescribed by Presidential Decree, such as

creating alternative marine ecosystems and restoring marine ecosystems, after obtaining approval from the Minister of Land, Transport and Maritime Affairs, the Minister of Land, Transport and Maritime Affairs may return some of the marine ecosystem conservation levy to the person. <Amended by Act No. 8852, Feb. 29, 2008>

(8) Necessary matters concerning approval and the return of the marine ecosystem conservation levy under paragraph (7) shall be prescribed by Presidential Decree.

Article 49-2 (Use of Marine Ecosystem Conservation Levy)

The Marine Ecosystem Conservation Levy in accordance with Article 49 (1) and the additional charge under Article 51 (1) of this Act should be used for the following purposes:

1. Conservation and restoration project of marine ecosystems and species
2. Support for ex situ agencies and institutions working for biodiversity conservation
3. Implementation of basic management plans of protected marine areas in accordance with Article 28
4. Purchase of land, etc. in accordance with Article 33
5. Development of the projects under each subparagraph of Article 34 (1)
6. Establishment and operation of facilities for conserving and using marine ecosystems under Article 43
7. Restoration of marine ecosystems in accordance with Article 46
8. Other necessary matters prescribed by Presidential Decree for conservation and management of marine ecosystems other than those as provided for in subparagraphs 1 through 7. [This Article Newly Inserted by Act No.10676, May 19, 2011]

Article 50 (Notification of Authorization or Permission for Projects)

(1) The heads of administrative agencies who authorize or permit projects subject to the marine ecosystem conservation levy under Article 49 (2) shall publicly notify the Minister of Land, Transport and Maritime Affairs of business operators, details of projects and the size of projects, etc. within 20 days from the date on which such authorization or permission is granted. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Minister of Land, Transport and Maritime Affairs shall publicly notify business operators of matters concerning amounts of the marine ecosystem conservation levy and the deadline for payment within one month after the date on which he/she is publicly notified under paragraph (1). In such cases, the deadline for payment shall be three months from the date on which the marine ecosystem conservation levy is imposed. <Amended by Act No. 8852, Feb. 29, 2008>

(3) Necessary matters concerning the details and methods of notification under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

Article 51 (Compulsory Collection of Marine Ecosystem Conservation Levy)

(1) When any one obliged to pay the marine ecosystem conservation levy under Article 49 fails to pay such levy within the deadline for payment, the Minister of Land, Transport and Maritime Affairs shall call for payment by fixing a period for not less than 30 days. In such cases, charges equivalent to 5/100 of such fund shall be added to the amounts of the marine ecosystem conservation levy in arrears. <Amended by Act No. 8852, Feb. 29, 2008>

(2) When any one who is urged to make a payment under paragraph (1) fails to pay the marine ecosystem conservation levy and additional charges within a deadline, such fund and charges may be collected pursuant to the practices of dispositions on default of national taxes.

Article 52 (Cooperation of Relevant Agencies)

(1) The Minister of Land, Transport and Maritime Affairs may request the heads of the relevant central administrative agencies or the heads of local governments to formulate necessary policies or take measures concerning matters prescribed by Presidential Decree, when he/she deems that it is necessary for achieving the purposes of this Act. In such cases, the heads of the relevant central administrative agencies or the heads of local governments shall comply with such requests, unless there exists any extraordinary ground to the contrary. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Minister of Land, Transport and Maritime Affairs shall evaluate the value and functions of marine biological diversity and endeavor to ensure that the heads of the relevant central administrative agencies or the heads of local governments can use such information, for the conservation, management and sustainable use of marine ecosystems. <Amended by Act No. 8852, Feb. 29, 2008>

Article 53 (Compensation for Loss)

(1) Any one who suffers property loss under Articles 14 (1) and 27 (5) (including Municipal Ordinance determined in accordance with Article 27 (5) under Article 36 (5)) may request for compensation from the Minister of Land, Transport and Maritime Affairs or Mayors/Do Governors, as prescribed by Presidential Decree: Provided, That in cases of compensation concerning fishing activities, Article 81 of the Fisheries Act shall apply mutatis mutandis. <Amended by Act No. 8377, Apr. 11, 2007; Act No. 8852, Feb. 29, 2008; Act No. 9626, Apr. 22, 2009>

(2) The Minister of Land, Transport and Maritime Affairs or Mayors/Do Governors, upon receiving a request under the main sentence of paragraph (1), shall determine amounts of compensation by consulting with an applicant within three months and notify an applicant of such amounts. <Amended by Act No. 8852, Feb. 29, 2008>

(3) When a consensus is not reached under paragraph (2), the Minister of Land, Transport and Maritime Affairs, Mayors/Do Governors or a requester may apply for adjudication with the competent Land Tribunal, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008>

Article 54 (State Subsidies)

The State may subsidize expenses in whole or in part for local governments or organizations related to the conservation of marine ecosystems which conduct the following projects for the conservation and management of marine ecosystems:

1. Support for movements to protect marine ecosystems under Article 6;
2. Support for residents in protected marine areas and adjacent areas under Article 34;
3. Establishment and operation of facilities for conserving and using marine ecosystems under Article 43;
4. Projects falling under each subparagraph of Article 56;
5. Entrusted projects under Article 60 (2).

Article 55 (Symbolic Signs of Marine Ecosystems and Symbolic Species of Local Governments)

(1) The State may establish symbolic signs of marine ecosystems by type of region in regions which need to conserve and manage marine ecosystems, such as protected marine areas, and local governments may change and use parts of symbolic signs of marine ecosystems by taking into account the characteristics of the competent areas.

(2) Local governments may designate important marine organisms or marine ecosystems, which can represent the relevant regions, as the symbolic species or symbolic marine ecosystems of the relevant local governments, and conserve or use such species or ecosystems.

Article 56 (Support for Civil Organizations for Conservation and Management of Marine Ecosystems)

The Minister of Land, Transport and Maritime Affairs may support civil organizations for the conservation and management of marine ecosystems, engaging in the following activities, for the conservation and management of marine ecosystems: <Amended by Act No. 8852, Feb. 29, 2008>

1. Cooperation and exchanges with international organizations and agencies for the conservation of marine ecosystems;
2. Protection of marine organisms;
3. Conservation of marine ecosystems and marine assets.

Article 57 (Honorary Instructor for Conservation of Marine Ecosystems)

(1) The Minister of Land, Transport and Maritime Affairs or the heads of local governments may appoint members of civil organizations for the conservation and management of marine ecosystems or persons who faithfully conduct activities for the conservation and management of marine ecosystems as honorary instructors for the conservation of marine ecosystems, for instruction and enlightenment concerning the conservation and management of marine ecosystems. <Amended by Act No. 8852, Feb. 29, 2008>

(2) A certificate identifying the status of honorary instructors for the conservation of marine ecosystems shall be issued to honorary instructors for the conservation of marine ecosystems, as prescribed by Ordinance of the Ministry of Land, Transport and Maritime Affairs. <Amended by Act No. 8852, Feb. 29, 2008>

(3) Necessary matters concerning methods of appointing honorary instructors for the conservation of marine ecosystems and the scope of their activities shall be prescribed by Presidential Decree.

Article 58 (Reporting)

The Minister of Land, Transport and Maritime Affairs shall submit reports on major plans concerning the conservation of marine ecosystems and the outcomes of implementing such plans to the National Assembly before the commencement of the regular session of the National Assembly in the relevant year, every two years. <Amended by Act No. 8852, Feb. 29, 2008>

Article 59 (Hearings)

The Minister of Land, Transport and Maritime Affairs or Mayors/Do Governors shall, when they intend to revoke designation or permission under Article 17 (3), 18 (4), 21 (1) and 42 (3), hold a hearing. <Amended by Act No. 8852, Feb. 29, 2008>

Article 60 (Entrustment or Delegation of Authority)

(1) A part of the authority of the Minister of Land, Transport and Maritime Affairs under this Act may be delegated to the heads of institutions belonging to the Ministry of Land, Transport and Maritime Affairs or Mayors/Do Governors, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Minister of Land, Transport and Maritime Affairs may entrust some tasks under this Act to the relevant specialized institutions or organizations, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008>

CHAPTER VIII PENAL PROVISIONS

Article 61 (Penal Provisions)

Any one falling under any of the following subparagraphs shall be punished by imprisonment for not more than three years or by a fine not exceeding 20 million won:

1. Any person who captures marine mammals, in violation of prohibitions and restrictions under Article 16 (3);
2. Any person who captures, collects or damages marine organisms under protection, or who installs explosives, nets or fishing gear or uses harmful materials or electric currents, so as to capture or damage marine organisms under protection, in violation of Article 20 (1).

Article 62 (Penal Provisions)

Any one falling under any of the following subparagraphs shall be punished by imprisonment for not more than two years or by a fine not exceeding 10 million won:

1. Any one who transplants, processes, distributes or stores marine organisms under protection, in violation of Article 20 (1);
2. Any one who brings organisms disturbing marine ecosystems into marine ecosystems and increases their habitats or numbers, in violation of Article 23 (1);
3. Any one who imports or brings in organisms disturbing marine ecosystems, without obtaining permission, in violation of Article 23 (2);
4. Any one who damages marine organisms or marine ecosystems in areas for protecting marine organisms or areas for protecting marine ecosystems, in violation of Article 27 (1) 1 through 5;
5. Any one who damages marine organisms or marine ecosystems in areas for protecting marine organisms, in violation of Article 27 (3);
6. Any one who violates orders for suspension, restoration or taking measures under Article 30;
7. Any one who imports or brings in marine animals from foreign nations, without obtaining permission, in violation of Article 42 (1) 1;
8. Any one who exports, imports, ships out or brings in marine organisms under protection without obtaining permission, in violation of Article 42 (1) 2.

Article 63 (Penal Provisions)

Any one falling under any of the following subparagraphs shall be punished by imprisonment for not more than one year or by a fine not exceeding five million won: <Amended by Act No. 8852, Feb. 29, 2008>

1. Any one who obtains permission for the capture or collection of marine organisms under protection under the proviso to Article 20 (1) by fraud or other wrongful means;

2. Any one who places an advertisement which is likely to promote the extinction or decrease of marine organisms under protection or provoke the abuse of marine organisms under protection, in violation of Article 22;
3. Any one who obtains permission for importing or bringing in organisms disturbing marine ecosystems under Article 23 (2) by fraud or other wrongful means;
4. Any one who damages the marine landscape in areas for protecting marine landscape, in violation of Article 27 (1) 2 through 5;
5. Any one who obtains permission under Article 42 (1) 1 through 3 by fraud or other wrongful means;
6. Any one who exports, imports, ships out or brings in species determined by Ordinance of the Ministry of Land, Transport and Maritime Affairs, without obtaining permission, in violation of Article 42 (1) 3.

Article 64 (Joint Penal Provisions)

If the representative of a corporation, or an agent, an employee or any other employed person of the corporation or an individual commits such act as prescribed in Articles 61 through 63, in connection with the duties of the said corporation or individual, not only shall such an actor be punished accordingly, but the corporation or individual shall be punished by a fine under the same Article: Provided, That the same shall not apply where the corporation or individual has not neglected to exercise due diligence and supervision over the relevant duties in order to prevent such violation. [This Article Wholly Amended by Act No. 9614, Apr. 1, 2009]

Article 65 (Fines for Negligence)

(1) Any one who violates a measure taken by a Mayor/Do Governors under Article 36 (5) (limited to parts related to the provisions of Articles 27 and 30) shall be punished by a fine for negligence not exceeding 10 million won.
(2) Any one falling under any of the following subparagraphs shall be punished by a fine for negligence not exceeding two million won:

1. Any one who refuses, obstructs or evades entrance, an investigation or observation and the change or removal of any obstacle, etc., without any justifiable ground, in violation of Article 14 (3);
2. Any one who captures a migratory marine animal, in violation of prohibitions or restrictions under Article 16 (3);
3. Any one who fails to report the outcome of the capture or collection of marine organisms under protection, in violation of Article 20 (4);
4. Any one who fails to report on the storage of marine organisms under protection, in violation of Article 20 (5);
5. Any one who violates a restriction on change in the shape and quality of public waters, or entry, cooking and camping under Article 47.

(3) Any one falling under any of the following subparagraphs shall be punished by a fine for negligence not exceeding one million won:

1. Any one who fails to carry a certificate of permission, in violation of Article 20 (4);
2. Any one who fails to return a certificate of permission, in violation of Article 21 (2);
3. Any one who violates a restriction on an act falling under Article 27 (1) 6 through 8;
4. Any one who violates a restriction on development activities or fishing activities under Article 27 (5).

(4) Fines for negligence under paragraphs (1) through (3) shall be imposed and collected by the Minister of Land, Transport and Maritime Affairs or the heads of local governments, as prescribed by Presidential Decree.
<Amended by Act No. 8852, Feb. 29, 2008>

(5) through (7) Deleted. <by Act No. 9614, Apr. 1, 2009>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Imposition and Collection of Marine Ecosystem Conservation Levy)

Article 49 shall begin to apply to the first development project which applies for authorization or permission, after this Act enters into force.

Article 3 (Transitional Measures concerning Basic Investigation of Marine Ecosystems)

Any investigation into the natural environment in the sea, conducted under Article 30 of the Natural Environment Conservation Act at the time this Act enters into force, shall be deemed a basic investigation into marine ecosystems under Article 10.

Article 4 (Transitional Measures concerning Prohibitions against Capture of Marine Animals)

Migratory marine animals and marine mammals, the capture of which is prohibited under Article 19 of the Protection of Wild Fauna and Flora Act, at the time this Act enters into force, shall be deemed to be prohibited from being captured under Article 16 (3).

Article 5 (Transitional Measures concerning Conservation Institutions other than Habitats)

Conservation institutions other than habitats designated under Article 7 of the previous Protection of Wild Fauna and Flora Act, at the time this Act enters into force, shall be deemed designated as conservation institutions other than habitats under Article 17.

Article 6 (Transitional Measures concerning Protected Marine Areas)

Areas for conserving ecosystems and landscape, designated and notified by the Minister of Maritime Affairs and Fisheries under Articles 12 (1) and (2) and 13 (3) of the Natural Environment Conservation Act, at the time this Act enters into force, shall be deemed designated and notified as protected marine areas under Articles 25 (1) and (2) and 26 (3).

Article 7 (Transitional Measures concerning Exports and Imports, etc. of Marine Animals and Marine Biological Resources)

When any one receives permission or approval for exports, imports, transfer or shipments under Article 21 of the Cultural Heritage Protection Act and Articles 21 and 41 of the Protection of Wild Fauna and Flora Act, at the time when this Act enters into force, he/she shall be deemed to obtain permission under Article 42 (1).

Article 8 (Transitional Measures concerning Ongoing Acts)

Dispositions, such as authorization, permission and designation under the Natural Environment Conservation Act and the Protection of Wild Fauna and Flora Act, before this Act enters into force, and other acts committed by or for administrative agencies shall be deemed dispositions and acts committed by or against administrative agencies under this Act, if any corresponding provision exists in this Act.

Article 9 (Transitional Measures concerning Application of Penal Provisions)

The application of penal provisions or fines for negligence to violations against the Natural Environment Conservation Act or the Protection of Wild Fauna and Flora Act, before this Act enters into force, shall be governed by the Natural Environment Conservation Act or the Protection of Wild Fauna and Flora Act.

Article 10 Omitted.

Article 11 (Relations with other Acts)

A citation of the provisions of the Natural Environment Conservation Act or the Protection of Wild Fauna and Flora Act by any other Act or subordinate statute in force at the time when this Act enters into force, in connection with marine ecosystems, shall be deemed a citation of this Act or the corresponding provision hereof in lieu of the former provision, if such a corresponding provision exists herein.

Annex 2. Wetland Conservation Act

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to promote the conservation of wetlands and diversity of life forms therein and to reflect the purpose of the international convention on the wetlands, and thereby to contribute to the promotion of international cooperation by prescribing matters necessary for efficient conservation and management of wetlands.

Article 2 (Definitions)

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

1. The term “wetlands” means the area of which the surface is covered permanently or temporarily by freshwater, estuary water, or saltwater, and refers to inland wetlands and coastal wetlands;
2. The term “inland wetlands” refers to the area such as lakes, marshes, and estuaries in land or in islands;
3. The term “coastal wetlands” refers to the area from the border where the water level touches the land at high tides to the border where the water level touches the land at low tides; and
4. The term “damage to wetlands” refers to the alteration of the original forms and quality of wetlands by means of drainage, reclamation or dredging, or using wetlands for purposes other than conservation by means of installing facilities or structures in the wetland.

Article 3 (Duties to Conserve Wetlands)

(1) The State, Special Metropolitan City, Metropolitan Cities, Dos, and the Special Self-Governing Do (hereinafter referred to as the City/Do) shall be vested with the duties to conserve wetlands. <Amended by Act No. 7461, Mar. 31, 2005; Act No. 8291, Jan. 26, 2007>

(2) The Minister of Environment (hereinafter referred to as the “Minister”) shall exercise overall control of the matters concerning the survey for wetlands and the National Wetland Management Plan as prescribed in Articles 4 and 5.

(3) The Minister shall establish and implement the policies for designation and conservation of the wetland protection area, control area adjacent to the wetlands, or wetland area to be improved (hereinafter referred to as “wetland protection area, etc.”) as prescribed in Article 8 pertaining to inland wetlands; and the Minister of Land, Transport and Maritime Affairs shall establish and implement the policies for designation and conservation of the wetland protection area, etc. as prescribed in Article 8 pertaining to coastal wetlands. <Amended by Act No. 8852, Feb. 29, 2008>

(4) The Special Metropolitan City Mayor, Metropolitan City Mayors, Do governors, or the Special Self-Governing Do governor (hereinafter referred to as the Mayor/Do governor) shall cooperate with the implementation of the policies as prescribed in section (3). <Amended by Act No. 8291, Jan. 26, 2007>

Article 4 (Survey for Wetlands)

(1) The Minister, the Minister of Land, Transport and Maritime Affairs, or the Mayor/Do governor shall conduct a basic survey for the socioeconomic status of wetlands such as the current status of ecological systems and pollution of wetlands, and the actual situation of land usage of the impact area around wetlands every five years. <Amended by Act No. 7461, Mar. 31, 2005; Act No. 8852, Feb. 29, 2008>

(2) Where the Minister, the Minister of Land, Transport and Maritime Affairs, or the Mayor/Do governor deems it necessary for conservation and improvement of wetlands or fulfillment of the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (hereinafter

referred to as the “Convention”), he/she may separately conduct in-depth survey other than the basic survey as prescribed in section (1) for the relevant wetlands. <Amended by Act No. 7461, Mar. 31, 2005; Act No. 8852, Feb. 29, 2008>

(3) In the event that that the Minister, the Minister of Land, Transport and Maritime Affairs, or the Mayor/Do governor deems that the change of the condition of wetlands is clear, he/she may conduct a supplementary survey for the basic survey as prescribed in section (1) for the relevant wetlands. <Amended by Act No. 7461, Mar. 31, 2005; Act No. 8852, Feb. 29, 2008>

Article 5 (Establishment of National Wetland Management Plan)

(1) The Minister or the Minister of Land, Transport and Maritime Affairs shall both establish the fundamental plan for conservation of wetlands (hereinafter referred to as the “fundamental plan”) every five years on the basis of the outcomes of the surveys of wetlands as prescribed in Article 4 (hereinafter referred to as “wetland survey”), and the Minister shall establish the National Wetland Management Plan (hereinafter referred to as the “basic plan”) on the basis of the fundamental plan through consultation with the Minister of Land, Transport and Maritime Affairs. In this case, the plans related to conservation of wetlands established under other Acts shall be respected as much as possible. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The basic plan shall contain the following matters:

1. Policy direction in respect to conservation of wetlands;
2. Matters concerning wetland survey;
3. Matters concerning distribution and size of wetlands, and current status of diversity of life forms;
4. Matters concerning adjustments with the basic plans of other countries related to wetlands;
5. Matters concerning international cooperation for conservation of wetlands; and 6. Other matters on conservation of wetlands as prescribed by Presidential Decree.

(3) Where the Minister or the Minister of Land, Transport and Maritime Affairs establishes the fundamental plan or the basic plan, he/she shall consult with the heads of the administrative agencies concerned, and, where necessary, he/she may request the heads of the central administrative agencies or the Mayor/Do governor to submit the related data. The same shall apply when intending to change the fundamental plan or the basic plan. <Amended by Act No. 8852, Feb. 29, 2008>

(4) When the Minister has established the basic plan, he/she shall notify such basic plan to the heads of the central administrative agencies concerned and the Mayor/Do governor. The same shall apply at the time of changing the basic plan.

(5) The Minister or the Minister of Land, Transport and Maritime Affairs may, where it is necessary for the implementation of the basic plan, request the relevant heads of the central administrative agencies or the Mayor/Do governor to take necessary measures. In this case, the relevant heads of the central administrative agencies and the Mayor/Do governor comply with such request unless there is any special reason not to. <Amended by Act No. 8852, Feb. 29, 2008>

(6) Matters necessary for the establishment of the fundamental plan and the basic plan shall be prescribed by Presidential Decree.

(7) The Mayor/Do governor shall establish the action plans for conservation of wetlands to conserve the wetlands in his/her jurisdictional area. In this case, the provisions of sections (1) through (6) shall apply mutatis mutandis, and the terms “heads of the central administrative agencies concerned” and “Mayor/Do governor” shall be deemed as “heads of the administrative agencies concerned” and “head of the city/Gun/Gu” respectively. <Newly Inserted by Act No. 7461, Mar. 31, 2005>

Article 5-2 (Establishment, etc. of National Wetland Review Committee)

The National Wetland Review Committee (hereinafter referred to as the “Committee” in this Article) shall be established under the jurisdiction of the Minister in order to deliberate on the following matters concerning conservation of wetlands: <Amended by Act No. 8852, Feb. 29, 2008>

1. Establishment and alteration of the basic plan;

2. Enforcement of resolution statements and recommended matters resolved by the general meeting of the countries concerned with the Convention; and

3. Other matters concerning the important policies for conservation of wetlands, referred to a deliberation by the Minister or the Minister of Land, Transport and Maritime Affairs.

(2) The Committee shall be composed of not more than 30 members including one chairperson and two vice-chairpersons.

(3) The chairperson of the Committee shall be the Vice-Minister of Environment, and the vice-chairpersons of the Committee shall be the public official in charge of overall control of the wetland policies of the Ministry of Environment affairs who belongs to high-ranking public officials group, and the public official in charge of overall control of the coastal wetland policies of the Ministry of Land, Transport and Maritime Affairs who belongs to high-ranking public officials group. <Amended by Act No. 8852, Feb. 29, 2008>

(4) The members of the committee shall be appointed or commissioned by the Minister among the persons applicable to any of the following subsections. In this case, the public officials nominated by the heads of the Ministry of National Defense, Ministry of Culture, Sports and Tourism, Ministry for Food, Agriculture, Forestry and Fisheries, Ministry of Environment, Ministry of Land, Transport and Maritime Affairs, and Korea Forest Service shall be ex officio members: <Amended by Act No. 8852, Feb. 29, 2008>

1. Public officials belonging to high-ranking public officials group, who are appointed by the heads of the central administrative agencies concerned;

2. Grade 2 or 3 public officials or public officials equivalent thereto appointed by the Mayor/Do governor who exercises jurisdiction over the wetlands; and

3. Persons having profound academic knowledge and experiences in wetlands, recommended by the Minister or the Minister of Land, Transport and Maritime Affairs.

(5) Matters necessary for the organization and operation of the Committee and other necessary matters shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 8291, Jan. 26, 2007]

Article 6 (Wetland Investigator)

(1) The Minister, the Minister of Land, Transport and Maritime Affairs, or the Mayor/Do governor may, where necessary, commission the wetland investigators (hereinafter referred to as “investigators”) during the period of such survey for the implementation of the wetland survey. <Amended by Act No. 7461, Mar. 31, 2005; Act No. 8852, Feb. 29, 2008>

(2) Matters necessary for the qualification of the investigators and the procedures for commission, etc. shall be prescribed by the joint Ordinance of the Ministry of Environment and the Ministry of Land, Transport and Maritime Affairs (hereinafter referred to as the “Joint Ordinance”). <Amended by Act No. 8852, Feb. 29, 2008>

Article 7 (Entry, etc. into Private Land (Property))

(1) The Minister, the Minister of Land, Transport and Maritime Affairs, or the Mayor/Do governor may, where it is necessary for wetland surveys, have the relevant public officials or investigators enter another’s land, or change or remove standing trees, earth and rocks, and other obstacles. <Amended by Act No. 7461, Mar. 31, 2005; Act No. 8852, Feb. 29, 2008>

(2) A person who intends to enter another’s land, or change or remove the obstacles pursuant to the provisions of section (1) shall give a notice of such intention to the owner, occupant, or manager thereof (hereinafter referred to as the “owner, etc.”).

(3) No one shall enter another’s land surrounded by walls or hedges, before sunrise or after sunset without the consent of the owner, etc. of the relevant land.

(4) An owner, etc. of land shall not refuse, interfere, or evade the activities of investigation as prescribed in section (1) without justifiable reasons.

(5) Any person intending to enter another's land pursuant to the provisions of section (1) shall carry a certificate indicating his/her authority, and show it to the related persons as provided by the Joint Ordinance.

CHAPTER II CONSERVATION AND MAINTENANCE OF WETLANDS

Article 8 (Designation, etc. of Wetland Area)

(1) The Minister, the Minister of Land, Transport and Maritime Affairs, or the Mayor/Do governor may designate areas having special values to conserve, applicable to one of the following subsections among the wetlands, as wetland conservation areas, and the surrounding areas thereof as the control areas adjacent to wetlands: <Amended by Act No. 7461, Mar. 31, 2005; Act No. 8852, Feb. 29, 2008>

1. Areas which maintain the primitive state of nature or having highly diverse life forms;
2. Areas where rare or endangered wild animals and plants inhabit or migrate; and
3. Areas having extraordinary scenic, topographic, or geological values.

(2) The Minister, the Minister of Land, Transport and Maritime Affairs, or the Mayor/Do governor may designate the wetland areas applicable to one of the following subsections as the wetland area to be improved: <Amended by Act No. 7461, Mar. 31, 2005; Act No. 8852, Feb. 29, 2008>

1. Areas where the damage to wetlands has been intensified or may potentially intensify among the wetland protection areas; and
2. Areas having values to improve through the management by human works among the areas where the state of conservation of the wetland ecosystem is poor.

(3) In the event that the Minister or the Minister of Land, Transport and Maritime Affairs designates a wetland protection area, etc. pursuant to the provisions of section (1) or (2), he/she shall listen to the opinions of the Mayor/Do governor and local residents, and consult with the heads of the central administrative agencies concerned. <Amended by Act No. 8852, Feb. 29, 2008>

(4) In the event that the Mayor/Do governor designates a wetland protection area, etc. pursuant to section (1) or (2), he/she shall listen to the opinions of the head of the city/Gun/Gu and local residents, and consult with the administrative agencies concerned. <Newly Inserted by Act No. 7461, Mar. 31, 2005>

(5) When the Minister, the Minister of Land, Transport and Maritime Affairs, or the Mayor/Do governor has designated a wetland protection area, etc., he/she shall publicly announce the name, location and size of the relevant area, and other matters prescribed by the Joint Ordinance. <Amended by Act No. 7461, Mar. 31, 2005; Act No. 8852, Feb. 29, 2008>

(6) Matters necessary for designation of wetland protection areas, etc. shall be prescribed by Presidential Decree Article 9 (Implementation of Convention)

(1) Where the Government intends to report the wetlands registered under the Convention to the executive office of Convention to fulfill the Convention, the Minister or the Minister of Land, Transport and Maritime Affairs shall determine the wetlands to be notified among the wetland protection areas or wetlands which have not been designated as wetland protection area while having values equivalent thereto, after consultation with the heads of the central administrative agencies concerned. <Amended by Act No. 8852, Feb. 29, 2008>

(2) In the event that the Government revokes the wetlands registered under the Convention notified pursuant to the provisions of section (1) or reduces the size thereof, it shall make efforts to prepare for the policies for conservation of wetlands corresponding thereto.

(3) The Government shall sincerely perform the matters prescribed in the Convention such as conservation and management of the wetlands registered under the Convention, joint researches with other participating countries, and exchange of data.

Article 10 (Revocation of Designation or Alteration of Wetland Protection Area, etc.)

(1) The Minister, the Minister of Land, Transport and Maritime Affairs, or the Mayor/Do governor may revoke the designation or alter such area by reduction for the area applicable to inevitable cases of public interest or military affairs as prescribed by Presidential Decree, or the area which has lost its value as a wetland protection area, or where there is no need to for conservation as wetland protection area due to natural disaster and calamity, and other reasons, among the wetland protection areas, etc. <Amended by Act No. 7461, Mar. 31, 2005; Act No. 8852, Feb. 29, 2008>

(2) The provisions of Article 8 (3) through (6) shall apply mutatis mutandis to the revocation of designation or alteration of the wetland protection area, etc. as prescribed in section. <Amended by Act No. 7461, Mar. 31, 2005>

Article 11 (Formulation and Implementation of Conservation Plan)

(1) The Minister, the Minister of Land, Transport and Maritime Affairs, or the Mayor/Do governor shall formulate and implement the conservation plan for the wetland protection areas, etc. (hereinafter referred to as the “conservation plan”) upon consultation with the heads of the administrative agencies concerned: <Amended by Act No. 7461, Mar. 31, 2005; Act No. 8852, Feb. 29, 2008>

(2) The conservation plan shall contain the following matters: <Amended by Act No. 8291, Jan. 26, 2007>

1. Basic matters concerning conservation of wetlands;
2. Matters concerning installation of facilities for the conservation and usage of wetlands pursuant to the provisions of Article 12; and
3. Matters concerning conservation, use and management of wetlands.

(3) Matters necessary for the method and procedures of formulation of the conservation plan shall be prescribed by Presidential Decree.

Article 11-2 (Observance of Wetland Conservation Plan)

In the event that the heads of the administrative agencies concerned intends to perform the activities pertaining to conservation, use, or management of wetlands in the wetland protection areas, etc., he/she shall be in compliance with the basic plan and conservation plan. [This Article Newly Inserted by Act No. 6825, Dec. 26, 2002]

Article 12 (Facilities for Conservation and Use of Wetland <Amended by Act No. 8291, Jan. 26, 2007>)

(1) The Minister, the Minister of Land, Transport and Maritime Affairs, the heads of the central administrative agencies, or the head of a local government may install and operate the following facilities for conservation and use of wetlands (hereinafter referred to as the “facilities for conservation and use of wetlands”). <Amended by Act No. 6825, Dec. 26, 2002; Act No. 8291, Jan. 26, 2007; Act No. 8852, Feb. 29, 2008>

1. Protective facilities to protect wetlands;
2. Research facilities for research on wetlands;
3. Facilities which do not interfere the conservation of wetlands such as wooden bridges, educational public relations facilities, and information and management facilities; and
4. Other facilities for conservation of wetlands, which are prescribed by Presidential Decree.

(2) When the head of a local government intends to install and operate facilities for conservation and use of wetlands in the wetland protection areas, etc. designated pursuant to the provisions of Article 8 by the Minister or the Minister of Land, Transport and Maritime Affairs, he/she shall obtain in advance the approval from the Minister or the Minister of Land, Transport and Maritime Affairs: Provided, that the same shall not apply in the event that the facilities pursuant to the provisions of each subsection of section (1) are in accordance with the project plan as prescribed in other laws and regulations. <Amended by Act No. Act No. 6825, Dec. 26, 2002; Act No. 7461, Mar. 31, 2005; Act No. 8291, Jan. 26, 2007; Act No. 8852, Feb. 29, 2008>

(3) Matters necessary for installation and use, operation and management, etc. of the facilities pursuant to the provisions of each subsection of section (1) shall be prescribed by Presidential Decree. <Amended by Act No. 8291, Jan. 26, 2007>

Article 13 (Activity Restriction)

(1) No person shall perform activities applicable to any of the following subsections in the wetland protection areas pursuant to the provisions of Article 8 (1) (hereinafter referred to as “wetland protection areas”): Provided, that the same shall not apply to the cases where it is necessary for the maintenance and management of the agricultural production infrastructure pursuant to the provisions of subsection 6 of Article 2 of the Rearrangement of Agricultural and Fishing Villages Act and the cases of performing the activities applicable to subsections 1 through 3 to use the relevant facilities for agricultural purposes, the cases of performing the activities applicable to subsections 2 or 3 to take emergency measures under Article 37 of the Framework Act on the Management of Disaster and Safety, and the cases prescribed by Presidential Decree within the minimum extent for military purposes such as positioning military troops, operational activities, etc.: <Amended by Act No. 8291, Jan. 26, 2007; Act No. 8351, Apr. 11, 2007>

1. New construction or extension of building or other structure (limited to the case where the total floor area of the relevant building or other structure becomes not less than twice the original total floor area) and alteration of forms and quality of land;
2. Activities causing increase or decrease of the water level or water quantity of wetlands;
3. Collection of earth, sand, gravel, or rocks;
4. Exploitation of minerals; and
5. Artificial introduction of animals and plants, farming, capture, or collecting (excluding the cases of farming, capture, or collecting which have been continuously performed by the relevant local residents as means of livelihood or leisure activities for not less than the period prescribed by the Joint Ordinance).

(2) No person shall perform the activities of letting loose wild animals or planting vegetation that disturbs the ecosystem as prescribed in subsection 4 of Article 2 of the Protection of Wild Fauna and Flora Act, or the wild animals and plants disturbing the marine ecosystem as prescribed in subsection 12 of Article 2 of the Conservation and Management of Marine Ecosystem Act within the control area adjacent to wetlands or wetland areas to be improved. <Amended by Act No. 7167, Feb. 9, 2004; Act No. 8045, Oct. 4, 2006>

(3) Any person who intends to start a reclamation project or public water reclamation project of not less than a specified scale, or to perform other activities which may impede upon the protection of wetlands in the control area adjacent to wetlands as prescribed in Article 8 (1) shall obtain approval from the Minister, the Minister of Land, Transport and Maritime Affairs, or the Mayor/Do governor, and in the case that such person is the head of the central administrative agency concerned, he/she shall consult with the Minister, the Minister of Land, Transport and Maritime Affairs, or the Mayor/Do governor. <Amended by Act No. 7461, Mar. 31, 2005; Act No. 8852, Feb. 29, 2008>

(4) Activities subject to the approval or consultation, the scale of project as prescribed in section (3), and other necessary matters shall be prescribed by Presidential Decree.

(5) The provisions of sections (1) and (2) shall not apply to the cases applicable to any of the following subsections where the approval of the Minister, the Minister of Land, Transport and Maritime Affairs, or the Mayor/Do governor has been obtained (referring to the cases where the head of the central administrative agency concerned has consulted with the Minister, the Minister of Land, Transport and Maritime Affairs, or the Mayor/Do governor, in the case of the head of the central administrative agency concerned). <Amended by Act No. 7461, Mar. 31, 2005; Act No. 8291, Jan. 26, 2007; Act No. 8852, Feb. 29, 2008>

1. Where it is necessary for the activities for prevention and restoration of natural and relief thereof under subsection 2 of Article 2 of the Countermeasures against Natural Disasters Act;

2. Where it is necessary for conservation of wetland protection areas, etc. or operation of agriculture, forestry, and fisheries business in the wetland protection areas, etc.; and
 3. Other cases prescribed by Presidential Decree where it is inevitable for the sake of public interest.
- (6) Matters necessary for the procedures, approval or consultation as prescribed in section (5) and its requirement shall be prescribed by Presidential Decree. <Newly Inserted by Act No. 6825, Dec. 26, 2002>

Article 14 (Suspension Order)

The Minister, the Minister of Land, Transport and Maritime Affairs, or the Mayor/Do governor may order suspension of the activities for the person who has performed the activities in violation of the provisions of Article 13 (1) within the wetland protection area, or order restoration to the original state by specifying a reasonable period; and in the event that the restoration to the original state is difficult to conduct, he/she may order the relevant person to take measures corresponding thereto. <Amended by Act No. 7461, Mar. 31, 2005; Act No. 8852, Feb. 29, 2008>

Article 15 (Restriction on Access)

(1) In the event that the Minister, the Minister of Land, Transport and Maritime Affairs, or the Mayor/Do governor deems it especially necessary for the protection and management of wetland protection areas or wetland areas to be improved, he/she may restrict or prohibit all access to such area by designating a specific period for the whole or a part of the relevant area: Provided, that the same shall not apply to the cases applicable to the following subsections. <Amended by Act No. Act No. 6825, Dec. 26, 2002; Act No. 7461, Mar. 31, 2005; Act No. 8291, Jan. 26, 2007; Act No. 8852, Feb. 29, 2008>

1. Where the relevant local residents have access thereto to manage their livelihood such as their daily business of agriculture, forestry, and fisheries business;
2. Where having access thereto for projects to conserve the wetlands;
3. Where having access thereto for military purposes;
4. Where having access thereto to take measures necessary for the activities for prevention, emergency measures, and restoration of the disasters from the natural disasters and relief thereof under subsection 2 of Article 2 of the Countermeasures against Natural Disasters Act; and
5. Where having access thereto to perform other activities prescribed by Presidential Decree, which do not interfere with the conservation and management of wetland protection areas.

(2) In the event that the Minister, the Minister of Land, Transport and Maritime Affairs, or the Mayor/Do governor intends to restrict or prohibit the access pursuant to the provisions of section (1), he/she shall publicly announce the location, size, the period of restriction or prohibition of access of the relevant area, and other matters prescribed by the Joint Ordinance. <Amended by Act No. 7461, Mar. 31, 2005; Act No. 8852, Feb. 29, 2008>

(3) In the event that the Minister, the Minister of Land, Transport and Maritime Affairs, or the Mayor/Do governor deems that the reasons for restriction or prohibition of the access have vanished, he/she shall lift such restriction or prohibition without delay, and publicly announce such fact. <Amended by Act No. 7461, Mar. 31, 2005; Act No. 8852, Feb. 29, 2008>

Article 16 (Relations with Other Acts)

(1) Excluding the cases prescribed by Presidential Decree where it is necessary the public interests or military affairs, establishment of the basic plan for reclamation as prescribed in Article 4 of the Public Waters Reclamation Act, change in the basic plan for reclamation as prescribed in Article 8 of the same Act, the license for reclamation of public waters as prescribed in Article 9 of the same Act, and the permission for collecting aggregate as prescribed in Article 22 of the Aggregate Collection Act shall be prohibited in the wetlands designated as wetland protection areas or wetland areas to be improved. <Amended by Act No. Act No. 6825, Dec. 26, 2002; Act No. 8291, Jan. 26, 2007>

(2) In the event that the heads of the administrative agencies concerned designates an area or a district related to conservation and use of wetlands, he/she shall consult with the Minister or the Minister of Land, Transport and Maritime Affairs: Provided, that in the event that there are procedures for consultation under other Act, such Act shall govern therefor. <Amended by Act No. Act No. 6825, Dec. 26, 2002; Act No. 8852, Feb. 29, 2008>

Article 17 (Management of Damaged Wetlands)

(1) Where the State, a local government, or a business operator has damaged wetlands of a size not less than the percentage prescribed by Presidential Decree of the wetland protection areas or wetland areas to be improved, the Government shall ensure that the wetlands of the size corresponding to the percentage prescribed by the Joint Ordinance of the relevant wetland protection areas or wetland areas to be improved are retained. <Amended by Act No. 6825, Dec. 26, 2002>

(2) The Government shall monitor the conditions of changes in the ecosystem of the retained wetlands pursuant to the provisions of section (1) for a period prescribed by the Joint Ordinance, and ensure that such results are to be utilized for conservation of ecosystem surrounding the damaged area.

Article 18 (Encouragement of Development and Management of Man-Made Wetlands)

The Minister or the Minister of Land, Transport and Maritime Affairs shall encourage the heads of the central administrative agencies concerned or the heads of local governments to develop man-made wetlands for the conservation of the ecosystem and improvement of the wetland environment, etc., and ensure that the wetlands developed around the damaged wetlands due to changes in ocean currents, sand dunes, etc. are maintained or conserved as much as possible. <Amended by Act No. 8852, Feb. 29, 2008>

Article 18-2 (Use Fee)

(1) The Minister, the Minister of Land, Transport and Maritime Affairs, or the Mayor/Do governor may collect use fees from the persons using the wetland protection areas, etc.: Provided that the wetland protection areas inside the park territory designated pursuant to the Natural Parks Act shall be in accordance with the conditions as prescribed by the Natural Parks Act. <Amended by Act No. 7461, Mar. 31, 2005; Act No. 8291, Jan. 26, 2007; Act No. 8852, Feb. 29, 2008>

(2) The Minister, the Minister of Land, Transport and Maritime Affairs, the heads of the central administrative agencies, or the heads of local governments may collect use fees from the persons using the facilities for conservation and use of wetlands: Provided, that the facilities for conservation or use of wetlands inside the park territory designated pursuant to the Natural Parks Act shall be in accordance with the conditions as prescribed by the Natural Parks Act. <Amended by Act No. 8291, Jan. 26, 2007; Act No. 8852, Feb. 29, 2008>

(3) In the event that the Minister or the Minister of Land, Transport and Maritime Affairs has delegated his/her authority to collect use fee as prescribed in section (1) to the Mayor/Do governor or the head of the city/Gun/Gu (referring to the head of the autonomous Gu, and the same shall apply hereinafter) pursuant to the provisions of Article 21 (1), such use fees shall be the revenues of the City/Do or the city/Gun/Gu which collected thereof. <Amended by Act No. 8852, Feb. 29, 2008>

(4) Matters necessary for the amount, procedures for collection, and exemption of use fees as prescribed in the texts of sections (1) and (2) shall be prescribed by the Ordinance of Environment. <Amended by Act No. 8852, Feb. 29, 2008> [This Article Newly Inserted by Act No. 6825, Dec. 26, 2002]

CHAPTER III SUPPLEMENTARY PROVISIONS

Article 19 (Reward)

The Minister, the Minister of Land, Transport and Maritime Affairs, or the Mayor/Do governor may pay a reward to a person who has reported or filed a complaint against another person who violated

the provisions under Article 13 (1) or (2) to the administrative authority concerned or investigation agency, as provided by Presidential Decree. <Amended by Act No. 7461, Mar. 31, 2005; Act No. 8852, Feb. 29, 2008>

Article 20 (Damage Compensation)

(1) The State or the City/Do shall compensate the person who suffered any damage due to the survey of the wetlands for such as provided by Presidential Decree. <Amended by Act No. 7461, Mar. 31, 2005>

(2) A person who intends to be compensated pursuant to the provisions of section (1) shall request the Minister, the Minister of Land, Transport and Maritime Affairs, or the Mayor/Do governor for such compensation. <Amended by Act No. 7461, Mar. 31, 2005; Act No. 8852, Feb. 29, 2008>

(3) The Minister, the Minister of Land, Transport and Maritime Affairs, or the Mayor/Do governor shall, where there exists any request as prescribed in section (2), determine the amount of compensation through consultation with the claimant, and notify such amount to the claimant. <Amended by Act No. 7461, Mar. 31, 2005; Act No. 8852, Feb. 29, 2008>

(4) Where the consultation as prescribed in section (3) has not been effected, the Minister, the Minister of Land, Transport and Maritime Affairs, the Mayor/Do governor, or the claimant may file an application for the adjudication with the competent land expropriation committee. <Amended by Act No. 7461, Mar. 31, 2005; Act No. 8852, Feb. 29, 2008>

Article 20-2 (Purchase of Land, etc.)

(1) In the event that the owner of the land, buildings and other articles, and rights such as mining right and fishery right (hereinafter referred to as "land, etc.") in the areas which are needed for the conservation of the ecosystem of the wetland protection areas, etc. intends to sell the land, etc., the Minister or the Minister of Land, Transport and Maritime Affairs may purchase it. <Amended by Act No. 8852, Feb. 29, 2008>

(2) The Minister or the Minister of Land, Transport and Maritime Affairs may, where it is deemed especially necessary for the purchase of the mining right as prescribed in section (1), purchase the mining right by dividing it through the consultation with the Minister of Knowledge Economy, notwithstanding the provisions of the Mining Industry Act. <Amended by Act No. 8291, Jan. 26, 2007; Act No. 8852, Feb. 29, 2008>

(3) The purchase price in the case where the Minister or the Minister of Land, Transport or Maritime Affairs purchases the land, etc. pursuant to the provisions of section (1) shall be based on the price computed pursuant to the provisions of the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor. <Amended by Act No. 8291, Jan. 26, 2007; Act No. 8852, Feb. 29, 2008>

(4) Matters necessary for the purchase procedures of the land, etc. as prescribed in sections (1) through (3) shall be prescribed by Presidential Decree. [This Article Newly Inserted by Act No. 6825, Dec. 26, 2002]

Article 21 (Delegation and Entrustment of Authority)

(1) The Minister or the Minister of Land, Transport and Maritime Affairs may delegate part of his/her authority under this Act to the heads of the subsidiary agencies of the Ministry of Environment, Ministry of Land, Transport and Maritime Affairs, the Mayor/Do governor, or the head of the city/Gun/Gu, as provided by Presidential Decree. <Amended by Act No. 6825, Dec. 26, 2002; Act no. 8852, Feb. 29, 2008>

(2) The Minister or the Minister of Land, Transport and Maritime Affairs may entrust part of his/her authority or affairs under this Act to the heads of the relevant central administrative agencies or specialized institutions, as provided by Presidential Decree. <Amended by Act no. 8852, Feb. 29, 2008>

Article 22 (Report and Inspection, etc.)

(1) The Minister, the Minister of Land, Transport and Maritime Affairs, or the Mayor/Do governor may order the executor of the project which damages, conserves or manages the wetlands to make necessary reports or to submit data concerning the possession, transaction, use, or damage, etc. of the wetlands, and have public officials under his/her authority inspect thereof. <Amended by Act No. 7461, Mar. 31, 2005; Act No. 8852, Feb. 29, 2008>

(2) The public official performing the investigation pursuant to the provisions of section (1) shall produce the voucher indicating his/her authority to the related persons.

(3) Matters necessary for the report, investigation, and voucher, etc. as prescribed in sections (1) and (2) shall be prescribed by the Joint Ordinance.

Article 22-2 (Government Subsidy)

The State may subsidize the local governments or other organizations executing the projects for conservation of wetlands such as installation of facilities for conservation and use of wetlands for the whole or part of expenses required for such projects within the limit of the budget. <Amended by Act No. 8291, Jan. 26, 2007> [This Article Newly Inserted by Act No. 6825, Dec. 26, 2002]

Article 22-3 (Honorary Guide for Wetland Ecology)

(1) The Minister, the Minister of Land, Transport and Maritime Affairs, or the heads of local governments may, in the event that it is deemed necessary for the protective activities, etc. of wetlands, commission honorary guides for wetland ecology. <Amended by Act No. 8852, Feb. 29, 2008>

(2) For the honorary guides of wetland ecology, the certificate verifying their status shall be issued as provided by the Joint Ordinance.

(3) Matters necessary for the method of commission and scope of activities, etc. of the honorary guides for wetland ecology shall be prescribed by Presidential Decree. [This Article Newly Inserted by Act No. 6825, Dec. 26, 2002]

CHAPTER IV PENAL PROVISIONS

Article 23 (Penal Provisions)

Any person who has reclaimed the wetlands designated and publicly announced as the wetland protection area pursuant to the provisions of Article 8, without a license as prescribed in the Public Waters Reclamation Act shall be punished by imprisonment not exceeding three years or by a fine not exceeding twenty million won. <Amended by Act No. 8291, Jan. 26, 2007>

Article 24 (Penal Provisions)

Any person who applies to one of the following subsections shall be punished by imprisonment not exceeding two years or by a fine not exceeding ten million won:

1. Any person who has violated the provisions under Article 13 (1) or (2) (excluding persons who apply to the provisions of Article 23);
2. Any person who has executed reclamation projects or public waters reclamation project without obtaining the approval as prescribed in Article 13 (3), or has performed harmful activities; and
3. Any person who has violated the order of suspension, restoration to the original state, or measures as prescribed in Article 14.

Article 25 <Deleted by Act No. 8958, Mar. 21, 2008>

Article 26 (Joint Penal Provisions)

Where a representative of a juristic person or an agent, servant, or any other employee of a juristic person or individual has committed an offense applicable to Articles 23 through 25 in connection with

the affairs of the juristic person or individual, the juristic person or individual shall be imposed a fine prescribed by each relevant Article, in addition to the punishment of the offender.

Article 27 (Fine for Negligence)

(1) A person who applies to any of the following subsections shall be punished by a fine for negligence not exceeding two million won: <Amended by Act No. 8958, Mar. 21, 2008>

1. A person who has had access to an area for which any access was restricted or prohibited in violation of the provisions of Article 15;

2. A person who has made a report as prescribed in Article 22 (1) falsely or has submitted false data; and

3. A person who has refused, interfered, or evaded the investigation activity without justifiable reasons in violation of Article 7 (4).

(2) The fine for negligence as prescribed in section (1) shall be imposed and collected by the Minister, the Minister of Land, Transport and Maritime Affairs, or the Mayor/Do governor (hereinafter referred to as the "imposing person") as provided by Presidential Decree. <Amended by Act No. 7461, Mar. 31, 2005; Act No. 8852, Feb. 29, 2008>

(3) Any person who is dissatisfied with the disposition of a fine for negligence pursuant to section (1) may raise an objection to the imposing person within 30 days from receipt of notification of such disposition.

(4) In the case where a person who has been subjected to a disposition of a fine for negligence as prescribed in section (1) has raised an objection according to section (3), the imposing person shall inform such fact to the competent court without delay, and the informed court shall conduct a trial on the fine for negligence under the Non-Contentious Case Litigation Procedure Act. <Amended by Act No. 8291, Jan. 26, 2007>

(5) In the case where neither any objection has been raised within the specified period as prescribed in section (3) nor has the relevant person paid the fine for negligence, such fine for negligence shall be collected according to the examples of a disposition on default national or local taxes.

ADDENDUM <Act No. 8958, Mar. 21, 2008>

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