

Enforcement Rules of Slopeland Conservation and Utilization act

Promulgated by Order of Ministry of Economic Affairs No. Ching-66-Nung-Zi-28853 on September 30, 1977.

Amendment by Order of Council of Agriculture, Executive Yuan No. 76-Nung-Lin-Zi-6101096 on June 30, 1987.

Amendment by Order of Council of Agriculture, Executive Yuan No. 88-Nung-Lin-Zi-88118880 on May 31, 1999.

Amendment by Order of Council of Agriculture, Executive Yuan No. 88-Nung-Lin-Zi-88160813 on December 31, 1999.

Amendment, Deletion of Articles 8, 9, 16, and Addition of Articles 8-1, 11-1 and 16-1 by Order of Council of Agriculture, Executive Yuan No.

Nung-Shou-Shui-Bao-Zi-0921801944 on February 27, 2003.

Amendment by Order of Council of Agriculture, Executive Yuan No. Nung-Shou-Shui-Bao-Zi-1061857780 on August 8, 2017.

Amendment by Order of Council of Agriculture, Executive Yuan No. Nung-Shou-Shui-Bao-Zi-1091864899 on May 13, 2020.

Article 1 (Basis)

These Rules are enacted pursuant to Article 38 of Slopeland Conservation and Utilization Act.

Article 2 (Public Announcement of Scope of Slopeland)

The public announcement mentioned in Article 3 of the Act will be made by the central or municipal competent authority. Upon such public announcement, in a county or city the relevant drawings shall be delivered to the city council, town hall, administrative city office or district office through the county or city competent authority concerned; in a municipality the drawings shall be delivered to each district office for public display for not less than 30 days. A clear copy of such drawings shall be retained after display, for perusal.

Article 3 (Contents of Soil and Water Conservation Plan)

The contents of soil and water conservation plan under Paragraph 2, Article 6 of the Act are as follows:

1. Items to be handled and maintained regarding soil and water conservation of each land of use in an area of use, and the relevant obligor.
2. Time for completion by stages by areas.
3. Funds and sources thereof.
4. Soil and water conservation handling and maintenance map (on a scale not less than 1/10,000).

Article 4 (Public Announcement of Soil and Water Conservation Plan)

The public announcement of a soil and water conservation plan mentioned in the preceding article will be made by the central or municipal authority. Upon such public announcement, in a county or city the relevant drawings shall be delivered to the city council, town hall, administrative city office or district office through the county or city competent authority concerned; in a municipality the drawings shall be delivered to each district office for public display for not less than 30 days. A clear copy of such drawings shall be retained after display, for perusal.

Article 5 (Designated Way of Soil and Water Conservation)

Where the municipal or county/city competent authority designates the way in which soil and water conservation is to be handled and maintained, the area, method of handling and maintenance, and time for completion shall be notified to the operator, user or owner of the slopeland.

Article 6 (Time for Completion of Soil and Water Conservation)

An operator, user or owner of slopeland handling soil and water conservation in accordance with Paragraph 1, Article 12 of the Act shall complete the handling as follows:

1. Land suitable for agriculture or animal husbandry purpose: the handling shall be completed within a year from the date of implementation as notified by the municipal or county/city competent authority, where the area being operated or used is two hectares or below; and within three years from said date, where the

above-mentioned area exceeds two hectares; where crops subject to long-term cultivation are involved, the time for completion may count from clearing crops.

2. Land suitable for forestry: the handling shall be completed within a year from the date of afforestation as notified by the municipal or county/city competent authority, where the area being operated or used is two hectares or below; and within three years from said date, where the above-mentioned area exceeds two hectares.
3. Land subject to strengthened conservation: the time for completion will be determined by the municipal or county/city competent authority.
4. Slopeland for non-agricultural purpose: the time for completion shall be as approved in accordance with Article 14 of the Enforcement Rules of Soil and Water Conservation Law.

Article 7 (Technical Regulations for Soil and Water Conservation)

The technical regulations for soil and water conservation of the competent authority as mentioned in Paragraph 1, Article 12 of the Act refer to the technical regulations for soil and water conservation publicly announced by the central competent authority in accordance with Paragraph 2, Article 8 of the Soil and Water Conservation Law.

Article 8 (Deleted)

Article 8-1 (Soil and Water Conservation Certificate)

Where the completion of the handling of soil and water conservation of land suitable for agriculture and animal husbandry purpose as mentioned in Paragraph 1, Article 12-1 of the Act, is to be counseled by the central soil and water conservation authority, the municipal or county/city competent authority may request the central soil and water conservation authority to issue a soil and water conservation certificate for land suitable for agriculture and animal husbandry purpose, after inspection is passed.

The municipal or county/city competent authority shall conduct inspection in accordance with Paragraph 2, Article 12-1 of the Act, in conjunction with the competent forestry authority.

The form of a soil and water conservation certificate for land suitable for agriculture

and animal husbandry purpose and soil and water conservation certificate for afforestation will be determined by the central competent authority.

Article 9 (Deleted)

Article 10 (Promotion of Soil and Water Conservation Public Projects)

Local personalities may organize a committee to promote the development and maintenance of work regarding roads, drainage system, management of wild creeks, irrigation, and prevention of slide of gravel sand in connection with soil and water conservation, subject to the counseling and supervision of the municipal or county/city competent authority.

Article 11 (Procedure of Emergency Action)

A situation likely to cause calamity or impair public facilities as described in Paragraph 1, Article 15 of the Act refers to any of the following circumstances. The competent authority taking emergency action shall notify the operator, user or owner of the slopeland of such action, unless notification is impossible:

1. Where the riverbed or waterway is silted up with sand and residue
2. Where conservation of water resources above or under ground is impaired.
3. Where water, soil or other environment is polluted.
4. Where land collapses or landslide or mudslide occurs.
5. Where the safety of farmland, buildings, roads and bridges is impaired.
6. Where flood control, drainage, irrigation, or the protection of other water resources or water conservancy facilities is impeded.
7. Where public safety is otherwise impeded.

Article 11-1 (Engagement of Reporting and Crackdown Service)

The municipal or county/city competent authority may commission the relevant catchment administering authority or institution, or the local city council, town hall, administrative city office or district office, to report and prohibit illegal use of slopeland.

Article 12 (Standard of Land Classification According to Limits on its Allowed Scope of Use)

The central and special municipality regulatory authority shall complete the identification of land suitable for agriculture, animal husbandry and forestry purposes, and land subject to strengthened conservation for those districts or lands that haven't been demarcated or classified, in compliance with land classification standards for permissible slopeland use under Paragraph 3, Article 16 of the Act.

The central and special municipality regulatory authority may delegate announcing the result of identification mentioned in the preceding paragraph.

Article 13 (Soil and Water Conservation for Land Suitable for Agriculture)

Land suitable for agriculture as identified by the standard of land classification according to the limits on its allowed scope of use under Article 16 of the Act, is still subject to afforestation and the necessary handling of soil and water conservation, if such land has been cultivated.

The municipal or county/city competent authority (which shall include the competent forestry unit) shall counsel the operator, user or owner of the slopeland in implementing the afforestation and in the necessary handling of soil and water conservation under the preceding paragraph.

Erosion or damage of the ground or drainage system must be avoided in conservation, lumbering, collection of materials or transportation of materials etc.

Article 14 (Overall Development Plan and Detailed Soil and Water Conservation Plan)

The overall plan for development mentioned in Paragraph 1, Article 17 of the Act denotes a regional overall agricultural plan to be carried out in an area designated in a national general development plan, regional plan or urban plan, for agricultural development, maintenance of natural and cultural landscape and ecology, conservation and utilization of soil and water resources, and development of production and distribution etc. The detailed soil and water conservation plan mentioned in the same paragraph denotes a plan for handling soil and water conservation and public facilities for regional agricultural development, and the maintenance thereof.

Article 15 (Incentive for Conservation)

Potential for agricultural development as mentioned in Paragraph 2, Article 17 of the Act refers to any of the following circumstances:

1. Where regional planning for agricultural development is conformed to.
2. Where the natural conditions and the mode of agricultural operation are of exemplary significance.
3. Where land suitable for agriculture is concentrated in the area and susceptible to continued development.
4. Where soil and water conservation can be actively handled, mechanical operation can be launched, and public facilities can be developed on the land in the area.

Article 16 (Deleted)

Article 16-1 (Designation of Administering Authority or Institution)

The central or municipal competent authority will designate the administering authority or institution in accordance with Paragraph 2, Article 32-1 of the Act, as follows:

1. The municipal competent authority will so designate if the catchment of the reservoir is within a municipal administrative region.
2. The central competent authority will so designate if the catchment of the reservoir is within a county/city administrative region or straddles a municipal administrative region and a county/city administrative region.

Article 17 (Date of Enforcement)

These rules are enforced as of the date of their promulgation.