

Appendix 3

**Legal instruments of protection
applying to the nominated site**

3-A Nature Conservation Law (Extract)

Law No. 85 of June 22, 1972

Amended by Law No. 73 of 1973, No. 87 of 1978, No. 58 of 1987, No. 26 of 1990, No. 79 of 1991, No. 75 of 1992, No. 92 of 1993, No. 87, No. 102 and No. 160 of 1999, and No. 88 of 2002.

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Basic Policies for Nature Conservation

Chapter I General Provisions

(Purpose)

Article 1

This Law aims at setting forth the basic concept of conservation of the natural environment and other basic matters relating to the conservation of natural environment, and, together with the Natural Parks Law (Law No. 161 of 1957) and other laws aiming at conservation of the natural environment, to provide comprehensive promotion of the proper conservation of natural environment and thereby to contribute to ensuring the healthful and cultural life of the people, both now and in the future.

(Responsibility of the State etc.)

Article 2

The State, local public bodies, businesses and citizens of the State shall make efforts for proper conservation of natural environment in their respective positions in accordance with the basic principle of environmental conservation prescribed in Articles 3 to 5 of the Basic Environmental Law (Law No. 91 of 1993).

(Respect for Property Rights and Adjustment With Other Public Interests)

Article 3

In administering conservation of the natural environment, ownership and other property rights of the persons concerned shall be respected, and adjustment with such public interests as conservation shall also be taken into consideration.

(Execution of Basic Survey)

Article 4

The State shall endeavor to conduct at five-year intervals surveys concerning topography, geology, and fauna and flora as necessary for the planning of measures to be taken for conservation of the natural environment.

(Considerations in Executing Regional Development, Etc.)

Article 5

In making and carrying out plans for regional development, public works, and other measures which are deemed to have an effect upon the natural environment, the State shall consider the proper conservation of the natural environment.

Chapter II Basic Policies for Nature Conservation

(Basic Policies for Nature Conservation)

Article 12

The State shall determine the basic policies for the planning of nature conservation

(hereinafter referred to as the "basic policies for nature conservation").

2. The matters described in the following items shall be provided for in the basic policies for nature conservation.
 - (1) Basic policy on conservation of the natural environment.
 - (2) Designation of Wilderness Areas and nature conservation areas and other fundamental matters concerning the planning related to conservation of the natural environment within the areas concerned.
 - (3) Standards for the designation of prefectural nature conservation areas and other fundamental matters relating to standards for the planning related to conservation of the natural environment within the areas concerned.
 - (4) In addition to the matters provided for in the preceding three items, basic policy on adjustment of the areas referred to in the preceding two items with the areas designated under the Natural Parks Law and other laws aiming at conservation of the natural environment.
3. The Minister of the Environment shall propose the basic policies for nature conservation and shall ask the Cabinet for its decision.
4. In drafting a proposal for the basic policies for nature conservation, the Minister of the Environment shall seek in advance the opinion of the Central Environmental Council (hereinafter referred to as "Council").
5. When the Cabinet has made its decision in accordance with Paragraph 3, the Minister of the Environment shall give prompt public notice of the basic policies for nature conservation.
6. The preceding three Paragraphs shall apply correspondingly to any revision of the basic policies for nature conservation.

Chapter III Wilderness Areas

Section 1 Designation, Etc.

(Designation)

Article 14

From among the zones of land upon which the natural environment has maintained an ecological stability without being influenced by human activities, are of a size exceeding that prescribed in the Cabinet Order, and are owned by the State or local public bodies (excluding those reserved forests designated in accordance with the provisions of paragraph 1 of Article 25 of the Forest Law (Law No. 249 of 1951), the Minister of the Environment may designate those areas where conservation of the

natural environment is especially needed as wilderness areas.

2. The Minister of the Environment, when he intends to make the designation of the Wilderness Area, shall seek in advance the opinion of the governor of the prefecture concerned and the Central Environmental Council.
3. The Minister of the Environment, when he intends to make the designation of the Wilderness Area, shall obtain the prior consent of the head of the administrative agency having control over the land if it is owned by the State or of the local public body if it is owned by a local public body.
4. The Minister of the Environment, when he intends to make the designation of the Wilderness Area, shall give public notice to this effect and the area to be designated in official gazette.
5. The designation of the Wilderness Area shall come into force on the public notice under the preceding paragraph.
6. The provisions of paragraph 2, paragraph 4, and the preceding paragraph shall apply correspondingly to revocation of designation of the Wilderness Area or alteration of its boundary, and the provisions of paragraph 3 to expansion of the zone of the Wilderness Area.

(Determination of Conservation Plan relating to Wilderness Area)

Article 15

The conservation plan relating to the Wilderness Area (hereinafter meaning the Plan concerning the regulations or facilities for conservation of the natural environment with the Wilderness Area) shall be determined by the Minister of the Environment after hearing the opinions of the governor of the prefecture concerned and the Council.

2. Should the Minister of the Environment determine the conservation plan relating to the Wilderness Area, he shall give public notice of its general outline.
3. The provisions of preceding two paragraphs shall apply correspondingly to revocation or alteration of the conservation plan relating to a Wilderness Area.

(Execution of Conservation Work relating to Wilderness Area)

Article 16

The State shall execute the conservation work relating to the Wilderness Area (hereinafter meaning the work to be executed on the basis of the conservation plan relating to the Wilderness Area and the facilities for conservation of the natural environment within the area concerned as prescribed by Cabinet Order).

2. Local public bodies may execute part of the conservation work relating to the Wilderness Area after consulting with the Minister of the Environment and obtaining consent therefrom.

Section 2 Conservation

(Restriction of Activities)

Article 17

The activities mentioned in the following items shall not be carried out within the Wilderness Area. However, this provision shall not apply to cases where the Minister of the Environment has specifically granted a permission for scientific research or otherwise for the public good, or where the activity is carried out as an emergency measure to cope with an extraordinary situation.

- (1) Constructing, reconstructing, or expanding buildings or other structures.
 - (2) Making housing lots, clearing land, or otherwise changing the feature of the land.
 - (3) Mining minerals or extracting soil and stones.
 - (4) Reclaiming the surface of water or reclaiming by drainage.
 - (5) Causing increase or decrease in the water-level or quantity of water of rivers, lakes, marshes, swamps and wetlands etc.
 - (6) Felling or damaging trees and bamboos.
 - (7) Collecting or damaging plants other than trees and bamboos or collecting fallen leaves or fallen branches.
 - (8) Planting trees and bamboos.
 - (9) Capturing, killing or wounding animals, or collecting or damaging their eggs.
 - (10) Pasturing livestock.
 - (11) Setting or making fire.
 - (12) Accumulating or storing things in the open air.
 - (13) Using horses, vehicles or power-driven vessels, or landing airplanes.
 - (14) Any activity other than those mentioned in the preceding items which may affect the conservation of the natural environment within the Wilderness Area is prescribed by the Cabinet Order.
2. Such conditions as necessary for conservation of the natural environment within the Wilderness Area may be attached to the permission referred to in the preceding paragraph.
 3. One, who has committed activity mentioned in any item of paragraph 1 as an emergency measure to cope with an extraordinary situation within the Wilderness Area shall so notify the Minister of the Environment within 14 days from the date of commission of the activity.
 4. One, who has already started activity mentioned in any item of paragraph 1

within an area which is designated the Wilderness Area or which is included within the expanded zone of such Wilderness Area may continue said activity notwithstanding the provisions of said paragraph for three months from the date of the designation or the expansion of the zone (in case he applies for the permit referred to in said paragraph within such period, until said permit is granted or denied).

5. The provisions of paragraph 1 and paragraph 3 shall not apply to the activities mentioned in the following items.
 - (1) Any activity to be performed in executing the conservation work relating to the Wilderness Area.
 - (2) Any activity of ordinary management or simple activity as prescribed by the environmental ministerial ordinance and not likely to interfere with conservation of the natural environment within the Wilderness Area.

(Order of Suspension, Etc)

Article 18

The Minister of the Environment, when he feels such to be necessary for conservation of the natural environment within the Wilderness Area shall enjoin the person who has violated an item of paragraph 1 of the preceding Article or who has acted in violation of the conditions attached to the permission granted in accordance with paragraph 2 of the same Article from said activity, order said person to restore the area to its original state within a reasonable period to be prescribed or, when it is difficult to restore the area to its original state, order the person to take such other necessary measures.

2. The Minister of the Environment may appoint a nature protection supervisor from among his officials in accordance with the provisions of the Cabinet Order and may delegate a part of his authority under the preceding paragraph to said supervisor.
3. The official of the preceding paragraph shall carry identification papers and present such to the persons concerned.

(Restricted Entry Zone)

Article 19

The Minister of the Environment, when he feels such to be especially necessary for conservation of natural environment within the Wilderness Area, may designate Restricted Entry Zone within the zone of said area based upon the conservation plan relating to the Wilderness Area.

2. The provisions of Article 14 paragraph 3 shall apply correspondingly to the designation of Restricted Entry Zones and their expansion, and the provisions of para-

graph 4 and paragraph 5 of the same Article to the designation of Restricted Entry Zones, revocation of such designation, and alteration of designation.

3. No person shall enter a Restricted Entry Zone. However, this shall not apply to the cases mentioned in the following items.
 - (1) When he enters to carry out an activity for which a permission has been granted under paragraph 1 of Article 17 (including an activity discussed under the provision of the second sentence of Paragraph 1 of Article 21).
 - (2) When he enters to take an emergency measures to cope with an extraordinary situation.
 - (3) When he enters to execute conservation work relating to the Wilderness Area,
 - (4) When he enters to perform an ordinary management or simple activity as prescribed in the environmental ministerial ordinance and not likely to interfere with conservation of the natural environment within the Wilderness Area.
 - (5) In addition to the activities listed in the preceding items, when the Minister of the Environment has granted a special permission for unavoidable cause.

(Report)

Article 20

The Minister of the Environment, when he feels such to be necessary for conservation of the natural environment within the Wilderness Area, may require the person to whom the permission has been granted under paragraph 1 of Article 17 to submit a report on the condition of execution and on other necessary matters.

(Special Case for the State, Etc.)

Article 21

With respect to activities to be carried out by State agencies or local public bodies, such shall not be required to obtain the permission under paragraph 1 of Article 11 or item 5, paragraph 3 of Article 19. In this case, agencies concerned or local public bodies shall consult in advance with the Minister of the Environment and obtain consent therefrom before carrying out said activity.

2. When State agencies or local public bodies have carried out an activity for which notification is required under paragraph 3 of Article 17, such notification shall be made to the Minister of the Environment under the provision of said paragraph.

Chapter V Miscellaneous Provisions

(Expenses Necessary for Execution of Conservation Work)

Article 36

Expenses necessary for execution of the conservation work (herein-after meaning conservation work relating to the Wilderness Areas and to the nature conservation

areas) shall be borne by the person executing said conservation work.

(Charge to Person Creating Cause)

Article 37

Should execution of the conservation work become necessary due to other construction work or other acts, the State or local public bodies may require the person bearing the expenses for said construction work or activities to bear in whole or in part the expenses for the conservation work to such extent as he causes its need.

(Charge to Beneficiary)

Article 38

Should any person benefit from execution of the conservation work, the State or local public bodies may require said person to bear in part the expenses for the execution of the conservation work to such extent as he benefits.

(Method of Collecting Charges, Etc.)

Article 39

The method of collection of the charges referred to in the preceding two Articles and other necessary matters relating to the charges shall be provided for by the Cabinet Order of regulations.

(Forced Collection of Charges)

Article 40

Should any person fail to pay the charge imposed under Article 37 or Article 38, the Minister of the Environment or the head of the local public body concerned shall send a demand note to said person designating the period for payment.

2. In the case of the preceding paragraph, the Minister of the Environment may in accordance with the provisions of the environmental ministerial ordinance, or the head of the local public body concerned may in accordance with the provisions of its regulations, collect arrears. However, the amount of arrears must be set so as not to exceed the amount of the charge multiplied by 0.145 per annum.
3. Should a person who has received a demand note under paragraph 1 fail to pay the charge due by the time limit set, the Minister of the Environment or the head of the local public body concerned may collect the charge and its arrears referred to in the preceding two paragraphs by forced collection as for the national tax if said charge would become a part of the State's income or by forced collection as for the local tax if said charge would become a part of the local public body's income. In such case, the priority of lien for the charge and arrears shall be next after the national tax and the local tax.

4. Arrears shall be given preference to the charge.

(State Subsidy)

Article 41

The State may assist local public bodies in charge of execution of the conservation work with respect to part of the expenses required for their execution within the budgetary limits in accordance with the provisions of the Cabinet Order.

(Exemption from Application)

Article 42

The provisions of Article 36 to Article 41 shall not apply to conservation work for which special provision is made for the expenses required for its execution in another law.

(Consultation)

Article 44

The Minister of the Environment, when he intends to designate or expand the Wilderness Area, Nature Conservation Area, Restricted Entry Zone, Special Zone, Wild Animal and Plant Protection Zone, or Special Marine Zone; or intends to determine or alter a conservation plan relating to the Wilderness Area or the Nature Conservation Area; or intends to propose formulation of the environmental ministerial ordinance in paragraph 6 of Article 25 or paragraph 5 of Article 27, shall consult with the heads of the related administrative agencies.

2. The State agency other than the Ministry of the Environment, when it intends to execute conservation work, shall consult with the Minister of the Environment.

Chapter VII Supplementary Provisions

(Consideration for Local Government Bonds)

Article 52

In making an issue of local government bonds within the framework of its regulations in order to procure the necessary operating expenses for conservation of the natural environment, the prefecture shall give due consideration to its financial condition.

Chapter VIII Penal Provisions

Article 53

One, who falls under any of the following items shall be sentenced to imprisonment not to exceed one year or to a fine not to exceed five hundred thousand yen (¥500,000).

- (1) One, who has violated paragraph 1 of Article 17.
- (2) One, who has disobeyed an order issued under Paragraph 1 and 2 of Article 18 (including the application of where these provisions accordingly under Article 30).

Article 54

One, who falls under any of the following items shall be sentenced to imprisonment not to exceed six months or to a fine not to exceed three hundred thousand yen (¥300,000).

- (1) One, who has acted in violation of the condition attached to the permit under paragraph 2 of Article 17 (including the application of this paragraph accordingly under paragraph 5 of Article 25, paragraph 4 of Article 26, and paragraph 4 of Article 27).
- (2) One, who has violated paragraph 3 of Article 19, paragraph 4 of Article 25, paragraph 3 of Article 26, or paragraph 3 of Article 27.

Article 55

One, who has violated the handling in accordance with paragraph 2 of Article 28 shall be sentenced to a fine not to exceed three hundred thousand yen (¥300,000).

Article 56

One, who falls under any of the following items shall be sentenced to a fine not to exceed two hundred thousand yen (¥200,000).

- (1) One, who has failed to submit a report as required under Article 20 or paragraph 1 of Article 29 or who has submitted a false report.
- (2) One, who has failed to give notification under paragraph 1 of Article 28 or who has given false notification.
- (3) One, who has violated the provision of paragraph 4 of Article 28.
- (4) One, who has refused, hindered, or avoided the actual inspection or actual survey under paragraph 1 of Article 29.
- (5) One, who has, in violation of paragraph 5 of Article 31, refused or hindered the entry and other acts conducted under paragraph 1 of said Article.

Article 57

Should the representative of a juridical person, or the agent, employee, or other worker of a juridical or natural person commit a violation of Article 53 to Article 56 with respect to the business of such juridical or natural person, in addition to the punishment of the actual offender, said juridical or natural person shall also be subject to the relevant fine.

Article 58

The regulations enacted under paragraph 1 of Article 46 or Article 47 may provide that a person who has violated said regulations shall be subject to penal provisions appropriate to the offense to the extent that such shall not exceed the penal frame-

work prescribed in Article 53 to Article 57.

Additional Reference

Basic Policies for Nature Conservation (Extract)

Part 1. Basic Concept for Nature Conservation

In a general sense of the word, nature not only forms the natural environment that is necessary for human life, but is also the source of life itself, bestowing infinite good on man. That is,

1. nature provides resources necessary for human economic activities and
2. is in itself an essential element of human life.

In our country, in particular, man, his works of art, and nature form an organic unity. This has been our unique cultural tradition.

In view of the role played by nature in our lives, it may be rightly said that we must first appreciate the value of nature and make, the spirit of protection and conservation of nature, a part of our daily lives. From this standpoint, we are required to adopt a more well-rounded way of thinking, based on ecology, which highlights the equilibrium that exists among the various components of nature. We must cope with the problems concerning the conservation of the natural environment based on the view that, principally, no human activity should be allowed to disturb the delicate balance that exists among elements such as sunlight, the atmosphere, water, earth, and living beings.

In reality, however, destruction of the natural environment is already advancing at a relentless pace, and its enormous scope and complexity gives rise to serious problems all over our country. The situation is even more problematic because it is often accompanied by a conflict of interests to the extent of social injustice. As a result, any adequate measures, that need to be taken against the process of destruction, become increasingly complicated.

This leads us to conclude that we are required to develop stringent, comprehensive policies covering all aspects of the social and economic system in a manner that permits us to impose, where deemed necessary, severe controls on human activities. To be more precise, we must realize that natural resources are limited, and gravely reflect on economic activities based on mass production, mass consumption and mass disposal. We must give due importance to the non-monetary value of nature, which has often been overshadowed by the preference for economic rentability. Furthermore, we must endeavor to create a rich environment by introducing adequate control and providing guidance through proper land planning which emphasizes the

conservation of the natural environment.

Needless to say, the policy for conservation of the natural environment, with nature protection as its primary concern, will occupy an important part of a comprehensive policy which is to be developed from the aforementioned fundamental idea. Its task will consist of keeping human activities in check, from the viewpoint of nature conservation in the manner required by specific regional circumstances. Therefore, in carrying out the policy, we must scientifically evaluate and quantitatively as well as qualitatively specify the proper extent of the conservation measures needed to be taken both in the country as a whole and in different regions. It must, however, be realized that the establishment of such measures will inevitably involve problems such as the restriction of human activities or distribution of limited resources. It must also be kept in mind that given our present extent of scientific knowledge, we are still far from solving the mystery of nature in its entirety.

Under these circumstances, it might be suggested that a more positive and far-sighted approach is required to cope with nature conservation, so as to prevent a basis for trouble in the future. In other words, we must not only protect nature from destruction but also take active measures to restore and re-build the natural environment for the common good. For this, the invaluable natural heritage, rich in flora and fauna, wild animals, land with unique topographical features, and the like, must be conserved in an ample area with a view to preventing any further conceivable damage. The industries of agriculture, forestry, and fishery which permit a rational utilization of solar energy, in keeping with their roles in conservation of the natural environment, must be acknowledged and their development must be on an eco-friendly basis. In urban areas, the natural environment must be conserved to ensure healthy human life. Moreover, the nature conservation policy must not simply remain a domestic policy, but must activate vigorous, world-wide cooperation for the protection of endangered wild animals and plants, as well as for marine pollution control.

Based on the aforementioned principles, the fundamental directions of the actual policy for nature conservation can be laid down as follows:

1. The Nature Conservation Law and associated legal institutions of various kinds are to be employed in a comprehensive manner permitting the systematic conservation of nature in its diversity.
 - (1) Conservation work is to be strictly executed for Wilderness Areas untouched by human activities, places of scenic beauty, natural objects of academic or cultural value, and the like. They must be preserved for posterity as part of our national heritage, as they either contain a rich variety of living species or provide man with knowledge of the subtle mechanism of nature.

- (2) Areas playing an important role in maintaining the balance of nature, those with outstanding scenery, habitats of wild animals, and sites fit for outdoor recreation are of vital value to man in relation to nature. They are to be given proper protection, or restored and re-built where deemed necessary.
 - (3) The importance of agriculture, forestry, and fishery for nature conservation is to be duly assessed and efforts are to be made for their proper development, since they are indispensable not only as suppliers of resources but also from the viewpoint of maintaining the balance of nature.
 - (4) Wooded land, grass-growing plots, watersides and the like in urban areas, are not only useful for purifying the atmosphere, tempering meteorological phenomena, preventing ruthless urbanization, environmental pollution or disasters, but also have a major influence on the spiritual development of inhabitants within those areas. Therefore, vigorous efforts must be made to protect, promote, or restore such zones that are deemed essential for a sound infrastructure and environment in cities.
2. Natural areas to be conserved must be properly administered in accordance with their specific characteristics. For this purpose, we must, while endeavoring to formulate the relevant administrative system, encourage purchases of privately-owned land when deemed necessary.
 3. When a large-scale development project of any kind that is potentially destructive to the natural environment is to be implemented, the concerned policy-makers, must carry out surveys prior to, the execution. These surveys range from forecasts of the extent of impact resulting from the project, on the natural environment to comparative studies on alternative projects. The results of such surveys must be reflected in the project and the work is to be carried out after obtaining the consent of the local residents. Measures for nature conservation must be taken where deemed necessary, even after the development work.
 4. Much is yet to be known about the mechanism of nature. We must actively encourage studies on human activities in relation to nature, such as recycling of materials, and techniques to ensure the conservation of the ecosystem. For this purpose, we must endeavor to establish a research system, build an information network, and train technicians who are capable of converting the work of researchers into concrete measures.

Moreover, we must carry out scientific surveys in various fields ranging from flora and fauna, wild animals, topography, and geology to the invisible mechanism of nature, which is often neglected, in order to precisely grasp the actual condition of the natural environment in our country.

5. To ensure sufficient conservation of the natural environment, it is essential for every single individual in our country to appreciate and promote the spirit of conservation and preservation of nature. For this purpose, environmental education must be vigorously promoted in schools, as well as in communities, in order to deepen people's understanding to eventually cultivate in them, love and a sense of morality with respect to nature.
6. One of the major purposes of nature conservation is to respond to our people's longing for nature. Outdoor recreation that ensures man's contact with nature is assuming increasing importance in the daily lives of people. There is already a growing demand for this kind of recreation.

On the other hand, such activities are also threatening to permanently destroy nature in areas where they are excessively concentrated. Therefore, policies encouraging outdoor recreation must be readjusted in a manner so as to ensure the proper conservation of the natural environment.

The aforementioned program for conservation of the natural environment shall be vigorously developed through coordination with local governments and on the basis of cooperation and understanding of the people. For this, we must courageously face the task of regulating a land development act, laying greater stress on the public nature of land, and the like. At the same time, in executing such a program, it is necessary to adopt a comprehensive point of view, adjusting it, on one hand, with land conservation, and on the other, with public interests. At the same time, it is necessary to ensure that, a just distribution of burden to stabilize the existence of local residents, promote welfare, and safeguard property rights and the like. Proper conservation of the natural environment will not be realized unless social justice is attained, both in the benefit and burden involved in the act of conservation and exploitation of nature.

Part 2. Fundamental Items Concerning Nature Conservation Area and the Like

Three kinds of conservation areas designated under Nature Conservation Law — Wilderness Area, Nature Conservation Area and Prefectural Nature Conservation Area — must systematically be selected on a nationwide scale, as specified in the following fundamental guidelines and policies

1. Guidelines for designation of Wilderness Area

In our country, where land development planning has been pursued to the utmost degree, areas uninfluenced by human activities have come to assume extremely high value from the viewpoint of conservation of the natural environment. The signifi-

cance of such areas to scholars is immeasurable, as they are sources of important scientific information.

From among subtropical rain forests, warm temperate laurel forests, temperate deciduous broad-leaved forests, and sub-arctic coniferous forests in our country, those areas that have retained a typical primeval state of nature and that meet the following conditions are designated as Wilderness Areas.

- (1) Forests, marshland, grassland, and the like which are at climax phase or close to it, and in which the biome of wild plants and animals has retained its primeval state without being influenced by human activities.
- (2) Areas that are of a sufficient size and form to maintain a dynamic ecosystem.
- (3) Areas, in connection with (2), in which the natural environment has been preserved to a large extent.

2. Conservation Policies for Wilderness Areas

In light of the guidelines for the designation of an area as a Wilderness Area, the basic principle of conservation policies must lie in ensuring the natural transition of the areas concerned.

- (1) For the purpose of maintaining areas with primeval forests in the climax phase, any artificial change within the boundary of the areas is, in principle, forbidden. External influences of various kinds are to be prevented as much as possible.
- (2) When deemed necessary to conserve certain flora or fauna which are either endangered species or unique to the areas concerned, and which are easily affected by human activities, off-limit zones are to be established for their protection.
- (3) When the areas concerned are damaged by natural disasters, they must be restored, in principle, by virtue of the natural process of transition, and not through any artificial method.
- (4) The nature in the areas concerned is to be observed, surveyed and studied. Moreover, the minimum conservation work necessary, is to be executed under strict administration.

3. Guidelines for Designation of Nature Conservation Area

Forests of which a considerable part is occupied by natural graves; seashores, lakes and marshes, damp fields and rivers, habitats of wild animals and plants, and the like where the natural environment, including fauna and flora within said zones, is maintained in an excellent condition and which are of a definite size are to be designated as Nature Conservation Areas. However, in so doing, various natural and social conditions, such as stabilization of existence of local residents in areas designated for agriculture, forestry, fishery, promotion of welfare, long-term maintenance of natural resources, and the like must be taken into consideration.

Designation must take place without delay, particularly in the following cases:

- (1) Areas whose natural environment is prone to the influence of human activities

and are difficult to restore once destroyed

- (2) Areas whose natural environment is unique, particular or rare
- (3) Areas that are feared to be influenced by developmental activities in the vicinity that are in progress or threatening to make rapid progress, and whose well-conserved state of nature is subject to damage.

4. Conservation Policy for Nature Conservation Area

Proper conservation measures in accordance with the actual state of the natural environment are to be taken in order to maintain the specific natural environment of Nature Conservation Areas.

- (1) In the areas concerned, zones that are important structural components of the ecosystem of the said areas and require particular promotional measures for the maintenance of the system, or which are particularly necessary for the conservation of a certain natural environment, or which are an essential part of the areas to be conserved, are to be protected through designation as a Special Zone or Special Marine Zone, to the extent deemed necessary.
- (2) When deemed necessary, to conserve certain wild flora and fauna within the said special areas, which are home to rare or particular species, such areas are designated as Wild Animal and Plant Protection Zones.
- (3) Ordinary Zones are to be conserved in a manner sufficiently permitting its functioning as buffer zone.
- (4) When damage is incurred through natural disasters and the like, restoration and similar work must be implemented from the standpoint of disaster control and in the light of the result of ecological surveys.
- (5) Within the said area, necessary conservation work is to be executed under proper administration.
- (6) Adjustment with land conservation and other public interests, stabilization of means of existence of local residents such as agriculture, forestry, fishery and the like, and promotion of welfare are to be taken into consideration.

5. Guidelines for Designation of Prefectural Nature Conservation Area

Zones where the natural environment is equivalent to that in the Nature Conservation Area may be designated as Prefectural Nature Conservation Area in the following manner:

- (1) The said zones are to be designated in accordance with the guidelines for the designation of Nature Conservation Areas, and to the extent necessary for conserving the organism to be protected.
- (2) Urban areas where an excellent natural environment is maintained may be the objects of designation provided that adjustment with city planning is attained.
- (3) As with the case of the procedure of designating an area as a Nature Conservation Area, opinions of residents within the areas concerned as well as of interested parties must be sought, as designation may involve restriction of private

rights and the like.

6. Guidelines for Conservation Policies for Prefectural Nature Conservation Areas

For the maintenance of the definite natural environment, which is the focus of the conservation act within the said Prefectural Nature Conservation Area, proper conservation policies, fit for the actual condition of nature, are to be adopted and positive restoration works are to be planned where deemed necessary.

- (1) Special Zone, Wild Animal and Plant Protection Zone, and Ordinary Zone are designated as in the case of Nature Conservation Area.
- (2) When damage is incurred to the natural environment within the said Prefectural Nature Conservation Area, prompt measures are to be taken for restoration or plantation in accordance with the characteristics of the natural environment and the state of damage incurred.
- (3) When said area is of a small size, special attention is to be paid to the treatment of the boundary zone in contact with other areas. If necessary, it is to be provided with green belts for protection.
- (4) Necessary conservation work is to be executed under proper administration within the said area.
- (5) Adjustment with land conservation and other public interests, stabilization of means of existence of local residents such as agriculture, forestry, fishery, and the like, and promotion of welfare are to be taken into consideration.

7. Adjustment between Nature Conservation Area and the like and Areas under the Natural Parks Law and other Laws Aiming at Conservation of the Natural Environment

In order to promote proper conservation of the natural environment in a comprehensive manner, not only are three kinds of areas designated under the Nature Conservation Law but various kinds of areas are also to be designated under the Natural Parks Law and other laws aiming at conservation of the natural environment. Designation and conservation of such areas are to be promoted positively. An adjustment between Nature Conservation Areas and other areas is to be made according to the following principles:

- (1) Zones already included in the areas referred to in the Natural Parks Law and other laws aiming at conservation of the natural environment may be designated as Wilderness Areas by virtue of the importance of the natural environment within the said zones, and after a sufficient study on their utility and the like as Natural Parks, it is deemed necessary to conserve them strictly.
- (2) Only zones not included in Natural Parks may be designated as Nature Conservation Area and Prefectural Nature Conservation Areas. However, zones having an excellent natural environment within Prefectural Natural Parks may be transferred, after sufficient discussion with the prefecture concerned, to Nature Conservation Areas in light of the particular characteristics of the nature within said zones and the natural and social conditions of the

surroundings.

- (3) In areas allocated for city planning, zones allocated for streets are not to be designated as Nature Conservation Areas and Prefectural Nature Conservation Areas. With respect to other zones, adjustments are to be made so that they will not overlap with Green Conservation Areas established for the purpose of forming a proper city environment.

3-B Natural Parks Law (Extract)

Law No. 161 of June 1, 1957

Amended by Law No. 140 and No. 161 of 1962, No. 13, No. 61 and No. 140 of 1970, No. 88 of 1971, No. 52 and No. 85 of 1972, No. 73 of 1973, No. 87 of 1978, No. 26 of 1990, No. 92 of 1993, No. 87 and No. 160 of 1999, and No. 1 and No. 29 of 2002

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Chapter I General Provisions

(Purpose)

Article 1

This Law shall aim at the protection of the places of natural scenic beauty and also, through the promoted utilization thereof, at the contribution to the health, recreation and culture of the people.

(Definitions)

Article 2

In this Law, the terms mentioned in the following items shall be understood respectively as laid down in the items concerned:

- (1) Natural Parks shall mean National Parks, Quasi-national Parks and Prefectural Natural Parks.
- (2) National Parks shall mean the places of greatest natural scenic beauty [including natural scenic beauty of sea areas (hereinafter the same except Chapter 2, Section 4 and Article 61)], representing the model scenic beauties of our country, designated by the Minister of the Environment in accordance with the provision of paragraph 1 of Article 5.
- (3) Quasi-national Parks shall mean the places of great natural scenic beauty next to the National Parks, designated by the Minister of the Environment in accordance with the provision of paragraph 2 of Article 5.
- (4) Prefectural Natural Parks shall mean the places of great natural scenic beauty designated by the prefectures in accordance with the provision of Article 59.
- (5) Park Plans shall mean the planning concerning the regulation or facilities for the protection or utilization of the National Parks or Quasi-national Parks.
- (6) Park Works shall mean the works executed on the basis of the Park Plan pertaining to the facilities, prescribed by the Cabinet Order, for the protection or utilization of National Parks or Quasi-national Parks.

(Responsibility of the State etc.)

Article 3

In accordance with the basic intent of environmental conservation prescribed in Articles 3 to 5 of the Basic Environmental Law (Law No. 91 of 1993), the State, local public bodies, park workers and visitors of the natural parks shall make effort respectively to protect the natural scenic beauty and promote appropriate utilization.

2. In light of the fact that the protection of fauna and flora in the natural parks is significant for conserving the scenic beauty of the natural parks, the State and local public bodies shall take measures for conserving the scenic beauty of the natural parks with the aim to ensure the diversity in the ecosystem and creature

in the natural parks.

(Respect for Property Rights and Adjustment with Public Interests)

Article 4

At the time of the application of this Law, in addition to the provision of Article 3 of the Nature Conservation Law, the proprietary rights, mining rights and other property rights shall be respected and also the adjustment between the land development and other public interests shall be taken into consideration.

Chapter II National Parks and Quasi-National Parks

Section 1 Designation

(Designation)

Article 5

The National Parks shall be designated, with specification of their boundaries, by the Minister of the Environment after seeking the opinions of the prefectures concerned and the Central Environmental Council (hereinafter referred to as "Council").

2. The Quasi-national Parks shall be designated, with specification of their boundaries, by the Minister of the Environment, upon request of the prefecture concerned, after seeking the opinions of the Council.
3. In the case of the designation of the National Park or Quasi-national Park by the Minister of the Environment, the fact and the area thereof shall be announced in the official gazette.
4. The designation of the National Park or Quasi-national Park shall take effect on the public announcement under the preceding paragraph.

(Dissolution of Designation and Alteration of Area)

Article 6

The Minister of the Environment, when he intends to dissolve the designation of the National Park or alter the area thereof, shall seek the opinions of the prefectures concerned and the Council.

2. The Minister of the Environment, when he intends to dissolve the designation of the Quasi-national Park or alter the area thereof, shall seek the opinions of the prefecture concerned and the Council; provided that the expansion of its area shall be based upon request of the prefecture concerned.

3. The provisions of paragraphs 3 and 4 of the preceding article shall be applied correspondingly to the dissolution of the designation of the National Park or Quasi-national Park and the alternation of the area thereof.

Section 2 Natural Park Plan and Natural Park Work

(Decision upon Natural Park Plan and Natural Park Work)

Article 7

The Park Plan concerning the National Park shall be decided upon by the Minister of the Environment after seeking the opinions of the prefecture concerned and the Council.

2. The Park Work concerning the National Park shall be decided upon by the Minister of the Environment after seeking the opinions of the Council.
3. The Park Plan concerning the Quasi-national Park shall be decided upon by the Minister of the Environment upon request of the prefecture concerned after seeking the opinions of the Council.
4. The Park Work concerning the Quasi-national Park shall be decided upon by the governors of the prefectures concerned.
5. The Minister of the Environment, when he has decided upon the Park Plan or Park Work, shall announce the outline of the fact.
6. The governor of the prefecture concerned, when he has decided upon the Park Work, shall announce the outline of the fact.

(Discontinuance and Alteration of Park Plan and Park Work)

Article 8

The Minister of the Environment, when he intends to discontinue or alter the Park Plan concerning the National Park, shall seek the opinions of the prefecture concerned and the Council.

2. The Minister of the Environment, when he intends to discontinue or alter the Park Work concerning the National Park, shall seek the opinions of the Council.
3. The Minister of the Environment, when he intends to discontinue or alter the Park Plan concerning the Quasi-national Park, shall seek the opinion of the prefecture concerned and the Council; provided that the additional Park Plan shall be based upon request of the prefecture.

4. The provision of paragraph 5 of the preceding article shall be applied correspondingly to the discontinuance or alteration of the Park Plan or Park Work by the Minister of the Environment, and the provision of paragraph 6 of the preceding article shall be applied correspondingly to the discontinuance or alteration of the Park Work by the governor of the prefecture concerned.

(Execution of Park Work of National Park)

Article 9

The Park Work concerning the National Park shall be executed by the State.

2. Local public bodies and other bodies prescribed by the Cabinet Order (hereinafter referred to as "the public bodies") may execute a part of the Park Work concerning the National Park after consulting with the Minister of the Environment and obtaining his consent therefrom.
3. Those other than the State and public bodies may execute a part of the Park Work concerning the National Park upon obtaining authorized concession from the Minister of the Environment.

(Execution of Park Work of Quasi-national Park)

Article 10

The Park Work concerning the Quasi-national Park shall be executed by the prefecture; provided that the State shall not be precluded from executing the works concerning roads or any other works as provided for by the Road Law, (Law No. 180 of 1952) or any other laws.

2. The public bodies other than the prefectures may execute a part of the Park Work concerning the Quasi-national Park after consulting with the governor of the prefecture concerned and obtaining consent therefrom.
3. Those other than the State and public bodies may execute a part of the Park Work concerning the Quasi-national Park upon obtaining authorized concession from the governor of the prefecture.

(Procedure of Consultation Etc.)

Article 11

As to the consultation under paragraph 2 of Article 9 and paragraph 2 of the preceding article, the procedure of authorization under paragraph 3 of Article 9 and paragraph 3 of the preceding article, and the execution of the Park Work with the consent or authorized concession under paragraph 2 of Article 9 and paragraph 2 of the preceding article, necessary matters shall be prescribed by the Cabinet Order.

(Maintenance of Cleanliness)

Article 12

The State and local public bodies shall, when deemed necessary, cooperate with the personnel responsible for the administration of the roads, picnic grounds, camping grounds, ski slopes, swimming areas, and other public use sites located in National and Quasi-national Parks in the maintenance of the cleanliness of such facilities.

Section 3 Protection and Utilization

(Special Zone)

Article 13

The Minister of the Environment, in regard to the National Park and the governor of the prefecture concerned, in regard to the Quasi-national Park, may, for the purpose of preserving scenic beauty of the Park concerned, designate the Special Zone within its boundary (excluding sea areas) in accordance with the Park Plan.

2. The provisions of paragraphs 3 and 4 of Article 5 shall be applied correspondingly to the designation of the Special Zone and dissolution of its designation, and to the alteration of its boundary. In this case, the "Minister of the Environment" mentioned in paragraph 3 of the same article shall read as the "Minister of the Environment and the governor of the prefecture concerned," and "official gazette" in the same paragraph shall read as "official gazette or prefectural official report", respectively.
3. Within the Special Zone (with the exception of the Special Protection Zone; hereinafter the same in this article), the activities coming under any of the following items shall not be carried out without the permission of the Minister of the Environment in case of the National Park and that of the governor of the prefecture in case of the Quasi-national Park; provided that the activity, that has already been under way at the time of the designation of the Special Zone concerned or the expansion of its boundary, (except the work mentioned in item 5 below), or the activity mentioned in item 5, that has already been under way at the time of the designation of the lakes, marshes or swamps prescribed in the same item, or the activity mentioned in item 7, that has already been under way at the time of the designation of the materials prescribed in the same item, or the activity carried out as the emergency measure in case of disaster shall be excepted from this provision.
 - (1) Constructing, reconstructing or extending structures.
 - (2) Felling trees and bamboos.
 - (3) Mining minerals or extracting soil and stones.
 - (4) Causing increase or decrease of the water-level or quantity of water of rivers, lakes, marshes, swamps and wetlands etc.
 - (5) Discharging polluted or waste water through the sewage disposal facilities into

the lakes, marshes or swamps and wetlands designated by the Minister of the Environment or within a distance of one kilometer from there discharging the same through the sewage disposal facilities into the water running into the designated lakes marshes or swamps and wetlands etc.

- (6) Putting up or setting up advertisements or those similar to them, or showing of advertisements or those similar to them on the structures and the like.
 - (7) Accumulating or storing soil and stones or other materials designated by the Minister of the Environment in the open air.
 - (8) Reclaiming the surface of water or reclaiming by drainage.
 - (9) Clearing land or changing the feature of land.
 - (10) Collecting or damaging alpine plants or other plants designated by the Minister of the Environment.
 - (11) Capturing or killing or wounding animals in mountains, or animals designated by the Minister of the Environment (hereinafter, the "Designated Animals" in this item), or collecting or damaging eggs of the Designated Animals.
 - (12) Altering the colors of roofs, surface of walls, fences and walls, bridges, steel towers, water-pipes or those similar to them.
 - (13) Entering into wetlands or similar areas designated by the Minister of the Environment during the period designated according to such areas.
 - (14) Using horses, vehicles or power-driven vessels, or landing of airplanes in areas designated by the Minister of the Environment other than roads, plazas, paddies, fields, pastures or housing lots.
 - (15) Any activity other than those mentioned in the preceding items which may affect the scenic beauty of the Special Zone and is prescribed by the Cabinet Order.
4. Neither the Minister of the Environment nor the governor of the prefecture concerned shall grant the permission prescribed in the preceding paragraph if any activity mentioned in the items of the preceding paragraph fails to comply with the standards prescribed by the environmental ministerial ordinance.
 5. When the governor of the prefecture concerned intends to grant the permission prescribed in paragraph 3 of this article for the Quasi-national Park, if the activity concerning the permission falls under an activity prescribed in the environmental ministerial ordinance in view of its impact on the scenic beauty of the Quasi-national Park concerned and other circumstances, he shall consult with the Minister of the Environment and obtain consent therefrom.
 6. One, who has already started the activity mentioned in any of the items of paragraph 3 (except the activity mentioned in item 5 of the same paragraph) within the Special Zone at the time of the designation of the Special Protection Zone concerned or the expansion thereof, or the activity mentioned in item 5 of the same paragraph within the Special Zone at the time of the designation of the

lakes, marshes or moist grasslands prescribed in the same item, or the activity mentioned in item 7 of the same paragraph at the time of the designation of the materials prescribed in the same item, shall notify the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park to that effect within three months counting from the day of such designation or expansion of the boundary.

7. One, who has already started the activity mentioned in any of the items of paragraph 3 within the Special Zone as the necessary emergency measure for the exceptional disaster, shall notify the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park to that effect within 14 days counting from the day of the activity carried out.
8. One, who intends to plant trees and bamboos or pasture livestock within the Special Zone, shall previously notify the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park to that effect.
9. To the activities mentioned in any of the following items, the provisions of paragraph 3 and the preceding 3 paragraphs shall not be applied:
 - (1) Activity carried out as the execution of the Park Works.
 - (2) Activity carried out within the Scenic Landscape Preservation Area, which is to be prescribed in paragraph 1 of article 31 based on the Scenic Landscape Preservation Agreement executed under item 1 of the same paragraph, in accordance with the matters mentioned in item 2 or 3 of the same paragraph.
 - (3) Ordinary administrative activity, simple activity or other activities prescribed by the environmental ministerial ordinance.

(Special Protection Zone)

Article 14

The Minister of the Environment, in regard to the National Park and the governor of the prefecture concerned, in regard to the Quasi-national Park, when specially necessary for the preservation of the landscapes of the Park, may designate the Special Protection Zone within the Special Zone in accordance with the Park Plan.

2. The provisions of paragraphs 3 and 4 of Article 5 shall be applied accordingly to the designation of the Special Protection Zone and dissolution of the designation thereof, and to the alteration of the boundary thereof. In this case, the "Minister of the Environment" mentioned in paragraph 3 of the same article shall read as the "Minister of the Environment or the governor of the prefecture concerned", and "official gazette" in the same paragraph shall read as "official gazette or prefectural official report", respectively.

3. Within the Special Protection Zone the following activities shall not be carried out without the permission of the Minister of the Environment in the case of the National Park and without that of the governor of the prefecture concerned in the case of the Quasi-national Park; provided that the activity, that has already been under way at the time of the designation of the Special Protection Zone concerned or the expansion of its boundary, (except the activity mentioned in item 5 or paragraph 3 of the preceding article), or the activity mentioned in item 5, that has already been under way at the time of the designation of the lakes, marshes or swamps and wetlands prescribed in the same item, or the activity carried out as the emergency measure in case of disaster shall be excepted from this provision.
 - (1) Any Activity mentioned in the items 1 to 6, 8, 9, 12 and 13 of paragraph 3 of the preceding article.
 - (2) Damaging trees and bamboos.
 - (3) Planting trees and bamboos.
 - (4) Pasturing livestock.
 - (5) Accumulating or storing things in the open air.
 - (6) Setting fire or making fire.
 - (7) Collecting or damaging plants other than trees and bamboos, or collecting fallen leaves or fallen branches.
 - (8) Capturing, killing or wounding animals, or collecting or damaging their eggs.
 - (9) Using horses, vehicles or power-driven vessels, or landing airplanes in areas other than roads or plazas.
 - (10) Any activity other than those mentioned in the preceding items which may affect the landscapes of the Special Protection Zone and is prescribed by the Cabinet Order.
4. Neither the Minister of the Environment nor the governor of the prefecture concerned shall grant the permission prescribed in the preceding paragraph if any activity mentioned in the items of the preceding paragraph fails to comply with the standards prescribed by the environmental ministerial ordinance.
5. When the governor of the prefecture concerned intends to grant the permission prescribed in paragraph 3 of this article for the Quasi-national Park, if the activity concerning the permission falls under an activity prescribed in the environmental ministerial ordinance in view of its impact on the landscape of the Quasi-national Park concerned and other circumstances, he shall consult with the Minister of the Environment and obtain consent therefrom.
6. One, who has already started the activity mentioned in any of the items of paragraph 3 (except the activity mentioned in item 5 of the same paragraph) within the Special Protection Zone at the time of the designation of the Special Protec-

tion Zone concerned or the expansion thereof, or the activity mentioned in item 5 of the same paragraph within the Special Protection Zone at the time of the designation of the lakes, marshes or swamps and wetlands prescribed in the same item, or the work mentioned in item 7 of the same paragraph at the time of the designation of the materials prescribed in the same item, shall notify the Minister of the Environment in the case of the National Park, or the governor of the prefecture concerned in the case of the Quasi-national Park to that effect within three months counting from the day of such designation or expansion of the boundary.

7. One, who has carried out the activity mentioned in any of the items of paragraph 3 within the Special Protection Zone as the necessary emergency measure for the exceptional disaster, shall notify the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park to that effect within 14 days counting from the day of the same work carried out.
8. To the activities mentioned in the following items, the provisions of paragraph 3 and the preceding two paragraphs shall not be applied:
 - (1) Activity carried out as the execution of the Park Works.
 - (2) Activity carried out within the Scenic Landscape Preservation Area, which is to be prescribed in paragraph 1 of Article 31 based on the Landscape Preservation Agreement executed under paragraph 1 of the same article, in accordance with the matters mentioned in item 2 or 3 of the same paragraph.
 - (3) Ordinary administrative activity, simple activity or other activities prescribed by the environmental ministerial ordinance.

(Regulated Utilization Area)

Article 15

The Minister of the Environment, in regard to the National Park, and the governor of the prefecture concerned, in regard to the Quasi-national Park, when specially necessary for the preservation of the scenic beauty or landscape of the Park concerned and proper use thereof, may designate the Regulated Utilization Area within the Special Zone in accordance with the Park Plan.

2. The provisions of paragraphs 3 and 4 of Article 5 shall be applied correspondingly to the designation of the Regulated Utilization Area and dissolution of the designation thereof, and to the alteration of the boundary thereof. In this case, the "Minister of the Environment" mentioned in paragraph 3 of the same article shall read as the "Minister of the Environment and the governor of the prefecture concerned", and "official gazette" in the same paragraph shall read as "official gazette or prefectural official report", respectively.

3. No one shall enter the Regulated Utilization Area within a period designated by the Minister of the Environment without the approval prescribed in paragraph 1 of the following article except the entries mentioned in the following items:
 - (1) Entry in order to carry out the activity with the permission of paragraph 3 of Article 13 or paragraph 3 of the preceding article (including the activity concerning the consultation prescribed in the latter part of paragraph 1 of Article 56), or the activity notified as prescribed in paragraph 6 or 8 of Article 13 or paragraph 6 of the preceding article (including the activity concerning the notice prescribed in paragraph 3 of Article 56).
 - (2) Entry in order to carry out the necessary emergency measure in case of disaster.
 - (3) Entry in order to execute the Park Work.
 - (4) Entry in order to carry out the activity within the Scenic Landscape Preservation Area, which is prescribed in paragraph 1 of Article 31 based on the Scenic Landscape Preservation agreement executed under paragraph 1 of the same article, in accordance with the matters mentioned in item 2 or 3 of the same paragraph.
 - (5) Entry in order to carry out ordinary administrative work, simple activity or other activities that are prescribed by the environmental ministerial ordinance.
 - (6) Any other entry than those mentioned in each item above that is acknowledged as inevitable and approved by the Minister of the Environment or the governor of the prefecture concerned.

(Approval of Entry)

Article 16

The user of the National Park or Quasi-national Park, when attempting to enter the Regulated Utilization Area within the period prescribed in paragraph 3 of the preceding article, shall obtain the approval from the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park with respect to the compliance with the requirements of the following items:

- (1) Entry in order to use the National Park or Quasi-national Park.
 - (2) Compliance with the standards prescribed by the environmental ministerial ordinance that requires the entry not to affect the preservation of the scenic beauty or landscape and proper use of the Park concerned.
2. The user who intends to obtain the approval of the preceding paragraph shall, as prescribed in the environmental ministerial ordinance, apply for the approval to the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park.

3. The Minister of the Environment or the governor of the prefecture concerned shall grant the approval of paragraph 1 when he acknowledges that the entry for which the approval is applied as prescribed in paragraph 1 complies with the requirements of each item of the same paragraph.
4. The Minister of the Environment or the governor of the prefecture concerned shall issue an entry approval certificate as prescribed in the environmental ministerial ordinance upon granting the authorization under paragraph 1.
5. If one who has been granted the authorization of paragraph 1 has lost or destroyed the entry approval certificate under the preceding paragraph, the one may, as prescribed in the environmental ministerial ordinance, apply for reissuance of the certificate concerned to the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park.
6. When entering the Regulated Utilization Area concerned, one who has been granted the approval of paragraph 1 shall carry the entry approval certificate prescribed in paragraph 4.

(Designated Approval Institution)

Article 17

The Minister of the Environment and the governor of the prefecture concerned may cause their nominee (the "Designated Approval Institution") to perform all or part of their affairs prescribed in the preceding article (the "Approval-related Affairs") with respect to National Park in the case of the Minister of the Environment or Quasi-national Park in the case of the governor of the prefecture concerned.

2. Designation of the Approval Institution (hereinafter referred to as "Designation" up to Article 21) shall be made upon application by one who intends to perform the approval-related affairs.
3. No one who falls under any of the following items shall be given the Designation:
 - (1) Minor, ward who is of age, or quasi-incompetent person.
 - (2) One, who is bankrupt and unable to recover legal status.
 - (3) One ,who has been sentenced to a punishment not lighter than imprisonment, or has undergone the execution of the punishment sentenced under this Law or the Nature Conservation Law or ceased to undergo such execution during the latest two years.
 - (4) One whose Designation has been cancelled under paragraph 2 or 3 of Article 21 during the latest two years.
 - (5) Legal entity any director of which falls under any of the preceding items.

4. In the event of the Designation, the Minister of the Environment or the governor of the prefecture concerned shall not perform the designated Approval-related Affairs concerning the Regulated Utilization Area.
5. In the event of the Designation, the Minister of the Environment or the governor of the prefecture concerned shall announce the Designation in the official gazette or prefectural official report, respectively.
6. With respect to application of the preceding article in the event of the Approval by the Designated Approval Institution, "from the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park" in paragraph 1 of the same article, "to the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park" in paragraphs 2 and 5 of the same article, and "the Minister of the Environment or the governor of the prefecture concerned" in paragraphs 3 and 4 of the same article shall read as the "Designated Approval Institution."

(Standards for Designation)

Article 18

The Minister of the Environment or the governor of the prefecture concerned shall not make the Designation unless there are no other Designated Approval Institutions for the Regulated Utilization Area concerning the application in paragraph 2 of the preceding article and the application concerned complies with the following standards:

- (1) The plan for implementing the approval-related affairs shall be appropriate for accurate implementation thereof with respect to the matters concerning personnel, method of implementing the affairs concerned, etc.
- (2) The applicant shall be provided with the accounting and technical bases that are enough to accurately practice the plan for implementing the approval-related affairs under the preceding paragraph.
- (3) When the applicant is engaged in business other than the approval-related affairs, there shall not be any possibility that the engagement in such business affects the fair implementation of the approval-related affairs.
- (4) The applicant shall be provided with the standards for fair and accurate implementation of the approval-related affairs other than those prescribed in the foregoing three items.

(Matters to be Observed by Designated Authorization Institution)

Article 19

The Designated Approval Institution shall prescribe the rules for implementing the approval-related affairs before starting the affairs in accordance with the en-

environmental ministerial ordinance concerned and obtain approval for such rules including amendments thereto from the Minister of the Environment or the governor of the prefecture concerned.

2. The Designated Approval Institution shall formulate a business plan and an income and expenditure budget for each fiscal year before the beginning of the fiscal year concerned (immediately after the Designation, for the fiscal year to which the date of Designation belongs), and obtain approval for such plan and budget including amendments thereto from the Minister of the Environment or the governor of the prefecture concerned.
3. The Designated Approval Institution shall formulate an annual report and statements of account of the fiscal year concerned within three months after the end of each fiscal year, and submit them to the Minister of the Environment or the governor of the prefecture concerned.
4. The Designated Approval Institution shall not suspend or discontinue all or part of the approval-related affairs concerned without the permission of the Minister of the Environment or the governor of the prefecture concerned.
5. When the Designated Approval Institution suspends all or part of the approval-related affairs with the permission of the preceding paragraph, or is unable to implement all or part of the Affairs concerned due to a natural disaster or any other event, the Minister of the Environment or the governor of the prefecture concerned, when deemed necessary, shall implement all or part of the approval-related affairs concerned.
6. When the Minister of the Environment or the governor of the prefecture concerned implements all or part of the approval-related affairs under the preceding paragraph, or when the Designated Approval Institution discontinues all or part of the approval-related affairs concerned with the permission of paragraph 4, or when the Minister of the Environment or the governor of the prefecture concerned cancels the Designation under paragraph 2 or 3 of Article 21, necessary matters including transfer of the approval-related affairs shall be prescribed by the environmental ministerial ordinance.

(Duty of Confidentiality Etc.)

Article 20

The Designated Approval Institution (directors when the Institution is a legal entity), its personnel and the former Designated Approval Institution shall not leak out the confidential information that has come to their knowledge in the course of implementing the approval-related affairs, or shall not use such information for their personal benefits.

2. The Designated Approval Institution and its personnel who engage in the approval-related affairs shall be deemed as the personnel who engage in official duties under law with respect to application of the Criminal Law (Law No. 45 of 1907) and other penal regulations.

(Order of supervision concerning Designated Approval Institution)

Article 21

The Minister of the Environment or the governor of the prefecture concerned may issue orders necessary for supervision to the Designated Approval Institution concerning the approval-related affairs to the extent required for enforcement of the provisions from Articles 16 to 23.

2. The Minister of the Environment or the governor of the prefecture concerned shall cancel the Designation if the Designated Approval Institution falls under any of the items (except item 4) of paragraph 3 of Article 17.
3. The Minister of the Environment or the governor of the prefecture concerned may cancel the Designation if the Designated Approval Institution infringes upon the provision of Article 19, implements the approval-related affairs not under paragraph 1 of the same article, violates the order issued under paragraph 1, or is otherwise considered unable to implement the approval-related affairs properly and accurately.
4. The provision of paragraph 5 of Article 17 shall be applied correspondingly to the cancellation of the Designation under the preceding two paragraphs.

(Collection of Reports and Spot Inspection)

Article 22

The Minister of the Environment or the governor of the prefecture concerned may, to the extent required for enforcement of the provisions from Articles 16 to 23, ask the Designated Approval Institution to report on the approval-related affairs concerned, or cause their officials to enter the offices of the Designated Approval Institution to inspect relevant articles such as accounting books and documents or have the interested party ask relevant questions.

2. The personnel provided for in the preceding paragraph shall carry the identification papers and present them upon request.
3. The powers under paragraph 1 shall not be understood as those approved of for criminal investigations.

(Charges)

Article 23

One, who intends to obtain the approval under paragraph 1 of Article 16 or receive reissuance of the entry approval certificate to National Parks under paragraph 5 of the same article shall pay to the State (the Designated Approval Institution when it performs the approval-related affairs) the charge prescribed in the Cabinet Order in consideration of actual expenses.

2. When the prefecture concerned collects the charge for the approval based on the provision of Article 227 of the Local Autonomy Law (Law No. 67 of 1947) under paragraph 1 of Article 16 or reissuance of the entry approval certificate under paragraph 5 of the same article, it may cause one who intends to receive the approval or reissuance of the entry approval certificate by the Designated Approval Institution under Article 17 to pay the charge concerned to the Designated Approval Institution concerned in accordance with the municipal bylaw.
3. Charges paid to the Designated Approval Institution under the preceding two paragraphs shall belong to the income of the Institution concerned.

(Marine Park Areas)

Article 24

The Minister of the Environment, in regard to the National Park, and the governor of the prefecture concerned, in regard to the Quasi-national Park, may, for the purpose of preserving the marine landscape of the Park concerned, designate Marine Park Areas within its boundary in accordance with the Park Plan.

2. The provisions of paragraphs 3 and 4 of Article 5 shall apply correspondingly to the designation of such Marine Park Areas, the dissolution of such designation, and any changes in the boundaries of such areas. In this case, the "Minister of the Environment" stated in paragraph 3 of the same article shall read as "the Minister of the Environment or the governor of the prefecture concerned", and "official gazette" in the same paragraph shall read as "official gazette or prefectural official report", respectively.
3. Within the Marine Park Areas, the activities coming under any of the following items shall not be carried out without the permission of the Minister of the Environment in the case of National Parks and the permission of the Minister of the Environment in case of the National Park and that of the governor of the prefecture in case of the Quasi-national Parks; provided that the activity, that has already under way at the time of the designation of the Marine Park Area concerned or the expansion of its boundary, or the activity carried out as the emergency measure in case of disaster, or the activities mentioned in item 1, 4 and 5 shall be excepted from this provision which are necessary for fishery operations

such as setting up of fishing gear.

- (1) Activities mentioned in the items 1, 3 and 6 of paragraph 3 of Article 13.
 - (2) Capturing, killing or wounding, gathering, or damaging tropical fish, coral, seaweed, or plants and animal life similar to them that has been designated for each National or Quasi-national Park by the Minister of the Environment with the consent of the Minister of the Agriculture and Forestry.
 - (3) Reclaiming the surface of the sea or reclaiming by drainage.
 - (4) Changing the feature of the seabed.
 - (5) Mooring.
 - (6) Discharging polluted or waste water through the sewage disposal facilities.
4. Neither the Minister of the Environment nor the governor of the prefecture concerned shall grant the permission prescribed in the preceding paragraph if any activity mentioned in items of the preceding paragraph fails to comply with the standards prescribed by the environmental ministerial ordinance.
 5. When the governor of the prefecture concerned intends to grant the permission prescribed in paragraph 3 of this article for the Quasi-national Park, if the activity concerning the permission falls under an activity prescribed in the environmental ministerial ordinance in view of its impact on marine landscape of the Quasi-national Park concerned and other circumstances, he shall consult the Minister of the Environment and obtain consent therefrom.
 6. One, who has already started the activity mentioned in any of the items of paragraph 3 within the Marine Park Areas at the time of the designation of the Marine Park Area or the expansion thereof, shall notify the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park to that effect within three months counting from the day of such designation or expansion of the boundary.
 7. One, who has undertaken any of the activities mentioned in any of the items of paragraph 3 as the necessary emergency measures for exceptional disaster within the Marine Park Area shall notify the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park to that effect within 14 days counting from the day of the activity carried out.
 8. To the activities mentioned in any of the following items, the provisions of paragraph 3 and the preceding two paragraphs shall not apply be applied.
 - (1) Activity carried out as the execution of Park Works.
 - (2) Ordinary administrative activity and simple activity or other, that are prescribed by the environmental ministerial ordinance.

(Conditions)

Article 25

To the permissions under paragraph 3 of Article 13, paragraph 3 of Article 14, item 6, paragraph 3 of Article 15 and paragraph 3 of the preceding article, conditions may be attached within the limits necessary for the protection of the scenic beauty or spectacular sight of the National Park or Quasi-national Park.

(Ordinary Zone)

Article 26

One, who intends to undertake the activities coming under any of the following items within National or Quasi-national Parks other than Special Zones. or Marine Park Areas (hereinafter referred to as "Ordinary Zone") shall notify the Minister of the Environment in the case of National Parks or the governor of the prefecture concerned in the case of Quasi-national Parks of the matters prescribed by the environmental ministerial ordinance such as activity type, place, implementation method and scheduled date of commencement; provided that the activities mentioned in items 1, 3, 5 and 7 which are necessary for fishery operations such as setting up fishing gear shall be excepted from this provision.

- (1) Constructing, reconstructing or extending structures, whose scales are beyond the standards prescribed by the environmental ministerial ordinance (including reconstructing or extending in the case that the scale thereof is to be beyond the standards prescribed by the environmental ministerial ordinance after the completion of the reconstruction or extension concerned).
 - (2) Causing increase or decrease of the water-levels or quantities of the rivers, lakes, marshes, swamps and wetlands within the Special Zone.
 - (3) Putting up or setting up advertisements or those similar to them, or showing advertisements or those similar to them on the structures and the like.
 - (4) Reclaiming the surface of the sea or reclaiming by drainage.
 - (5) Mining minerals or extracting soil and stones within one kilometer of the Marine Park Area.
 - (6) Changing the feature of the land.
 - (7) Changing the feature of the seabed within one kilometer of the Marine Park Area.
2. The Minister of the Environment, in regard to the National Park and the governor of the prefecture, in regard to the Quasi-national Parks, may, for the purpose of preserving landscape of the Park concerned give orders, to the one who intends to undertake or has undertaken the activity mentioned in any of the items of the preceding paragraph in the Ordinary Zone, to prohibit or restrict such activity or to take necessary measure, within the limits necessary for the protection of the landscapes thereof.
 3. One, who has made the notification under paragraph 1, the act under the pre-

ceding paragraph may be taken exclusively within 30 days counting from the day of the notification made.

4. The Minister of the Environment or the governor of the prefecture, when, with the notification made under paragraph 1, the on-the-spot survey is required or when there is any other rational reason against the measure under paragraph 2 to be made within the period of time under the preceding paragraph, may prolong the period of time under the preceding paragraph during the period of existence of such reason. In this case, one, who has made the notification under paragraph 1, shall be notified of the fact and reason why the period of time is prolonged.
5. One, who has made the notification under paragraph 1, shall not start activity notified of unless a period of 30 days passes after the date of such notification.
6. The Minister of the Environment, in regard to the National Parks and the governor of the prefecture concerned, in regard to the Quasi-national Parks, may reduce the period of the preceding paragraph if such reduction is deemed to cause no hindrance to the protection of landscape of such Parks.
7. To the activities mentioned in any of the following items, the provisions of paragraphs 1 and 2 shall not be applied.
 - (1) Activity carried out for the execution of the Park Works.
 - (2) Activity carried out within the Scenic Landscape Preservation Area, which is prescribed in paragraph 1 of Article 31 based on the Scenic Landscape Preservation Agreement executed under paragraph 1 of the same article, in accordance with the matters mentioned in item 2 or 3 of the same paragraph.
 - (3) Ordinary administrative activity, simple activity or other activities prescribed by the environmental ministerial ordinance.
 - (4) Works which have already started at the time of the designation of National Parks, Quasi-national Parks or Marine Park Areas or the expansion of the boundaries thereof.
 - (5) Works carried out as the emergency measures necessary for exceptional disasters.

(Order of Suspension Etc.)

Article 27

The Minister of the Environment, in regard to the National Parks and the governor of the prefecture concerned, in regard to the Quasi-national Parks, when deemed necessary for the protection of the respective parks concerned, may give an order to suspend the work concerned to one who has violated the provisions to the permissions under paragraph 3 of Article, paragraph 3 of Article 14, paragraph 3 of

Article 15, paragraph 3 of Article 24, or Article 25, or who has violated the measure under paragraph 2 of the preceding article, or give an order to restore to the original state within a reasonable period or, if such restoration is remarkably difficult, to take necessary measures as the substitute therefor, to the one or another who has succeeded to the rights of the land, buildings, other structures, from the one, both to the extent necessary for the protection concerned.

2. Upon attempting to issue an order to restore to the original state or take necessary measure as the substitute therefor (hereinafter referred to as "restoration to the original state, etc."), if it is impossible due to the absence of negligence to clarify the one to which an order of the restoration to the original state, etc. the Minister of the Environment or the governor of the prefecture concerned may carry out or cause another who is ordered or entrusted thereby to carry out the restoration to the original state, etc. at the expense of the one concerned. In this case, the Minister of the Environment or the governor of the prefecture concerned shall in advance announce publicly to the effect that the restoration to the original state, etc. shall be carried out within a reasonable period and that if such restoration etc. is not carried out within such a period, the Minister of the Environment or the governor of the prefecture concerned or the one who is ordered or entrusted thereby shall carry out the restoration to the original state, etc.
3. The personnel attempting to carry out the restoration to the original state, etc. under the preceding paragraph shall carry the identification papers and present them upon request.

(Collection of Reports and Spot Inspection)

Article 28

The Minister of the Environment, in regard to the National Park, or the governor of the prefecture concerned, in regard to the Quasi-national Park, when deemed necessary for the protection of the Park concerned, may ask the report on the actual conditions of the work under way and other necessary matters from one who has been given the permission under the provision of paragraph 3 of Article 13, paragraph 3 of Article 14, item 6, paragraph 3 of Article 15, or paragraph 3 of Article 24, or one whose work has been restricted or ordered to take necessary measures under paragraph 2 of Article 26.

2. The Minister of the Environment, in regard to the National Park or the governor of the prefecture concerned, in regard to the Quasi-national Park, when deemed necessary for the measure taken in accordance with the provision of paragraph 3 of Article 13, paragraph 3 of Article 14, item 6, paragraph 3 of Article 15, paragraph 3 of Article 24, paragraph 1 of Article 26, may have their officials, within the limits necessary therefor, enter the lands or buildings within the boundary of

the Park concerned , or inspect the practical state of the activity which is mentioned in any of the items paragraph 3 of Article 13, paragraph 3 of Article 14, item 6, paragraph 3 of Article 15 , paragraph 3 of Article 24, paragraph 1 of Article 26, or investigate the effects of these activities upon the landscapes.

3. The personnel provided for in the preceding paragraph shall carry the identification papers and present them upon request.
4. The powers under paragraphs 1 and 2 shall not be understood as those approved of for criminal investigations.

(Facility Complex)

Article 29

Minister of the Environment, in regard to the National Park and the governor of the prefecture concerned, in regard to Quasi-national Park, may, for the purpose of consolidating in groups the facilities for the utilization of the Park, the former or designate the Facility Complex within its boundary in accordance with the Park Plan.

2. The provisions of paragraphs 3 and 4 of Article 5 shall be applied correspondingly to the designation and dissolution of the Facility Complex and to the alteration of its boundary. In this case, the "Minister of the Environment" mentioned in paragraph 3 of the same article shall read as the "Minister of the Environment or the governor of the prefecture concerned", and "official gazette" in the same paragraph shall read as "official gazette or prefectural official report", respectively.

(Regulation for Utilization)

Article 30

Within the Special Zone, Marine Park Areas or Facility Complex of the National and Quasi-national Parks, no one shall perform the activities mentioned in the following items:

- (1) Dumping refuse and other filth or waste or leaving them as they are in such manners as give remarkably unpleasant feelings to those utilizing the National Park or Quasi-national Park concerned.
 - (2) Letting remarkably offensive odors exhale, rending out disturbing noises with loud speakers, radios, etc., occupying waywardly observation points, pavilions, etc., touting in such manners as cause one to feel sickening, or else causing annoyance remarkably to those utilizing the National Park or Quasi-national Park concerned.
2. The competent personnel of the State or of the prefecture, when anyone is found performing the activity mentioned in item 2 of the preceding article within the

Special Zone or Facility Complex, may give instructions to stop the act.

3. The personnel provided for in the preceding paragraph shall carry identification papers and present them upon request.

Section 4 Scenic Landscape Preservation Agreement

(Conclusion of the Scenic Landscape Preservation Agreement, Etc.)

Article 31

The Minister of the Environment or local public bodies or the park management organization that is designated under paragraph 1 of Article 37 and performs the activity concerning management of the place of natural scenic beauty under the Scenic Landscape Preservation Agreement out of the activities mentioned in item 1 of Article 38 may, when deemed necessary to protect the place of natural scenic landscape within the National or Quasi-national Park, manage the place of natural scenic landscape within the boundary of the land concerned by executing an agreement providing for the following matters (the "Scenic Landscape Preservation Agreement") with the owner of land or trees and bamboos (referred to the "owner of land, etc." together with the following one) within the boundary (excluding sea areas) of the Park concerned or the one who owns the right to use and earn profits from such land or trees and bamboos (except when such right is clearly established for temporary facilities or other temporary use).

- (1) Area to be covered by the Scenic Landscape Preservation Agreement (the "Scenic Landscape Preservation Area").
 - (2) Matters concerning methods for managing the place of natural scenic landscape within the Scenic Landscape Preservation Area.
 - (3) Matters concerning development of the facilities concerned when improvement is necessary for the facilities required with respect to the protection of the place of natural scenic landscape within the Scenic Landscape Preservation Area.
 - (4) Effective period of the Scenic Landscape Preservation Agreement.
 - (5) Measures to be taken in the event of breach of the Scenic landscape preservation agreement.
2. The Scenic Landscape Preservation Agreement requires consent of all the owners of land, etc. within the Scenic Landscape Preservation Area.
 3. Contents of the Scenic Landscape Preservation Agreement shall comply with the following standards:
 - (1) The Agreement shall be effective and appropriate for protection of the place of natural scenic landscape.
 - (2) The Agreement shall not unreasonably restrict the use of the land and trees and bamboos concerned.

- (3) Matters mentioned in each item of paragraph 1 comply with the standards prescribed by the environmental ministerial ordinance.
4. When a local public body intends to execute the Scenic Landscape Preservation Agreement, it shall previously consult with the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park, and obtain consent therefrom, except when the prefecture intends to execute the Scenic Landscape Preservation Agreement on the land within its boundary with respect to the Quasi-national Park.
5. When the Park Management Organization mentioned in paragraph 1 intends to execute the Scenic Landscape Preservation Agreement, it shall previously obtain approval from the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park.

(Public Inspection of Scenic Landscape Preservation Agreement Etc.)

Article 32

Upon attempting to execute the Scenic Landscape Preservation Agreement, or upon approving the application of Landscape Preservation Agreement under paragraph 5 of the preceding article, the Minister of the Environment, the local public body, or the governor of the prefecture concerned, shall publicly announce to that effect as prescribed in the environmental ministerial ordinance and provide the Scenic Landscape Preservation Agreement concerned for public inspection of the interest party for two weeks counting from the date of the announcement concerned.

2. In the event of public announcement under the preceding paragraph, those concerned may submit written opinions about the Scenic Landscape Preservation Agreement to the Minister of the Environment, the local public body, or the governor of the prefecture concerned by the date of expiration of the inspection period under the preceding paragraph.

(Approval of Scenic Landscape Preservation Agreement)

Article 33

The Minister of the Environment or the governor of the prefecture concerned shall grant the approval of the Scenic Landscape Preservation Agreement when the application made for the Agreement concerned under paragraph 5 of Article 31 falls under all the following items:

- (1) Application procedures are not in breach of relevant laws.
- (2) Contents of the Scenic Landscape Preservation Agreement comply with the standards mentioned in each item of paragraph 3 of Article 31.

(Official Announcement of Scenic Landscape Preservation Agreement Etc.)

Article 34

In the event of execution of the Scenic Landscape Preservation Agreement or approval under the preceding article, the Minister of the Environment, the local public body, or the governor of the prefecture concerned, as prescribed by the environmental ministerial ordinance, shall publicly announce such event, provide a copy of the Scenic Landscape Preservation Agreement concerned for public inspection, and expressly indicate the Scenic Landscape Preservation Area within its boundary.

(Alteration to Scenic landscape preservation agreement)

Article 35

The provisions of paragraphs 2 to 5 of Article 31 and preceding three articles shall be applied correspondingly to alterations to the matters prescribed in the Scenic Landscape Preservation Agreement.

(Effect of Scenic Landscape Preservation Agreement)

Article 36

The Scenic Landscape Preservation Agreement that has been publicly announced under Article 34 (including the cases when being correspondingly applied under the preceding article) shall remain in force for the one who becomes the owner of land etc. within the boundary of the Scenic Landscape Preservation Area concerned after such public announcement.

Section 5 Park Management Organization

(Designation)

Article 37

The Minister of the Environment, in regard to the National Park and the governor of the prefecture concerned, in regard to the Quasi-national Park, respectively, may designate, as the Park Management Organization, a legal entity established for protection and proper use of the place of natural scenic landscape within the National or Quasi-national Park under Article 34 of the Civil Code (Law No. 89 of 1896), or a nonprofit organization under paragraph 2 of Article 2 of the Law to Promote Specified Nonprofit Activities (Law No. 7 of 1998), or other legal entity prescribed in the environmental ministerial ordinance, each of which is acknowledged as capable of performing properly and certainly the operations mentioned in the items of the following article.

2. In the event of designation under the preceding paragraph, the Minister of the Environment and the governor of the prefecture concerned shall announce the name and address of the Park Management Organization concerned and location of its offices in the official gazette or prefectural official report, respectively.

3. Upon attempting to change the name, address or location of the office, the Park Management Organization shall previously notify, to that effect, the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of Quasi-national Park.
4. In the event of notification under the preceding paragraph, the Minister of the Environment or the governor of the prefecture concerned shall announce the matters concerning the notification in the official gazette or prefectural official report, respectively.

(Operations)

Article 38

The Park Management Organization shall perform the following operations:

- (1) Management of the places of natural scenic beauty and other activities that contribute to preservation of natural scenic beauty under the Scenic Landscape Preservation Agreement.
- (2) Maintenance and management of the facilities within the National or Quasi-national Park including repairs.
- (3) Collection and presentation of information or materials concerning the protection of the National or Quasi-national Park and promotion of their proper use.
- (4) Offer of appropriate advice and guidance concerning the protection of the National or Quasi-national Park and promotion of their proper use.
- (5) Study and research concerning the protection of the National or Quasi-national Park and promotion of their proper use.
- (6) Operations incidental to the aforementioned operations.

(Cooperation)

Article 39

The Park Management Organization shall perform the operations mentioned in item 1 of the preceding article in close cooperation with the Minister of the Environment and local public body concerned.

(Order for Improvement)

Article 40

When improvement in the management of the operation by the Park Management Organization is considered necessary, the Minister of the Environment or the governor of the prefecture concerned may order the Organization concerned to take measures necessary for such improvement.

(Cancellation of Designation Etc.)

Article 41

If the Park Management Organization violates the order under the preceding article,

the Minister of the Environment or the governor of the prefecture concerned may cancel the designation of the Organization.

2. In the event of cancellation of the designation under the preceding paragraph, the Minister of the Environment or the governor of the prefecture concerned shall announce the event in the official gazette or prefectural official report, respectively.

(Presentation of Information Etc.)

Article 42

The State and local public bodies shall provide the Park Management Organizations with information, guidance and advice necessary for them to perform their operations.

Section 6 Expenses

(Expenses Necessary for Execution of Park Work)

Article 43

The expenses necessary for the execution of the Park Work shall be borne by the one who executes the Park Work concerned.

(Subsidy from State)

Article 44

The State may subsidize, within the limits of budgetary appropriation, part of the expenses necessary for the execution of the Park Work for the prefecture that executes the Park Work concerned, in accordance with that which is prescribed by the Cabinet Order.

(Charge to Local Public Body)

Article 45

In case that the State executes the Park Work concerning the National Park, when the execution of the Park Work concerned gives any special benefit to any local public body, the State may charge a part of the expenses necessary for the same execution to the same local public body within the limits of the benefits it receives.

2. In case that the State intends to charge a part of the expenses necessary for the execution of the Park Work to the local public body in accordance with the provision of the preceding article, the State shall seek the opinion of the local public body concerned.

(Charge to Beneficiary)

Article 46

The State or the local public body, in case that there is any one who receives special

benefit through the execution of the Park Work, may charge a part of the expenses necessary for the execution of the Park Work concerned to the same one within the limits of the benefits he receives.

(Charge to Causes)

Article 47

The State or the local public body, in case that the execution of the Park Work is made necessary by any other construction or another's activity, may charge all or a part of the expenses concerned, within the limits of the necessity for the execution of the Park Work, to one who bears the expenses of the construction or the activity which has made such a cause.

(Method of Collection of Shares, etc.)

Article 48

The method of the collection of the shares in accordance with the provisions of the preceding three articles and other necessary matters concerning the shares shall be prescribed by the Cabinet Order.

(Exception from Application)

Article 49

The provisions of this section shall not be applied to the works concerning the roads under the Road Law and other works that are provided for otherwise, in other Laws, concerning the expenses necessary for the execution thereof.

Section 7 Miscellaneous Provisions

(On-the-spot Survey)

Article 50

If a spot survey is necessary, the Minister of the Environment, with respect to the designation of National or Quasi-national Park, decision on the Park Plan, execution of the Park Work, or decision on the Park Work on the National Park, and the governor of the prefecture concerned, with respect to designation of the Quasi-national Park or application for expansion of its area, decision on the Park Plan, application for additional Work, decision on the Park Work or execution of the Park Work, and the State organs other than the Minister of the Environment, with respect to execution of the Park Work, may respectively have their competent personnel enter the lands of others, set up land marks, survey the lands, fell or remove the trees and bamboos, or hedges or fences, etc. which pose an impediment, provided that, in case that any provision concerning the on-the-spot survey is found in the Road Law or other laws, its provision shall be preferentially obeyed.

2. The State organs or the governor of the prefecture, when they intend to have their competent personnel perform the activities in accordance with the provision

of the preceding article, shall previously notify the fact to the owner (when the address of the owner is unknown, the occupant thereof; hereinafter, the same) and occupant of the same land and the owner of the trees and bamboos or the hedges, fences, etc., and thus give them the opportunity for presenting their written opinions.

3. The personnel under paragraph 1 shall not enter the housing lot or the land enclosed with hedges, fences, etc., before sunrise and after sunset.
4. The personnel under paragraph 1 shall carry the identification papers and present them upon request.
5. The owner or occupant of the land or the owner of trees and bamboos or hedges or fences shall not deny or interfere with the entry or setting up of the land marks or other activities under paragraph 1, without any good reasons.

(Arbitration of Environmental Dispute Coordination Committee)

Article 51

One, who has been dealt with the measure by the Minister of the Environment or the governor of the prefecture under the provision of paragraph 3 of Article 13, paragraph 3 of Article 14, paragraph 3 of Article 24, or paragraph 2 of Article 26 has any complaint against it, may apply for the arbitration to the Environmental Dispute Coordination Committee, when the reason of his complaint is upon the coordination with mining, quarrying or gravel industries. In this case, the person can not make complaint in accordance with the Administration Complaint Examination Law (Law No. 160 of 1962).

2. Article 18 of the Administration Complaint Examination Law shall apply correspondingly, in case of the disposition of the preceding article, the disposition authority instructs erroneously that the person can claim re-examination or complaint.

(Loss Compensation)

Article 52

The State, in regard to the National Park and the governor of the prefecture, in regard to the Quasi-national Park, shall compensate for the loss that may occur under ordinary circumstances to one who suffers the loss due to inability to obtain the permission under paragraph 3 of Article 13, paragraph 3 of Article 14, or paragraph 3 of Article 24, or due to the conditions attached to the permission under Article 25, or due to the disposition under paragraph 2 of Article 26.

2. One, who intends to claim the compensation in accordance with the preceding article, shall claim it to the Minister of the Environment, in regard to the State

and the governor of the prefecture concerned, in regard to the prefecture.

3. The Minister of the Environment or the governor of the prefecture concerned, when he has received the claim in accordance with the provision of the preceding article, shall decide upon the sum of the compensation and notify it to the claimant concerned.
4. The State or the prefecture concerned shall compensate for the loss that may occur under ordinary circumstances to one who suffers the loss due to an activity of the competent personnel under paragraph 1 of Article 50.
5. The provisions of paragraphs 2 and 3 shall be applied correspondingly to the compensation of the loss under the provision of the preceding article in this case, the "Minister of the Environment" in paragraphs 2 and 3 shall read as the "competent minister who administers the affairs concerning the spot survey prescribed in paragraph 1 of Article 50. "

(Institution of Appeal)

Article 53

One, who is dissatisfied with the decision under the provision of paragraph 8 of the preceding article (including the case of the corresponding application under paragraph 5 of the same article) may claim the increase of the sum of the compensation by the appeal within three months counting from the day of the notification received concerned.

2. In the complaint of the preceding paragraph, the State or the Prefectural Government shall be the defendant.

(Compulsory Collection of Shares)

Article 54

In case that any one, who does not pay the share to be paid to the State in accordance with the provisions of this Law, is found, the Minister of the Environment shall press him for the payment of it with the time-limit of its payment by the demand note.

2. In the preceding case, the Minister of the Environment may impose the arrears as provided for by the environmental ministerial ordinance provided that the arrears shall be decided upon within the limits of the amount calculated at the rate of 14.5% per annum.
3. In case that the one, who has received the demand, does not pay the sum to be paid by the appointed time-limit, the Minister of the Environment may impose the share and the arrears provided for by the preceding two articles. In this case,

the order of the share and arrears in the right of priority shall be next to those of the national tax and the local taxes.

4. The arrears shall be prior to the share.

(Consultation)

Article 55

The Minister of the Environment shall consult with the heads of the interested administrative organs when attempting to carry out the designation of the National Park or Quasi-national Park, expansion of the boundary thereof, decision upon or alteration of the Park Plan, or designation of the Special Zone, Special Protection Zone, Regulated Utilization Area or Marine Park Area, or expansion of the boundary thereof.

2. The governor of the prefecture concerned shall consult with the heads of the interested administrative organs when attempting to carry out the designation of the Special Zone, Special Protection Zone, Regulated Utilization Zone or Marine Park Zone within the Quasi-national Park or expansion of the boundary thereof.
3. The State organs other than the Minister of the Environment, when they intend to execute the Park Work concerning the National Park in accordance with the provision of paragraph 1 of Article 9, shall consult with the Minister of the Environment.
4. The State organs, when they intend to execute the Park Work concerning the Quasi-national Park in accordance with the provision of the proviso to paragraph 1 of Article 10, shall consult with the Minister of the Environment.

(Special Cases with State)

Article 56

As to the activity carried out by the State organs, the permission in accordance with the provision of paragraph 3 of Article 13, or paragraph 3 of Article 14, item 6, paragraph 3 of Article 15 or paragraph 3 of Article 24 shall not need to be obtained. In this case, the State organ concerned, when it intends to carry out the same activity, shall previously consult with the Minister of the Environment in the case of the National Park, or with the governor of the prefecture in the case of the Quasi-national Park.

2. In the event of the consultation concerning the Quasi-national Park under the preceding paragraph, the governor of the prefecture concerned, if the activity concerning the consultation falls under any of the activities prescribed by the environmental ministerial ordinance in view of its impact on the spectacular sights of the Quasi-national Park concerned and other circumstances, the governor

shall consult with the Minister of the Environment and obtain consent therefrom.

3. The State organization, when it has carried out or intends to carry out the activity requiring to be notified in accordance with the provisions of paragraphs 6 to 8 of Article 13, paragraphs 6 and 7 of Article 14, paragraphs 6 and 7 of Article 24, or paragraph 1 of Article 26 shall notify the Minister of the Environment in the case of the National Park or the governor of the prefecture concerned in the case of the Quasi-national Park to that effect following the examples of notification in accordance with these provisions.
4. The Minister of the Environment or the governor of the prefecture, when deemed necessary for the protection of the landscapes of the park concerned on the receipt of the notification following the examples of reporting in accordance with the provision of paragraph 1 of Article 26, may seek conference with the State organ concerned on the measure to be taken for the protection of the landscapes.

(Classification of Affairs)

Article 57

Affairs to be dealt with by the prefecture concerned under paragraph 3 of Article 5, which is being correspondingly applied in paragraphs 1 and 2 of Article 13, paragraph 3 of Article 5, which is being correspondingly applied in paragraphs 1 and 2 of Article 14, paragraph 3 of Article 5, which is being correspondingly applied in paragraphs 1 and 2 of Article 24, and paragraph 2 of Article 55 (excluding the provision concerning the Regulated Utilization Area) shall be deemed as the "Item 1 Legally Entrusted Affairs" prescribed in item 1, paragraph 9 of Article 2 of the Local Autonomy Law.

(Relationship with Wilderness Area)

Article 58

The Wilderness Area designated under paragraph 1 of Article 14 of the Nature Conservation Law shall be excluded from the area of the National or Quasi-national Park.

Chapter IV Penal Provisions

Article 69

Any one, who has violated the order under the provision of paragraph 1 of Article 27, shall be punished with a penal servitude of not more than one year or a fine of not more than 1,000,000 yen.

Article 70

Any one, who comes under any of the following items, shall be punished with a penal servitude of not more than six months or a fine of not more than 500,000 yen:

- (1) One, who has violated the provision of paragraph 3 of Article 13, paragraph 3 of Article 14, paragraph 3 of Article 15 or paragraph 3 of Article 24
- (2) One, who has been authorized under paragraph 1 of Article 16 by falsification or other illegal means
- (3) One, who has violated the conditions attached to the permission in accordance with the provision of Article 25.

Article 71

Any one, who has violated the provision of paragraph 1 of Article 20, shall be punished with a penal servitude of not more than six months or a fine of not more than 500,000 yen.

Article 72

Any one, who has violated the measure taken under the provision of paragraph 2 of Article 26 or Article 40, shall be punished with a fine of not more than 500,000 yen.

Article 73

Any one, who comes under any of the following items, shall be punished with a fine of not more than 300,000 yen:

- (1) One, who has been given reissuance of the entry approval certificate under paragraph 5 of Article 16 by falsification or other illegal means.
- (2) One, who has discontinued all the approval-related affairs without the permission under paragraph 4 of Article 19.
- (3) One, who has failed to report as prescribed in paragraph 1 of Article 22, or reported falsely, or refused, obstructed or evaded the spot inspection under the same paragraph, or made no statement or false statement in response to questions.
- (4) One, who has failed to make the notification under the provision of paragraph 1 of Article 26 or has made false notification.
- (5) One, who has violated the provision of paragraph 5 of Article 26.
- (6) One, who has failed to make the reporting under paragraph 1 of Article 28 or has made false reporting.
- (7) One, who has denied, prevented or evaded the entering inspection or entering survey under the provision of paragraph 2 of Article 28.
- (8) One, who has performed, without permission, the activities mentioned in item 1, paragraph 1 of Article 30 within the Special Zone, Marine Park Area or Facility Complex of the National Park or Quasi-national Park.
- (9) One, who has performed, without permission, the activities mentioned in item 2, paragraph 1 of the same article without obedience to the direction of the competent personnel under the provision of paragraph 2 of Article 30 within

the Special Zone, Marine Park Area or Facility Complex of the National Park or Quasi-national Park.

- (10) One, who has denied or prevented the entry or setting up of land marks or other activities under the provision of paragraph 1 of the same article, violating the provision of paragraph 5 of Article 50.

Article 74

When the representative of the juridical person or the juridical person, or the proxy of the individual, employee or other service worker has committed the offences under Article 69, Article 70, Article 72 or the preceding article in connection with the business of the some juridical person or individual, the same juridical person or individual, too, shall be punished respectively with the fines under the same articles, besides the punishment on the actual offender.

Article 75

Any one, who has entered without carrying the entry approval certificate, which violated the provision of paragraph 6 of Article 16, shall be punished with a fine of not more than 100,000 yen.

Article 76

Prefectural ordinance based upon the provision of Article 60, Article 62 or Article 63 may include the provision laid down for the punishments inflicted on the actual offender, respectively within the limits of not exceeding the extents of the punishments prescribed in any of the preceding articles, according to the modes of the same offences.

Extract from the Supplementary Provisions

(Date of Enforcement)

1. This Law shall come into force on October 1, 1957.

(Abolition of the National Parks Law)

2. The National Parks Act (Law No. 36 of 1931) shall be abolished.

(Affairs Dealt with by Prefectures)

9. Part of the affairs that belong to the authority of the Minister of the Environment as prescribed in this Law may be performed by the governors of the prefectures prescribed by the Cabinet Order for the time being as prescribed in the Cabinet Order.

10. When attempting to draft the Cabinet Order to prescribe the prefectures under

the preceding paragraph, the Minister of the Environment shall draft it upon application by the governor of the prefecture concerned.

(Interest-free Loan by the State, etc.)

11. For the Park Work for which the State may subsidize the expense under Article 44, the State, for the time being, may provide interest-free loans to the prefecture concerned in the amount for which the State may provide within the budgetary limit as subsidy under Article 44 with respect to the funds to be used as expense for the matters mentioned in item 2, paragraph 1 of Article 2 of the Law concerning Special Measures for Promoting Improvement of Social Infrastructure Using Proceeds from Sales of the Stock of Nippon Telegraph and Telephone Corporation (Law No. 86 of 1987).
12. The repayment period of the loans provided by the State under the preceding paragraph shall be prescribed by the Cabinet Order not exceeding five years (including a grace period not exceeding two years).
13. In addition to the preceding paragraph, matters necessary for redemption such as method and acceleration of the due date under paragraph 11 of the Supplementary Provisions shall be prescribed by the Cabinet Order.
14. When the loan is extended to a prefecture under paragraph 11 of the Supplementary Provisions, the State shall subsidize the Park Work concerning the loan extended in the amount equivalent to the amount of said loan in accordance with Article 44. This subsidy shall be implemented by delivering the amount equivalent to the total redemption of the loan concerned at the time of redemption thereof.
15. When redemption of the interest-free loan extended to a prefecture under paragraph 11 of the Supplementary Provisions is accelerated to a date prior to the due date prescribed in paragraphs 12 and 13 of the Supplementary Provisions (except when such redemption is prescribed by the Cabinet Order), with respect to application of the provision of the preceding paragraph, the redemption concerned shall be deemed to have been made at the due date for the redemption.

***Extract of the Supplementary Provisions
(Law No. 29 dated April 24, 2002)***

(Date of Enforcement)

Article 1

This Law shall come into force on the date prescribed by the Cabinet Order not exceeding one year from the date of promulgation.

(Examination)

Article 2

The Government, when five years have passed since the enforcement of this Law, shall consider the state of enforcement of the National Parks Law, which is revised by this Law, (hereinafter, the "New Law" in this article), and when considered necessary, shall examine the provisions of the New Law and take necessary measures based on results of such examination.

3-C Law on the Administration and Management of National Forests (Extract)

(Law No. 246 of June 23, 1951)

Last amended by Law No. 160 of December 22, 1999

Contents of the Law

Chapter I	General Provisions (Articles 1 to 3)
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Supplementary Provisions

Chapter I General Provisions

(Purpose of this Law)

Article 1

The purpose of this Law shall be to ensure the appropriate and efficient administration and management of national forests by clarifying administration and management plans and providing matters related to lending, selling, etc. with respect to national forests.

2. The special rules for the acquisition, maintenance, conservation, utilization and disposal of national forests under the National Property Law (Law No. 73 of 1948) shall be as provided in this Law unless otherwise provided by other Law.

(Definition)

Article 2

“National forests” in this Law means that listed in the following:

- (1) state-owned forests and range land which the state provides or has decided to provide for forest management and which are thus properties for company use as in Article 3(2)(iv) of the National Property Law; and
- (2) state-owned forests and range land which are not provided for forest management any more on the basis of consideration for national welfare and thus are ordinary properties as in Article 3(3) of the National Property Law (excluding those of which jurisdiction was transferred to another ministry, agency, etc. as provided in Article 4(2) of the said Law and those of which affiliation was transferred to another department or bureau as provided in Article 4(3) of the said Law).

(Objectives of Administration and Management of National Forests)

Article 3

The objectives of administration and management of national forests shall be to maintain and improve land conservation function and other public-interest functions of national forests, and to supply forest products in a sustainable and planned way, as well as to use national forests to contribute to the development of industry and the improvement of the welfare of residents in the relevant region.

Chapter I-2 Administration and Management Plan

(Basic Plan for Administration and Management)

Article 4

The Minister of Agriculture, Forestry and Fisheries must establish a basic plan for administration and management of national forests every five years as prescribed by Cabinet Order, while considering 10 years as one term (hereinafter referred to as the “Basic Plan for Administration and Management”).

2. The following matters shall be provided in the Basic Plan for Administration and Management:
 - (1) basic policy for the administration and management of national forests;
 - (2) basic matters related to the maintenance and conservation of national forests;
 - (3) basic matters related to the supply of forest products from national forests;
 - (4) basic matters related to the utilization of national forests;
 - (5) matters related to the system to implement operations for the administration and management of national forests or the prospects of long-term income and expenditure, and other matters related to the management of operations; and
 - (6) other matters necessary for the administration and management of national forests.

3. The Basic Plan for Administration and Management must be consistent with the National Forests Plan, which was established in accordance with the provisions of Article 4(1) of the Forest Law (Law No. 249 of 1951), and other plans for forest maintenance in accordance with the provisions of other laws.

(Public Inspection of Draft Basic Plan for Administration and Management, etc.)

Article 5

The Minister of Agriculture, Forestry and Fisheries, when intending to establish or alter the Basic Plan for Administration and Management, must publicly announce such as prescribed by the Ministry of Agriculture, Forestry and Fisheries Ordinance in advance and provide a draft of the relevant Basic Plan for Administration and Management for public inspection for 30 days from the date of the relevant announcement.

2. When the Minister of Agriculture, Forestry and Fisheries has made an announcement in accordance with the provisions of the preceding paragraph, those who have comments on the draft Basic Plan for Administration and Management provided for public inspection may give the comments to the Minister by reasoned documents before the date of the expiration of the public inspection period as in the preceding paragraph.

3. After the expiration of the public inspection period as in Paragraph (1), the Minister of Agriculture, Forestry and Fisheries must ask for the opinions of the Forestry Policy Council by attaching the summary of comments about the relevant draft Basic Plan for Administration and Management which were made in accordance with the provisions of the preceding paragraph.
4. If the Minister of Agriculture, Forestry and Fisheries has established or altered the Basic Plan for Administration and Management, he/she must announce such without delay. In doing so, the Minister must also announce the summary of comments made in accordance with the provisions of Paragraph (2) and the results of considerations of the relevant comments.

(Regional Administration and Management Plan)

Article 6

The Director of the Regional Forest Office must establish a plan for the administration and management of national forests (hereinafter referred to as the “Regional Administration and Management Plan”) every five years in line with the Basic Plan for Administration and Management, for each forest planning area as in Article 7-2(1) of the Forest Law with respect to national forests under his/her administration and management that is related to the relevant forest planning area, while setting the start of the period of the forest plan for the relevant forest planning area as the start of the period of the relevant plan and considering five years as one term.

2. The following matters shall be provided in the Regional Administration and Management Plan:
 - (1) basic matters related to the administration and management of national forests covered by the plan;
 - (2) matters related to patrol, the extermination of forest diseases and pests or the prevention of their infestation, and other matters related to the maintenance and conservation of national forests;
 - (3) matters related to the establishment of stable business relations for timber, and other matters related to the supply of forest products;
 - (4) matters related to the development of industry or the improvement of the welfare of residents in the region, and other matters related to the utilization of national forests;
 - (5) basic policy for the maintenance of areas provided for public health use and forests within the relevant areas as well as facilities provided for public health use; and
 - (6) other matters necessary for the administration and management of national forests.
3. The Regional Administration and Management Plan must be consistent with the

forest plan established in accordance with the provisions of Article 7-2(1) of the Forest Law.

4. The provisions of the preceding article shall apply *mutatis mutandis* to the establishment and alteration of the Regional Administration and Management Plan. In such case, “Minister of Agriculture, Forestry and Fisheries” in the said article shall read “Director of the Regional Forest Office,” and “Forestry Policy Council” in Paragraph (3) of the said article shall read “related prefectural governor, related municipal governor, and those who have academic backgrounds for matters mentioned in the items of Paragraph (2) of the following article.”

3-D National Forests Administration and Management Bylaw (Extract)

Chapter 1 General Provisions

(Principle)

Article 1

With respect to the administration and management of national forests, these rules shall apply in addition to the provisions of laws and orders and other governmental instructions.

(Division of National Forests into Blocks)

Article 2

The division of National Forests shall be classified in compartments and subcompartments.

2. A block shall be established, in principle, by dividing forests in need of preservation (which means national forests as set forth in Article 2, paragraph 1, of the Law on Administration and management of National Forests (Law No. 246, 1951: hereafter called the "LAW": the same shall apply hereafter)) for each forest planning area (which means the forest planning area as set forth in Article 5, paragraph 1, of the Forest Law (Law No. 249, 1951: the same shall apply hereafter)) for purposes of making clear the location of national forests and of contributing to the convenience of the execution of business, and subcompartments shall be established by dividing the block in question if parts exist in a block for which the state of the forest is different from the rest, or for which the handling relating to the administration and management is different or otherwise.

(Functional Categories of National Forests)

Article 3

Within national forests, the forests needing preservation shall be classified into such categories as listed in any one of the following subparagraphs in terms of a function that is primarily to be demonstrated among various functions held by it:

- (1) Forests for water land conservation
 - (2) Forests for symbiosis between forests and people
 - (3) Forests for cyclic use of resources.
2. "Forests for water and land conservation" are national forests for which the

function of mountain disaster prevention or of water conservation is primarily to be demonstrated from the viewpoint of generating a national land infrastructure that can resist disaster and of ensuring the stable supply of excellent quality water.

3. " Forests for human and native" are national forests for which the function of the living environment conservation or of health and culture is primarily to be demonstrated from the viewpoint of conserving the diversity of living creatures, based on the importance of forests as an ecosystem, or of exploring the co-existence of forest and mankind through communication with the forest.
4. "Forests for cyclic use of resources" are national forests, other than the forest for water and land conservation and the forest for human and native, in which industrial activity such as lumber production shall be carried out from the viewpoint of supplying in a stable and efficient manner forestry products such as lumber that are a material necessary for the national living and having a small impact on environment, while paying due consideration to the demonstration of the function of public benefit.

Chapter 2 Regional Administration and Management plan

(Detailed Items of Planned Matters)

Article 4

Details of items to be set forth in the Regional administration and management plan under Article 6, paragraph 1, of the Law shall be as follows:

- (1) Basic matters concerning the administration and management of national forests
 - a. Basic policy for the administration of national forests
 - b. Matters concerning the administration corresponding to functional categories
 - (i) Guideline for administration and management of forests for water and land conservation, or other matters concerning conservation forest for water and soil
 - (ii) Guideline for administration and management of forests for symbiosis between forests and people, or other matters concerning co-existence forest for forest and mankind
 - (iii) Guideline for administration and management of forests for cyclic use of resources, or other matters concerning resource recycling utilization forest
 - c. Matters that are necessary for promoting watershed control system
 - d. Matters concerning the execution of major management
 - (i) Total cutting volume

- (ii) Total regeneration volume
 - (iii) Total tending volume
 - (iv) Total volume of opening and improvement of forest road
 - e. Other necessary matters
- (2) Matters concerning maintenance and preservation of national forests
 - a. Matters concerning patrol
 - b. Matters concerning expelling or preventing infestation of harmful insects in forest
 - c. Matters concerning forests for which special protection is necessary
 - d. Other necessary matters
 - (3) Matters concerning supply of forestry products
 - a. Matters concerning the establishment of a stable transaction relationship for lumber
 - b. Other necessary matters
 - (4) Matters concerning utilization of national forests
 - a. Policy of promoting utilization of national forests
 - b. Detailed method of utilization of national forests
 - c. Other necessary matters
 - (5) Basic policy concerning areas that are offered for the purpose of public health and concerning the maintenance of forest and of facilities that are offered for the purpose of public health in the area in question
 - a. Area that is offered for the purpose of public health
 - b. Basic policy concerning the maintenance of facilities in the area that is offered for the purpose of public health
 - c. Basic policy concerning the maintenance of forests in the area
 - (6) Matters concerning the maintenance of forests by national participation
 - a. Matters concerning national participation forests
 - b. Matters concerning profit sharing forests
 - c. Other necessary matters
 - (7) Other matters that are necessary for the administration and management of national forests
 - a. Matters concerning the development, guidance and dissemination of technology for the forestry industry
 - b. Matters concerning regional development
 - c. Other necessary matters

(Details of Plan)

Article 5

Matters concerning the administration and management corresponding to the functional category under "b," subparagraph 1, of the preceding Article shall be specified based on the following concept:

- (1) Forests for water and land conservation shall be specified by dividing them into 2 categories: the "Land Conservation Type," for which the mountain disaster prevention function, including principally the prevention of erosion or landslide, is primarily to be demonstrated, and the "Water Conservation Type" for which the function of conserving water, including principally the alleviation of drought and flood, is primarily to be demonstrated.
 - (2) Forests for symbiosis between forests and people shall be specified by dividing them into 2 categories: the "Nature Conservation Type" for which the function of preserving the natural environment, including principally the maintenance of the old growth forestry ecosystem, is to be demonstrated, and the "Forest Space Utilization Type," for which the function of preserving the living environment, such as exploring the possibility of the co-existence of forest and mankind by way of communication with forests, and the health and culture function are primarily to be demonstrated.
2. The total cutting volume set forth in (i), d, subparagraph 1, of the preceding Article shall be specified for cases of final cutting and of thinning by giving due consideration to the following concept that is consistent with the cutting of standing tree volume set forth in the forest planning area of national forests by areas under paragraph 1, Article 7-2, of the Forest Law (hereafter called the "Forest Planning"):
- (1) With respect to the Nature Conservation Type of forest for symbiosis between forests and people, cutting shall not be carried out except for cutting that is necessary according to the characteristic feature of a subject for which protection is to be considered.
 - (2) With respect to the Land conservation Type of forests for water and land conservation and the Forest Space Utilization Type of forests for symbiosis between forests and people, cutting shall be carried out to the extent necessary to maintain the respective functions that are primarily to be demonstrated.
 - (3) With respect to the Water Conservation Type of forests for water and land conservation, the maximum cutting area for the final cutting shall be specified, making it a rule to maintain and enhance the function of conserving water for respective management groups, and the cutting area shall not exceed the

maximum cutting area. On such occasions, management groups shall be established by totaling the areas of forest to be treated, relating similarly to management.

- (4) With respect to the forests for cyclic use of resources, the standard cutting volume shall be determined for respective production groups and for final cutting or thinning by setting an upper limit at the lumber growth volume in the resource recycling utilization forest during the planning period in the regional management plan and by giving due consideration to the trend of the supply and demand of lumber in the region, making it a principle not to cause trouble to the continuation of crops and to ensure the stable supply of various species of woods, and the total cutting volume shall be approximately equal to such standard cutting volume. On such occasion, the working class shall be established by totalling the forests for which the production target of lumber is equal and in which businesses shall be treated in a similar manner.
3. The purpose of matters concerning the utilization of national forests under subparagraph 4 of the preceding Article shall be described, making it a rule to ensure the development of industry and the enhancement of welfare of residents and so on in the region based on the principle under Article 3, paragraphs 1 and 2, of the Law for Utilization of National Forests (Law No. 108, 1971).
 4. The basic policy under subparagraph 5 of the preceding Article concerning areas that are offered for the purpose of public health and concerning the maintenance of forests and of facilities that are offered for the purpose of public health in the area in question shall be determined in the following manner:
 - (1) Areas under "a" that are offered for the purpose of public health shall be the national forests that are included in the forests for symbiosis between forests and people and are classified into the Forest Space Utilization Type and shall specify the scope of area that has a predetermined level of unity that is capable of demonstrating highly the function of health and culture held by the forest from the viewpoint of natural and social conditions and for which the utilization for public health is to be promoted by carrying out the maintenance of facilities and forest that are of substantial size and offered for the purpose of the public health.
 - (2) The basic policy under "b" concerning the maintenance of facilities in the area that is offered for the purpose of public health shall describe the major pattern of use for public health that is to be promoted in the area in question and the maintenance of major facilities that are necessary for such pattern of use and are offered for the purpose of public health, based on natural and social conditions of the national forests in the area in question.

In addition, such basic policy shall describe the harmonization with public benefit functions other than the function of public health held by national forests and other matters for which due consideration is to be given with regard to the maintenance of facilities that are offered for the purpose of public health, based on the natural and social conditions of the national forests in the area in question.

- (3) The basic policy under "c" concerning the maintenance of forests in the area shall describe the basic policy concerning the maintenance of forests that is necessary to ensure the promotion of the function of public health held by the national forests in the area in question and the harmonization with public benefit functions other than the function of public health held by national forests in accordance with the guidelines of administration and management and according to the maintenance of facilities in the area that is offered for the purpose of public health.
5. The forest of national participation under "a," subparagraph 6, of the preceding Article shall be selected from among the national forests that are classified as the Forest Space Utilization Type included in the co-existence forests for forests and mankind, and for which it is considered appropriate to promote the use for voluntary forest maintenance by people.

(Procedure for Approval and Change of Plan)

Article 6

When a Director of a regional forest office intends to specify a regional administration and management plan, the Director shall hear the opinion of the manager of the district forest office that is stationed in the forest area in question.

2. The preparation of the regional administration and management plan shall be made by preparing a written plan.
3. The public notice pursuant to Article 5, paragraph 1, of the Law that is amended to read and applies mutatis mutandis in Article 6, paragraph 4, of the Law shall be given at the regional forest office or at the district forest office having the forest planning area covered by the forest planning area in question, in whole or in part, as its area of jurisdiction, and the public inspection under said paragraph of said Article shall be made at the regional forest office or district forest office having the forest planning area covered by the forest plan in question, in whole or in part, as its area of jurisdiction by making available a draft of such plan to the public inspection.
4. An opinion submitted pursuant to Article 5, paragraph 3, of the Law that is

amended to read and applies mutatis mutandis in Article 6, paragraph 4, of the Law shall be properly handled by establishing an opinion settlement commission, etc., in the regional forest office.

5. A hearing of opinions from governors of concerned prefectures and heads of concerned cities, towns and villages pursuant to Article 5, paragraph 3, of the Law that is amended to read and applies mutatis mutandis in Article 6, paragraph 4, of the Law shall be conducted by using a written instrument by showing them the draft plan, summary of opinion and draft processing plan of such opinion.
6. When an opinion is heard from persons having an academic career in such matters as are listed in Article 6, paragraph 2, pursuant to Article 5, paragraph 3, of the Law that is amended to read and applies mutatis mutandis in Article 6, paragraph 4, of the Law, such opinion shall be heard from more than one person.
7. The public announcement of the regional administration and management plan, summary of opinion from the general public and the result of processing of such opinion shall be made at the regional forest office or at the district forest office having the forest planning area covered by the forest planning area in question, in whole or in part, as its area of jurisdiction by making available the written plan and document that indicates the summary of opinion and the result of processing of such opinion to the public inspection. On such occasion, the period of public announcement shall be the planning period of the plan in question.
8. A Director of a regional forest office may change the regional management plan if the Director deems it necessary to do so by reason of change in the present situation of the national forests or the economic situation and so on.
9. Provisions of paragraphs 1 through 6 inclusive shall apply mutatis mutandis to the procedure in case of change set forth in the preceding paragraph. On such occasion, "written plan" under paragraph 5 shall be amended to read as "a section relating to the change of the written plan."

(Report of Plan, etc.)

Article 7

When a Director of a regional forest office specifies or changes a regional administration and management plan, the Director shall report to the Director General of the Forestry Agency without delay and shall give notice to concerned managers of the district forest office.

Chapter 3 Plan to Offer for the Purpose of Public Health

(snip)

Chapter 4 National Forests Operation Plan

(Details of Plan, etc.)

Article 12

A Director of a regional forest office shall, in line with a forest planning and a regional administration and management plan, specify an national forests operation plan (hereafter called the "Implementation Plan") that has the same planning period as the regional management plan relating to a forest planning area in respect of preservation of the needed forest relating to the area in question for respective forest planning areas.

2. The Implementation Plan shall specify the following matters:
 - (1) Name and area of a compartment of national forests
 - (2) Functional category set forth in Article 3 and district by type set forth in Article 5, paragraph 1
 - (3) Name and area of the management group or working class, cutting age or circulation period, maximum cutting area or standard cutting volume, cutting method and cutting volume for each cutting place, as well as regeneration method and regeneration volume for each regeneration place
 - (4) Matters concerning maintenance of forest roads
 - (5) Matters concerning soil saving
 - (6) Name and area of protected forest and green corridor
 - (7) Name and area of recreation forest
 - (8) Other necessary matters

(Details of Plan)

Article 13

The name and area of a compartment of national forests under paragraph 2, subparagraph 1, of the preceding Article, as well as the functional category set forth in subparagraph 2 of said paragraph and specified in Article 3 and areas by type set forth in Article 5, paragraph 1, shall be indicated in the drawings of the National Forests Operation Plan.

2. The cutting method and cutting volume for each cutting place, as well as the regeneration method and regeneration volume for each regeneration place under paragraph 2, subparagraph 3, of the preceding Article shall be specified in accordance with the respective items under Article 5, paragraph 2, and taking into account selected functions other than that to be demonstrated primarily, efficient

utilization of forest roads or other network of roads, wind hazard, forest fire, prevention of damage by insects and local situations and with the predetermined cutting order being imagined and indicated in the cutting and planting plan.

3. The forest reserve under paragraph 2, subparagraph 6, of the preceding Article shall select such national forests as is included in the Nature Conservation Type of the forests for symbiosis between forests and people set forth in Article 5, paragraph 1, subparagraph 2, and for which it is considered appropriate to carry out control, taking into account the inhabitation of animals and plants and the situation of their growth and requests of the region, for the purpose of contributing specifically to the maintenance of the natural environment consisting of the ecosystem of virgin forest, protection of animals and plants, conservation of genetic resources, and development of operation and management technology and so on.
4. Green corridors under paragraph 2, subparagraph 6, of the preceding Article shall select such national forests for which it is considered appropriate to carry out control, taking into account the distribution of wild animals and plants, the establishment situation of forest reserve and requests of the region, for the purpose of securing a migration pathway for wild animals and plants and of contributing to the expansion and mutual exchange of place of inhabitation and habitat.
5. Recreation forests under paragraph 2, subparagraph 7, of the preceding Article shall select such national forests as are included in the Forest Space Utilization Type of the forests for symbiosis between forests and people set forth in Article 5, paragraph 1, subparagraph 2, and for which it is considered appropriate to maintain the facility and forest offered for health, cultural and educational utilization by people in a specifically active manner, taking into account the natural landscape, present situation and future prospect of utilization of the forest on health, cultural and educational grounds and requests of the region.

(Omitted below)

3-E Protected forest setting rule

1. Purpose

As people's sense of value has become diversified, people's demand for forest has also progressed to the high level and diversified. Demand of people to forest has increased, in the form of contact with nature, for the utilization of forest as the place of fostering of sentiment, and for the preservation of forest as natural environment of high quality. Especially, for national forests which possess a large areas of primitive virgin forests having beautiful scenery and suitable for living of various fauna and flora, demand for preservation of forests has recently increased.

To cope with this situation, adjusting management of national forests operation, making effort for the preservation of primeval natural forests in national forests as valuable natural environment, classification system of protected forest will be reexamined, responding to the diversified demand for national forests. This rule is to stipulate the idea and procedure of setting, policy of management, and various consideration for forest reserve.

2. Classification of protected forest

From the point of purpose, forest reserves are classified into Forest Ecosystem Reserve, Forest Bio-genetic Resources Preservation Forest, Forest Tree Genetic Resources Preservation Forest, Plant Community Protected Forest, Specific Animal Habitat Protected Forest, Specific Topography Protected Forest, and Hometown Forest.

3. Forest Ecosystem Reserve

(1) Purpose

The setting purpose of Forest Ecosystem Reserve district is preservation of natural environment consisting of forest ecosystem, preservation of fauna and flora, preservation of genetic resources, development of forest operation and management technique, and contribution to scientific research, by preservation of primeval natural forests.

(2) Setting Criteria

The director of Regional Forest Office is to decide a place which fits to one of the clauses written below, as Forest Ecosystem Reserve.

- 1) Primeval natural forest representing main forest zone of Japan, having area of more than 1,000 ha as a rule.
- 2) Rare primeval natural forest which has speciality only found in the area. The area should be over 500 ha as a rule.

(3) Classification of zone

Forest Ecosystem Reserve is classified into preservation zone and conservation and utilization zone.

- 1) The purpose of preservation zone is to strictly maintain forest ecosystem
- 2) The purpose of conservation and utilization zone is to play a role of buffer not to give influence from outside environmental change to the zone.

(4) Setting procedure

- 1) The director of Regional Forest Office is to prepare setting plan of Forest Ecosystem Reserve (hereafter, it is called as setting plan), which has following items, after collection of information and necessary survey of the predetermined place.
 - a. Location and area of Forest Ecosystem Reserve
 - b. Location and area of preservation zone and conservation and utilization zone
 - c. Kind of animals and plants to be preserved in the Forest Ecosystem Reserve
 - d. Articles on management of Forest Ecosystem Reserve
 - e. Articles on utilization of Forest Ecosystem Reserve
 - f. Other considerations
- 2) In the case of setting of Forest Ecosystem Reserve, the director of regional forest office is to organize Forest Ecosystem Reserve setting committee (hereafter, called as committee), taking into consideration on the below written clause, and hear public opinions for the setting plan.
 - a. Committee should be organized for each forest managing office as a rule
 - b. In case of setting Forest Ecosystem Reserve over the managing area of more than two Regional Forest Offices, concerned forest managing offices (hereafter, called as concerned offices), is to set a chance of discussion, to promote better understanding among committee members of the concerned committees, to have unified management over the concerned districts.
 - c. The committee is to be constituted by persons who have academic knowledge on forestry, ecology, genetics, etc., learned persons, directors of the concerned local communities. The selection of learned persons should be carried out reflecting a wide point of view.
 - d. The committee is allowed to set a small committee to have technical discussion, if necessity occurred.

- 3) The director of Regional Forest Office ask opinions of the concerned administrative offices, if necessity occurred.
- 4) After hearing opinions of the committee on the setting plan, and making adjustment over the concerned offices, the director of forest management office is to set Forest Ecosystem Reserve forest, adjusting national forests operation plan and giving enough consideration to the content of setting plan.

(5) Principles of management

- 1) Forests in preservation zone is to leave to natural turnover without human action as a rule. However, the following actions are excluded.
 - a. Monitoring (continuous observation · recording of long-term change), actions related to utilization of genetic resources, scientific research, etc. and other actions which is recognized as necessary from the point of view of public benefit.
 - b. Emergency countermeasure against accidental disaster written below.
 - (a) Extinction of forest fire, etc.
 - (b) Rehabilitation of large-scale forest land erosion, land slide, etc.
 - c. Setting of signpost.
 - d. Other actions necessary by the regulations.
- 2) Conservation and utilization zone consists of natural forests of the quality similar to reservation district as a rule, and no forest operation for wood production is not allowed. However, multi-storied forests are allowed, in case of artificial forest operation.
- 3) Conservation and utilization zone are utilized for educational purpose and places for forest recreation without accompanied with a large-scale development, according to natural conditions. Construction of necessary roads and facilities are allowed in a condition not against the setting idea of conservation and utilization zone.
- 4) In the forests adjacent to conservation and utilization zone, in order to avoid drastic environmental change of Forest Ecosystem Reserve, clear cutting is no allowed. Virgin forest rearing operations or naturally regenerating forest operations are carried out.

(6) Change of registration of district

- 1) The director of Regional Forest Office can change or cancel the concerned Forest Ecosystem Reserve, when maintenance of the already designated Forest Ecosystem Reserve is judged to be difficult due to public interest or other unavoidable causes.

- 2) Change or cancellation of Forest Ecosystem Reserve shall be processed due to the procedures written in the clauses (4). 2) to (4). 4).

(7) Others

- 1) Demarcation of Forest Ecosystem Reserve is decided by the geographical lines, as a rule.
- 2) Conservation and utilization zone are to be set to include surrounding area of preservation zone referring to the geographical lines, as a rule. However, in case from the condition of forests, and site factors, no influence is expected from outside to the concerned district without encircling all the surrounding of the preservation zone, this regulation is not applied.

4. Forest Bio-genetic Resources Preservation Forests

- (1) Biological genetic resources preservation forests (Class 2 preservation forest), set by the regulations “On the preservation of biological resources of forest ecosystem” (The notification of the Director of Forestry Agency 61 Rinyagyou-No.70 formulated October 20 1986) is pertinent to Forest Bio-genetic Resources Preservation Forests.
- (2) Setting procedure and managing policy of Forest Bio-genetic Resources Preservation Forests are to be carried out by the regulations issued by the Director of Forest Agency.
- (3) In case Forest Bio-genetic Resources Preservation Forests are included in Forest Ecosystem Reserve, Forest Bio-genetic Resources Preservation Forests are treated as one part of Forest Ecosystem Reserve managed as a whole.

5. Forest Tree Genetic Resources Preservation Forests

- (1) Forest Tree Genetic Resources Preservation Forests is pertinent to biological genetic resources preservation forests (Class 1 preservation forest), set by the regulations of the Director of Forestry Agency.
- (2) Setting procedure, managing policy, etc. are carried out by the regulations of the Director of Forestry Agency.

6. Plant Community Protected Forests

(1) Purpose

Setting purpose of Plant Community Protected Forest is to preserve plant habitats which need to be preserved as representative of nature of Japan or specific locality, and forests of historical or scientific value, in addition to contribute the development of managing techniques and scientific research.

(2) Setting criteria

The director of Regional Forest Office designates districts which need special preservation, fit for the criteria written below and exist outside forest reserve defined by in No. 3 to No. 5 Clause, as Plant Community Protected Forest.

- 1) Districts where plant community which are becoming rare are found.
- 2) Districts where plant community which are rather common are found, but the districts exist on the boundary of geographical distribution.
- 3) Districts where plant community which live on a special topographical conditions such as marshlands, alpine district, etc. are found.
- 4) Districts where giant trees or unique trees which have been handed down as historically significant, or scientifically valuable are found.
- 5) Other districts where plant community or trees which need protection are found.

(3) Setting procedure

- 1) In order to set plant community protected forest, the director of Regional Forest Office conducts collection of information and necessary survey on the plant habitat. If necessity arises, the director of forestry management office asks opinions of the related organizations, such as, the Forestry and Forest Products Research Institute, Forest Tree Breeding Center, etc. and sets Plant Community Protected Forest, defining the below written items.
 - a. Site and area of Plant Community Protected Forest.
 - b. Items on preservation and management of Plant Community Protected Forest.
- 2) The Director of Regional Forest Office complies ledger according to the attached form 1, and keeps in working order, when he sets Plant Community Protected Forest.

(4) Managing policy

- 1) According to the condition of plant community, Plant Community Protected Forest is managed as follows.
 - a. Plant community which is in the stage of climax vegetation is to be left to natural succession without artificial treatment, as a rule.
 - b. Plant community which is in the intermediate stage of succession is to receive

necessary forestry operations necessary to keep the present situation.

- 2) The following actions to be carried out, notwithstanding (1).
 - a. Monitoring, scientific research, etc. which are necessary from the issue of public interest.
 - b. The following action which is to be carried out as countermeasures for emergency disasters.
 - (a) Extinction of mountain fire, etc.
 - (b) Rehabilitation of large-scale forest land erosion, land slide, etc.
 - c. Signpost setting.
 - d. Small scale roads and facilities for educational purpose.
 - e. Other actions necessary by the regulations.

(5) Change of registration of district

- 1) The director of Regional Forest Office can change or cancel the concerned district, when maintenance of the already designated Plant Community Protected Forest is judged to be difficult due to public interest or other unavoidable causes.
- 2) Change or cancellation of Plant Community Protected Forest is to be processed due to the procedures written in 3).

(6) Others

- 1) The director of Regional Forest Office is to carry out appropriate forestry operations to the forests adjacent to Plant Community Protected Forest, to protect influence from outside.
- 2) To make clear the demarcation of protected forest, signs of boundary are to be set.

7. Specific Animal Habitat Protected Forest

(1) Purpose

Specific Animal Habitat Protected Forest is to protect breeding places and living places of specific animals, in addition to contribute to the scientific research.

(2) Setting criteria

The director of Regional Forest Office is to designate the district, which is especially necessary for the protection of breeding and living of specific animals, as Specific Animal Habitat Protected Forest. These districts are outside of protected forests formulated by the regulations from No. 3 to No. 6, and fit for the following criteria.

- a. Breeding site or habitat of animals which are becoming rare.
- b. Breeding site or habitat of animals which are not found in other places and live in a group.
- c. Breeding site or habitat of animals for which protection is necessary.

(3) Setting procedure

- 1) In order to set Specific Animal Habitat Protected Forest, the director of Regional Forest Office conducts collection of information and necessary survey on the animal habitat. If necessity arises, the director of regional forest office asks opinions of the related organizations, such as, Forestry and Forest Products Research Institute, etc. and sets Specific Animal Habitat Protected Forest, defining the below written items.
 - a. Site and area of Specific Animal Habitat Protected Forest.
 - b. Items on preservation and management of Specific Animal Habitat Protected Forest.
- 2) The director of Regional Forest Office compiles a ledger according to the attached form 1, and keeps in working order, when he sets Specific Animal Habitat Protected Forest.

(4) Managing policy

To preserve Specific Animal Habitat Protected Forest, preservation and management are to be carried out, giving appropriate consideration to ecological features of animals which breed and live there. For this purpose, necessary forest managing operations and actions written in 6. 4). (2) are to be carried out.

(5) Change of registration of district

- 1) The director of Regional Forest Office can change or cancel the concerned district, when maintenance of the already designated Specific Animal Habitat Protected Forest is judged to be difficult due to public interest or other unavoidable causes.
- 2) Change or cancellation of specific animal habitat protected forest is to be processed due to the procedures written in 3).

(6) Others

- 1) The director of Regional Forest Office is to carry out appropriate forestry operations to the forests adjacent to Specific Animal Habitat Protected Forest, to protect influence from outside.
- 2) To make clear the demarcation of forest reserve, signs of boundary are to be set.

8. Specific Topography Protected Forest

(1) Purpose

Specific Topography Protected Forest is to preserve particular geographical features and geological features, in addition, to contribute to the scientific research.

(2) Setting criteria

The director of Regional Forest Office is to designate the district, which is especially necessary for the preservation of geographic feature as Specific Topography Protected Forest. These districts are to be outside of protected forest formulated by the regulations from No. 3 to No. 7.

(3) Setting procedure

- 1) In order to set Specific Topography Protected Forest, the director of Regional Forest office conducts collection of information and necessary survey on the geographic features and geological features. If necessity arises, the director of Regional Forest Office asks opinions of the related organizations, such as, Forestry and Forest Products Research Institute, Forest Tree Breeding Center, etc. and sets specific geographic feature preservation forest reserve, defining the below written items.
 - a. Site and area of Specific Topography Protected forest.
 - b. Items on preservation and management of Specific Topography Protected forest.
- 2) The director of Regional Forest Office complies a ledger according to the attached form 1, and keeps in working order, when he sets Specific Topography Protected forest.

(4) Management policy

For Specific Topographic Protected Forest, forestry operation is not to be carried out, however, actions written in 6. 4). (2) are to be conducted.

(5) Change of registration of district

- 1) The director of Regional Forest Office can change or cancel the concerned district, when maintenance of the already designated Specific Topographic Protected Forest is judged to be difficult due to public interest or other unavoidable causes.
- 2) Change or cancellation of Specific Topography Protected Forest is to be proceeded due to the procedures written in 3).

(6) Others

- 1) The director of Regional Forest Office is to carry out appropriate forestry opera-

tions to the forests adjacent to Specific Topography Protected Forest, to protect influence from outside.

- 2) To make clear the demarcation of forest reserve, signs of boundary are to be set.

9. Hometown forest

(1) Purpose

Hometown forest is to preserve forests for the preservation of the present features of which local people have strong demand as symbol for the locality, and to contribute the local development.

(2) Setting criteria

The director of Regional Forest Office is to designate the district, which is fit for the following conditions.

- a. The adjustment with local industry such as forestry business, agricultural activities, etc. was already performed.
- b. The agreement on preservation of hometown forest mentioned in 3). (2) was already concluded and setting of the folk forest does not cause any trouble for the management of national forests.

(3) Setting procedure

- 1) For the setting of Hometown Forest, the headman of the community is to apply to the director of Regional Forest Office through the District Forest Office of the locality, clearly describing the site and area of the Hometown Forest and the reason of setting.
- 2) The director of Regional Forest Office who received the application is to conclude agreement with the head of the community who applied the setting according to the attached form 2.
- 3) The director of Regional Forest Office is to comply a ledger according to the attached form 1, and keep in working order.

(4) The term of agreement

The upper limit of the term of agreement is to be 30 years as a rule, however, renovation of the term is possible.

(5) Management policy

- 1) The fundamental management of Hometown Forest is to leave to the natural succession, and necessary operation to keep the present conditions is principally to be carried out. These operations are to be carried out on the plan agreed be-

tween the director of regional forest office and the headman of the local community.

- 2) In the plan, the following items are to be decided.
 - a. Site and area of Hometown Forest.
 - b. Items on the preservation and management of Hometown Forest.
 - c. Items on the utilization of Hometown Forest.
 - d. Other items taken into consideration.
- 3) The headman of the local community is to set and manage the facilities decided in the above plan, with the permission of loan and utilization from the director of regional forest office.

(6) Change of district of hometown forest

The director of Regional Forest Office can change or cancel of the Hometown Forest, when some difficulty due to public interest occurred, after taking discussion with the headman of the community.

(7) Others

- 1) Appropriate management operations are to be carried out on the surrounding forests, taking into consideration the purpose of setting.
- 2) To make clear the demarcation of hometown forest, signs of boundary are to be set due to the present situation of the forest.

10. Items need to consider

- (1) In accordance to the formulation of this notification, the already set protected forests are reorganized into the protected forest or Recreation Forests.
- (2) National forests are to set actively protected forests even in the Wilderness Area and areas already designated by Law for the Protection of Cultural Properties, in a condition they fit for protected forests, and carry out appropriate preservation and management operation, after setting clear role by national forests.
- (3) The director of Regional Forest Office is to give names to each forest reserve.
- (4) The director of Regional Forest Office is to make the director of District Forest Office known to the setting purpose, managing policy, etc. of protected forest. Furthermore, the director of Regional Forest Office is to be always aware of the situation of protected forest, and give guidance to the director of local District Forest Office to carry out appropriate preservation and operation.

3-F Summary of the Wildlife Protection and Hunting Law

Contents

1 Purpose

2 Substance

- (A) Wildlife Protection Project Plan
- (B) Specified Wildlife Management Plan
- (C) Regulations for the Protection of Wildlife
- (D) Hunting License and Hunter's Registration
- (E) Wildlife Protection Area,
Special Protection Area,
Designated Special Protection Area
- (F) Restriction on Circulation of Wildlife
- (G) Hunting Area
- (H) Surveillance/Control System
- (I) Permission to Pest Control

1. Purpose

Former Wildlife Protection and Hunting Law was fully amended in 2002, and it entered into force in April 2003. Outline of amended law is described as follows. The purpose of this Law shall be to protect and increase wildlife, to control pest and prevent the danger caused by hunting through the execution of wildlife protection projects and effectuation of hunting for the purpose of the conservation of biodiversity, the improvement of living environment and contribution to the promotion of agriculture, forestry and fisheries.

2. Substance

(A) Wildlife protection project plan (Articles 4 through 6 and 1-3)

The prefectural governor shall establish a comprehensive plan of projects for wildlife, in accordance with the standard specified by the Minister of the Environment, in order to actively promote and coordinate wildlife protection projects, from the medium-term point of view and taking into consideration regional characteristics. The ninth plan is presently underway (FY 2002 – FY 2006).

(B) Specified Wildlife Management Plan (Article 7)

When a local population of a wildlife species increases or decreases dramatically, the prefectural governor is to make a plan to control population and manage its habitat. The aim of the plans is to stabilize the local wildlife population for a harmonious co-existence between human and wildlife.

(C) Regulations for the protection of wildlife (Articles 8, 9, etc.)

In addition to the prohibition of the capture of wildlife, except the capture of game species, the following measures have been taken to protect and increase game species, including the establishment of restrictions on the type, area, period, hunting method, etc.

a. Restriction on game species

Game species shall be specified by the Minister of the Environment, in consultation to the Central Environment Council and holding hearings with parties concerned.

- Game birds:

29 species, including common pheasant, copper pheasant (excluding *Syrmaticus soemmerringii ijimae*)

- Game animals:

18 species, including bear, deer, etc.

b. Restriction on hunting area

Hunting is prohibited at places such as permanent or temporary wildlife protection areas, roads, parks so designated by the Minister of the Environment, temple/shrine precincts, cemeteries, etc.

c. Restrictions on hunting period and the number of captures

The hunting period shall be regulated. Currently, the hunting period is from November 15 to February 15 (October 1 to January 31 in Hokkaido). For certain types of game, such as common pheasant, the daily bag limits.

d. Restriction on hunting methods and means of hunting

In addition to the prohibition of the use of Japanese mist nets, large-caliber firearms, etc., the use of explosives, powerful medicines, etc., is regulated in order to maintain the public safety.

e. Prohibition of the capture of young birds and collection of eggs

The capture of young birds and collection of eggs are prohibited unless otherwise specified by the Minister of the Environment.

(D) Hunting license and hunter's registration (Articles 39 through 54)

Any individual who intends to practice hunting must be granted an appropriate hunting license issued by the prefectural governor of his/her place of residence and, registered with the prefectural governor who governs the place of his/her intended hunting.

- License classification

Class A: Hunters who use traps and nettings

Class B: Hunters who use shotguns and rifles (including class C)

Class C: Hunters who use air guns and gas guns

- Duration of license

3 years

- Items of registration

Classification of hunting license, place of hunting, name, address, etc.

- Duration of registration

October 15 through April 15 of the following year

(September 15 through April 15 of the following year in Hokkaido)

(E) Wildlife Protection Area, Special Protection Area, Designated Special Protection Area (Article 28 through 33)

a. Wildlife Protection Area

The Minister of the Environment or the prefectural governor, when he/she deems it necessary for protection and reproduction of wildlife, may establish the wildlife protection area for a duration not exceeding twenty (20) years. Wildlife protection areas are established to protect and to promote the reproduction of birds and mammals, and the hunting of wildlife is prohibited within such areas. Persons who hold any

rights regarding the land or standing trees have to give precedence to any actions of the Minister of the Environment and/or the prefectural governors aiming at providing facilities for nest building, supply of water and food on land and in standing trees for wildlife.

b. Special Protection Area

The Minister of the Environment or the prefectural governor, when he/she deems it necessary for protection and reproduction of wildlife, may designate a special protection area within a wildlife protection area for a duration not exceeding that of the wildlife protection area in which such a special protection area is placed. Felling of standing trees and/or bamboos, construction of any structures, reclaiming wetlands and the like shall require permission of the Minister of the Environment or the prefectural governor, unless such action is of minor scale.

Within the boundary of the area designated by the Minister of the Environment or the prefectural governor during the period individually designated for the area, Capturing/collecting plants and/or animals, bonfire, the use of horses/vehicles, and the like shall require permission of the Minister of the Environment or the prefectural governor. When establishing a wildlife protection area and when designating a special wildlife protection area, the opinions of local groups making their livelihood in agriculture, forestry and fisheries, as well as hunters and wildlife protection groups, and any others who are concerned will be heard. The case is then reviewed by the Nature Conservation Council in the Government or prefecture concerned, and then in accordance with the Law, the area is established or designated as such for a maximum of 20 years (subject to renewal). The Minister of the Environment establishes a wildlife protection area, where the protection of wildlife is of particular importance from a national viewpoint, and such cases shall be discussed as necessary with the Minister of Agriculture, Forestry and Fisheries.

As of March 2002, there are nearly 3,900 national and prefectural wildlife protection areas covering 3.6 million ha (about 9% of the total terrestrial area) (Table 2.1). The numbers are continuously changing as new sites are designated or cancelled, boundaries changed, etc.

Table 2.1 Present state of Wildlife Protection Area

(As of end of March 2003)

	National		Prefectural		Total	
	No.	Area (1,000 ha.)	No.	Area (1,000 ha.)	No.	Area (1,000 ha.)
Wildlife Protection Areas	56	495	3,796	3,064	3,852	3,559
Special Protection Areas	44	117	551	147	595	264

(F) Restriction on Circulation of Wildlife (Articles 19 through 27)

It is prohibited to circulate wildlife captured and/or eggs of bird collected in violation of the provisions of this Law. The sale of copper pheasant is also prohibited. Importing/exporting certain wildlife and eggs of bird is regulated.

(G) Hunting Area (Article 68 through 74)

The hunting area is the area where active protection and reproduction of wildlife subject to hunting is pursued through releasing wildlife and the like. The number of hunters entering the area, hunting period, wildlife permitted for hunting and the number of captures are restricted. The person who intends to establish a hunting area is required to obtain permission from the Prefectural governor.

(H) Surveillance/Control System (Articles 75 through 78)

While surveillance/control is exercised by officers of the Ministry of the Environment or the prefecture, the prefectural officials who are responsible for actual surveillance/control are designated as special judicial policemen (1,166 as of FY 2000). A wildlife protection official (part-time prefectural employee; 3,360 as of FY 1998) who is placed for each town/village is responsible for controlling hunting, as well as promoting/spreading the philosophy of protecting wildlife.

(I) Permission to Pest Control (Articles 9)

Pest which may cause damage to agricultural and forestry products may be captured for repellent purposes under permission by the Minister of the Environment or the prefectural governor in order to minimize the damage. Capture for special purposes, such as capture for scientific research, as well as capture of certain species for breeding as a pet, and the like, is also approved. Breeding following capture is subject to additional approval by the prefectural governor.

3-G Summary of the Law for Conservation of Endangered Species of Wild Fauna and Flora

Contents

1. Substance

- (A) Objective
- (B) Responsibility
- (C) Definition
- (D) The National Guidelines for Conservation of Endangered Species

2. Treatment of Organisms and Their Parts

- (A) Responsibility of Those who Possess Organisms and Their Parts
- (B) Prohibition on Acquisition, Transfer and Trading of Endangered Species
- (C) Registration of Organisms and their Parts of International Endangered Species
- (D) Registration of Businesses
- (E) Certification that product was made of legally obtained materials

3. Habitat Conservation

- (A) Types of Conservation Areas
- (B) Designation Procedure

4. Programs for Rehabilitation of Natural Habitats and Maintenance of a Viable Population

- (A) Strategy for Promotion
- (B) Cooperation with Local Governments and NGOs (Non-Governmental Organizations)

1. Substance

(A) Objective

Recognizing that species of wild fauna and flora are important components of ecosystems, as well as having essential value for humanity, the Law for the Conservation of Endangered Species of Wild Fauna and Flora (LCES) aims to ensure the conservation of endangered species of wild fauna and flora, and to contribute to the conservation of natural surroundings for present and future generations.

(B) Responsibility

- (1) The Government should take integrated measures to conserve endangered species (including subspecies and varieties) of wild fauna and flora according to their status.
- (2) In accordance with natural, social and other conditions, local governments should take measures to conserve endangered species of wild fauna and flora.
- (3) The public should cooperate with the Government and their local governments, and make attempts to contribute to the conservation of endangered species of wild fauna and flora.

(C) Definition

- (1) "Endangered" means that there is a threat of extinction. In other words, the population of a species has decreased, or is decreasing, to the level at which its survival is at risk, or the habitat of a species has degraded or decreased or is degrading or decreasing.
- (2) "Endangered Species" refers to all species in danger of extinction. They are divided into four categories; "National Endangered Species", "Designated National Endangered Species", "International Endangered species" and "Temporarily Designated Species."
- (3) "National Endangered Species" means endangered species known to exist in Japan. They are designated by the Government. Migratory species would also be so designated if it is considered to be in danger of extinction in Japan.
- (4) "Designated National Endangered Species" means species whose population in the wild is in danger of extinction, even though the commercially domesticated or cultivated population is ample. This type of species may be in danger of extinction due to illegal overexploitation because of their commercial value.

(5) "International Endangered Species" means species that are listed in CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) Appendix 1 or endangered species reported under Japan's bilateral conventions with the U.S., and Australia and agreement with Russia. Although these conventions and agreements request the contracting parties to regulate only the international trade of these species, transferring within Japan should also be regulated so as to ensure the enforcement of the conventions and agreements.

(6) "Temporarily Designated Endangered Species" means species that are designated by the Minister of the Environment.

If a new species, or a species thought to be extinct, is found, the Minister of the Environment will designate the species as "Temporarily Designated Endangered Species". The duration of the designation is limited to three years.

(D) The National Guidelines for Conservation of Endangered Species

The Government must adopt "The National Guidelines for the Conservation of Endangered Species". These guidelines include the fundamental concept and basic approaches for protection of organisms, protection and rehabilitation of natural habitats, maintenance of viable population, and other items necessary for the conservation of Endangered Species.

2. Treatment of Organisms and Their Parts

(A) Responsibility of Those Who Possess Organisms and Their Parts

Those who possess organisms of Endangered Species including eggs, seeds, live and processed intact organisms, parts and processed parts (specified by cabinet order, hereafter "organisms and others") should treat them in an appropriate manner. The Minister of the Environment may advise or guide them in the handling of organisms and others for the conservation of Endangered Species.

(B) Prohibition on Acquisition, Transfer and Trading of Endangered Species

(1) Hunting, gathering, killing or damaging (hereafter "acquisition") of live Endangered Species except International Endangered Species is prohibited unless the Minister of the Environment permits the acquisition for the purpose of research, investigation, instruction or rehabilitation. Acquisition of live organisms without permission is allowed in case of emergency, or if it is necessary for their protection.

(2) Transfer of organisms and others of Endangered Species either on a commercial or non-commercial basis, is prohibited. The exception is allowed in such cases as, 1) when the Minister of the Environment permits transfer for the purpose of re-

search, investigation, instruction or rehabilitation, 2) when organisms and others of Designated National Endangered Species are transferred, 3) when Designated Specific Parts which are parts of International Endangered Species and their processed parts, (used in making products in Japan) are transferred, 4) when live organisms of National Endangered Species which are "taken" without permission in case of emergency or for their protection, and their parts and processed parts are transferred, or 5) when organisms and others of registered International Endangered Species and specific materials with prior-registration are transferred.

- (3) International trading of organisms and others of National Endangered Species (except those of Designated National Endangered Species) is prohibited either on a commercial as well as non-commercial basis except if conditions adopted by the Government have been fulfilled. The Minister of the Environment will permit international trading so long as it does not threaten the survival of the Endangered Species.

(C) Registration of Organisms and Their Parts of International Endangered Species

- (1) To ensure the enforcement of CITES, those who intend to transfer an International Endangered Species in Japan must first register the organisms and others. Transfer of a registered International Endangered Species, either on a commercial or non-commercial basis, must be made with the registration certificate corresponding to the said organism and others. Registration can be made, if (a) the organisms of the International Endangered Species have been domesticated or cultivated or (b) obtained before CITES measures were enforced. Without registration, transfer is allowed only if the Minister of the Environment permits it as mentioned in 2.(2) above.
- (2) Those who transfer large quantities of items can do prior-registration. This system is introduced because the number of registrations is expected to increase after introduction of the new regulation on parts of species. Those who have made prior-registration shall submit a report on transfer of the items to the Minister of the Environment.

(D) Registration of Businesses

(D-1) Businesses which deal in Designated National Endangered Species.

- (1) Designated National Endangered Species are in danger of extinction because of their commercial value. For that reason, businesses which deal in Designated National Endangered Species must ensure that they will not deal in Designated National Endangered Species taken illegally.
- (2) Businesses which deal in Designated National Endangered Species, whether they are retail businesses or wholesale businesses, must be registered. If they do not deal in Designated National Endangered Species in an appropriate manner, the Minister of the Environment must order the business to improve their

business practices, or order suspension of the business for three months.

(D-2) Businesses which deal in Designated Specific Parts of International Endangered Species.

- (1) Transfer of Designated Specific Parts is exempted from prohibition as mentions (B)(2), but in order to ensure that illegal transfer does not take place, businesses which deal in Designated Specific Parts must be registered.
- (2) Those who do business under the above mentioned registration shall make a report on their business activities and keep that report. If they do not deal in Designated Specific Parts in an appropriate manner, the Minister of the Environment and related ministers must order the business to improve their business practices, or order suspension of the business for three months.
- (3) Those businesses that have registered may issue certification cards which show the legality of the parts they are handling, if:
 - a) they transfer Designated Specific Parts that are the portions of the original which was registered; or
 - b) they transfer Designated Specific Parts that are the portions of Designated Specific Parts received with a certification card. The Designated Specific Parts for which a certification card is issued shall be transferred with the certification card.

(E) Certification that product was made of legally obtained materials

- (1) Those who engaged in producing the final product of specific materials eligible for certification may put on the product a mark which shows as such, if:
 - a) they have received a certification card with the Designated Specific Parts they have used in making the final product card. or
 - b) they have received specific materials that have been registered.

The mark is issued by the Minister of the Environment and related ministers or designated public organization.

3. Habitat Conservation

(A) Types of Conservation Areas

- (1) For the purposes of ensuring the conservation of National Endangered Species, their natural habitats are designated by the Minister of the Environment as "Natural Habitat Conservation Areas".
- (2) One type of Natural Habitat Conservation Area is the "Conservation Area". In this area, a) construction, b) modification of land, c) mining, d) reclamation, e)

changing of the water level, f) tree felling and other habitat modifications are prohibited without the permission of the Minister of the Environment. If it is necessary and appropriate, the Minister may designate "Protection Areas" and "Strict Protection Areas" in Conservation Areas. In a protection area, in addition to the prohibited actions listed above, introduction of alien species and the taking of any other species are also prohibited without prior permission. In a "Strict Protection Area", the Director-General prohibits entrance to the area without prior permission.

- (3) Another type of Habitat Conservation Area is a "Monitoring Area", which functions as a buffer zone. In this area, actions from a) to e) listed in (2) above are regulated. Those who intend to engage in these actions in the area must first give notice to the Minister of the Environment. If the Minister finds that the action may affect the conservation of the National Endangered Species, he/she will order the party in question to take necessary and appropriate measures or to stop the action.

(B) Designation Procedure

Before designation, the Minister of the Environment must hold a public hearing.

4. Programs for Rehabilitation of National Habitats and Maintenance of a Viable Population

(A) Strategy for Promotion

Since the stable survival of Endangered Species may not be achieved by the protection of each organism or its natural habitat alone, the Government may promote the rehabilitation of natural habitats and the maintenance of viable populations of National Endangered Species. The Ministry of the Environment will establish a program promoting the rehabilitation of natural habitats and maintenance of viable populations in cooperation with other Ministries and Agencies. The program may be implemented by the Ministry of the Environment or other Ministries or Agencies if appropriate.

(B) Cooperation with Local Governments and NGOs (Non-Governmental Organizations)

When local governments or NGOs wish to participate in the program, they can be given approval by the Ministry of the Environment if their program is in accord with the program of the Government. With such approval, they may take organisms of the National Endangered Species, or conduct actions normally prohibited in the Habitat Reservation Area without prior permission.

3-H Law for the Protection of Cultural Properties (Extract)

Promulgated on May 30,1950

Law No. 214

AGENCY FOR CULTURAL AFFAIRS GOVERNMENT OF JAPAN

Contents of the Law

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Chapter I General Provisions (Article 1-Article 4)

(Purpose of this Law)

Article 1

The purpose of this Law is to preserve and utilize cultural properties, so that the culture of the Japanese people may be furthered and a contribution be made to the evolution of world culture.

(Definition of Cultural Properties)

Article 2

"Cultural properties" in this Law shall be the following:

- (1) Buildings, pictures, sculptures, applied arts, calligraphic works, classical books, ancient documents, and other tangible cultural products, which possess a high historical and/or artistic value in and for this country (including lands and other objects which are combined with them altogether to embody such value), archaeological specimens and other historical materials of high scientific value (hereinafter referred to as "tangible cultural properties");
 - (2) Art and skill employed in drama, music and applied arts, and other intangible cultural products, which possess a high historical and/or artistic value in and for this country (hereinafter referred to as "intangible cultural properties");
 - (3) Manners and customs related to food, clothing and housing, to occupations, religious faiths, festivals, etc., to folk-entertainment and clothes, implements, houses and other objects used therefor, which are indispensable for the understanding of changes in our people's modes of life (hereinafter referred to as "folk-cultural properties");
 - (4) Shell mounds, ancient tombs, sites of palaces, sites of forts or castles, monumental dwelling houses, and other sites, which possess a high historical and/or scientific value in and for this country; gardens, bridges, gorges, sea-shores, mountains, and other places of scenic beauty, which possess a high value from the point of view of art or visual appreciation in and for this country; and animals (including their habitats, breeding places and summer and winter resorts), plants (including their habitats), and geological features and minerals (including the grounds where peculiar natural phenomena are seen), which possess a high scientific value in and for this country (hereinafter referred to as "monuments");
 - (5) Groups of historic buildings of high value which form a certain antique beauty in combination with their environs (hereinafter referred to as "groups of historic buildings");
2. The term "important cultural properties" used in the provisions of this Law (excepting the provisions of Article 27 to 29 inclusive, Article 37, Article 55 paragraph 1 item (4), Article 84-2 paragraph 1 item (1), Article 88, Article 94 and

Article 115) shall be construed as including national treasures.

3. The term "historic sites, places of scenic beauty and/or natural monuments" used in the provisions of this Law (excepting the provisions of Article 69, Article 70, Article 71, Article 77, Article 83 paragraph 1 items (4), Article 84-2 paragraph 1 items (5) and (6), Article 88 and Article 94), shall be construed as including special historic sites, places of scenic beauty and/or natural monuments.

(Duty of the Government and Local Public Bodies)

Article 3

The Government and the local public bodies shall, recognizing that the cultural properties of the country are indispensable to the correct understanding of its history, culture, etc., and that they form a foundation for its cultural development for the future, make efforts to ensure that the purport of this Law is thoroughly understood by the public, so that such properties may be duly preserved.

(Attitude of the People, Owners, etc.)

Article 4

The people in general shall faithfully cooperate in the measures taken by the Government and the local public bodies for the attainment of the purpose of this Law.

2. The owners of cultural properties and other persons concerned shall preserve such properties with good care and utilize them for cultural purposes by opening them to the public or by other means, in full consciousness that cultural properties are valuable national possessions.
3. In the execution of this Law, the Government and the local public bodies shall respect the ownership and other property rights of the persons concerned.

Chapter V Historic Sites, Places of Scenic Beauty and/or Natural Monuments

(Designation)

Article 69

The Minister of Education, Culture, Sports, Science and Technology may designate important items of monuments as historic sites, places of scenic beauty, or natural monuments (hereinafter collectively referred to as "historic sites, places of scenic beauty and/or natural monument").

2. Of the historic sites, places of scenic beauty and/or natural monuments designated as such in accordance with the provision of the preceding paragraph, the Minister of Education, Culture, Sports, Science and Technology may designate

those which are particularly important as special historic sites, special places of scenic beauty, or special natural monuments (hereinafter collectively referred to as "special historic sites, places of scenic beauty and/or natural monument").

3. The designation under the preceding two paragraphs shall be made by an announcement in the Official Gazette and also by the issuance of a notice thereof to the owner and the possessor/occupant by title of the special historic site, place of scenic beauty and/or natural monument concerned or of the historic site, place of scenic beauty and/or natural monument concerned.
4. In case there are too many persons to be given the notice individually in accordance with the provision of the preceding paragraph, the Minister of Education, Culture, Sports, Science and Technology may, in place of the notice provided for in the same paragraph, put up a notice of the matters to be communicated to them on the notice board of the public office or of any similar establishment of the city (Including special wards. The same shall apply hereinafter.), town, or village where the special historic site, place of scenic beauty and/or natural monument concerned or the historic site, place of scenic beauty and/or natural monument concerned is located. In this case the notice mentioned in the preceding paragraph shall be deemed as having reached the addressees thereof when two weeks have elapsed from the day on which the notice was first exhibited.
5. The designation under the provision of paragraph 1 or paragraph 2 shall come into effect as from the day of announcement in the Official Gazette under the provision of paragraph 3. However, for the owner or the possessor/occupant by title of the special historic site, place of scenic beauty and/or natural monument concerned or of the historic site, place of scenic beauty and/or natural monument concerned, it shall come into effect as from the time when the notice under the provision of paragraph 3 has reached him/her or when it is deemed to have reached him/her in accordance with the provision of the preceding paragraph.
6. The Minister of Education, Culture, Sports, Science and technology shall, in designating the historic site, place of scenic beauty and/or natural monument, consult the Minister of the Environment, if the natural monument to be covered by the designation possesses a high value from the point of view of the protection of natural environment.

(Provisional Designation)

Article 70

Prior to the designation under the provision of paragraph 1 of the preceding Article, if the Board of Education of To, Do, Fu or Ken (Prefectures) deems it urgently necessary, it may make provisional designation of the historic site, place of scenic beauty

and/or natural monument.

2. When the Board of Education of To, Do, Fu or Ken (Prefectures) has made the provisional designation under the provision of the preceding paragraph, it shall report the fact to the Minister of Education, Culture, Sports, Science and Technology without delay
3. To the provisional designation under the provision of paragraph 1 the provisions of paragraphs 3 to 5 inclusive of the preceding Article shall apply *mutatis mutandis*.

(Respect for Ownership, etc. and Coordination with Other Public Interest)

Article 70-2

In making the designation under the provision of Article 69 paragraph 1 or paragraph 2 or in making the provisional designation under the provision of paragraph 1 of the preceding Article, the Minister of Education, Culture, Sports, Science and Technology or the Board of Education of To, Do, Fu or Ken (Prefectures) shall respect in particular the ownership, the mining right and other property rights of the parties concerned, and at the same time pay attention to the coordination with land development and other kinds of public interests.

2. The Minister of Education, Culture, Sports, Science and Technology may, if it is deemed necessary for the protection and improvement of natural environment related to the place of scenic beauty or natural monument, express his/her opinions to the Minister of the Environment. When the Commissioner of the Agency for Cultural Affairs expresses his/her opinion in such cases, he/she shall do so through the Minister of Education, Culture, Sports, Science and Technology
3. If the Minister of the Environment deems it necessary, from the perspective of protecting natural environment, to express his/her opinion regarding the preservation or use of a place of scenic beauty or a natural monument, he/she may do so to the Minister of Education, Culture, Sports, Science and Technology, or to the Commissioner of the Agency for Cultural Affairs, through the Minister of Education, Culture, Sports, Science and Technology

(Annulment of Designation)

Article 71

When a special historic site, place of scenic beauty and/or natural monument, or a historic site, place of scenic beauty and/or natural monument has lost its value as such or when there is any other special reason, the Minister of Education, Culture, Sports, Science and Technology or the Board of Education of To, Do, Fu or Ken (Prefectures) may annul the designation or the provisional designation thereof.

2. When the designation referred to in Article 69 paragraph 1 was made of such a historic site, place of scenic beauty and/or natural monument as was provisionally designated under the provision of Article 70 paragraph 1, or when no designation under the same provision was made of the same property within two years from the day of such provisional designation, the said provisional designation shall become null and void.
3. The Minister of Education, Culture, Sports, Science and Technology may annual any provisional designation made under the provision of Article 70 paragraph 1, if he/she deems such designation inappropriate.
4. The provisions of Article 69 paragraphs 3 to 5 inclusive shall apply *mutatis mutandis* to the annulment of the designation or the provisional designation to be made under the provision of paragraph 1 or of the preceding paragraph.

(Custody and Restoration by Custodial Body)

Article 71-2

In the cases where the owner of the historic site, place of scenic beauty and/or natural monument does not exist or is not traceable, or where the custody thereof by its owner or by the person appointed in accordance with the provision of Article 74 paragraph 2 to be responsible for the conduct of its custody is obviously deemed extremely difficult or inappropriate, the Commissioner of the Agency for Cultural Affairs may appoint a suitable local public body or any other suitable juridical person and charge it with the conduct of custody and restoration necessary for the preservation of the historic site, place of scenic beauty and/or natural monument concerned (including the custody and restoration of such facilities, equipment and other matters under the ownership or in the custody of the owner of the historic site, place of scenic beauty and/or natural monument concerned as are necessary for the preservation thereof)

2. In order to make an appointment under the provision of the preceding paragraph, the Commissioner of the Agency for Cultural Affairs shall obtain in advance the consent of the local public body or any other juridical person to be appointed as such.
3. The appointment under the provision of paragraph 1 shall be made by an announcement in the Official Gazette, and also by the issuance of a notice thereof to the owner and the possessor/occupant by title of the historic site, place scenic beauty and/or natural monument concerned, as well as to the local public body or other juridical person to be appointed.
4. To the appointment under the provision of paragraph 1 the provisions of Article 69 paragraphs 4 and 5 shall apply *mutatis mutandis*.

Article 71-3

In the cases where the reasons referred to in paragraph 1 of the preceding Article have become extinct or where there is any other special reason, the Commissioner of the Agency for Cultural Affairs may annul the appointment of the custodial body.

2. To the annulment under the provision of the preceding paragraph the provisions of paragraph 3 of the preceding Article and Article 69 paragraphs 4 and 5 shall apply *mutatis mutandis*.

Article 72

The local public body and any other juridical person appointed under the provision of Article 71-2 paragraph 1 (hereinafter in this Chapter and Chapter VI referred to as the "custodial body") shall in accordance with the standards established by the MEXT Ordinance set up signs, explanation boards, landmarks, fences and other facilities necessary for the custody of the historic site, place of scenic beauty and/or natural monument concerned.

2. When, in regard to the land within the designated area of the historic site, place of scenic beauty and/or natural monument, there has been any change in the name of town, lot number, category or acreage, the custodial body concerned shall report it to the Commissioner of the Agency for Cultural Affairs in accordance with what may be provided for by the MEXT Ordinance.
3. In case the custodial body undertakes restoration, it shall in advance hear the opinions of the owner (exclusive of the case where the owner is not traceable) and the possessor/occupant of the historic site, place of scenic beauty and/or natural monument concerned in regard to the method and the time of the restoration.
4. The owner or the possessor/occupant of the historic site, place of scenic beauty and/or natural monument shall not, without justifiable reasons, refuse, interfere with or evade the acts of custody or restoration, or the measures necessary for the execution of such acts, undertaken by the custodial body.

Article 72-2

The expenses required for the custody and the restoration undertaken by the custodial body shall be borne by the same body, unless otherwise provided for by this Law.

2. Notwithstanding the provision of the preceding paragraph, part of the expenses required for the custody or the restoration may be borne by the owner, in accordance with what may be agreed upon between the custodial body and the owner, within the limits of the material profit which the latter will enjoy as a result of

the custody or the restoration conducted by the former.

3. The custodial body may collect admission-fees from the visitors to the historic site, place of scenic beauty and/or natural monument in its custody.

Article 73

As for the person or persons who have suffered a loss owing to the act of custody or restoration performed by the custodial body, the body concerned shall indemnify them for the ordinary damages incidental thereto.

2. The amount of the indemnity under the preceding paragraph shall be determined by the custodial body (or, when the custodial body is a local public body, the Board of Education of the same body).
3. As regards the amount of the indemnity under the provision of the preceding paragraph, the provision of Article 41 paragraph 3 shall apply *mutatis mutandis*.
4. In case of litigation under the provision of Article 41 paragraph 3 applying *mutatis mutandis* in the preceding paragraph, the custodial body shall be the dependent.

Article 73-2

To the custody undertaken by the custodial body the provisions of Article 30, Article 31 paragraph 1 and Article 33, to the custody and the restoration undertaken by the custodial body the; provisions Articles 35 and 47, and to the cases where the custodial body has been appointed or where such appointment has been annulled the provision of Article 56 paragraph 3 shall apply *mutatis mutandis*, respectively.

(Custody and Restoration by Owner)

Article 74

Excepting the case where a custodial body has been appointed, the owner of the historic site, place of scenic beauty and/or natural monument shall be responsible for the custody and the restoration thereof.

2. The owner who undertakes the custody of the historic site, place of scenic beauty and/or natural monument under the provision of the preceding paragraph may, if there is any special reason, appoint an appropriate person to be responsible on his/her behalf for the conduct of the custody of the same property (hereinafter in this Chapter and Chapter VI referred to as the 'custodian'). In this case the provision of Article 31 paragraph 3 shall apply *mutatis mutandis*.

Article 75

To the custody by the owner the provisions of Article 30, Article 31 paragraph 1,

Article 32, Article 33 and Article 72 paragraphs 1 and 2 (as for Article 72 paragraph 2, exclusive of the cases where the custodial body has been appointed), to the custody and the restoration by the owner the provisions of Article 35 and 47, to the succession to rights and obligations upon charge of the owner the provision of Article 56 paragraph 1, and to the custody by the custodian the provisions of Article 30, Article 31 paragraph 1, Article 32 paragraph 3, Article 33, Article 47 paragraph 4 and Article 72 paragraph 2 shall apply *mutatis mutandis*, respectively

(Order or Advice on Custody)

Article 76

In case the Commissioner of the Agency for Cultural Affairs concludes that a historic site, place of scenic beauty and/or natural monument is in danger of destruction, damage, decay or theft because of its inappropriate custody, he/she may order or advise the custodial body, the owner or the custodian thereof, with respect to the improvement of the method of custody, provision of facilities for preservation and any other measures necessary for its custody.

2. To the cases under the preceding paragraph the provisions of Article 36 paragraphs 2 and 3 shall apply *mutatis mutandis*.

(Order or Advice on Restoration)

Article 77

In the cases where a special historic site, place of scenic beauty and/or natural monument is damaged or in decay and the Commissioner of the Agency for Cultural Affairs deems it necessary for its preservation, he/she may give any necessary order or advice about its restoration to the custodial body or the owner thereof.

2. In the cases where a historic site, place of scenic beauty and/or natural monument, Other than the special historic site, place of scenic beauty and/or natural monument, is damaged or in decay and the Commissioner of the Agency for Cultural Affairs deems it necessary for its preservation, he/she may give any necessary advice about its restoration to the custodial body or to the owner thereof.
3. The provisions of Article 37 paragraphs 3 and 4 shall apply *mutatis mutandis* to the cases under the preceding two paragraphs.

(Execution of Restoration, etc. of Special Historic Site, Place of Scenic Beauty and/or Natural Monument by the Commissioner of the Agency for Cultural Affairs)

Article 78

The Commissioner Of the Agency for Cultural Affairs may himself/herself execute the restoration of the special historic site, place of scenic beauty and/or natural monument, or take preventive measures against its destruction, damage, decay or

theft, in either of the following cases:

- (1) Where the custodial body, owner or custodian does not comply with the orders given in accordance with the provisions of the preceding two Articles;
- (2) Where any special historic site, place of scenic beauty and/or natural monument is damaged or in decay, or in danger of destruction, damage, decay or theft, and where it is deemed inappropriate to make the custodial body, the owner or the custodial thereof execute its restoration or take preventive measures against its destruction, damage, decay or theft.

2. The provisions of Article 38 paragraph 2 and Articles 39 to 41 inclusive shall apply *mutatis mutandis* to the cases under the preceding paragraph.

(Reimbursement in case of Assignment of Historic Site, Place of Scenic Beauty and/or Natural Monument for which a Subsidy was granted, etc.)

Article 79

With respect to the historic site, place of scenic beauty and/or natural monument for which a subsidy has been granted by the State for its restoration or for the conduct of preventive measures against its destruction damage, decay or theft in accordance with the provision of Article 35 paragraph 1 applying *mutatis mutandis* under Article 73-2 and Article 75, or for which whole or part of the expenses required for such action have been defrayed by the State in accordance with the provision of Article 36 paragraph 2 applying *mutatis mutandis* under Article 76 paragraph 2, in accordance with Article 37 paragraph 3 applying *mutatis mutandis* under Article 77 paragraph 3 or in accordance with Article 40 paragraph 1 applying *mutatis mutandis* under paragraph 2 of the preceding Article, the provision of Article 42 shall apply *mutatis mutandis*.

(Restriction on Alteration, etc. of Existing State and Order for Recovery to Original State)

Article 80

In case any person intends to do an act altering the existing state of a historic site, place of scenic beauty and/or natural monument or an act affecting the preservation thereof, he/she must obtain the permission of the Commissioner the Agency for Cultural Affairs; however, this shall not apply to the case where such act as altering the existing state is merely a measure for maintaining the existing state of the property or an emergency measure necessary for the prevention of extraordinary disasters or where the influence of the act which may affect its preservation is only negligible.

2. The coverage of the measures for maintaining the existing state mentioned in the proviso to the preceding paragraph shall be established by the MEXT Ordinance.

3. The provision of Article 43 paragraph 3 shall apply *mutatis mutandis* to the is-

suance of permission provided for in paragraph 1, and that of Article 43 paragraph 4 to the person who has obtained such permission.

4. The provision of Article 70-2 paragraph 1 shall apply *mutatis mutandis* to the disposition to be made under the provision of paragraph 1.
5. The State shall indemnify the person who has suffered a loss owing to the fact that he/she failed to receive the permission under paragraph 1 or that the permission given was attached with conditions under Article 43 paragraph 3 applying *mutatis mutandis* under paragraph 3, for the ordinary damage incidental thereto.
6. The provisions of Article 41 paragraphs 2 to 4 inclusive shall apply *mutatis mutandis* to the case under the preceding paragraph.
7. In case any person has done an act altering the existing state or affecting the preservation of a historic site, place of scenic beauty and/or natural monument without obtaining the permission under the provision of paragraph 1 or without complying with the conditions of the permission given under Article 43 paragraph 3 applying *mutatis mutandis* under paragraph 3, the Commissioner of the Agency for Cultural Affairs may order him/her to recover is original state. In this case the Commissioner of the Agency for Cultural Affairs may give necessary instructions regarding such recovery.

(Notice by the Administrative Agency Concerned)

Article 80-2

In the case of an act for which permission should be obtained under the provision of paragraph 1 of the preceding Article, and the conduct of which is subjected to permission, authorization or other disposition prescribed by the Cabinet Order under the provisions of other laws or orders, the administrative agency which has the competence for such dispositions under the said other laws or orders, or the person to whom the said competence has been delegated, shall in making the disposition give a notice to the Commissioner of the Agency for Cultural Affairs (or to the Board of Education of the To, Do, Fu or Ken (Prefectures) or the city when Article 99 paragraph 1 provides that the Board of Education of the To, Do, Fu or Ken (Prefectures) or the city will exercise the competence for permission provided under the provision of paragraph 1 of the preceding Article) in accordance with what may be provided by the Cabinet Order.

(Report, etc. on Restoration)

Article 80-3

In case a historic site, place of scenic beauty and/or natural monument is to be restored, the custodial body or the owner thereof shall report it to the Commissioner of

the Agency for Cultural Affairs at least thirty (30) days prior to the date of commencement of such work, in accordance with what may be prescribed by the MEXT Ordinance; this shall not apply, however, to the cases where the permission must be obtained in accordance with the provision of Article 80 paragraph 1 and to those other cases prescribed by the MEXT Ordinance.

2. In case the Commissioner of the Agency for Cultural Affairs deems it necessary for the protection of the historic site, place of scenic beauty and/or natural monument, he/she may give technical guidance and advice in regard to the restoration of the historic site, place of scenic beauty and/or natural monument reported in accordance with the preceding paragraph.

(Integrity of Surroundings)

Article 81

The Commissioner of the Agency for Cultural Affairs may, if he/she deems it necessary for ensuring the preservation of the historic site, place of scenic beauty and/or natural monument, restrict or prohibit certain kinds of act within a prescribed area or may order the provision of necessary facilities in such area.

2. The State shall indemnify the person or persons, who have suffered a loss owing to the disposition mentioned in the preceding paragraph, for the ordinary damage incidental thereto.
3. To the person who has disobeyed the restriction or prohibition provided for in paragraph 1 the provision of Article 80 paragraph 7, and to the case under the preceding paragraph the provisions of Article 41 paragraphs 2 to 4 inclusive shall apply *mutatis mutandis*, respectively.

(Subsidy for Purchase by Custodial Body)

Article 81-2

In case a local public body or other juridical person that is a custodial body deems it positively necessary to purchase the land or buildings or other fixtures to land involved in the designation as historic site, place of scenic beauty and/or natural monument, for the purpose of ensuring the preservation of such designated property which is under its custody, the State may grant a subsidy to cover part of the expenses required for the purchase.

2. To the cases under the preceding paragraph the provisions of Article 35 paragraphs 2 and 3 and Article 42 shall apply *mutatis mutandis*.

(Investigation for the Purpose of Preservation)

Article 82

The Commissioner of the Agency for Cultural Affairs may, when he/she deems it nec-

essary, ask the custodial body, the owner or the custodian to file reports on the existing state of the historic site, place of scenic beauty and/or natural monument, or on the conditions of its custody, of its restoration or of the preservation of the integrity of its surroundings.

Article 83

In any of the following cases, when the Commissioner of the Agency for Cultural Affairs is unable to confirm the conditions of a historic site, place of scenic beauty and/or natural monument in spite of all the information given in the report filed under the preceding Article, and when there appears to be no alternative way for the confirmation thereof, he/she may appoint a person or persons who are to conduct investigation, and cause them to enter the land where the historic site, place of scenic beauty and/or natural monument to be investigated exists or the area adjoining and carry out an investigation on the spot as to its existing state or the conditions of its custody, of its restoration or of the preservation of the integrity of its surroundings, as well as excavation, removal of obstacles or any other measures necessary for the purpose of such investigation; however, he/she shall not cause the said person or persons to take such steps as may result in considerable damage to the owner or the possessor/occupant of such land or to any other interested parties:

- (1) Where application has been filed for approval of alteration of the existing state or of actions affecting the preservation of a historic site, place of scenic beauty and/or natural monument;
 - (2) Where a historic site, place of scenic beauty and/or natural monument is damaged or in decay;
 - (3) Where a historic site, place of scenic beauty and/or natural monument is in danger of destruction, damage, decay or then;
 - (4) Where special circumstances necessitate the re-investigation of the value of a special historic site, place of scenic beauty and/or natural monument or of a historic site, place of scenic beauty and/or natural monument as such.
2. The State shall indemnify the person or persons who have suffered a loss owing to the investigation or measures carried out in accordance with the provision of the preceding paragraph, for the ordinary damage incidental thereto.
 3. The provision of Article 55 paragraph 2 shall apply *mutatis mutandis* to the cases where investigation is conducted by entering the land in accordance with the provision of paragraph 1, and the provisions of Article 41 paragraphs 2 to 4 inclusive to the cases under the preceding paragraph, respectively.

Chapter V-4 Consultation with the Council for Cultural Affairs

(Consultation with the Council for Cultural Affairs)

Article 84

The Minister of Education, Culture, Sports, Science and Technology shall in advance consult the Council for Cultural Affairs with reference to the following matters:

- (1) Designation of national treasures or important cultural properties, and annulment of such designation;
 - (1-2) Registration of registered tangible cultural properties, and annulment of such registrations (excluding annulment of registrations under the provision of Article 56-2-3 paragraph 1);
 - (2) Designation of important intangible cultural properties, and annulment of such designations;
 - (3) Recognition of holders or holding bodies of important intangible cultural properties, and annulment of such recognition;
 - (4) Designation of important tangible folk-cultural properties or important intangible folk-cultural properties and annulment of such designation;
 - (5) Designation of special historic sites, places of scenic beauty and/or natural monuments, or of historic sites, places of scenic beauty and/or natural monument, and annulment of such designation;
 - (6) Annulment of the provisional designation of historic sites, places of scenic beauty and/or natural monuments;
 - (7) Classification to important preservation districts for groups of historic buildings, and annulment of such classification;
 - (8) Designation of traditional conservation technique, and annulment of such designation;
 - (9) Recognition of holders or preservation bodies of designated traditional conservation techniques, and annulment of such recognition.
- 2 The Commissioner of the Agency for Cultural Affairs shall in advance consult the Council for Cultural Affairs with reference to the following matters:
- (1) Orders concerning the custody of important cultural properties or the repair of national treasures;
 - (2) Execution by the Commissioner of the Agency for Cultural Affairs of the repair of national treasures or of preventive measures against their destruction, damage or theft;
 - (3) Permission for alteration of the existing state or acts affecting the preservation of important cultural properties;
 - (4) Restriction or prohibition of acts, or orders for the provision of necessary facilities, as may be required for the maintenance of the integrity of surroundings of important cultural properties.

- (5) Purchase of important cultural properties by the State;
- (6) Selection of intangible cultural properties other than important intangible cultural properties, of which the Commissioner of the Agency for Cultural Affairs should prepare records or for the recording, etc. of which subsidies should be granted;
- (7) Orders concerning the custody of important tangible folk-cultural properties;
- (8) Purchase of important tangible folk-cultural properties;
- (9) Selection of intangible folk-cultural properties other than important intangible folk-cultural properties, of which the Commissioner of the Agency for Cultural Affairs should prepare records or for the recording, etc. of which subsidies should be granted;
- (9-2) Extension of the term of orders for suspension or for prohibition of act altering the existing state of remains;
- (10) Execution of excavation by the Commissioner of the Agency for Cultural Affairs for the purpose of investigating buried cultural properties;
- (11) Orders concerning the custody of historic sites, places of scenic beauty and/or natural monuments, or concerning the restoration of special historic sites, places of scenic beauty and/or natural monuments;
- (12) Execution by the Commissioner of the Agency for Cultural Affairs of restoration or of preventive measures against destruction, damage, decay or theft of special historic sites, places of scenic beauty and/or natural monuments;
- (13) Permission for alteration of the existing state of historic sites, places of scenic beauty and/or natural monuments or for acts affecting the preservation thereof;
- (14) Restriction or prohibition of acts, or orders for provision of necessary facilities, as may be required for the maintenance of the integrity of surroundings of historic sites, places of scenic beauty and/or natural monuments;
- (15) Orders for the recovery of original state of historic sites, places of scenic beauty and/or natural monuments, to be issued in the cases where any acts have been made without permission for alteration of the existing state or for acts affecting the preservation thereof, or not in compliance with the conditions of such permission, or where the restriction or prohibition of acts for maintenance of the integrity of their surroundings has been disobeyed;
- (16) Proposal for the establishment, or revision or rescission of, a Cabinet Order mentioned in Article 99 paragraph 1 (limited to matters related to the administrative tasks mentioned in item 2 of the same paragraph).

Chapter VII Penal Provisions

(Criminal Penalties)

Article 106

Any person who has, in contravention of the provision of Article 44, exported any important cultural property without obtaining the permission of the Commissioner of the Agency for Cultural Affairs shall be liable to imprisonment, with or without hard labor, for a term not exceeding five (5) years or to a fine not exceeding one million (1,000,000) yen.

Article 107

Any person who has damaged, discarded or secreted any important cultural property shall be liable to imprisonment, with or without hard labor, for a term not exceeding five (5) years or to a fine not exceeding three hundred thousand (300,000) yen.

2. If the person mentioned in the preceding paragraph happens to be the owner of the important cultural property in question, he/she shall be liable to imprisonment, with or without hard labor, for a term not exceeding two (2) years or to a fine of minor fine not exceeding two hundred thousand (200,000) yen.

Article 107-2

Any person who has altered the existing state of a historic site, place of scenic beauty and/or natural monument, or by practicing any act affecting its preservation destroyed it, damaged it or brought it to decay, shall be liable to imprisonment, with or without hard labor, for a term not exceeding five (5) years or to fine not exceeding three hundred thousand (300,000) yen.

2. If the person mentioned in the preceding paragraph happens to be the owner of the historic site, place of scenic beauty and/or natural monument in question, he/she shall be liable to imprisonment, with or without hard labor, for a term not exceeding two (2) years or to a fine or minor fine not exceeding two hundred thousand (200,000) yen.

Article 107-3

The person who comes under any of the following items shall be liable to a fine not exceeding two hundred thousand (200,000) yen.

- (1) Any person who has, in violation of the provisions of Article 43 or Article 80, altered the existing state of or done an act affecting the preservation of any important cultural property or any historic site, place of scenic beauty and/or natural monument without obtaining permission, or without complying with the conditions of such permission, or failed to obey the order issued to the

violator to suspend the act of altering the existing state or affecting preservation;

- (2) Any person who has, in contravention of the provision of Article 57-5 paragraph 2, failed to obey the order of suspension or prohibition of the act which may lead to the alteration of the existing state.

Article 107-4

The person who comes under any of the following items shall be liable to a fine not exceeding ten thousand (10,000) yen;

- (1) Any person who has refused or interfered with the execution of repair or of any measure for the prevention of destruction, damage or theft of a national treasure, in contravention of the provision of Article 32-2 paragraph 5 applying *mutatis mutandis* under Article 39 paragraph 3 (including the cases where this paragraph applies *mutatis mutandis* under Article 101 paragraph 2);
- (2) Any person who has refused or interfered with the execution of excavation, in contravention of the provision of Article 32-2 paragraph 5 applying *mutatis mutandis* under Article 39 paragraph 3 which applies *mutatis mutandis* under Article 58 paragraph 3 (including the cases where this paragraph applies *mutatis mutandis* under Article 101 paragraph 2);
- (3) Any person who has refused or interfered with the execution of restoration or of any measure for the prevention of destruction, damage decay or theft of the special historic site, place of scenic beauty and/or natural monument, in contravention of the provision of Article 32-2 paragraph 5 applying *mutatis mutandis* under Article 39 paragraph 3 which applies *mutatis mutandis* under Article 78 paragraph 2 (including the cases where this paragraph applies *mutatis mutandis* under Article 101 paragraph 2);

Article 107-5

In case the representative of a juridical person, or the proxy, a servant or any other employee of a juridical person or of a natural person has committed any of the offenses mentioned in the preceding five Articles, in regard to the performance of duties or custody of property for which such juridical or natural person concerned by the same particular Article.

(Administrative Penalties)

Article 108

If a person appointed as responsible for the execution of custody, repairs or restoration of any important cultural property, important tangible folk-cultural property or historic site, place of scenic beauty and/or natural monument, in accordance with the provision of Article 39 paragraph 1 (including the cases where this paragraph applies *mutatis mutandis* under Article 47 paragraph 3 (including the cases where the latter applies *mutatis mutandis* under Article 56-14, Article 78 paragraph 2, Article 101 paragraph 2 or Article 102 paragraph 2), Article 49 (including the cases

where this paragraph applies *mutatis mutandis* under Article 56-16), or Article 100 paragraph 2, has destroyed, damaged or brought to decay the same property or has it stolen, by negligence or serious fault in duty, he/she shall be liable to a non-criminal fine not exceeding three hundred thousand (300,000) yen.

Article 109

The person who comes under any of the following items shall be liable to a non-criminal fine not exceeding three hundred thousand (300,000) yen:

- (1) Any person who has failed to obey without justifiable reasons such order of the Commissioner of the Agency for Cultural Affairs as may be issued under Article 36 paragraph 1 (including the cases where this paragraph applies *mutatis mutandis* under Article 56-14 and Article 95 paragraph 5) or Article 37 paragraph 1 pertaining to the custody of an important cultural property or an important tangible folk-cultural property, or to the repair of a national treasure;
- (2) Any person who has failed to obey without justifiable reasons such order of the Commissioner of the Agency for Cultural Affairs as may be issued under the provision of Article 76 paragraph 1 (including the cases where this paragraph applies *mutatis mutandis* under Article 95 paragraph 5) or Article 77 paragraph 1 pertaining to the custody of a historic site, place of scenic beauty and/or natural monument, or to the restoration of a special historic site, place of scenic beauty and/or natural monument.

Article 110

Any person who comes under any of the following items shall be liable to a non-criminal fine not exceeding one hundred thousand (100,000) yen:

- (1) Any person who has, without justifiable reasons, disobeyed the restriction, prohibition or the order for provision of facilities issued under Article 45 paragraph 1;
- (2) Any person who, in contravention of the provisions of Article 46 (including the cases where this Article applies *mutatis mutandis* under Article 56-14), has failed to make the Commissioner of the Agency for Cultural Affairs an offer of sale to the State or after making the said offer to him/her has transferred the important cultural property or important tangible folk-cultural property in question to any other party than the State within the period prescribed in paragraph 3 of the same Article (including the cases where this paragraph applies *mutatis mutandis* under Article 56-14), or has given false statements in making the offer of sales under paragraph 1 of the same Article (including the cases where this paragraph applies *mutatis mutandis* under Article 56-14) or in making an application for approval referred to in the proviso to the same paragraph (including the cases where this paragraph applies *mutatis mutandis* under Article 56-14);
- (3) Any person who has failed to display or open the property concerned to the

public, in contravention of the provision of Article 48 paragraph 4 (including the cases where this paragraph applies *mutatis mutandis* under Article 51 paragraph 3 [including the cases where the latter paragraph applies *mutatis mutandis* under Article 56-16], and Article 56-16, or who has, in violation of the provision of Article 51 paragraph 5 (including the cases where this paragraph applies *mutatis mutandis* under Article 51-2 [including the case where this Article applies *mutatis mutandis* under Article 56-16], Article 56-15 paragraph 2 and Article 56-16), failed to obey the order for suspension or discontinuance of such public viewing;

- (4) Any person who has in violation of the provisions of Article 53 paragraphs 1, 3, or 4, opened any important cultural property to the public without obtaining permission, or without complying with the conditions of such permission, or failed to obey an order for the suspension of such public viewing;
- (5) Any person who has, in violation of the provisions of Article 54 (including the cases where this Article, applies *mutatis mutandis* under Article 56-17 and Article 95 paragraph 5), Article 55, Article 56-2-10, Article 82 (including the cases where the latter Article applies *mutatis mutandis* under Article 95 paragraph 5), or Article 83, failed to submit a report or submitted a false report, or has refused, interfered with or evaded the responsible officials' on-the-spot investigation by entry into land or the execution of measure necessary for such investigation;
- (6) Any person who has, in violation of the provision of Article 57 paragraph 2, failed to obey the prohibition or the order for suspension or discontinuance of the act of excavation;
- (7) Any person who has, without justifiable reasons, disobeyed the restriction, prohibition or order for provision of facilities issued under the provision of Article 81 paragraph 1.

Article 111

The person who comes under any of the following items shall be liable to a non-criminal fine not exceeding fifty thousand (50,000) yen:

- (1) Any person who has failed to return to the Minister of Education, Culture, Sports, Science and Technology the certificate of designation of an important cultural property or of an important tangible folk-cultural property, or to hand it over to the new owner of the property concerned in violation of the provision of Article 28 paragraph 5, Article 29 paragraph 4 (including the cases where this paragraph applies *mutatis mutandis* under Article 56-11 paragraph 2), Article 56 paragraph 2 (including the cases where this paragraph applied *mutatis mutandis* under Article 56-17), Article 56-2-3 paragraph 5 or Article 56-2-11;
- (2) Any person who has failed to report or who has submitted a false report in violation of the provision of Article 31 paragraph 3 (including the cases where this paragraph applies *mutatis mutandis* under Article 56-2-4 paragraph 4, Article

56-12 and Article 74 paragraph 2), Article 32 (including the cases where this Article applies *mutatis mutandis* under Article 56-2-4 paragraph 4, Article 56-12 and Article 75), Article 33 (including the cases where this Article applies *mutatis mutandis* under Article 56-12, Article 73-2, Article 75 and Article 95 paragraph 5), Article 34 (including the cases where this paragraph applies *mutatis mutandis* under Article 56-12 and Article 95 paragraph 5), Article 43-2 paragraph 1, Article 56-2-5, Article 56-2-7 paragraph 1, Article 56-5, Article 56-13 paragraph 1, the body text of Article 56-15 Paragraph 1, Article 57 paragraph 1, Article 57-5 paragraph 1, Article 72 paragraph 2 (including the cases where this paragraph applies *mutatis mutandis* under Article 75 and Article 95 paragraph 5), or Article 80-3 paragraph 1;

- (3) Any person who has refused, interfered with, or evaded the execution of custody, repair or restoration of or measure necessary for such action, in violation of the provision of Article 32-2 paragraph 5 (including the cases where this paragraph applies *mutatis mutandis* under Article 34-3 paragraph 2 [including the cases where the latter applies *mutatis mutandis* under Article 56-14], Article 56-2-4 paragraph 4, Article 56-2-6 paragraph 2, and under Article 56-12) or Article 72 paragraph 4.

Article 112.

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