

## **Natural Park Act (Act No. 161 of 1957)**

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## **Chapter I   General Provisions**

(Purpose)

### **Article 1**

This Act shall aim at the protection of the places of natural scenic beauty and also, through the promoted utilization thereof, at the contribution to the conservation and sustainable use of biological diversity as well as to the health, recreation and culture of the people.

(Definitions)

### **Article 2**

In this Act, 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 6 and Article 74)], 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 72.
- (5) Park Plans shall mean the planning concerning the regulation or works for the protection or utilization of the National Parks or Quasi-national Parks.
- (6) Park Work 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.
- (7) Ecosystem Maintenance and Recovery Work shall mean the Works implemented on the basis of the Park Plan for the maintenance or recovery of ecosystem in 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 Act (Act No. 91 of 1993), the State, local public entities, business operators 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 entities 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 Other Public Interests)

#### **Article 4**

Upon the application of this Act, in addition to the provision of Article 3 of the Nature Conservation Act (Act No. 85 of 1972), the proprietary rights, mining rights and other property rights of the parties concerned 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 hearing the views from 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 hearing the views from 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.

(Cancellation of Designation and Alteration of Area)

#### **Article 6**

The Minister of the Environment, when he/she intends to cancel the designation of the National Park or alter the area thereof, shall hear the views from the prefecture(s) concerned and the Council.

2. The Minister of the Environment, when he/she intends to cancel the designation of the Quasi-national Park or alter the area thereof, shall hear the views from the prefecture(s) concerned and the Council; provided, however, that the expansion of its area shall be based upon request of the prefecture(s) concerned.

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

## **Section 2 Park Plan**

(Decision upon Park Plan)

### **Article 7**

The Park Plan concerning the National Park shall be decided upon by the Minister of the Environment after hearing the views from the prefecture(s) concerned and the Council.

2. The Park Plan concerning the Quasi-national Park shall be decided upon by the Minister of the Environment upon request of the prefecture(s) concerned after hearing the views from the Council.
3. The Minister of the Environment, when he/she has decided upon the Park Plan, shall announce the outline of the fact in the official gazette and the Park Plan shall be laid open for public inspection.

(Discontinuance and Alteration of Park Plan)

### **Article 8**

The Minister of the Environment, when he/she intends to discontinue or alter the Park Plan concerning the National Park, shall hear the views from the prefecture(s) concerned and the Council.

2. The Minister of the Environment, when he/she intends to discontinue or alter the Park Plan concerning the Quasi-national Park, shall hear the views from the prefecture(s) concerned and the Council; provided, however, that the addition of the Park Plan shall be based upon request of the prefecture(s) concerned.
3. The provision of paragraph 3 of the preceding article shall be applied mutatis mutandis to the discontinuance or alteration of the Park Plan by the Minister of the Environment.

## **Section 3 Park Work**

(Decision upon Park Work)

### **Article 9**

The Park Work concerning the National Park (hereinafter referred to as “National Park Work”) shall be decided upon by the Minister of the Environment after hearing the views from the Council.

2. The Park Work concerning the Quasi-national Park (hereinafter referred to as “Quasi-national Park Work”) shall be decided upon by the prefectural governor.
3. The Minister of the Environment, when he/she has decided upon the National Park

Work, shall announce the outline in the public notice.

4. The prefectural governor, when he/she has decided upon the Quasi-national Park Work, shall announce the outline in the public notice.
5. The provision of paragraphs 1 and 3 shall be applied mutatis mutandis to the discontinuance or alteration of the National Park Work by the Minister of the Environment, and the provision of the preceding paragraph shall be applied mutatis mutandis to the discontinuance or alteration of the Quasi-national Park Work by the prefectural governor concerned.

(Execution of National Park Work)

#### **Article 10**

The National Park Work shall be executed by the State.

2. Local public entities and other entities (hereinafter referred to as 'the public body') prescribed by the Cabinet Order may execute a part of the National Park Work in accordance with the Ordinance of the Ministry of the Environment, after consulting with the Minister of the Environment and obtaining his/her consent.
3. Those other than the State and public bodies may execute a part of the National Park Work in accordance with the Ordinance of the Ministry of the Environment, after obtaining authorization from the Minister of the Environment.
4. Those who seek the consent of paragraph 2 or seek the authorization of the preceding paragraph shall submit the written application with the description of the following items to the Minister of the Environment in accordance with the Ordinance of the Ministry of the Environment.
  - (1) Name and address, including the name of the representative of corporation
  - (2) Type of facilities prescribed by the Cabinet Order under paragraph 6 of Article 2 hereof (hereinafter referred to as "Park Facilities" in this article)
  - (3) Location of the Park Facilities
  - (4) Scale of the Park Facilities
  - (5) Administration or Management method for the Park Facilities
  - (6) Matters listed in the preceding items and other matters prescribed in the Ordinance of the Ministry of the Environment
5. The written application prescribed in paragraph 4 shall be submitted together with the drawing which shows the location of the Park Facilities and other documents required by the Ordinance of the Ministry of the Environment.
6. When those who have obtained the consent of paragraph 2 or the authorization of paragraph 3 (hereinafter referred to as "the business operator of the National Park") intend to alter the matters listed in the items of paragraph 4, the public bodies shall consult with the Minister of the Environment to obtain his/her consent and those other than the State and the public bodies shall obtain authorization from the Minister of the Environment, however, this shall not apply to the minor changes prescribed in the Ordinance of the Ministry of the Environment.

7. Those who seek the consent or the authorization of the preceding paragraph shall submit the written application with the description of the matters pertaining to the changes to the Minister of the Environment in accordance with the Ordinance of the Ministry of the Environment.
8. The provision of paragraph 5 shall be applied mutatis mutandis to the written application of the preceding paragraph.
9. The business operator of the National Park, when it has made a minor change(s) prescribed in the Ordinance of the Minister of the Environment in the proviso of paragraph 6, shall notify the Minister of the Environment of the fact without delay.
10. The authorization in paragraph 3 or in paragraph 6 may attach conditions to the extent required for the protection or utilization of the National Park.

(Order for Improvement)

#### **Article 11**

The Minister of the Environment may issue an order to those who obtained the authorization of paragraph 3 of the preceding Article that they should implement necessary measures for improving the facilities or the execution of the National Park Work concerned, when he/she deems it necessary to ensure appropriate execution of the National Park Work.

(Succession)

#### **Article 12**

If the juridical persons who operate the National Park have carried out a merger (except when the juridical persons who operate the National Park merge with a company which is not a business operator of the National Park and the former is the surviving company) or a split (limited to the case where the entire National Park Works of the company are to be inherited) and if the surviving company after the merger, the company established in the merger, or the company to inherit the whole National Park Work after the split (hereinafter referred to as “merging company, etc. in this paragraph) is a public body, the public body shall consult with the Minister of the Environment and obtain his/her consent to inherit the position of the business operator of the National Park concerned. If the merging company, etc. is a company other than the State and public bodies, it shall obtain the approval from the Minister of the Environment to inherit the position of the business operator of the National Park concerned.

2. In the event of the death of the business operator of the National Park, when the heir (if there are two heirs or more and if the heirs have selected the heir to inherit the National Park Work by the unanimous approval from the heirs, he/she shall mean the heir, and hereinafter the same shall apply in this article.) intends to continue the National Park Work concerned, the heir shall submit application to the Minister of the Environment within 60 days from the death of the decedent to obtain approval

thereof.

3. When the heir has applied for the approval of the preceding paragraph, the authorization of paragraph 3 of Article 10 herein provided to the decedent shall be deemed as provided for the heir until he/she receives the notice of approval or disapproval after the date of death of the decedent.
4. The heir who has received the approval of paragraph 2 inherits the position of the business operator of the National Park pertaining to the decedent.

(Discontinuing/Abolishing of National Park Work)

#### **Article 13**

When a business operator of the National Park intends to discontinue or abolish the National Park Work in whole or in part, the business operator shall notify the Minister of the Environment of the fact in advance pursuant to the provision of the Ordinance of the Ministry of the Environment.

(Expiration/Rescission of Approval)

#### **Article 14**

When the work to be implemented as the National Park Work require the permission, approval, or other measures taken by the administrative agency pursuant to the provision of other laws and regulations and the measure is rescinded or it ceases to be effective, the consent of paragraph 2 of Article 10 or the approval of paragraph 3 of Article 10 hereof pertaining to said work shall cease to be effective.

2. When the consent of paragraph 2 of Article 10 or the approval of paragraph 3 of Article 10 lapses pursuant to the provision of the preceding paragraph, the business operator with the lapsed consent or approval shall notify the Minister of the Environment of the fact within 30 days from the date of lapse.
3. When a business operator who has obtained the approval of paragraph 3 of Article 10 hereof falls under any of the following items, the Minister of the Environment may rescind the approval of the same paragraph.
  - (1) When the business operator has violated the provision of paragraph 6 or 9 of Article 10 or the provision of the preceding Article
  - (2) When the business operator has violated the condition attached to the approval of paragraph 3 or 6 of Article 10 pursuant to the provision of paragraph 10 of the same Article
  - (3) When the business operator has violated the order pursuant to the provision of the Article 11
  - (4) When the business operator has obtained the approval of paragraph 3 or 6 of Article 10 by deception or other wrongful means

(Recovery Order, etc.)

#### **Article 15**

In the case when the business operator who has obtained the approval of paragraph 3 of Article 10 has abolished the National Park Work, the approval of the same paragraph ceases to be effective, or when the approval of the same paragraph has been rescinded, when the Minister of the Environment deems it necessary for the protection of the National Park, he/she may order the business operator who has abolished the said work, or who has lapsed or rescinded approval, to restore to the original state to the extent required for the protection in the reasonable period of time. If such restoration is remarkably difficult, the Minister of the Environment may give an order to the said business operator to implement necessary measures in lieu of the restoration.

2. Upon attempting to give an order the recovery or necessary measures in lieu of the recovery pursuant to the provision of the preceding paragraph (hereinafter referred to as “restoration to the original state, etc.” in this article), 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 may implement the said restoration to the original state, etc. at his/her own expense or may order the person appointed or delegated by him/her to implement the said restoration to the original state, etc.

In this case, the Minister of the Environment shall make public notice in advance that the said business operator shall implement the said restoration to the original state, etc. by specifying the reasonable period of time and that the person appointed or delegated by the Minister of the Environment shall implement the said restoration to the original state, etc. unless the recovery, etc. is implemented within the specified period of time.

3. The person(s) who intend(s) to implement the recovery, etc., pursuant to the provision of the preceding paragraph, shall carry the identification card and show it to the persons concerned.

(Execution of Quasi-national Park Work)

#### **Article 16**

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

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 prefectural governor 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 authorization from the prefectural governor
4. Provision of paragraph 4 and 5 of Article 10 and paragraph 1 and 2 of Article 14 shall apply mutatis mutandis to the consent of paragraph 2 and authorization of the



preceding paragraph. Provision of paragraph 6 to 9 of Article 10, paragraph 1 of Article 12 and Article 13 shall apply mutatis mutandis to those who have obtained the consent of paragraph 2. Provision of paragraph 6 to 10 of Article 10, Articles 11, 12, and 13, paragraph 3 of the Article 14, and of the preceding Article shall apply mutatis mutandis to those who have obtained the approval of the preceding paragraph. In this case, the term “the Ministry of the Environment” in the provision shall be deemed to be replaced with “the prefectural governor”, “National Park” in paragraph 10 of Article 10 to be replaced with “Quasi-national Park”, “National Park Work” in the Article 11, paragraph 1 of Article 14, and paragraph 1 of the preceding Article, “the National Park Work” in paragraphs 1 and 2 of Article 12 to be replaced with “the Quasi-national Park Work”, “the National Park Work concerned” in paragraphs 1 and 2 of Article 12 to be replaced with “the Quasi-national Park Work concerned”, “public body” in paragraph 1 of the same Article to be replaced with “public bodies other than the prefectures”, “of the National Park Work” in the Article 13 to be replaced with “of the Quasi-national Park Work”, and “of the National Park” in paragraph 1 of the preceding Article to be replaced with “of the Quasi-national Park”.

(Collection of Reports and Spot Inspection)

#### **Article 17**

The Minister of the Environment may ask the authorized person in paragraph 3 of Article 10, and the prefectural governor concerned may ask the authorized person in paragraph 3 of the preceding Article, to the extent required for enforcement of the provisions of this section, to report on the situation of the execution of the National Park Work or Quasi-national Park Work concerned and on other necessary matters, or cause their officials to enter the facilities related to the National Park Work of the Quasi-national Park Work to inspect relevant articles such as equipment, accounting books and documents or have the interested party ask relevant questions.

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

(Delegation to the Cabinet Order)

#### **Article 18**

In addition to what is provided for in this section, necessary matters related to the execution of the Park Work shall be prescribed by the Cabinet Order.

(Maintenance of Cleanliness)

#### **Article 19**

The State and local public entities 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 4** Protection and Utilization

(Special Zone)

### **Article 20**

The Minister of the Environment, in regard to the National Park and the prefectural governor 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 apply mutatis mutandis to the designation of the Special Zone and cancellation 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 be replaced with the "Minister of the Environment and the prefectural governor concerned," and "official gazette" in the same paragraph shall be replaced with "official gazette or prefectural bulletin", 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 prefectural governor in case of the Quasi-national Park; provided, however, that the activity to be carried out as the emergency measure in case of disaster or the activity listed in the item 3 to be implemented for the maintenance and conservation of forests shall be excepted from this provision.
  - (1) Constructing, reconstructing or extending structures.
  - (2) Falling trees and bamboos.
  - (3) Damaging trees and bamboos within the zone designated by the Minister of the Environment.
  - (4) Mining minerals or extracting soil and stones.
  - (5) Causing increase or decrease of the water-level or quantity of water of rivers, lakes, marshes, swamps and wetlands etc.
  - (6) 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 or the channel running into the designated lakes marshes or swamps and wetlands etc.
  - (7) 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.

- (8) Accumulating or storing soil and stones or other materials designated by the Minister of the Environment in the open air.
  - (9) Reclaiming the surface of water or reclaiming by drainage.
  - (10) Clearing land or changing the feature of land.
  - (11) Collecting or damaging alpine plants or other plants designated by the Minister of the Environment.
  - (12) Planting or sowing the seeds of the plants that are not indigenous to the zones designated by the Minister of the Environment and the plants designated by the Minister of the Environment as those with a potential risk to the conservation of the scenic beauty of the said zone within the said zones.
  - (13) Capturing or killing or wounding animals in mountains, or animals designated by the Minister of the Environment or collecting or damaging eggs of such animals.
  - (14) Releasing of the animals that are not indigenous to the zones designated by the Minister of the Environment and the animals designated by the Minister of the Environment as those with a potential risk to the conservation of the scenic beauty of the said zone within the said zones (including the grazing of livestock animals that fall under the provision of this item).
  - (15) Altering the colors of roofs, surface of walls, fences and walls, bridges, steel towers, water-pipes or those similar to them.
  - (16) Entering into wetlands or similar areas designated by the Minister of the Environment during the period designated according to such areas.
  - (17) 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.
  - (18) 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 prefectural governor 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 Ordinance of the Ministry of the Environment.
5. When the prefectural governor 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 Ordinance of the Ministry of the Environment in view of its impact on the scenic beauty of the Quasi-national Park concerned and other circumstances, he/she 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 at the time of the start of restriction prescribed by the same paragraph, may continue the said activity, notwithstanding the provision of the same paragraph.
- In this case, the person shall notify the Minister of the Environment in the case of the National Park or the prefectural governor concerned in the case of the Quasi-national

Park to that effect within three months counting from the day of the start of such restriction.

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 prefectural governor 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 (except the activities that fall under the item 12 or item 14 of paragraph 13) within the Special Zone, shall previously notify the Minister of the Environment in the case of the National Park or the prefectural governor 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 as the Ecosystem Maintenance and Recovery Work etc. for the Designated Ecosystem (The Work means the Ecosystem Maintenance and Recovery Work to be carried out pursuant to the provision of paragraph 1 of Article 39 or paragraph 1 of Article 41, and the Ecosystem Maintenance and Recovery Work that has received the confirmation prescribed in paragraph 2 of Article 39 or paragraph 2 of Article 41 or that has received the approval prescribed in paragraph 3 of Article 39 or paragraph 3 of Article 41. The same shall apply hereinafter.).
  - (3) Activity carried out within the Scenic Landscape Preservation Area, which is to be prescribed in paragraph 1 of Article 43 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.
  - (4) Ordinary administrative activity, simple activity or other activities prescribed by the Ordinance of the Ministry of the Environment.

(Special Protection Zone)

#### **Article 21**

The Minister of the Environment, in regard to the National Park and the prefectural governor concerned, in regard to the Quasi-national Park, when particularly 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 apply mutatis mutandis to the designation of the Special Protection Zone and cancellation 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 be replaced with the "Minister of the Environment or the prefectural governor concerned", and "official gazette" in the same paragraph shall be replaced with "official gazette or prefectural

bulletin", respectively.

3. Within the Special Protection Zone the activities listed in following items 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 prefectural governor concerned in the case of the Quasi-national Park; provided, however, that the activity to be carried out as the emergency measure in case of disaster shall be excepted from this provision.
  - (1) Any Activity mentioned in the items 1 and 2, 4 to 7, 9, 10, 15 and 16 of paragraph 3 of the preceding article.
  - (2) Damaging trees and bamboos.
  - (3) Planting trees and bamboos.
  - (4) Releasing animals (including livestock pasturing).
  - (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) Planting plants other than trees and bamboos or sowing seeds of plants.
  - (9) Capturing, killing or wounding animals, or collecting or damaging their eggs.
  - (10) Using horses, vehicles or power-driven vessels, or landing airplanes in areas other than roads or plazas.
  - (11) 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 prefectural governor 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 Ordinance of the Ministry of the Environment.
5. When the prefectural governor 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 Ordinance of the Ministry of the Environment in view of its impact on the landscape of the Quasi-national Park concerned and other circumstances, he/she 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 at the time of the start of the restriction on the activity, may continue the said activity, notwithstanding the provision of the same paragraph. In this case, the person shall notify the Minister of the Environment in the case of the National Park, or the prefectural governor concerned in the case of the Quasi-national Park to that effect within three months counting from the day of the start of such restriction.
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 prefectural governor 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 as the Ecosystem Maintenance and Recovery Work etc. for the Designated Ecosystem
- (3) Activity carried out within the Scenic Landscape Preservation Area, which is to be prescribed in paragraph 1 of Article 43 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.
- (4) Ordinary administrative activity, simple activity or other activities prescribed by the Ordinance of the Ministry of the Environment.

(Marine Park Areas)

## **Article 22**

The Minister of the Environment, in regard to the National Park, and the prefectural governor 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 mutatis mutandis to the designation of such Marine Park Areas, the cancellation 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 be replaced with "the Minister of the Environment or the prefectural governor concerned", and "official gazette" in the same paragraph shall be replaced with "official gazette or prefectural bulletin", 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 prefectural governor in case of the Quasi-national Parks; provided, however, that the activity carried out as the emergency measure in case of disaster, or the activities that are mentioned in item 1, 4, 5 and 7 and that are necessary for fishery operations such as setting up of fishing gear shall be excepted from this provision.
  - (1) Activities mentioned in the items 1, 4 and 7 of paragraph 3 of Article 20.
  - (2) Capturing, killing or wounding, gathering, or damaging tropical fish, coral, seaweed, or plants and animal life similar to them that has been designated by the Minister of the Environment with the consent of the Minister of the Agriculture, Forestry, and Fisheries, within the areas designated by the Minister of the Environment.

- (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.
  - (7) Using power-driven vessels within the areas designated by the Minister of the Environment during the period designated for each area.
  - (8) Any activity other than those mentioned in the preceding items which may affect the scenic beauty of the Marine Park Areas and is prescribed by the Cabinet Order.
4. Neither the Minister of the Environment nor the prefectural governor 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 Ordinance of the Ministry of the Environment.
  5. When the prefectural governor 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 Ordinance of the Ministry of the Environment in view of its impact on marine landscape of the Quasi-national Park concerned and other circumstances, he/she 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 within the Marine Park Areas at the time of the start of the restriction on the activity, may continue the said activity, notwithstanding the provision of the same paragraph. In this case, the person shall notify the Minister of the Environment in the case of the National Park or the prefectural governor concerned in the case of the Quasi-national Park to that effect within three months counting from the day of the start of such restriction.
  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 prefectural governor 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) Activity carried out as the Ecosystem Maintenance and Recovery Work etc. for the Designated Ecosystem.
    - (3) Ordinary administrative activity and simple activity or others, they are prescribed by the Ordinance of the Ministry of the Environment.

(Regulated Utilization Area)

## **Article 23**

The Minister of the Environment, in regard to the National Park, and the prefectural

governor concerned, in regard to the Quasi-national Park, when particularly 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 or the Marine Park Areas in accordance with the Park Plan.

2. The provisions of paragraphs 3 and 4 of Article 5 shall apply *mutatis mutandis* to the designation of the Regulated Utilization Area and dissolution of the cancellation 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 be replaced with the "Minister of the Environment and the prefectural governor concerned", and "official gazette" in the same paragraph shall be replaced with "official gazette or prefectural bulletin", 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 or paragraph 7 of the following article; provided, however, that the entries mentioned in the following items shall be excepted from this provision:

- (1) Entry in order to carry out the activity with the permission of paragraph 3 of Article 20, paragraph 3 of Article 21, or paragraph 3 of the preceding article (including the activity concerning the consultation prescribed in the latter part of paragraph 1 of Article 68), or the activity notified as prescribed in the latter part of paragraph 6 or paragraph 8 of Article 20, paragraph 6 of the Article 21, or in the latter part of paragraph 6 of the preceding article (including the activity concerning the notice prescribed in paragraph 3 of Article 68).
- (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 Work, etc. for the Maintenance and Restoration of Designated Ecosystem
- (5) Entry in order to carry out the activity within the Scenic Landscape Preservation Area, which is prescribed in paragraph 1 of Article 43 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.
- (6) Entry in order to carry out ordinary administrative work, simple activity or other activities that are prescribed by the Ordinance of the Ministry of the Environment.
- (7) 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 prefectural governor concerned.

(Approval of Entry)

#### **Article 24**

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 prefectural governor concerned in the case of the Quasi-national Park with respect to the compliance with the requirements of the following items; provided, however, that the user enters the area after obtaining the approval prescribed in paragraph 7 shall be excepted from this provision:

- (1) Entry in order to use the National Park or Quasi-national Park.
  - (2) Compliance with the standards prescribed by the Ordinance of the Ministry of the Environment 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 Ordinance of the Ministry of the Environment, apply for the approval to the Minister of the Environment in the case of the National Park or the prefectural governor concerned in the case of the Quasi-national Park.
  3. The Minister of the Environment or the prefectural governor concerned shall grant the approval of paragraph 1 when he/she 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 prefectural governor concerned shall issue an entry approval certificate as prescribed in the Ordinance of the Ministry of the Environment upon granting the authorization under paragraph 1.
  5. If one who has been granted the authorization of paragraph 1 has lost or destructed the entry approval certificate under the preceding paragraph, the one may, as prescribed in the Ordinance of the Ministry of the Environment, apply for reissuance of the certificate concerned to the Minister of the Environment in the case of the National Park or the prefectural governor 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.
  7. The user of the National Park of the Quasi-national park who complies with the standards prescribed by the Ordinance of the Ministry of the Environment, when attempting to have other uses enter the Regulated Utilization Areas with his/her presence or under the his/her supervision within the period prescribed in paragraph 3 of the preceding article, may obtain the approval from the Minister of the Environment in the case of the National Park or the prefectural governor concerned in the case of the Quasi-national Park with respect to the other users' compliance of with the requirements of the items of paragraph 1.
  8. The provisions prescribed from paragraph 2 to paragraph 6 shall apply mutatis mutandis to the approval prescribed in the preceding paragraph. In this case, "has lost" in paragraph 5 shall be replaced with "the user or other users who enter under the supervision of the said user has lost", and "one who has been granted the approval" in paragraph 6 shall be replaced with "one who has been granted the

approval or other uses who enter under the supervision of the approved one”.

(Designated Approval Institution)

#### **Article 25**

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

2. Designation of the Approval Institution (hereinafter referred to as "Designation" up to Article 29) shall be made upon application by one who intends to perform the Affairs Related to Accreditation.
3. No one who falls under any of the following items shall be given the Designation:
  - (1) Minor, guardian of minor, or person under curatorship
  - (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 Act or the Nature Conservation Act 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 29 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 prefectural governor concerned shall not perform the designated Affairs Related to Accreditation concerning the Regulated Utilization Area.
5. In the event of the Designation, the Minister of the Environment or the prefectural governor concerned shall announce the Designation in the official gazette or prefectural bulletin, respectively.
6. With respect to application of the preceding article in the event when the Affairs Related to Accreditation are performed by the Designated Approval Institution, "from the Minister of the Environment in the case of the National Park or the prefectural governor concerned in the case of the Quasi-national Park" in paragraphs 1 and 7 of the same article, "to the Minister of the Environment in the case of the National Park or the prefectural governor concerned in the case of the Quasi-national Park" in paragraphs 2 and 5 of the same article (including the case of corresponding application under paragraph 8 of the same article), and "the Minister of the Environment or the prefectural governor concerned" in paragraphs 3 and 4 of the same article (including the case of corresponding application under paragraph 8 of the same article) shall be replaced with the "Designated Approval Institution."

(Standards for Designation)

#### **Article 26**

The Minister of the Environment or the prefectural governor 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 Affairs Related to Accreditation 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 Affairs Related to Accreditation under the preceding item.
- (3) When the applicant is engaged in business other than the Affairs Related to Accreditation, there shall not be any possibility that the engagement in such business affects the fair implementation of the Affairs Related to Accreditation.
- (4) The applicant shall be provided with the standards for fair and accurate implementation of the Affairs Related to Accreditation other than those prescribed in the foregoing three items.

(Matters to be Observed by Designated Authorization Institution)

#### **Article 27**

The Designated Approval Institution shall prescribe the rules for implementing the Affairs Related to Accreditation before starting the affairs in accordance with the Ordinance of the Ministry of the Environment concerned and obtain approval for such rules including amendments thereto from the Minister of the Environment or the prefectural governor 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 prefectural governor 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 prefectural governor concerned.
4. The Designated Approval Institution shall not suspend or discontinue all or part of the Affairs Related to Accreditation concerned without the permission of the Minister of the Environment or the prefectural governor concerned.
5. When the Designated Approval Institution suspends all or part of the Affairs Related to Accreditation 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 prefectural governor concerned, when deemed necessary, shall implement all or part of the Affairs Related to Accreditation concerned.

6. When the Minister of the Environment or the prefectural governor concerned implements all or part of the Affairs Related to Accreditation under the preceding paragraph, or when the Designated Approval Institution discontinues all or part of the Affairs Related to Accreditation concerned with the permission of paragraph 4, or when the Minister of the Environment or the prefectural governor concerned cancels the Designation under paragraph 2 or 3 of Article 29, necessary matters including transfer of the Affairs Related to Accreditation shall be prescribed by the Ordinance of the Ministry of the Environment.

(Duty of Confidentiality, etc.)

#### **Article 28**

The Designated Approval Institution (directors when the Institution is a legal entity. The same shall apply to the next paragraph.), 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 Affairs Related to Accreditation, or shall not use such information for their personal benefits.

2. The Designated Approval Institution and its personnel who engage in the Affairs Related to Accreditation shall be deemed as the personnel who engage in official duties under Act with respect to application of the Criminal Act (Act No. 45 of 1907) and other penal regulations.

(Order of Supervision Concerning Designated Approval Institution)

#### **Article 29**

The Minister of the Environment or the prefectural governor concerned may issue orders necessary for supervision to the Designated Approval Institution concerning the Affairs Related to Accreditation to the extent required for enforcement of the provisions from Articles 24 to 31.

2. The Minister of the Environment or the prefectural governor concerned shall cancel the Designation if the Designated Approval Institution falls under any of the items (except item 4) of paragraph 3 of Article 25.
3. The Minister of the Environment or the prefectural governor concerned may cancel the Designation if the Designated Approval Institution infringes upon the provision of Article 27, implements the Affairs Related to Accreditation not under paragraph 1 of the same article, violates the order issued under paragraph 1, or is otherwise considered unable to implement the Affairs Related to Accreditation properly and accurately.
4. The provision of paragraph 5 of Article 25 shall be applied mutatis mutandis to the

cancellation of the Designation under the preceding two paragraphs.

(Collection of Reports and Spot Inspection)

**Article 30**

The Minister of the Environment or the prefectural governor concerned may, to the extent required for enforcement of the provisions from Articles 24 to 25, ask the Designated Approval Institution to report on the Affairs Related to Accreditation 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 in charge of the spot inspection 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 31**

One who intends to obtain the approval under paragraph 1 or 7 of Article 24 or receive reissuance of the entry approval certificate to National Parks under paragraph 5 of the same article (including the case of corresponding application under paragraph 8 of the same article) shall pay to the State (the Designated Approval Institution when it performs the Affairs Related to Accreditation) 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 Act (Act No. 67 of 1947) under paragraph 1 or 7 of Article 24 or reissuance of the entry approval certificate under paragraph 5 of the same article (including the case of corresponding application under paragraph 8 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 25 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.

(Conditions)

**Article 32**

To the permissions under paragraph 3 of Article 20, paragraph 3 of Article 21, paragraph 3 of Article 22, and item 7, paragraph 3 of Article 23, conditions may be attached to the extent necessary for the protection of the scenic beauty or spectacular sight of the National Park or Quasi-national Park.

(Ordinary Zone)

### **Article 33**

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 prefectural governor concerned in the case of Quasi-national Parks of the matters prescribed by the Ordinance of the Ministry of the Environment such as activity type, place, implementation method and scheduled date of commencement; provided, however, 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 Ordinance of the Ministry of the Environment (including reconstructing or extending in the case that the scale thereof is to be beyond the standards prescribed by the Ordinance of the Ministry of the Environment 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 (In the sea areas, this is limited to the areas connected to the Marine Park Area within one kilometer of the Marine Park Area.).
  - (6) Changing the feature of the land.
  - (7) Changing the feature of the seabed (In the sea areas, this is limited to the areas connected to the Marine Park Area within one kilometer of the Marine Park Area.).
2. The Minister of the Environment, in regard to the National Park and the prefectural governor, in regard to the Quasi-national Parks, for the purpose of preserving landscape of the Park concerned, may give orders, to the one who intends to undertake or has undertaken the activity which requires notification and is 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. To the one who has made the notification under paragraph 1, the measure under the preceding paragraph may be taken exclusively within 30 days counting from the day of the notification made.
  4. The Minister of the Environment or the prefectural governor concerned, 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 prefectural governor 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 as the Ecosystem Maintenance and Recovery Work etc. for the Designated Ecosystem.
  - (3) Activity carried out within the Scenic Landscape Preservation Area, which is prescribed in paragraph 1 of Article 43 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.
  - (4) Ordinary administrative activity, simple activity or other activities prescribed by the Ordinance of the Ministry of the Environment.
  - (5) 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.
  - (6) Works carried out as the emergency measures necessary for exceptional disasters.

(Order of Suspension, etc.)

#### **Article 34**

The Minister of the Environment, in regard to the National Parks and the prefectural governor 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 20, paragraph 3 of Article 21, paragraph 3 of Article 22, or paragraph 3 of Article 23, the conditions attached to the permission under Article 32, or the measure under paragraph 2 of the preceding article, or may 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 prefectural governor 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 prefectural governor 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 to the original state etc. is not carried out within such a period, the Minister of the Environment or the prefectural governor 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 35**

The Minister of the Environment, in regard to the National Park, or the prefectural governor 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 20, paragraph 3 of Article 21, paragraph 3 of Article 22, or item 7, paragraph 3 of Article 23, or one whose work has been restricted or ordered to take necessary measures under paragraph 2 of Article 33.

2. The Minister of the Environment, in regard to the National Park or the prefectural governor 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 20, paragraph 3 of Article 21, paragraph 3 of Article 22, item 7, paragraph 3 of Article 23, paragraph 2 of Article 33, or the preceding article, 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 of paragraph 3 of Article 20, items of paragraph 3 of Article 21, items of paragraph 3 of Article 22, item 7, paragraph 3 of Article 23, or items of paragraph 1 of Article 33, 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 Zone)

#### **Article 36**

Minister of the Environment, in regard to the National Park and the prefectural



governor concerned, in regard to Quasi-national Park, shall, for the purpose of consolidating the facilities in groups for the utilization of the Park, designate the Facility Complex Zone within its boundary in accordance with the Park Plan.

2. The provisions of paragraphs 3 and 4 of Article 5 shall apply mutatis mutandis to the designation and cancellation of the Facility Complex Zone and to the alteration of its boundary. In this case, the "Minister of the Environment" mentioned in paragraph 3 of the same article shall be replaced with the "Minister of the Environment or the prefectural governor concerned", and "official gazette" in the same paragraph shall be replaced with "official gazette or prefectural bulletin", respectively

(Regulation for Utilization)

#### **Article 37**

Within the Special Zone, Marine Park Areas or Facility Complex Zone of the National and Quasi-national Parks, no one shall perform the activities mentioned in the following items without due cause:

- (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, Marine Parks Areas, or Facility Complex Zone, 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 5 Ecosystem Maintenance and Recovery Work**

(Plan for the Ecosystem Maintenance and Recovery Work)

#### **Article 38**

The Minister of the Environment and the Director of the state agency to implement the Ecosystem Maintenance and Recovery Work (hereinafter referred to as "the Minister of the Environment, etc.") shall, at the contribution to the appropriate and effective implementation of the Ecosystem Maintenance and Recovery Work in the National Parks, formulate the plan for the Work for the Maintenance and Recovery of Ecosystem (hereinafter referred to as "Ecosystem Maintenance and Restoration Work") based on the Park Plan after seeking opinions from the Council.

2. The prefectural governor concerned may, at the contribution to the appropriate and

effective implementation of the Ecosystem Maintenance and Recovery Work in the Quasi-national Park, formulate the plan for the Ecosystem Maintenance and Restoration Work based on the Park Plan.

3. The Plan for the Ecosystem Maintenance and Restoration Work shall specify the following matters:
  - (1) Purpose of the Ecosystem Maintenance and Restoration Work
  - (2) Areas to implement the Ecosystem Maintenance and Restoration Work
  - (3) Contents of the Ecosystem Maintenance and Restoration Work
  - (4) In addition to the preceding three items, matters necessary for the appropriate and effective implementation of the Ecosystem Maintenance and Restoration Work
4. After formulating the Plan for the Ecosystem Maintenance and Restoration Work, the Minister of the Environment, etc. and the prefectural governor concerned shall announce the outline in the public notice.
5. When attempting to abolish or alter the Plan for the Ecosystem Maintenance and Restoration Work, the Minister of the Environment, etc. shall seek opinions from the Council.
6. The provision of paragraph 4 shall apply mutatis mutandis to the abolishment or the alteration of the Plan for the Ecosystem Maintenance and Restoration Work made by the Minister of the Environment, etc. and the prefectural governor concerned.

(Ecosystem Maintenance and Restoration Work in National Parks)

#### **Article 39**

The State, when deemed necessary for the protection of the places of natural scenic landscape within the National Park concerned, shall execute the Ecosystem Maintenance and Restoration Work according to the Plan for the Ecosystem Maintenance and Restoration Work in the National Park.

2. Local public entities may execute the Ecosystem Maintenance and Restoration Work in accordance with the Plan for the Ecosystem Maintenance and Restoration Work concerned, after receiving confirmation from the Minister of the Environment for the compliance with the Plan for the Ecosystem Maintenance and Restoration Work in the National Park concerned.
3. Those other than the State and public bodies may execute the Ecosystem Maintenance and Restoration Work in the National Park concerned in accordance with the Plan for the Ecosystem Maintenance and Restoration Work concerned, after receiving authorization from the Minister of the Environment for its ability for appropriate and effective implementation of the Work and for the compliance with the Plan for the Ecosystem Maintenance and Restoration Work in the National Park concerned.
4. Those who seek the consent of paragraph 2 or seek the authorization of the preceding paragraph shall submit the written application with the description of the following

matters to the Minister of the Environment in accordance with the Ordinance of the Ministry of the Environment.

- (1) Name and address, including the name of the representative of corporation
  - (2) Areas to execute the Ecosystem Maintenance and Restoration Work
  - (3) Contents of the Ecosystem Maintenance and Restoration Work
  - (4) Matters listed in the preceding items and other matters prescribed in the Ordinance of the Ministry of the Environment
5. The written application prescribed in the preceding paragraph shall be submitted together with the drawing which shows the areas to be covered by the Ecosystem Maintenance and Restoration Work and other documents required by the Ordinance of the Ministry of the Environment.
6. As for those who have obtained the confirmation of paragraph 2 or the authorization of paragraph 3, when attempting to alter the matters listed in the items of paragraph 4, the public bodies shall receive confirmation from the Minister of the Environment and those other than the State and the public bodies shall obtain authorization from the Minister of the Environment, however, this shall not apply to the minor changes prescribed in the Ordinance of the Ministry of the Environment.
7. Those who seek the confirmation or the authorization of the preceding paragraph shall submit the written application with the description of the matters pertaining to the changes to the Minister of the Environment in accordance with the Ordinance of the Ministry of the Environment.
8. The provision of paragraph 5 shall be applied *mutatis mutandis* to the written application of the preceding paragraph.
9. One who has obtained the confirmation of paragraph 2 or the authorization of paragraph 3, when the one has made a minor change(s) in the proviso of paragraph 6 prescribed in the Ordinance of the Minister of the Environment, shall notify the Minister of the Environment of the fact without delay.

(Rescission of Authorization)

#### **Article 40**

When one who has obtained the authorization of paragraph 3 of the preceding paragraph falls under any of the following items, the Minister of the Environment may rescind the authorization of the same paragraph.

- (1) When it is deemed that the authorized person does not execute the Ecosystem Maintenance and Restoration Work in accordance with the Plan for the Work.
- (2) When it is deemed that the authorized person is no longer able to execute the Ecosystem Maintenance and Restoration Work in appropriate and effective manners.
- (3) When the authorized person has violated the provision of paragraph 6 or 9 of the preceding article.
- (4) When the authorized person fails to make reports pursuant to the provision of

Article 42 or has made false reports.

- (5) When the authorized person has obtained the authorization of paragraph 3 or 6 of the preceding article by deception or other wrongful means.

(Ecosystem Maintenance and Restoration Work in Quasi-national Parks)

**Article 41**

The prefectures, when deemed necessary for the protection of natural landscape within the Quasi-national Park concerned, shall execute the Ecosystem Maintenance and Restoration Work according to the Plan for the Ecosystem Maintenance and Restoration Work in the Quasi-national Park.

2. Local public entities other than the State and prefectures may execute the Ecosystem Maintenance and Restoration Work in accordance with the Plan for the Ecosystem Maintenance and Restoration Work concerned, after receiving confirmation from the prefectural governor concerned for the compliance with the Plan for the Ecosystem Maintenance and Restoration Work in the Quasi-national Park concerned.
3. Those other than the State and local public entities may execute the Ecosystem Maintenance and Restoration Work in the National Park concerned in accordance with the Plan for the Ecosystem Maintenance and Restoration Work concerned, after receiving authorization from the prefectural governor concerned for its ability for appropriate and effective implementation of the Work and for the compliance with the Plan for the Ecosystem Maintenance and Restoration Work in the Quasi-national Park concerned.
4. Provision of paragraph 4 and 5 of Article 39 shall apply mutatis mutandis to the confirmation of paragraph 2 and authorization of the preceding paragraph. Provisions prescribed from paragraphs 6 to 9 of the same article shall apply mutatis mutandis to those who have obtained the confirmation of paragraph 2. Provisions prescribed from paragraphs 6 to 9 of the same article and of the preceding article shall apply mutatis mutandis to those who have obtained the authorization of the preceding paragraph. In this case, the term “the Ministry of the Environment” in these provisions shall be deemed to be replaced with “the prefectural governor concerned”, and “National Park” in paragraph 1 of the preceding article shall be replaced with “Quasi-national Park”.

(Collection of Reports)

**Article 42**

The Minister of the Environment may ask the authorized person in paragraph 3 of Article 39, and the prefectural governor concerned may ask the authorized person in paragraph 3 of the preceding article, to report on the situation of the execution of the Ecosystem Maintenance and Restoration Work concerned and on other necessary matters.

## Section 6 Scenic Landscape Preservation Agreement

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

### Article 43

The Minister of the Environment or local public bodies or the Park Management Organization that is designated under paragraph 1 of Article 49 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 concluding an agreement providing for the following matters (hereinafter referred to as the "Scenic Landscape Preservation Agreement") with the owner of land or trees and bamboos (hereinafter referred to as 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 (hereinafter referred to as 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 shall comply with the standards prescribed by the Ordinance of the Ministry of the Environment.
  4. When a local public entity intends to conclude the Scenic Landscape Preservation Agreement, it shall previously consult with the Minister of the Environment in the case of the National Park or the prefectural governor concerned in the case of the Quasi-national Park, and obtain consent therefrom; provided, however, this shall not

be applied to the case 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 conclude 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 prefectural governor concerned in the case of the Quasi-national Park.

(Public Inspection of Scenic Landscape Preservation Agreement, etc.)

#### **Article 44**

Upon attempting to conclude 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 prefectural governor concerned, shall publicly announce to that effect as prescribed in the Ordinance of the Ministry of the environment and make the Scenic Landscape Preservation Agreement concerned available 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 entity, or the prefectural governor concerned by the date of expiration of the inspection period under the same paragraph.

(Approval of Scenic Landscape Preservation Agreement)

#### **Article 45**

The Minister of the Environment or the prefectural governor concerned shall grant the approval of the Scenic Landscape Preservation Agreement when the application made for the Agreement concerned under paragraph 5 of Article 43 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 43.

(Public Notice for the Scenic Landscape Preservation Agreement, etc.)

#### **Article 46**

In the event of conclusion of the Scenic Landscape Preservation Agreement or approval under the preceding article, the Minister of the Environment, the local public entity, or the prefectural governor concerned, as prescribed by the Ordinance of the Ministry of the environment, shall publicly announce such event, make a copy of the Scenic Landscape Preservation Agreement concerned available for public inspection, and explicitly indicate the Scenic Landscape Preservation Area within its boundary.

(Alteration to Scenic Landscape Preservation Agreement)

**Article 47**

The provisions of paragraphs 2 to 5 of Article 43 and preceding three articles shall be applied mutatis mutandis to alterations to the matters prescribed in the Scenic Landscape Preservation Agreement.

(Effect of Scenic Landscape Preservation Agreement)

**Article 48**

The Scenic Landscape Preservation Agreement that has been publicly announced under Article 46 (including case of corresponding application 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 7 Park Management Organization**

(Designation)

**Article 49**

The Minister of the Environment, in regard to the National Park and the prefectural governor concerned, in regard to the Quasi-national Park, respectively, may designate, as the Park Management Organization, a general incorporated association or a general incorporated foundation established for protection and proper use of the place of natural scenic landscape within the National or Quasi-national Park, or a nonprofit organization under paragraph 2 of Article 2 of the Act to Promote Specified Nonprofit Activities (Act No. 7 of 1998), or other legal entity prescribed in the Ordinance of the Ministry of the environment, 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 prefectural governor concerned shall announce the name and address of the Park Management Organization concerned and location of its offices in the official gazette or prefectural bulletin, 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 prefectural governor 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 prefectural governor concerned shall announce the matters concerning the notification in the official gazette or prefectural bulletin, respectively.

(Operations)

**Article 50**

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 operations listed in the preceding items.

(Cooperation)

#### **Article 51**

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 entity concerned.

(Order for Improvement)

#### **Article 52**

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

(Cancellation of Designation, etc.)

#### **Article 53**

If the Park Management Organization violates the order under the preceding article, the Minister of the Environment or the prefectural governor 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 prefectural governor concerned shall announce the event in the official gazette or prefectural bulletin, respectively.

(Presentation of Information, etc.)

#### **Article 54**

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



## **Section 8** Expenses

(Expenses Necessary for Execution of Park Work)

### **Article 55**

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 56**

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 57**

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 entity, 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 entity in accordance with the provision of the preceding article, the State shall seek the opinion of the local public entity concerned.

(Charge to Beneficiary)

### **Article 58**

The State or the local public body, in case that there is anyone who receives significant 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/she receives.

(Charge to Causes)

### **Article 59**

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 60**

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 61**

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

**Section 9** Miscellaneous Provisions

(On-the-spot Survey)

**Article 62**

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 prefectural governor 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 organizations 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, fall or remove the trees and bamboos, or hedges or fences, etc. which pose an impediment; provided however, that, in case that any provision concerning the on-the-spot survey is found in the Road Act or other Acts, its provision shall be preferentially obeyed.

2. The State organizations or the prefectural governor concerned, when they intend to have their competent personnel perform the activities in accordance with the provision of the preceding paragraph, shall previously notify the fact to the owner (when the address of the owner is unknown, the occupant thereof; hereinafter the same shall be applied in this article) 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 to the parties concerned.
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 due cause.

(Arbitration of Environmental Dispute Coordination Committee)

#### **Article 63**

One who has been dealt with the measure by the Minister of the Environment or the prefectural governor under the provision of paragraph 3 of Article 20, paragraph 3 of Article 21, paragraph 3 of Article 22, or paragraph 2 of Article 33 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 may not make complaint in accordance with the Administration Complaint Examination Act (Act No. 160 of 1962).

2. Article 18 of the Administration Complaint Examination Act shall apply mutatis mutandis to the case when the disposition authority instructs erroneously that the person can claim re-examination or complaint concerning the disposition of the preceding article.

(Loss Compensation)

#### **Article 64**

The State, in regard to the National Park and the prefectural governor, 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 20, paragraph 3 of Article 21, or paragraph 3 of Article 22, or due to the conditions attached to the permission under Article 32, or due to the disposition under paragraph 2 of Article 33.

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 prefectural governor concerned, in regard to the prefecture.
3. The Minister of the Environment or the prefectural governor concerned, when he/she has received the claim in accordance with the provision of the preceding paragraph, 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 62.
5. The provisions of paragraphs 2 and 3 shall be applied mutatis mutandis to the compensation of the loss under the provision of the preceding paragraph. In this case, the "Minister of the Environment" in paragraphs 2 and 3 shall be replaced with the "competent minister who administers the affairs concerning the spot survey prescribed in paragraph 1 of Article 62".

(Filing an Action)

#### **Article 65**

One who is dissatisfied with the decision under the provision of paragraph 3 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 action within six 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 66**

In case that anyone who does not pay the share to be paid to the State in accordance with the provisions of this Act is found, the Minister of the Environment shall demand him/her to make the payment with the time-limit of its payment by the demand note.

2. In the preceding case, the Minister of the Environment may impose the delinquent charge as provided for by the Ordinance of the Ministry of the Environment; provided, however, that the delinquent charge shall be decided upon within the limits of the amount calculated at the annual rate of 14.5%.
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 delinquent charge provided for by the preceding two paragraphs according to the example of the disposition of delinquent national taxes. In this case, the order of the share and the delinquent charge in the right of statutory lien shall be next to those of the national tax and the local taxes.
4. The delinquent charge shall be prior to the share.

(Consultation)

#### **Article 67**

The Minister of the Environment shall consult with the heads of the interested administrative organizations, 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, Marine Park Area or Regulated Utilization Area, or expansion of the boundary thereof.

2. The prefectural governor concerned shall consult with the heads of the interested administrative organizations, when attempting to carry out the designation of the Special Zone, Special Protection Zone, Marine Park Areas or Regulated Utilization Zone within the Quasi-national Park or expansion of the boundary thereof.
3. The State organizations other than the Minister of the Environment, when they intend to execute the National Park Work in accordance with the provision of paragraph 1 of Article 10, shall consult with the Minister of the Environment.
4. The State organizations, when they intend to execute the Quasi-national Park Work in accordance with the provision of the proviso to paragraph 1 of Article 16, shall consult with the Minister of the Environment.

(Special Cases with State)

#### **Article 68**

As to the activity carried out by the State organizations, the permission in accordance with the provision of paragraph 3 of Article 20, or paragraph 3 of Article 21, paragraph 3 of Article 22, or item 7, paragraph 3 of Article 23 shall not need to be obtained. In this case, the State organization 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 prefectural governor 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 prefectural governor concerned, if the activity concerning the consultation falls under any of the activities prescribed by the Ordinance of the Ministry of the Environment 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 the latter part of paragraph 6 of Article 20, paragraph 7 or 8 of the same article, latter part of paragraph 6 of Article 21, or paragraph 7 of the same article, latter part of paragraph 6 of Article 22, or paragraph 7 of the same article, or paragraph 1 of Article 33, shall notify the Minister of the Environment in the case of the National Park or the prefectural governor 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 prefectural governor, 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 33, may seek consultation with the State organization concerned on the measure to be taken for the protection of the landscapes.

(Delegation of Authority)

#### **Article 69**

The authority of the Minister of the Environment under this Act may be delegated to the Head of the Local Office of Environmental Government pursuant to the Ordinance of the Ministry of the Environment.

(Classification of Affairs)

#### **Article 70**

Affairs to be dealt with by the prefecture concerned under paragraph 3 of Article 5, which is being *mutatis mutandis* applied in paragraphs 1 and 2 of Article 20, paragraph 3 of Article 5, which is being *mutatis mutandis* applied in paragraphs 1 and 2 of Article 21, paragraph 3 of Article 5, which is being *mutatis mutandis* applied in paragraphs 1 and 2 of Article 22, and paragraph 2 of Article 67 (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 Act.

(Relationship with Wilderness Area)

#### **Article 71**

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

### **Chapter III Prefectural Natural Parks**

(Designation)

#### **Article 72**

The Prefectural Natural Parks shall be designated, with specification of their boundaries, by the prefectures pursuant to the Prefectural Ordinance.

(Protection and Utilization)

#### **Article 73**

Prefectures may designate the Special Zone within the boundary of Prefectural Natural Park concerned for the purpose of preserving the scenic beauty of the Park, designate the Regulated Utilization Area within the Special Zone for the purpose of promoting the preservation of the scenic beauty or landscape of the Park concerned and proper use thereof, and establish the necessary regulations by the Prefectural Ordinance on the activities in the Special Zone, Regulated Utilization Area, and the areas in the Prefectural Natural Park concerned other than the Special Zone, within the scope of regulations prescribed in the provision of Section 4 of the preceding chapter concerning the activities in the Special Zone, Regulated Utilization Area and Ordinary Area in the National Parks.

2. Prefectures may, when deemed necessary for the implementation of the Affairs Related to Accreditation for the Prefectural Natural Park concerned, stipulate in the Prefectural Ordinance that the prefectural governor may designate the Designated Approval Institution by following the examples of the provisions from Articles 25 to 31 and cause them to perform the Affairs Related to Accreditation concerned.
3. Prefectures may, for the purpose of developing the facilities in groups for the utilization of the Prefectural Natural Park concerned, designate the Facility Complex Zone within its boundary and issue the Prefectural Ordinance to prohibit the activities in the Special Zone and Facility Complex Zone as provided for the items of paragraph 1 of Article 37 by following the examples of the provision of the same article.

(Scenic Landscape Preservation Agreement)

**Article 74**

Prefectures may, when deemed necessary for preserving the places of natural scenic beauty in the Prefectural Natural Park concerned, stipulate in the Prefectural Ordinance that local public bodies or the Park Management Organization that is designated under the Prefectural Ordinance based on the provision of the following article may conclude the Scenic Landscape Preservation Agreement with the owner of land by following the examples of the provision of Section 6 of the preceding chapter.

(Park Management Organization)

**Article 75**

Prefectures may, when deemed necessary for preserving the places of natural scenic beauty in the Prefectural Natural Park concerned and proper use thereof, stipulate in the Prefectural Ordinance that the prefectural governor may designate the Park Management Organization by following the examples of the provision of Section 7 of the preceding chapter.

(On-the-spot Inspection)

**Article 76**

Prefectures may, when the on-the-spot-survey is deemed necessary for the Prefectural Natural Park concerned, stipulate in the Prefectural Ordinance that the prefectural governor concerned may have their competent personnel enter the lands of others by following the examples of the provision of Article 62, set up land marks or perform other activities prescribed in the provision of paragraph 1 of the same article.

(Loss Compensation)

**Article 77**

Prefectures shall compensate for the loss that may occur under ordinary circumstances to one who suffers the loss due to the disposition under the Prefectural Ordinance based on the paragraph 1 of Article 73 or due to the activities of the competent personnel pursuant to the provision of the Prefectural Ordinance based on the preceding article.

(Arbitration of Environmental Dispute Coordination Committee)

**Article 78**

One who has been dealt with the measure by the prefectural governor under the provision of the Prefectural Ordinance based on the provision of paragraph 1 of Article 73 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. The latter part of paragraph 1 and paragraph 2 of Article 63 shall be applied *mutatis mutandis* to this case.

(Consultation, etc.)

#### **Article 79**

Prefectures shall consult with the heads of the interested state administrative organizations in the region, when attempting to carry out the designation of the Special Zone or Regulated Utilization Area within the Prefectural Natural Park concerned, or expansion of the boundary thereof.

2. The special cases concerning the activities carried out by the State organizations, in the case when the prefecture concerned has established the regulations on the activities within the area of the Prefectural Natural Park concerned under the Prefectural Ordinance based on the paragraph 1 of Article 73, shall follow the examples of the provision of Article 68.

(Report, Advice or Recommendation)

#### **Article 80**

The Minister of the Environment may demand necessary reports on the Prefectural Natural Park from the prefectures.

2. The Minister of the Environment may provide the prefectures with necessary advice or recommendation on administration or technology for the Prefectural Natural Park.

(Relationship with National Parks, etc.)

#### **Article 81**

Areas in the National Parks or the Quasi-national Parks, or the Wilderness Area designated under paragraph 1 of Article 14 of the Nature Conservation Act shall be excluded from the area of the Prefectural Natural Parks.

### **Chapter IV Penal Provisions**

#### **Article 82**

Anyone, who has violated the order under the provision of paragraph 1 of Article 15 (including the case of corresponding application under paragraph 4 of Article 16) or paragraph 1 of Article 34, 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 83**

Anyone, 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 6 of Article 10 (including the case of corresponding application under paragraph 4 of Article 16) and altered the matters listed in the items of paragraph 4 of Article 10 (including the case of corresponding application under paragraph 4 of Article 16) (limited to the one who has obtained the authorization of paragraph 3 of Article 10 or paragraph 3 of Article 16)



- (2) One who has violated the conditions attached to the authorization in accordance with the provision paragraph 10 of Article 10 (including the case of corresponding application under paragraph 4 of Article 16)
- (3) One who has violated the provision of paragraph 3 of Article 20, paragraph 3 of Article 21, paragraph 3 of Article 22, or paragraph 3 of Article 23
- (4) One who has been authorized under paragraph 1 or 7 of Article 24 by falsification or other illegal means
- (5) One who has violated the conditions attached to the permission in accordance with the provision of Article 32

#### **Article 84**

Anyone, who has violated the provision of paragraph 1 of Article 28, shall be punished with a penal servitude of not more than six months or a fine of not more than 500,000 yen.

#### **Article 85**

Anyone, who has violated the order under the provision of Article 11 (including the case of corresponding application under paragraph 4 of Article 16), paragraph 2 of Article 33, or Article 52, shall be punished with a fine of not more than 500,000 yen.

#### **Article 86**

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 failed to report as prescribed in paragraph 1 of Article 17, 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
- (2) One who has been given reissuance of the entry approval certificate under paragraph 5 of Article 24 (including the case of corresponding application under paragraph 8 of the same article) by falsification or other illegal means
- (3) One who has discontinued all the Affairs Related to Accreditation without the permission under paragraph 4 of Article 27
- (4) One who has failed to report as prescribed in paragraph 1 of Article 30, 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
- (5) One who has failed to make the notification under the provision of paragraph 1 of Article 33 or has made false notification
- (6) One who has violated the provision of paragraph 5 of Article 33
- (7) One who has failed to make the reporting under paragraph 1 of Article 35 or has made false reporting.
- (8) One who has denied, prevented or evaded the spot inspection or on-the-spot survey under the provision of paragraph 2 of Article 35

- (9) One who has performed, without permission, the activities mentioned in item 1, paragraph 1 of Article 37 within the Special Zone, Marine Park Area or Facility Complex Zone of the National Park or Quasi-national Park, without due cause
- (10) One who has performed the activities mentioned in item 2, paragraph 1 of Article 37 without obedience to the direction of the competent personnel under the provision of paragraph 2 of the same article within the Special Zone, Marine Park Area or Facility Complex Zone of the National Park or Quasi-national Park, without due cause
- (11) One who has denied or prevented the entry or setting up of land marks or other activities under the provision of paragraph 1 of Article 62, violating the provision of paragraph 5 of the same article, without due cause

#### **Article 87**

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 82, Article 83, Article 85 or the preceding article in connection with the business of the same 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 88**

Anyone (limited to the person who obtained the authorization of paragraph 3 of Article 10 or paragraph 3 of Article 16), who has failed to report or reported falsely in violation of paragraph 9 of Article 10, Article 13, or paragraph 2 of Article 14 (including the case of corresponding application under paragraph 4 of Article 16), shall be punished with a fine of not more than 200,000 yen.

#### **Article 89**

Anyone, who has entered without carrying the entry approval certificate, which violated the provision of paragraph 6 of Article 24 (including the case of corresponding application under paragraph 8 of the same article), shall be punished with a fine of not more than 100,000 yen.

#### **Article 90**

Prefectural ordinance based upon the provision of Article 73, Article 75 or Article 76 may include the provision laid down for the punishments or non-penal fines inflicted on the actual offender, respectively within the limits of not exceeding the extents of the punishments prescribed in Articles 82 to 87 and the preceding article, according to the modes of the same offences.

## **Extract from the Supplementary Provisions**

(Date of Enforcement)

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

(Abolition of the National Parks Act)

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

(Transitional Provisions)

3. Upon the enforcement of this Act, the National Parks that have been already designated under Article 1 of National Parks Act or the areas of Quasi-national Parks that have been already designated under paragraph 1 of Article 11 of the same Act shall be deemed as the National Parks and Quasi-national Parks respectively in this Act and the areas thereof shall be also deemed as those of the National Parks and Quasi-national Parks of this Act.
4. Upon the enforcement of this Act, the National Park Plans, the Park Plans concerning the areas of Quasi-national Parks, or the National Park Plans that have been already decided under the National Parks Act shall be deemed as the National or Quasi-national Park Plan or the National Park Work that is decided based on this Act.
5. Upon the enforcement of this Act, the Special Zones that have been already designated under paragraph 1 of Article 8 of the National Parks Act or the Special Protection Zones that have been already designated under paragraph 1 of Article 8-2 of the same Act shall be deemed respectively as the Special Zone or the Special Protection Zone within the National Park designated based on this Act.
6. Permission, authorization, application and other activities under the provision of the National Parks Act or order thereof that have been made before the enforcement of this Act, when there are provisions in this Act or the order hereof equivalent to those, shall be deemed as being made in accordance with the equivalent provisions in this Act or order hereof.
7. The activities that required no permission, disposition, or notification under the provision of the National Parks Act or order thereof and that require permission, disposition, or notification under this Act or order hereof, or the activities that required notification only under the provision of the National Parks Act or order thereof and that require permission or other measures under this Act or order hereof, when such activities have been already commenced upon the enforcement of this Act, shall not require any disposition or procedure under the provision of this Act or order hereof or it would be sufficient to make a notification under the provisions then in force.
8. With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(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 56, 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 56 with respect to the funds to be used as expense for the matters mentioned in item 2, paragraph 1 of Article 2 of the Act concerning Special Measures for Promoting Improvement of Social Infrastructure Using Proceeds from Sales of the Stock of Nippon Telegraph and Telephone Corporation (Act 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 reimbursement such as the reimbursement 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 56. 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 (Act No. 47 dated June 3, 2009)**

(Date of Enforcement)

#### **Article 1**

This Act shall come into force on the date prescribed by the Cabinet Order not exceeding one year from the date of promulgation; provided, however, that the provisions prescribed in the following items shall come into force on the date prescribed by each item concerned.

(1) Provision of Article 8 of Supplementary Provisions: The day of promulgation

(Transitional Measures for the Partial Revision in the Natural Park Act)

#### **Article 2**

As for the Natural Park Act after revision under the provision of Article 1 (hereinafter referred to as the “New Natural Park Act”), the provision of Article 15 (including the case of corresponding application under paragraph 4 of Article 16 of the New Natural Park Act) shall be applied to any person who discontinued the National Park Work or the Quasi-national Park Work pertaining to the authorization of paragraph 3 of Article 10 or paragraph 3 of Article 16 of the New Natural Park Act, the person whose authorization concerned has been lapsed, and the person whose authorization has been cancelled, after the day of enforcement of this Act.

#### **Article 3**

The Marine Park Areas that have been already designated under paragraph 1 of Article 24 of the Natural Park Act before the revision (referred to as the “Former Natural Park Act” in the following article) prescribed in the provision of Article 1 upon the enforcement of this Act shall be deemed as the Marine Park Areas designated under paragraph 1 of Article 22 of the New Natural Park Act.

#### **Article 4**

The provisions then in force shall remain applicable to the notification to the effect that anyone who has already come under the provision of paragraph 6 or 7 of Article 24 of the Former Natural Park Act upon the enforcement of this Act and who has not submitted the application under paragraph 6 or 7 of the same article, commenced the activities or performed the activities.

(Transitional Measures for the Penal Provisions)

#### **Article 7**

The provisions then in force shall remain applicable to the application of penal provisions for the activities that have been already carried out before the enforcement of this Act.

(Delegation to the Cabinet Order)

#### **Article 8**

In addition to the matters prescribed in the provisions of Articles 2 to the preceding article in the Supplementary Provisions, the transitional measures necessary for the enforcement of this Act shall be stipulated by the Cabinet Order.

(Examination)

#### **Article 9**

The Government, when five years have passed since the enforcement of this Act, shall consider the state of enforcement of the New Natural Park Act and the New Nature Conservation Act, and when considered necessary, shall examine the provisions of the New Natural Park Act and the New Nature Conservation Act, and take necessary measures based on results of such examination.