

## Appendix 3

\*These documents are tentative translations for the appendices of the nomination of the property.

### **Legal instruments of protection applying to the nominated property**

- 3-1: Natural Parks Act (Excerpt)
- 3-2: Law on the Administration and Management of National Forests (Extract)
- 3-3: National Forests Administration and Management Bylaw (Extract)
- 3-4: Guidelines for Establishment and Administration of Protected Forests
- 3-5: Wildlife Protection, Control and Hunting Management Act (Excerpt)
- 3-6: Act on Conservation of Endangered Species of Wild Fauna and Flora (Excerpt)
- 3-7: Act on the Prevention of Adverse Ecological Impacts Caused by Specified Invasive Alien Species (Excerpt)
- 3-8: Law for the Protection of Cultural Property (Extract)
- 3-9: The Ordinance to Protect Endangered Wild Fauna and Flora of Kagoshima Prefecture
- 3-10: Amami-Oshima Island and Tokunoshima Island Municipal Ordinances to Protect Endangered Species of Wild Fauna and Flora
- 3-11: Pet Cat Ordinances in Amami-Oshima Island, Tokunoshima Island, Yambaru, and Iriomote Island



# **3-1 Natural Parks Act**

## **(Excerpt)**

(Act No. 161 of June 1, 1957)

Last amended by Act No. 69 of June 13, 2014

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## **Chapter I General Provisions**

### **(Purpose)**

#### **Article 1**

The purpose of this Act is to contribute to the health, recreation and enlightenment of citizens and to contribute to the conservation of biological diversity by protecting excellent natural scenic areas and promoting the utilization of those areas.

### **(Definitions)**

#### **Article 2**

In this Act, the meanings of the terms listed in the following items are as prescribed respectively in those items.

- (i) “Natural Parks” means National Parks, Quasi-National Parks, and Prefectural Natural Parks.
- (ii) “National Park” means an outstanding natural scenic area (including a marine landscape area; the same applies hereinafter except for Section 6 of the following Chapter and Article 74) that is prominent enough to represent the scenery of Japan and that is designated by the Minister of the Environment pursuant to the provisions of Article 5, paragraph (1).
- (iii) “Quasi-National Park” means an excellent natural scenic area that is equivalent to a National Park and is designated by the Minister of the Environment pursuant to the provisions of Article 5, paragraph (2).
- (iv) “Prefectural Natural Park” means an excellent natural scenic area designated by a prefecture pursuant to the provisions of Article 72.
- (v) “Park Plan” means a plan concerning a regulation or project for the protection or utilization of a National Park or Quasi-National Park.
- (vi) “Park Facility Project” means a project implemented based on a Park Plan concerning the facilities, specified by a Cabinet Order, for the protection or utilization of a National Park or a Quasi-National Park.
- (vii) “Ecosystem Maintenance and Recovery Program” means a project implemented based on a Park Plan for the maintenance or recovery of an ecosystem in a National Park or a Quasi-National Park.

### **(Responsibility of the State, etc.)**

#### **Article 3**

- (1) In accordance with the basic principles of environmental conservation prescribed in Articles 3 through 5 of the Basic Environment Act (Act No. 91 of 1993), the State, local

public entities, business operators, and users of Natural Parks shall each make efforts in their respective positions to protect excellent natural scenic areas and promote the proper use of those areas.

- (2) In light of the fact that the protection of fauna and flora living or growing in Natural Parks is significant for protecting the scenery of Natural Parks, the State and local public entities shall take measures to protect the scenery of Natural Parks with the aim of ensuring ecosystem diversity and other biological diversity in Natural Parks.

**(Respect for Property Rights and Accommodating Other Public Interests)**

**Article 4**

In the application of this Act, in addition to the provisions governed by Article 3 of the Nature Conservation Act (Act No. 85 of 1972), the ownership, mining rights and other property rights of relevant persons must be respected and national land development and other public interests must also be taken into consideration.

**Chapter II National Parks and Quasi-National Parks**

**Section 1 Designations**

**(Designation)**

**Article 5**

- (1) National Parks are to be designated by the Minister of the Environment by specifying their boundaries after hearing the opinions of the prefectures concerned and the Central Environment Council (hereinafter referred to as the “Council”).
- (2) Quasi-National Parks are to be designated by the Minister of the Environment, based on a request by the prefectures concerned, by specifying their boundaries after hearing the opinion of the Council.
- (3) If the Minister of the Environment designates a National Park or Quasi-National Park, he/she shall give public notice in the official gazette of that designation and the boundaries of that National Park or Quasi-National Park.
- (4) The designation of a National Park or Quasi-National Park will take effect upon public notice under the preceding paragraph.

**(Withdrawal of Designation and Changes to Boundaries)**

**Article 6**

- (1) If the Minister of the Environment intends to withdraw the designation or change the boundaries of a National Park, he/she shall hear the opinions of the prefectures concerned and the Council.
- (2) If the Minister of the Environment intends to withdraw the designation or change the boundaries of a Quasi-National Park, he/she shall hear the opinions of the prefectures concerned and the Council; provided, however, that the expansion of the boundaries of a Quasi-National Park must be based on a request by the prefectures concerned.
- (3) The provisions of paragraphs (3) and (4) of the preceding Article apply *mutatis mutandis* to the withdrawal of the designation and the change to the boundaries of a National Park or Quasi-National Park.

## **Section 2 Park Plans**

### **(Establishment of Park Plans)**

#### **Article 7**

- (1) Park Plans concerning National Parks are to be established by the Minister of the Environment after hearing the opinions of the prefectures concerned and the Council.
- (2) Park Plans concerning Quasi-National Parks are to be established by the Minister of the Environment based on a request by the prefectures concerned after hearing the opinion of the Council.
- (3) If the Minister of the Environment establishes a Park Plan, he/she shall give public notice of an outline of that Park Plan in the official gazette and make that Park Plan available for public inspection.

### **(Abolishment of and Changes to Park Plans)**

#### **Article 8**

- (1) If the Minister of the Environment intends to abolish or change a Park Plan concerning a National Park, he/she shall hear the opinions of the prefectures concerned and the Council.
- (2) If the Minister of the Environment intends to abolish or change a Park Plan concerning a Quasi-National Park, he/she shall hear the opinions of the prefectures concerned and the Council; provided, however, that any addition to a Park Plan must be based on a request by the relevant prefecture.
- (3) The provisions of paragraph (3) of the preceding Article apply *mutatis mutandis* to an abolishment of or change to a Park Plan by the Minister of the Environment.

## **Section 3 Park Facility Projects**

## **(Establishment of Park Facility Projects)**

### **Article 9**

- (1) Park Facility Projects concerning National Parks (hereinafter referred to as “National Park Facility Project”) are to be established by the Minister of the Environment after hearing the opinion of the Council.
- (2) Park Facility Projects concerning Quasi-National Parks (hereinafter referred to as “Quasi-National Park Facility Project”) are to be established by a prefectural governor.
- (3) If the Minister of the Environment establishes a National Park Facility Project, he/she shall give public notice of an outline of that project.
- (4) If a prefectural governor establishes a Quasi-National Park Facility Project, he/she shall give public notice of an outline that project.
- (5) The provisions of paragraphs (1) and (3) apply *mutatis mutandis* to any discontinuance of or change to a National Park Facility Project by the Minister of the Environment, and the provisions of the preceding paragraph apply *mutatis mutandis* to any discontinuance of or change to a Quasi-National Park Facility Project by a prefectural governor.

## **(Implementation of National Park Facility Projects)**

### **Article 10**

- (1) National Park Facility Projects are to be implemented by the State.
- (2) A local public entity or another public entity specified by a Cabinet Order (hereinafter referred to as “Public Entity”) may, after consulting with the Minister of the Environment, implement part of a National Park Facility Project as provided by an Ordinance of the Ministry of the Environment.
- (3) A person other than the State or a Public Entity may implement part of a National Park Facility Project as provided by an Ordinance of the Ministry of the Environment after obtaining accreditation from the Minister of the Environment.
- (4) A person seeking consultation under paragraph (2) or a person seeking accreditation under the preceding paragraph shall submit a written request for consultation or a written application with a description of the following matters to the Minister of the Environment as provided by an Ordinance of the Ministry of the Environment.
  - (i) Name and address, and in the case of a juridical person, the name of the representative person of that juridical person
  - (ii) Type of facilities specified by a Cabinet Order stipulated in Article 2, paragraph (6) (hereinafter referred to as “Park Facilities” in this Article)
  - (iii) Location of the Park Facilities
  - (iv) Size of the Park Facilities
  - (v) Method of managing or operating the Park Facilities

- (vi) In addition to the preceding items, any matter specified by an Ordinance of the Ministry of the Environment
- (5) A written request for consultation or written application under the preceding paragraph must be submitted together with a drawing showing the location of the Park Facilities and other documents specified by an Ordinance of the Ministry of the Environment.
- (6) If a person that has consulted under paragraph (2) or obtained accreditation under paragraph (3) (hereinafter referred to as a “National Park Facility Project Operator”) intends to change any matter listed in the items of paragraph (4), the person shall consult with the Minister of the Environment if it is a Public Entity, and that person shall obtain accreditation from the Minister of the Environment if it is a person other than the State or a Public Entity; provided, however, that this does not apply to minor changes specified by an Ordinance of the Ministry of the Environment.
- (7) A person seeking consultation or accreditation under the preceding paragraph shall submit the written request for consultation or a written application with a description of the matters pertaining to that change to the Minister of the Environment as provided by an Ordinance of the Ministry of the Environment.
- (8) The provisions of paragraph (5) apply *mutatis mutandis* to any written request for consultation or written application under the preceding paragraph.
- (9) If a National Park Facility Project Operator makes a minor change specified by an Ordinance of the Ministry of the Environment under the proviso of paragraph (6), that operator shall notify the Minister of the Environment of that change without delay.
- (10) Conditions may be attached to an accreditation under paragraph (3) or (6) to the extent required for the protection or utilization of a National Park.

**(Orders for Improvement)**

**Article 11**

If the Minister of the Environment considers it necessary to ensure the proper implementation of a National Park Facility Project, he/she may issue an order to a person who has obtained accreditation under paragraph (3) of the preceding Article to implement necessary measures to improve the facilities pertaining to that National Park Facility Project or to otherwise improve the implementation of that National Park Facility Project.

**(Succession)**

**Article 12**

- (1) If a juridical person that is a National Park Facility Project Operator has effected a merger (except when that juridical person that is a National Park Facility Project Operator merges with a juridical person that is not a National Park Facility Project Operator and the former



is the surviving juridical person) or a split (limited to where the entire National Park Facility Project is to be succeeded) and if the surviving juridical person after the merger, the juridical person established in the merger, or the juridical person to succeed to the entire National Park Facility Project after the split (hereinafter referred to as “Merging Juridical Person, Etc.” in this paragraph) is a Public Entity, and that Merging Juridical Person, Etc. has consulted with the Minister of the Environment, or if the Merging Juridical Person, Etc. is a juridical person other than the State or a Public Entity and that Merging Juridical Person, Etc. has obtained approval from the Minister of the Environment, that Merging Juridical Person, Etc. will succeed to the position of that National Park Facility Project Operator.

- (2) If a National Park Facility Project Operator dies and his/her heir (if there are two heirs or more and if the heirs have selected the heir to succeed to the National Park Facility Project by the unanimous consent of the heirs, he/she will mean that heir, hereinafter the same applies in this Article) intends to continue that National Park Facility Project, that heir shall submit an application to the Minister of the Environment and obtain that approval within 60 days from the death of the decedent.
- (3) If an heir has applied for approval under the preceding paragraph, the approval under Article 10, paragraph (3) provided to the decedent will be deemed to have been provided to that heir from the date of the death of the decedent until that heir receives notice of whether he/she will receive that approval.
- (4) An heir who has obtained approval under paragraph (2) shall succeed to the position of National Park Facility Project Operator pertaining to the decedent.

#### **(Suspension or Discontinuance of National Park Facility Projects)**

##### **Article 13**

If a National Park Facility Project Operator intends to suspend or discontinue a National Park Facility Project in whole or in part, it shall notify the Minister of the Environment to that effect in advance as provided by an Ordinance of the Ministry of the Environment.

#### **(Loss of Effect and Revocation of Accreditation)**

##### **Article 14**

- (1) If a project to be implemented as a National Park Facility Project requires the permission, accreditation, or other measure by an administrative agency pursuant to the provisions of any other law or regulation and that measure is revoked or otherwise ceases to be effective, the accreditation under Article 10, paragraph (3) pertaining to that project will cease to be effective.

- (2) If an authorization under Article 10, paragraph (3) ceases to be effective pursuant to the provisions of the preceding paragraph, the person with respect to which that accreditation has ceased to be effective shall notify the Minister of the Environment to that effect within 30 days from the date on which that accreditation ceases to be effective.
- (3) If a person that has obtained accreditation under Article 10, paragraph (3) falls under any of the following items, the Minister of the Environment may revoke the authorization under that paragraph.
  - (i) If that person violates the provisions of Article 10, paragraph (6) or (9) or the provisions of the preceding Article
  - (ii) If that person violates a condition attached to an accreditation under Article 10, paragraph (3) or (6) pursuant to the provisions of paragraph (10) of that Article
  - (iii) If that person violates an order pursuant to the provisions of Article 11
  - (iv) If that person obtains accreditation under Article 10, paragraph (3) or (6) by deception or other wrongful means

**(Restoration Orders, etc.)**

**Article 15**

- (1) If a person that has obtained accreditation under Article 10, paragraph (3) discontinues that National Park Facility Project, or if accreditation under that paragraph ceases to be effective or is revoked, the Minister of the Environment may, if it is considered necessary for the protection of the National Park, order the person that discontinued that project or the person with respect to which that accreditation has ceased to be effective or been revoked to restore that National Park to its original state or take necessary alternative measures within a reasonable period to the extent necessary for that protection.
- (2) If the Minister of the Environment intends to give a restoration order or take necessary alternative measures pursuant to the provisions of the preceding paragraph (hereinafter referred to as “Restoration, Etc.” in this Article) and it is impossible to ascertain without fault the person to which that order of Restoration, Etc. is to be made, the Minister of the Environment may carry out that Restoration, Etc. or have a person ordered or delegated by the Minister of the Environment carry out that Restoration, Etc. at the expense of the person to which that order of Restoration, Etc. is to be made. In this case, the Minister of the Environment shall give public notice in advance that the that Restoration, Etc. will be carried out within a reasonable period and that the Minister of the Environment or a person ordered or delegated by the Minister of the Environment will carry out that Restoration, Etc. if that Restoration, Etc. is not carried out within that period.
- (3) A person that intends to carry out Restoration, Etc. pursuant to the provisions of the preceding paragraph shall carry an identification card and present that to relevant persons.

## **(Implementation of Quasi-National Park Facility Projects)**

### **Article 16**

- (1) Quasi-National Park Facility Projects are to be implemented by prefectures; provided, however, that the State is not precluded from implementing projects pertaining to roads or any other projects in accordance with the Road Act (Act No. 180 of 1952) or any other law.
- (2) A Public Entity other than a prefecture may implement part of a Quasi-National Park Facility Project after consulting with the prefectural governor as provided by an Ordinance of the Ministry of the Environment.
- (3) A person other than the State or a Public Entity may implement part of a Quasi-National Park Facility Project after obtaining accreditation from the prefectural governor as provided by an Ordinance of the Ministry of the Environment.
- (4) The provisions of Article 10, paragraph (4) and (5) apply *mutatis mutandis* to consultation under paragraph (2) and accreditation under the preceding paragraph. The provisions of Article 10, paragraphs (6) to (9), Article 12, paragraph (1), and Article 13 apply *mutatis mutandis* to persons that have carried out consultation under paragraph (2). The provisions of Article 10, paragraphs (6) to (10), Articles 11 to 13, Article 14, paragraph (3), and the preceding Article apply *mutatis mutandis* to persons that have obtained accreditation under the preceding paragraph. The provisions of Article 14, paragraphs (1) and (2) apply *mutatis mutandis* to accreditation under the preceding paragraph. In this case, the phrase “the Ministry of the Environment” in those provisions is deemed to be replaced with “a prefectural governor,” the phrase “National Park” in Article 10, paragraph (10) is deemed to be replaced with “Quasi-National Park,” the phrase “National Park Facility Project” in Article 11, Article 14, paragraph (1), and paragraph (1) of the preceding Article is deemed to be replaced with “Quasi-National Park Facility Project,” the phrase “that National Park Facility Project” in Article 12, paragraphs (1) and (2) is deemed to be replaced with “that Quasi-National Park Facility Project,” the phrase “Public Entity” in paragraph (1) of that Article is deemed to be replaced with “Public Entity other than a prefecture,” the phrase “of the National Park Facility Project” in Article 13 is deemed to be replaced with “of the Quasi-National Park Facility Project,” and the phrase “of the National Park” in paragraph (1) of the preceding Article is deemed to be replaced with “of the Quasi-National Park.”

## **(Collection of Reports and On-Site Inspections)**

### **Article 17**

- (1) The Minister of the Environment may ask a person that has obtained accreditation under Article 10, paragraph (3) and a prefectural governor may ask a person that has obtained accreditation under paragraph (3) of the preceding Article, to the extent required for

enforcement of the provisions of this section, to report on the status of the implementation of that National Park Facility Project or Quasi-National Park Facility Project and other necessary matters, or cause an official of that ministry or prefecture to enter the facilities pertaining to that National Park Facility Project or Quasi-National Park Facility Project and inspect equipment, books, documents, and other items or question relevant persons.

- (2) An official who carries out an on-site inspection pursuant to the provisions of the preceding paragraph shall carry an identification card and present that to relevant persons.
- (3) The authority under the provisions of paragraph (1) must not be construed as extending to criminal investigations.

#### **(Delegation to a Cabinet Order)**

##### **Article 18**

In addition to the provisions in this Section, necessary matters concerning the implementation of Park Facility Projects are to be specified by a Cabinet Order.

#### **(Maintenance of Cleanliness)**

##### **Article 19**

The State and local public entities shall, when it is considered necessary, maintain the cleanliness of roads, open spaces for public uses, camping grounds, ski slopes, swimming areas, and other public use sites in National Parks or Quasi-National Parks in cooperation with the managers of those public use sites.

### **Section 4 Protection and Utilization**

#### **(Special Zones)**

##### **Article 20**

- (1) The Minister of the Environment may, in regard to a National Park, and prefectural governors may, in regard to Quasi-National Parks, designate special zones within the boundaries of those parks (excluding marine areas) based on Park Plans for the purpose of maintaining the scenic beauty of those parks.
- (2) The provisions of Article 5, paragraphs (3) and (4) apply *mutatis mutandis* to the designation of special zones, the withdrawal of designations of special zones, and changes to the boundaries of special zones. In this case, the phrase “the Minister of the Environment” in Article 5, paragraph (3) is deemed to be replaced with “the Minister of the Environment or a prefectural governor” and the phrase “official gazette” in that paragraph is deemed to be replaced with “in the official gazette or a prefectural bulletin, respectively.”

- (3) The acts listed in the following items must not be carried out within a special zone (with the exception of a special protection zone; hereinafter the same applies in this Article) without the permission of the Minister of the Environment in the case of a National Park or the permission of a prefectural governor in the case of a Quasi-National Park; provided, however, that this provision does not apply to acts to be carried out as emergency measures necessitated by an extraordinary disaster and acts set out in item (iii) to be implemented for the maintenance and conservation of forests.
- (i) Constructing, reconstructing, or extending structures
  - (ii) Felling trees or bamboo
  - (iii) Damaging trees or bamboo within a zone designated by the Minister of the Environment
  - (iv) Mining minerals or quarrying soil and stones
  - (v) Raising or lowering the water level or water volume of a river, lake, pond, etc.
  - (vi) Discharging sewage or waste water into a lake, pond, or wetland designated by the Minister of the Environment or a water area or waterway that flows into such a lake, pond, or wetland and that is within one kilometer of such a designated lake, pond, or wetland by installing a drainage facility
  - (vii) Installing or setting up advertisements or other similar items, or displaying advertisements or other similar items on structures, etc.
  - (viii) Accumulating or storing soil and stones or other materials designated by the Minister of the Environment outdoors
  - (iv) Reclaiming land from a water area by landfill or drainage
  - (x) Cultivating land or otherwise changing the shape of land
  - (xi) Collecting or damaging alpine plants or other plants designated by the Minister of the Environment
  - (xii) Planting or sowing of seeds within a zone designated by the Minister of the Environment of plants that are not indigenous to that zone or plants designated by the Minister of the Environment as those with a potential risk to the conservation of the scenic beauty of that zone
  - (xiii) Capturing, killing, or wounding an animal that lives in the mountains or another animal designated by the Minister of the Environment, or collecting or damaging the eggs of such an animal
  - (xiv) Releasing within a zone designated by the Minister of the Environment an animal that is not indigenous to that zone or an animal designated by the Minister of the Environment as that with a potential risk to the conservation of the scenic beauty of that zone (if that designated animal is livestock, including the grazing of that livestock)

- (xv) Altering the color of a roof, wall surface, fence or wall, bridge, steel tower, water-pipe, or similar item
  - (xvi) Entering into wetlands or similar areas designated by the Minister of the Environment during the period designated for each such area
  - (xvii) Using a horse, vehicle or motorboat, or landing an aircraft in an area other than an area designated by the Minister of the Environment other than on a road, open space for public use, rice field, pasture, or residential land
  - (xviii) Any act other than those listed in the preceding items that might affect the maintenance of the scenic beauty of a special zone and is specified by a Cabinet Order
- (4) The Minister of the Environment or a prefectural governor shall not grant permission under the preceding paragraph if any activity listed in the items of the preceding paragraph fails to conform to the standards specified by an Ordinance of the Ministry of the Environment.
- (5) If a prefectural governor intends to grant permission under paragraph (3) for a Quasi-National Park and an act pertaining to that permission constitutes an activity prescribed in an Ordinance of the Ministry of the Environment in view of its impact on the scenic beauty of that Quasi-National Park or other circumstances, he/she shall consult with the Minister of the Environment.
- (6) A person that has already started an act listed in any item of paragraph (3) at the time that act becomes restricted may continue to conduct that act notwithstanding the provisions of that paragraph. In this case, that person shall give notice to that effect to the Minister of the Environment in the case of a National Park or the relevant prefectural governor in the case of a Quasi-National Park within three months from the day of the start of that restriction.
- (7) A person that has conducted an act listed in any item of paragraph (3) within a special zone as a necessary emergency measure for an extraordinary disaster shall give notice to that effect to the Minister of the Environment in the case of a National Park or the relevant prefectural governor in the case of a Quasi-National Park within 14 days from the day on which it conducted that act.
- (8) A person that intends to plant trees or bamboo or to graze livestock (excluding acts that fall under item (xii) or (xiv) of paragraph (3)) within a special zone shall give advance notice to that effect to the Minister of the Environment in the case of a National Park or the relevant prefectural governor in the case of a Quasi-National Park.
- (9) The provisions of paragraph (3) and the preceding three paragraphs do not apply to the acts listed in the following items.
- (i) Acts conducted as the implementation of a Park Facility Project

- (ii) Acts conducted as a Certified Ecosystem Maintenance and Recovery Program, Etc. (meaning an Ecosystem Maintenance and Recovery Program to be carried out pursuant to the provisions of Article 39, paragraph (1) or Article 41, paragraph (1) and an Ecosystem Maintenance and Recovery Program that has obtained confirmation under Article 39, paragraph (2) or Article 41, paragraph (2) or that has received certification under Article 39, paragraph (3) or Article 41, paragraph (3), the same applies hereinafter)
- (iii) Acts conducted within a Scenic Area Protection Agreement Zone under Article 43, paragraph (1), item (i) based on a Scenic Area Protection Agreement concluded pursuant to the provisions of Article 43, paragraph (1) in accordance with the matters listed in item (ii) or (iii) of that paragraph
- (iv) Routine administrative activities, minor activities, and other activities specified by an Ordinance of the Ministry of the Environment

### **(Special Protection Zones)**

#### **Article 21**

- (1) The Minister of the Environment may, in regard to a National Park, and a prefectural governor may, in regard to a Quasi-National Park, designate a special protection zone within a special zone based on a Park Plan if that is particularly necessary for maintaining the landscape of that park.
- (2) The provisions of Article 5, paragraphs (3) and (4) apply *mutatis mutandis* to the designation of special protection zones, the withdrawal of designations of special protection zones, and changes to the boundaries of special protection zones. In this case, the phrase “the Minister of the Environment” in Article 5, paragraph (3) is deemed to be replaced with “the Minister of the Environment or a prefectural governor” and the phrase “official gazette” in that paragraph is deemed to be replaced with “in the official gazette or a prefectural bulletin, respectively.”
- (3) The acts listed in the following items must not be carried out within a special protection zone without the permission of the Minister of the Environment in the case of a National Park or the permission of a prefectural governor in the case of a Quasi-National Park; provided, however, that this provision does not apply to acts to be carried out as emergency measures necessitated by an extraordinary disaster.
  - (i) Acts listed in item (i), item (ii), items (iv) to (vii), item (ix), item (x), item (xv) and item (xvi) of paragraph (3) of the preceding Article
  - (ii) Damaging trees or bamboo
  - (iii) Planting trees or bamboo
  - (iv) Releasing animals (including grazing livestock)

- (v) Accumulating or storing items outdoors
  - (vi) Engaging in controlled burning or making a bonfire
  - (vii) Collecting or damaging plants other than trees and bamboo, or collecting fallen leaves or fallen branches
  - (viii) Planting or sowing seeds of plants other than trees or bamboo
  - (ix) Capturing, killing, or wounding animals, or collecting or damaging their eggs
  - (x) Using horses, vehicles or motorboats, or landing aircraft in areas other than roads or open spaces for public use
  - (xi) Any act other than those listed in the preceding items that might affect the maintenance of the landscape of a special protection zone and is specified by a Cabinet Order
- (4) The Minister of the Environment or a prefectural governor shall not grant permission under the preceding paragraph if any activity listed in the items of the preceding paragraph fails to conform to the standards prescribed by an Ordinance of the Ministry of the Environment.
- (5) If a prefectural governor intends to grant permission under paragraph (3) for a Quasi-National Park and an act pertaining to that permission constitutes an activity prescribed in an Ordinance of the Ministry of the Environment in view of its impact on the landscape of that Quasi-National Park or other circumstances, he/she shall consult with the Minister of the Environment.
- (6) A person that has already started an act listed in the items of paragraph (3) at the time that act becomes restricted may continue to conduct that act notwithstanding the provisions of that paragraph. In this case, that person shall give notice to that effect to the Minister of the Environment in the case of a National Park or the relevant prefectural governor in the case of a Quasi-National Park within three months from the day of the start of that restriction.
- (7) A person that has conducted an act listed in any item of paragraph (3) within a marine special zone as a necessary emergency measure for an extraordinary disaster shall give notice to that effect to the Minister of the Environment in the case of a National Park or the relevant prefectural governor in the case of a Quasi-National Park within 14 days from the day on which it conducted that act.
- (8) The provisions of paragraph (3) and the preceding two paragraphs do not apply to The acts listed in the following items.
- (i) Acts conducted as the implementation of a Park Facility Project
  - (ii) Acts conducted as a Certified Ecosystem Maintenance and Recovery Program, Etc.
  - (iii) Acts conducted within a Scenic Area Protection Agreement Zone under Article 43, paragraph (1), item (i) based on a Scenic Area Protection Agreement concluded



- pursuant to the provisions of Article 43, paragraph (1) in accordance with the matters listed in item (ii) or (iii) of that paragraph
- (iv) Routine administrative activities, minor activities, and other activities specified by an Ordinance of the Ministry of the Environment

### **(Marine Special Zones)**

#### **Article 22**

- (1) The Minister of the Environment may, in regard to a National Park, and a prefectural governor may, in regard to a Quasi-National Park, designate a marine special zone in the marine area of that park based on a Park Plan for the purpose of maintaining the marine landscape of that park.
- (2) The provisions of Article 5, paragraphs (3) and (4) apply *mutatis mutandis* to the designation of marine special zones, the withdrawal of designations of marine special zones, and changes to the boundaries of marine special zones. In this case, the phrase “the Minister of the Environment” in Article 5, paragraph (3) is deemed to be replaced with “the Minister of the Environment or a prefectural governor” and the phrase “official gazette” in that paragraph is deemed to be replaced with “in the official gazette or a prefectural bulletin, respectively.”
- (3) The acts listed in the following items must not be carried out within a marine special zone without the permission of the Minister of the Environment in the case of a National Park or the permission of a prefectural governor in the case of a Quasi-National Park; provided, however, that this provision does not apply to acts to be carried out as emergency measures necessitated by an extraordinary disaster and acts set out in item (i), item (iv), item (v), and item (vii) that are necessary for fishery operations such as setting up fishing gear.
  - (i) Acts listed in Article 20, paragraph (3), item (i), item (iv), and item (vii)
  - (ii) Capturing, killing or wounding, collecting, or damaging tropical fish, coral, seaweed, or other plants or animals designated by the Minister of the Environment with the consent of the Minister of the Agriculture, Forestry, and Fisheries within an area designated by the Minister of the Environment
  - (iii) Reclaiming land from a marine area by landfill or drainage
  - (iv) Changing the shape of the seabed
  - (v) Mooring items
  - (vi) Discharging sewage or waste water by installing a drainage facility
  - (vii) Using a motorboat within areas designated by the Minister of the Environment during the period designated for each such area

- (viii) Any act other than those listed in the preceding items that might affect the maintenance of the landscape of a marine special zone and is specified by a Cabinet Order
- (4) The Minister of the Environment or a prefectural governor shall not grant permission under the preceding paragraph if any activity listed in the items of the preceding paragraph fails to conform to the standards prescribed by an Ordinance of the Ministry of the Environment.
- (5) If a prefectural governor intends to grant permission under paragraph (3) for a Quasi-National Park and an act pertaining to that permission constitutes an activity prescribed in an Ordinance of the Ministry of the Environment in view of its impact on the landscape of a marine area in that Quasi-National Park or other circumstances, he/she shall consult with the Minister of the Environment.
- (6) A person that has already started an act listed in the items of paragraph (3) at the time that act becomes restricted may continue to conduct that act notwithstanding the provisions of that paragraph. In this case, that person shall give notice to that effect to the Minister of the Environment in the case of a National Park or the relevant prefectural governor in the case of a Quasi-National Park within three months from the day of the start of that restriction.
- (7) A person that has conducted an act listed in any item of paragraph (3) within a marine special zone as a necessary emergency measure for an extraordinary disaster shall give notice to that effect to the Minister of the Environment in the case of a National Park or the relevant prefectural governor in the case of a Quasi-National Park within 14 days from the day on which it conducted that act.
- (8) The provisions of paragraph (3) and the preceding two paragraphs do not apply to the acts listed in the following items:
  - (i) Acts conducted as the implementation of a Park Facility Project
  - (ii) Acts conducted as a Certified Ecosystem Maintenance and Recovery Program, Etc.
  - (iii) Routine administrative activities, minor activities, and other activities specified by an Ordinance of the Ministry of the Environment

#### **(Utilization Management Zones)**

##### **Article 23**

- (1) The Minister of the Environment may, in regard to a National Park, and a prefectural governor may, in regard to a Quasi-National Park, designate a utilization management zone within a special zone or a marine special zone based on a Park Plan when particularly necessary for maintaining the scenic beauty or landscape of that park and promoting the proper use of that park.

- (2) The provisions of Article 5, paragraphs (3) and (4) apply *mutatis mutandis* to the designation of utilization management zones, the withdrawal of designations of utilization management zone, and changes to the boundaries of utilization management zone. In this case, the phrase “the Minister of the Environment” in Article 5, paragraph (3) is deemed to be replaced with “the Minister of the Environment or a prefectural governor” and the phrase “official gazette” in that paragraph is deemed to be replaced with “in the official gazette or a prefectural bulletin, respectively.”
- (3) Any person shall not enter a regulated utilization zone during a period designated by the Minister of the Environment without certification under paragraph (1) or paragraph (7) of the following Article; provided, however, that this provision does not apply to any case listed in the following items.
- (i) Entry in order to conduct an act with permission under Article 20, paragraph (3), Article 21, paragraph (3), or paragraph (3) of the preceding Article (including an act pertaining to consultation pursuant to the provisions of the last sentence of Article 68, paragraph (1)) or an act notified as prescribed in the last sentence of Article 20, paragraph (6) or (8), the last sentence of Article 21, paragraph (6), or the last sentence of paragraph (6) of the preceding Article (including an act pertaining to notice given pursuant to the provisions of Article 68, paragraph (3))
  - (ii) Entry in order to carry out emergency measures necessitated by an extraordinary disaster
  - (iii) Entry in order to implement a Park Facility Project
  - (iv) Entry in order to implement a Certified Ecosystem Maintenance and Recovery Program, Etc.
  - (iii) Entry in order to conduct acts within a Scenic Area Protection Agreement Zone under Article 43, paragraph (1), item (i) based on a Scenic Area Protection Agreement concluded pursuant to the provisions of Article 43, paragraph (1) in accordance with the matters listed in item (ii) or (iii) of that paragraph
  - (iv) Entry in order to carry out routine administrative activities, minor activities, and other activities specified by an Ordinance of the Ministry of the Environment
  - (vii) Any entry other than those listed in the preceding items where the Minister of the Environment or a prefectural governor finds that there are unavoidable circumstances and grants permission

**(Certification of Entry)**

**Article 24**

- (1) If a user of a National Park or a Quasi-National Park intends to enter a utilization management zone during a period stipulated in paragraph (3) of the preceding Article,

he/she shall obtain certification from the Minister of the Environment in the case of a National Park or the relevant prefectural governor in the case of a Quasi-National Park with respect to compliance with the following items; provided, however, that this provision does not apply to a user who enters an area after obtaining certification under paragraph (7).

- (i) Entry for the purpose of utilizing a National Park or a Quasi-National Park
  - (ii) Compliance with standards specified by an Ordinance of the Ministry of the Environment that require an entry not to impair the maintenance of the scenic beauty or landscape and the proper use of that park
- (2) A person who intends to obtain certification under the preceding paragraph shall, as provided by an Ordinance of the Ministry of the Environment, apply for certification to the Minister of the Environment in the case of a National Park or the relevant prefectural governor in the case of a Quasi-National Park.
  - (3) The Minister of the Environment or a prefectural governor shall grant certification under paragraph (1) if he/she finds that the entry for which an application has been made for that certification under paragraph (1) complies with the items of that paragraph.
  - (4) The Minister of the Environment or a prefectural governor shall issue an entry certification as provided by an Ordinance of the Ministry of the Environment upon granting of a certification under paragraph (1).
  - (5) If a person who has obtained certification under paragraph (1) loses or destroys the entry certificate under the preceding paragraph, he/she may, as provided by an Ordinance of the Ministry of the Environment, apply for reissuance of that certificate to the Minister of the Environment in the case of a National Park or the relevant prefectural governor in the case of a Quasi-National Park.
  - (6) A person who has obtained certification under paragraph (1) shall carry the entry certification certificate issued under paragraph (4) when entering the relevant utilization management zone.
  - (7) If a person who is a user of a National Park or a Quasi-National Park and who complies with the requirements specified by an Ordinance of the Ministry of the Environment intends to have another user enter a utilization management zone under his/her supervision during the period stipulated in paragraph (3) of the preceding Article, he/she may obtain certification from the Minister of the Environment in the case of a National Park or the relevant prefectural governor in the case of a Quasi-National Park with respect to compliance of entry by that person and any person who enters a utilization management zone under his/her supervision with the items of paragraph (1).
  - (8) The provisions of paragraphs (2) to (6) apply *mutatis mutandis* to certification under the preceding paragraph. In this case, the phrase “loses” in paragraph (5) is deemed to be

replaced with “that person and any person who enters a utilization management zone under his/her supervision loses,” and the phrase “person who has obtained certification” in paragraph (6) is deemed to be replaced with “person who has obtained certification and any person who enters a utilization management zone under his/her supervision.”

### **(Designated Certification Organizations)**

#### **Article 25**

- (1) The Minister of the Environment may, in regard to a National Park, and a prefectural governor may, in regard to a Quasi-National Park, cause a person he/she designates (hereinafter referred to as a “Designated Certification Organization”) to perform all or part of his/her affairs stipulated in the preceding Article (hereinafter referred to as “Certification-Related Affairs”).
- (2) Designation of a Designated Certification Organization (hereinafter referred to simply as “Designation” in this Article to Article 29) will be made upon application by a person that intends to perform Certification-Related Affairs.
- (3) A person that falls under any of the following items will not receive a Designation:
  - (i) A minor, adult ward, or person under curatorship
  - (ii) A person that has filed for bankruptcy and has not had its rights restored
  - (iii) A person who has been sentenced to imprisonment or a heavier punishment, punished under the provisions of this Act or the Nature Conservation Act, or for whom two years have not passed since the day on which the execution of such a sentence was completed or that person was no longer subject to the execution of such a sentence
  - (iv) A person with respect to which a Designation has been revoked pursuant to the provisions of Article 29, paragraph (2) or (3) and two years have not passed since the day of that revocation
  - (v) A juridical person where an officer of that juridical person falls under any of the preceding items
- (4) If the Minister of the Environment or a prefectural governor makes a Designation, he/she shall not perform Certification-Related Affairs concerning the utilization management zone pertaining to that Designation.
- (5) If the Minister of the Environment or a prefectural governor makes a Designation, he/she shall give public notice to that effect in the official gazette or a prefectural bulletin, respectively.
- (6) With respect to the application of the provisions of the preceding Article if Certification-Related Affairs are performed by a Designated Certification Organization, the phrase “the Minister of the Environment in the case of a National Park or the relevant

prefectural governor in the case of a Quasi-National Park” in paragraphs (1) and (7) of that Article, the phrase “the Minister of the Environment in the case of a National Park or the relevant prefectural governor in the case of a Quasi-National Park” in paragraphs (2) and (5) of that Article (including where those provisions are applied *mutatis mutandis* under paragraph (8) of that Article), and the phrase “The Minister of the Environment or a prefectural governor” in paragraphs (3) and (4) of that Article (including where those provisions are applied *mutatis mutandis* under paragraph (8) of that Article) are deemed to be replaced with “a Designated Certification Organization.”

**(Standards for Designation)**

**Article 26**

The Minister of the Environment or a prefectural governor shall not make a Designation unless there is no other person that has received Designation as a Designated Certification Organization for the utilization management zone pertaining to an application under paragraph (2) of the preceding Article and that application conforms to the following standards.

- (i) The plan concerning the implementation of the Certification-Related Affairs regarding matters such as employees and the method of implementing those Certification-Related Affairs is appropriate for the proper implementation of those Certification-Related Affairs
- (ii) The applicant has a financial and technical basis that is sufficient to properly implement the plan for the implementation of the Certification-Related Affairs under the preceding item
- (iii) If the applicant is engaged in a business other than the Certification-Related Affairs, there is no risk that the engagement in that business will impair the fair implementation of the Certification-Related Affairs
- (iv) In addition to the preceding three items, the applicant is able to fairly and properly implement the Certification-Related Affairs

**(Matters to be Observed by Designated Certification Organization)**

**Article 27**

- (1) Before a Designated Certification Organization starts to implement Certification-Related Affairs, it shall, as provided by an Ordinance of the Ministry of the Environment, stipulate the rules for the implementation of those Certification-Related Affairs and obtain accreditation for those rules from the Minister of the Environment or the relevant prefectural governor. The same applies if a Designated Certification Organization intends to amend any such rules.

- (2) A Designated Certification Organization shall prepare a business plan and an income and expenditure budget for each business year before the beginning of that business year (immediately after the Designation, for the business year during which the date of Designation falls), and obtain accreditation for that plan and budget from the Minister of the Environment or the relevant prefectural governor. The same applies if a Designated Certification Organization intends to amend any such plan or budget.
- (3) A Designated Certification Organization shall, within three months after the end of each business year, prepare a business report and statement of accounts for that business year and submit those to the Minister of the Environment or the relevant prefectural governor.
- (4) A Designated Certification Organization shall not suspend or discontinue all or part of its Certification-Related Affairs without the permission of the Minister of the Environment or the relevant prefectural governor.
- (5) If a Designated Certification Organization suspends all or part of its Certification-Related Affairs with permission under the preceding paragraph, or it becomes difficult for that Designated Certification Organization to implement all or part of those Certification-Related Affairs due to a natural disaster or other event, the Minister of the Environment or the relevant prefectural governor shall, when he/she considers it necessary, implement all or part of those Certification-Related Affairs.
- (6) If the Minister of the Environment or a prefectural governor implements all or part of the Certification-Related Affairs under the preceding paragraph, if a Designated Certification Organization discontinues all or part of its Certification-Related Affairs with permission under paragraph (4), or if the Minister of the Environment or a prefectural governor revokes a Designation under Article 29, paragraph (2) or (3), the transfer of the Certification-Related Affairs and other necessary matters will be specified by an Ordinance of the Ministry of the Environment.

**(Duty of Confidentiality, etc.)**

**Article 28**

- (1) A Designated Certification Organization (if that is a juridical person, its officers, the same applies in the following paragraph), and its employees, and persons formerly in such positions shall not divulge any confidential information he/she comes to know in connection with the Certification-Related Affairs or use that information for his/her personal benefit.
- (2) A Designated Certification Organization and its employees who engage in the Certification-Related Affairs will be deemed officials engaged in public service under laws and regulations with respect to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions.

**(Supervision Orders, etc. to Designated Certification Organizations)**

**Article 29**

- (1) The Minister of the Environment or a prefectural governor may issue to a Designated Certification Organization an order necessary for supervision of Certification-Related Affairs to the extent required for the enforcement of the provisions of Articles 24 to 31.
- (2) If a Designated Certification Organization falls under any of the items (except item 4) of paragraph (3) of Article 25, the Minister of the Environment or the relevant prefectural governor shall revoke the Designation issued to that Designated Certification Organization.
- (3) If a Designated Certification Organization violates the provisions of Article 27, implements the Certification-Related Affairs in a manner that is not in accordance with the rules in paragraph (1) of that Article, violates an order issued under the provisions of paragraph (1), or is otherwise considered to be unable to implement the Certification-Related Affairs properly and reliably, the Minister of the Environment or the relevant prefectural governor may revoke the Designation issued to that Designated Certification Organization.
- (4) The provisions of Article 25, paragraph (5) apply *mutatis mutandis* to the revocation of a Designation under the preceding two paragraphs.

**(Collection of Reports and On-Site Inspection)**

**Article 30**

- (1) The Minister of the Environment or a prefectural governor may, to the extent required for the enforcement of the provisions of Article 24 to the following Article, request a Designated Certification Organization to report on the Certification-Related Affairs concerned, or cause an official of that ministry or prefecture to enter the offices of a Designated Certification Organization and inspect books, documents, and other necessary items or question relevant persons.
- (2) An official who carries out an on-site inspection pursuant to the provisions of the preceding paragraph shall carry an identification card and present that to relevant persons.
- (3) The authority under the provisions of paragraph (1) must not be construed as extending to criminal investigations.

**(Charges)**

**Article 31**

- (1) A person that intends to obtain certification under Article 24, paragraph (1) or (7) or receive reissuance of an entry certification certificate under paragraph (5) of that Article



(including where that is applied *mutatis mutandis* under paragraph (8) of that Article) with respect to a National Park shall pay to the State (if a Designated Certification Organization is implementing the Certification-Related Affairs, that Designated Certification Organization) a charge in an amount specified by a Cabinet Order taking into consideration the actual costs.

- (2) If a prefecture collects a charge for a certification under Article 24, paragraph (1) or (7) or reissuance of an entry certificate under paragraph (5) of that Article (including where that is applied *mutatis mutandis* under paragraph (8) of that Article) based on the provisions of Article 227 of the Local Autonomy Act (Act No. 67 of 1947), it may cause the person that intends to receive that certification or reissuance of the entry certificate made by a Designated Certification Organization pursuant to the provisions of Article 25 to pay that charge to that Designated Certification Organization as provided by a Prefectural Ordinance.
- (3) Charges paid to a Designated Certification Organization pursuant to the provisions of the preceding two paragraphs are regarded as income of that organization.

#### **(Conditions)**

##### **Article 32**

Conditions may be attached to a permission under Article 20, paragraph (3), Article 21, paragraph (3), Article 22, paragraph (3), or Article 23, paragraph (3), item (vii) to the extent necessary for the protection of the scenic beauty or landscape of a National Park or a Quasi-National Park.

#### **(Ordinary Zones)**

##### **Article 33**

- (1) A person who intends to undertake the following acts in an area within a National Park or a Quasi-National Park that is not a special zone or a marine special zone (hereinafter referred to as “Ordinary Zone”) shall, as provided by an Ordinance of the Ministry of the Environment, notify the Minister of the Environment in the case of a National Park or the relevant prefectural governor in the case of a Quasi-National Park of the matters specified by an Ordinance of the Ministry of the Environment such as the type of acts, place, implementation method and scheduled date of commencement; provided, however, that this provision does not apply to a person who intends to conduct Acts listed in items (i), (iii), (v) and (vii) that are necessary for fishery operations such as setting up fishing gear in a marine area.
  - (i) Constructing, reconstructing or extending a structure whose size exceeds the standards specified by an Ordinance of the Ministry of the Environment (including

- reconstructing or extending of a structure if the size of that structure will exceed the standards specified by an Ordinance of the Ministry of the Environment after that reconstruction or extension)
- (ii) Causing the water level or water volume of a river, lake, pond, etc. in a special zone to increase or decrease
  - (iii) Installing or setting up advertisements or other similar items, or displaying advertisements or other similar items on structures, etc.
  - (iv) Reclaiming land from a water area by landfill or drainage
  - (v) Mining minerals or quarrying soil and stones (in marine areas, limited to marine areas connected to a marine special zone within one kilometer of that marine special zone)
  - (vi) Changing the shape of land
  - (vii) Changing the shape of the seabed (limited to marine areas connected to a marine special zone within one kilometer of that marine special zone)
- (2) The Minister of the Environment may, in regard to a National Park, and a prefectural governor may, in regard to a Quasi-National Park, when he/she considers it necessary to protect the scenery of that park, give an order to a person that intends to conduct or has conducted an act in a Ordinary Zone that requires notification and is set out in any of the items of the preceding paragraph prohibiting or restricting that act or to take necessary measures to the extent necessary for the protection of the scenery of that park.
- (3) A disposition under the preceding paragraph may be made against a person that has given notification under paragraph (1) only within 30 days from the date of that notification.
- (4) If a notification is given under paragraph (1) and an on-site inspection is required or there are any other reasonable grounds for it to be impossible to issue a disposition under paragraph (2) within the period prescribed in the preceding paragraph, the Minister of the Environment or the relevant prefectural governor may extend the period prescribed in the preceding paragraph during the time those grounds exist. In this case, a person that has given a notification under paragraph (1) must be notified of that extension and the grounds for that extension within the period prescribed in the preceding paragraph.
- (5) A person that has given a notification under paragraph (1) shall not start an act pertaining to that notification unless a period of 30 days has passed after the date of that notification.
- (6) The Minister of the Environment may, in regard to a National Park, and a prefectural governor may, in regard to a Quasi-National Park, shorten the period prescribed in the preceding paragraph if he/she considers that there is no risk that that will impair the protection of the scenery of that park.
- (7) The provisions of paragraphs (1) and (2) do not apply to the following acts.
- (i) Acts conducted as the implementation of a Park Facility Project

- (ii) Acts conducted as a Certified Ecosystem Maintenance and Recovery Program, Etc.
- (iii) Acts conducted within a Scenic Area Protection Agreement Zone under Article 43, paragraph (1), item (i) based on a Scenic Area Protection Agreement concluded pursuant to the provisions of Article 43, paragraph (1) in accordance with the matters listed in item (ii) or (iii) of that paragraph
- (iv) Routine administrative activities, minor activities, and other activities specified by an Ordinance of the Ministry of the Environment
- (v) Acts that have already started at the time of the designation of a National Park, a Quasi-National Park, or a Marine special zone or the expansion of the boundaries of any such park
- (vi) Acts to be carried out as emergency measures necessitated by an extraordinary disaster

**(Discontinuance Orders, etc.)**

**Article 34**

- (1) The Minister of the Environment may, in regard to a National Park, and a prefectural governor may, in regard to a Quasi-National Park, if he/she considers it necessary for the protection of that park, order a person that has violated the provisions of Article 20, paragraph (3), Article 21, paragraph (3), Article 22, paragraph (3), or Article 23, paragraph (3), the conditions attached to a permission under Article 32, or a disposition issued under paragraph (2) of the preceding Article to discontinue that act or order any such person or another person that has succeeded to the rights in that land, building, or other structure or item from any such person to restore that zone to its original state or take necessary alternative measures within a reasonable period if restoration to its original state is extremely difficult, to the extent necessary for that protection in both cases.
- (2) If the Minister of the Environment or a prefectural governor intends to give a restoration order or take necessary alternative measures pursuant to the provisions of the preceding paragraph (hereinafter referred to as “Restoration, Etc.” in this Article) and it is impossible to ascertain without fault the person to which that order of Restoration, Etc. is to be made, he/she may carry out that Restoration, Etc. or have a person ordered or delegated by him/her carry out that Restoration, Etc. at the expense of the person to which that order of Restoration, Etc. is to be made. In this case, the Minister of the Environment or a prefectural governor shall give public notice in advance that the that Restoration, Etc. will be carried out within a reasonable period and that the Minister of the Environment or a person ordered or delegated by the Minister of the Environment or that prefectural governor will carry out that Restoration, Etc. if that Restoration, Etc. is not carried out within that period.

- (3) A person that intends to carry out Restoration, Etc. pursuant to the provisions of the preceding paragraph shall carry an identification card and present that to relevant persons.

### **(Collection of Reports and On-Site Inspection)**

#### **Article 35**

- (1) The Minister of the Environment may, in regard to a National Park, and a prefectural governor may, in regard to a Quasi-National Park, if he/she considers it necessary for the protection of that park, request a person that has obtained permission under the provisions of Article 20, paragraph (3), Article 21, paragraph (3), Article 22, paragraph (3), or Article 23, paragraph (3), item (vii) or a person whose activities have been restricted or that has been ordered to take necessary measures under Article 33, paragraph (2) to report on the implementation status of those activities and other necessary matters.
- (2) The Minister of the Environment may, in regard to a National Park, and a prefectural governor may, in regard to a Quasi-National Park, if he/she considers it necessary for a disposition issued in accordance with the provisions of Article 20, paragraph (3), Article 21, paragraph (3), Article 22, paragraph (3), Article 23, paragraph (3), item (vii), Article 33, paragraph (2), or the preceding Article, to the extent necessary therefor, cause an official of that ministry or prefecture to enter land or a building within the boundaries of that park and inspect the implementation status of the acts listed in each item of Article 20, paragraph (3), each item of Article 21, paragraph (3), each item of Article 22, paragraph (3), Article 23, paragraph (3), item (vii), or each item of Article 33, paragraph (1), or investigate the impact of those acts on the scenery of that park.
- (3) An official who carries out an on-site inspection or an on-site investigation under the provisions of the preceding paragraph shall carry an identification card and present that to relevant persons.
- (4) The authority under the provisions of paragraphs (1) and (2) must not be construed as extending to criminal investigations.

### **(Facility Complex Zones)**

#### **Article 36**

- (1) The Minister of the Environment will, in regard to a National Park, and the prefectural governor shall, in regard to a Quasi-National Park, designate a facility complex zone within the boundaries of that park based on a Park Plan for the purpose of collectively developing facilities for the utilization of that park.
- (2) The provisions of Article 5, paragraphs (3) and (4) apply *mutatis mutandis* to the designation of facility complex zones, the withdrawal of designations of facility complex zones, and changes to the boundaries of facility complex zones. In this case, the phrase

“the Minister of the Environment” in Article 5, paragraph (3) is deemed to be replaced with “the Minister of the Environment or a prefectural governor” and the phrase “official gazette” in that paragraph is deemed to be replaced with “in the official gazette or a prefectural bulletin, respectively.”

### **(Regulations for Utilization)**

#### **Article 37**

- (1) Any person shall not conduct without due cause any act listed in the following items within a special zone, a marine special zone, or a facility complex zone of a National Park or a Quasi-National Park.
  - (i) Dumping or leaving garbage or other filthy materials or waste in a manner that is extremely offensive to users of that National Park or Quasi-National Park
  - (ii) Emitting an extremely offensive odor, generating an extremely loud noise with loud speakers, radios, etc., occupying a viewing spot or resting area, etc. in a selfish manner, touting customers in a repulsive manner, or otherwise significantly annoying users of that National Park or Quasi-National Park
- (2) If there is a person conducting any act listed in item (ii) of the preceding paragraph within a special zone, marine special zone, or facility complex zone, an official of the State or the relevant prefecture may instruct that person to stop that act.
- (3) An official referred to in the preceding paragraph shall carry an identification card and present that to relevant persons.

## **Section 5 Ecosystem Maintenance and Recovery Project**

### **(Ecosystem Maintenance and Recovery Project Plans)**

#### **Article 38**

- (1) The Minister of the Environment and the head of a national government organ that is to implement an Ecosystem Maintenance and Recovery Program (hereinafter referred to as the “Minister of the Environment, Etc.”) will formulate a plan concerning an Ecosystem Maintenance and Recovery Project (hereinafter referred to as “Ecosystem Maintenance and Recovery Project Plan”) in a National Park based on a Park Plan after hearing the opinion of the Council for the purpose of contributing to the proper and effective implementation of an Ecosystem Maintenance and Recovery Project in that National Park.
- (2) A prefectural governor may formulate an Ecosystem Maintenance and Recovery Program Plan in a Quasi-National Park based on a Park Plan for the purpose of contributing to the proper and effective implementation of an Ecosystem Maintenance and Recovery Program in that Quasi-National Park.

- (3) An Ecosystem Maintenance and Recovery Program Plan must prescribe the following matters.
  - (i) The goal of the Ecosystem Maintenance and Recovery Program
  - (ii) The area in which the Ecosystem Maintenance and Recovery Program is to be implemented
  - (iii) The contents of the Ecosystem Maintenance and Recovery Program
  - (iv) In addition to the preceding three items, any matter necessary for the proper and effective implementation of the Ecosystem Maintenance and Recovery Program
- (4) After formulating an Ecosystem Maintenance and Recovery Program Plan, the Minister of the Environment, Etc. or the relevant prefectural governor shall give public notice of an outline of that plan.
- (5) If the Minister of the Environment, Etc. intends to abolish or change an Ecosystem Maintenance and Recovery Program Plan, they shall hear the opinion of the Council.
- (6) The provisions of paragraph (4) apply *mutatis mutandis* to the abolishment of or change to an Ecosystem Maintenance and Recovery Program Plan by the Minister of the Environment, Etc. or a prefectural governor.

### **(Ecosystem Maintenance and Recovery Programs in National Parks)**

#### **Article 39**

- (1) If it is considered necessary to maintain or recover an ecosystem in order to protect a natural scenic area within a National Park, the State will implement an Ecosystem Maintenance and Recovery Program in accordance with an Ecosystem Maintenance and Recovery Program Plan in that National Park.
- (2) A local public entity may, as provided by an Ordinance of the Ministry of the Environment, implement an Ecosystem Maintenance and Recovery Program in accordance with an Ecosystem Maintenance and Recovery Program Plan in a National Park after obtaining confirmation from the Minister of the Environment to the effect that that Ecosystem Maintenance and Recovery Program is in compliance with that Ecosystem Maintenance and Recovery Program Plan.
- (3) A person other than the State or a local public entity may, as provided by an Ordinance of the Ministry of the Environment, implement an Ecosystem Maintenance and Recovery Program in accordance with an Ecosystem Maintenance and Recovery Program Plan in a National Park after obtaining certification from the Minister of the Environment to the effect that it is able to properly and reliably implement that Ecosystem Maintenance and Recovery Program and that that Ecosystem Maintenance and Recovery Program is in compliance with that Ecosystem Maintenance and Recovery Program Plan.

- (4) A person intending to obtain confirmation under paragraph (2) or certification under the preceding paragraph shall submit a written application with a description of the following matters to the Minister of the Environment as provided by an Ordinance of the Ministry of the Environment.
- (i) Name and address, and in the case of a juridical person, the name of the representative person of that juridical person
  - (ii) The area in which the Ecosystem Maintenance and Recovery Program is to be implemented
  - (iii) The contents of the Ecosystem Maintenance and Recovery Program
  - (iv) In addition to the preceding three items, any matter specified by an Ordinance of the Ministry of the Environment
- (5) A written application prescribed in the preceding paragraph must be submitted together with a drawing showing the areas to be covered by the Ecosystem Maintenance and Recovery Program and other documents specified by an Ordinance of the Ministry of the Environment.
- (6) If a person that has obtained confirmation under paragraph (2) or certification under paragraph (3) intends to change any matter listed in the items of paragraph (4), that person shall obtain confirmation from the Minister of the Environment if it is a local public entity and that person shall obtain certification from the Minister of the Environment if it is a person other than the State or a local public entity; provided, however, that this does not apply to minor changes prescribed in an Ordinance of the Ministry of the Environment.
- (7) A person intending to obtain confirmation or certification under the preceding paragraph shall submit a written application with a description of the matters pertaining to that change to the Minister of the Environment as provided by an Ordinance of the Ministry of the Environment.
- (8) The provisions of paragraph (5) apply *mutatis mutandis* to any written application under the preceding paragraph.
- (9) If a person that has obtained confirmation under paragraph (2) or certification under paragraph (3) makes a minor change prescribed by an Ordinance of the Ministry of the Environment under the proviso of paragraph (6), that person shall notify the Minister of the Environment of that change without delay.

**(Revocation of Certification)**

**Article 40**

If a person that has obtained certification under paragraph (3) of the preceding Article falls under any of the following items, the Minister of the Environment may revoke the certification under that paragraph.

- (i) If it is found that that person is not implementing the Ecosystem Maintenance and Recovery Program in accordance with the Ecosystem Maintenance and Recovery Program Plan in a National Park
- (ii) If it is found that that person is no longer able to implement that Ecosystem Maintenance and Recovery Program properly and reliably
- (iii) If that person violates the provisions of paragraph (6) or (9) of the preceding Article
- (iv) If that person fails to give a report pursuant to the provisions of Article 42 or gives a false report
- (v) If that person obtains certification under paragraph (3) or (6) of the preceding Article by deception or other wrongful means

### **(Ecosystem Maintenance and Recovery Programs in Quasi-National Parks)**

#### **Article 41**

- (1) If it is considered necessary to maintain or recover an ecosystem in order to protect a natural scenic area within a Quasi-National Park, the relevant prefecture may implement an Ecosystem Maintenance and Recovery Program in accordance with an Ecosystem Maintenance and Recovery Program Plan in that Quasi-National Park.
- (2) A local public entity other than the State or a prefecture may, as provided by an Ordinance of the Ministry of the Environment, implement an Ecosystem Maintenance and Recovery Program in accordance with an Ecosystem Maintenance and Recovery Program Plan in a Quasi-National Park after obtaining confirmation from the relevant prefectural governor to the effect that that Ecosystem Maintenance and Recovery Program is in compliance with that Ecosystem Maintenance and Recovery Program Plan.
- (3) A person other than the State or a local public entity may, as provided by an Ordinance of the Ministry of the Environment, implement an Ecosystem Maintenance and Recovery Program in accordance with an Ecosystem Maintenance and Recovery Program Plan in a Quasi-National Park after obtaining certification from the relevant prefectural governor to the effect that it is able to properly and reliably implement that Ecosystem Maintenance and Recovery Program and that that Ecosystem Maintenance and Recovery Program is in compliance with that Ecosystem Maintenance and Recovery Program Plan.
- (4) The provisions of Article 39, paragraph (4) and (5) apply *mutatis mutandis* to confirmations under paragraph (2) and certifications under the preceding paragraph, the provisions of paragraphs (6) to (9) of that Article apply *mutatis mutandis* to persons that have obtained confirmation under paragraph (2), and the provisions of paragraphs (6) to (9) of that Article and the preceding Article apply *mutatis mutandis* to persons that have obtained certification under the preceding paragraph. In this case, the phrase “the Minister of the Environment” in those provisions is deemed to be replaced with “the relevant



prefectural governor,” and the phrase “National Park” in paragraph (1) of the preceding Article is deemed to be replaced with “Quasi-National Park.”

**(Collection of Reports)**

**Article 42**

The Minister of the Environment may ask a person that has obtained certification under Article 39, paragraph (3), and the relevant prefectural governor may ask a person that has obtained certification under paragraph (3) of the preceding Article, to report on the implementation status of that Ecosystem Maintenance and Recovery Program and other necessary matters.

**Section 6 Scenic Area Protection Agreements**

**(Conclusion of Scenic Area Protection Agreements, etc.)**

**Article 43**

- (1) The Minister of the Environment, a local public entity, or a park management organization designated under Article 49, paragraph (1) that conducts acts related to management of a natural scenic area based on a Scenic Area Protection Agreement from among the operations set out in Article 50, item (i) may, if it is considered necessary to protect that natural scenic area within a National Park or a Quasi-National Park, manage the natural scenic area within the boundary of land within that park by concluding an agreement prescribing the following matters (hereinafter referred to as a “Scenic Area Protection Agreement”) with an owner of land or trees and bamboo within the boundary (excluding marine areas) of that park or a person with the right (except when that right has clearly been established for temporary facilities or other temporary use) to use and earn profits from that land or trees and bamboo (hereinafter collectively referred to as the “Owners of Land, Etc.”).
  - (i) Area of land subject to the Scenic Area Protection Agreement (hereinafter referred to as the “Scenic Area Protection Agreement Zone”)
  - (ii) Matters concerning the method of managing a natural scenic area within the Scenic Area Protection Agreement Zone
  - (iii) If it is necessary to improve facilities that are necessary with respect to the protection of a natural scenic area within the Scenic Area Protection Agreement Zone, matters concerning the improvement of those facilities
  - (iv) Effective period of the Scenic Area Protection Agreement
  - (v) Measures to be taken in the event of a violation of the Scenic Area Protection Agreement

- (2) A Scenic Area Protection Agreement must have the consent of all the Owners of Land, Etc. within the Scenic Area Protection Agreement Zone.
- (3) The contents of a Scenic Area Protection Agreement must conform to the following standards.
  - (i) The contents are effective and appropriate for the protection of the natural scenic area
  - (ii) The contents do not unreasonably restrict the use of the land or trees and bamboo
  - (iii) The matters mentioned in each item of paragraph (1) conform to the standards specified by an Ordinance of the Ministry of the Environment
- (4) If a local public entity intends to conclude a Scenic Area Protection Agreement, it shall, in advance, consult with and obtain consent from the Minister of the Environment in the case of a National Park or the relevant prefectural governor in the case of a Quasi-National Park; provided, however, that this does not apply if a prefecture concludes a Scenic Area Protection Agreement with respect to land within that prefecture with respect to a Quasi-National Park.
- (5) If a park management organization referred to in paragraph (1) intends to conclude a Scenic Area Protection Agreement, it shall obtain accreditation in advance from the Minister of the Environment in the case of a National Park or the relevant prefectural governor in the case of a Quasi-National Park.

**(Public Inspection of Scenic Area Protection Agreement, etc.)**

**Article 44**

- (1) If the Minister of the Environment, a local public entity, or a prefectural governor intends to conclude a Scenic Area Protection Agreement or intends to accredit an application for a Scenic Area Protection Agreement under paragraph (5) of the preceding Article, that person shall give public notice to that effect in accordance with an Ordinance of the Ministry of the Environment and make that Scenic Area Protection Agreement available for public inspection by relevant persons for two weeks from the date of that public notice.
- (2) If public notice is given pursuant to the preceding paragraph, a relevant person may submit a written opinion about that Scenic Area Protection Agreement to the Minister of the Environment, the relevant local public entity, or the relevant prefectural governor on or before the date of expiration of the inspection period under that paragraph.

**(Accreditation for Scenic Area Protection Agreements)**

**Article 45**

If an application for accreditation for a Scenic Area Protection Agreement under Article 43, paragraph (5) falls under all of the following items, the Minister of the Environment or the

relevant prefectural governor shall grant accreditation for that Scenic Area Protection Agreement.

- (i) The application procedures are not in violation of any law or regulation
- (ii) The contents of the Scenic Area Protection Agreement conform to the standards listed in each item of Article 43, paragraph (3)

**(Public Notice, etc. of Scenic Area Protection Agreements)**

**Article 46**

If the Minister of the Environment, a local public entity, or a prefectural governor concludes a Scenic Area Protection Agreement or accredits a Scenic Area Protection Agreement under the preceding Article, that person shall, as provided by an Ordinance of the Ministry of the Environment, give public notice to that effect, make a copy of that Scenic Area Protection Agreement available for public inspection, and explicitly indicate that area is a Scenic Area Protection Agreement Zone.

**(Changes to Scenic Area Protection Agreements)**

**Article 47**

The provisions of Article 43, paragraphs (2) to (5) and the preceding three Articles apply *mutatis mutandis* to any change to a matter prescribed in a Scenic Area Protection Agreement.

**(Effect of Scenic Area Protection Agreements)**

**Article 48**

A Scenic Area Protection Agreement with respect to which public notice has been given under Article 46 (including where that is applied *mutatis mutandis* under the preceding Article) will also be effective for a person that becomes an Owner of Land, Etc. within the boundary of that Scenic Area Protection Agreement Zone after that public notice.

**Section 7 Park Management Organization**

**(Designations)**

**Article 49**

- (1) The Minister of the Environment may, in regard to a National Park, and a prefectural governor may, in regard to a Quasi-National Park, upon application, designate as a park management organization for the purpose of protecting and promoting the proper use of a natural scenic area within that National Park or Quasi-National Park a person that is a general incorporated association, a general incorporated foundation, a specified nonprofit organization under Article 2, paragraph (2) of the Act on Promotion of Specified

Nonprofit Activities (Act No. 7 of 1998), or another juridical person specified by an Ordinance of the Ministry of the Environment and is acknowledged as being capable of properly and reliably performing the operations listed in the items of the following Article.

- (2) If the Minister of the Environment or a prefectural governor makes a designation under the preceding paragraph, he/she shall give public notice of the name and address of that park management organization and the location of its office.
- (3) If a park management organization intends to change its name or address or the location of its office, it shall give advance notification to that effect to the Minister of the Environment in the case of a National Park or the relevant prefectural governor in the case of a Quasi-National Park.
- (4) If notification is given under the preceding paragraph, the Minister of the Environment or the relevant prefectural governor shall give public notice of the matters pertaining to that notification.

#### **(Operations)**

##### **Article 50**

A park management organization will perform the following operations.

- (i) Managing the natural scenic area and conducting other activities that contribute to protection of the natural scenic area based on the Scenic Area Protection Agreement
- (ii) Repairing and otherwise maintaining and managing facilities within the National Park or the Quasi-National Park
- (iii) Collecting and providing information or materials concerning the protection and promotion of the proper use of the National Park or the Quasi-National Park
- (iv) Providing necessary advice and guidance concerning the protection and promotion of the proper use of the National Park or the Quasi-National Park
- (v) Conducting investigations and research on the protection and promotion of the proper use of the National Park or the Quasi-National Park
- (vi) Conducting operations incidental to the operations listed in the preceding items

#### **(Coordination)**

##### **Article 51**

A park management organization shall perform the operations listed in item (i) of the preceding Article in close coordination with the Minister of the Environment and any relevant local public entity.

#### **(Orders for Improvement)**

## **Article 52**

If the Minister of the Environment or a prefectural governor considers that it is necessary to improve management of the operations by a park management organization, he/she may order that park management organization to take measures necessary for that improvement.

### **(Revocation of Designations, etc.)**

## **Article 53**

- (1) If a park management organization violates an order under the provisions of the preceding Article, the Minister of the Environment or the relevant prefectural governor may revoke the designation issued to that park management organization.
- (2) If the Minister of the Environment or a prefectural governor revokes a designation under the provisions of the preceding paragraph, he/she shall give public notice to that effect.

### **(Provision, etc. of Information)**

## **Article 54**

The State and local public entities shall provide a park management organization with information and provide guidance and advice necessary for that park management organization to perform its operations.

## **Section 8 Expenses**

### **(Expenses Necessary for Implementation of Park Facility Projects)**

## **Article 55**

The expenses necessary for the implementation of a Park Facility Project are to be borne by the person that implements that Park Facility Project.

### **(Government Subsidies)**

## **Article 56**

The State may, within the limits of the budget, provide a subsidy for part of the expenses necessary for the implementation of a Park Facility Project to the prefecture that is implementing that Park Facility Project, as provided by a Cabinet Order.

### **(Expenses to be Borne by Local Public Entities)**

## **Article 57**

- (1) If the State implements a National Park Facility Project and a local public entity gains any particular benefit from the implementation of that National Park Facility Project, the State

may cause that local public entity to bear part of the expenses necessary for that implementation to the extent of that benefit.

- (2) If the State intends to cause a local public entity to bear part of the expenses necessary for the implementation of a National Park Facility Project under the provisions of the preceding paragraph, it shall hear the opinion of that local public entity.

**(Expenses to be Borne by Beneficiaries)**

**Article 58**

If there is a person that receives a significant benefit from the implementation of a Park Facility Project, the State or a local public entity may cause that person to bear part of the expenses necessary for the implementation of that Park Facility Project to the extent of that benefit.

**(Sharing of Expenses by Other Parties)**

**Article 59**

If it becomes necessary to implement a Park Facility Project due to another construction or another act, the State or a local public entity may cause the person that bears expenses for the construction or act that is the cause of that implementation becoming necessary to bear all or a part of those expenses to the extent to which the implementation of that Park Facility Project has become necessary.

**(Method of Collecting Expenses to be Borne)**

**Article 60**

The method of collecting expenses to be borne under the provisions of the preceding three Articles and other necessary matters concerning expenses to be borne are to be specified by a Cabinet Order.

**(Exclusion from Application)**

**Article 61**

The provisions of this Section do not apply to any Park Facility Project that is a project pertaining to roads under the Road Act or another project with respect to which there are separate provisions in another law regarding the expenses necessary for the implementation of that project.

**Section 9 Miscellaneous Provisions**

**(On-Site Investigations)**

**Article 62**

- (1) If an on-site investigation is necessary, the Minister of the Environment may, in regard to the designation of a National Park or a Quasi-National Park, the establishment of a Park Plan, the implementation of a Park Facility Project, or the establishment of a Park Facility Project of a National Park, a prefectural governor may, in regard to the designation of a Quasi-National Park or application for expansion of the boundaries of that park, the establishment of a Park Plan or application for addition to a Park Plan, or the establishment or implementation of a Park Facility Project, and a national government organ other than the Minister of the Environment may, in regard to the implementation of a Park Facility Project, have the relevant officials enter the land of another person, install signs, survey the land, and fell or remove trees or bamboo, or hedges or fences, etc. that pose an impediment to that on-site investigation; provided however, that if there are provisions concerning an on-site investigation in the Road Act or any other law, that on-site investigation must be conducted in accordance with those provisions.
- (2) If a national government organ or a prefectural governor intends to have the relevant officials conduct acts pursuant to the provisions of the preceding paragraph, that person shall give notice in advance to that effect to the owner (if the address of the owner is unknown, the possessor of the land; hereinafter the same applies in this Article) and possessor of that land and the owner of the trees and bamboo or the hedges, fences, etc., and give that owner or possessor an opportunity to submit a written opinion.
- (3) An official referred to in paragraph (1) shall not enter residential land or land enclosed with hedges, fences, etc. before sunrise or after sunset.
- (4) An official referred to in paragraph (1) shall carry an identification card and present that to relevant persons.
- (5) An owner or possessor of land or an owner of trees and bamboo or hedges or fences shall not deny or interfere with an entry, installation of signs, or other acts conducted pursuant to provisions of paragraph (1) without reasonable justification.

**(Rulings by the Environmental Disputes Coordination Commission)**

**Article 63**

- (1) A person that is dissatisfied with a disposition by the Minister of the Environment or a prefectural governor pursuant to the provisions of Article 20, paragraph (3), Article 21, paragraph (3), Article 22, paragraph (3), or Article 33, paragraph (2) may apply to the Environmental Dispute Coordination Committee for a ruling if the reason for that person's complaint concerns coordination with mining, stone quarrying, or gravel quarrying. In this case, that person may not make a request for examination.
- (2) The provisions of Article 22 of the Administrative Appeal Act (Act No. 68 of 2014) apply *mutatis mutandis* to cases when an administrative authority that has made a disposition

under the preceding paragraph erroneously instructs that the person may make a request for examination or re-investigation with respect to that disposition.

#### **(Compensation for Losses)**

##### **Article 64**

- (1) The State, in regard to a National Park, and the relevant prefectural governor, in regard to a Quasi-National Park, compensate for losses that would ordinarily arise to a person that suffers losses due to an inability to obtain permission under Article 20, paragraph (3), Article 21, paragraph (3), or Article 22, paragraph (3), due to conditions attached to a permission under the provisions of Article 32, or due to a disposition pursuant to the provisions of Article 33, paragraph (2).
- (2) A person that intends to claim for compensation pursuant to the provisions of the preceding paragraph shall make a request for that compensation to the Minister of the Environment with respect to compensation to be paid by the State and to the relevant prefectural governor with respect to compensation to be paid by a prefecture.
- (3) If the Minister of the Environment or a prefectural governor receives a request pursuant to the provisions of the preceding paragraph, he/she shall determine the amount of compensation and notify the requestor of that amount.
- (4) The State or the relevant prefecture shall compensate for losses that would ordinarily arise to a person that suffers losses due to an act by an official of the State or that prefecture under the provisions of Article 62, paragraph (1).
- (5) The provisions of paragraph (2) and (3) apply *mutatis mutandis* to compensation for losses under the provisions of the preceding paragraph. In this case, the phrase “the Minister of the Environment” in paragraphs (2) and (3) is deemed to be replaced with the “minister with jurisdiction over affairs concerning on-site inspections prescribed in Article 62, paragraph (1).”

#### **(Filing of an Action)**

##### **Article 65**

- (1) A person that is dissatisfied with a decision under the provisions of paragraph (3) of the preceding Article (including where that is applied *mutatis mutandis* under paragraph (5) of that Article) may request an increase of the amount of the compensation by filing an action within six months from the date on which that notice is received.
- (2) The State or the relevant prefecture will be the defendant in any action filed under the preceding paragraph.

#### **(Compulsory Collection of Expenses to be Borne)**



## **Article 66**

- (1) If there is a person that has not paid expenses that are to be paid to the State pursuant to the provisions of this Act, the Minister of the Environment shall demand that person make that payment in a written demand specifying a due date for payment.
- (2) In the case of the preceding paragraph, the Minister of the Environment may charge a delinquency charge as provided by an Ordinance of the Ministry of the Environment; provided, however, that the delinquency charge must not be more than an amount calculated at an annual rate of 14.5%.
- (3) If a person that has received a written demand under the provisions of paragraph (1) does not pay the amount to be paid by the specified due date, the Minister of the Environment may charge expenses to be borne and the delinquency charge pursuant to the provisions of the preceding two paragraphs pursuant to national tax delinquency procedures. In this case, the order of the statutory lien on the expenses to be borne and the delinquency charge will come after national taxes and local taxes.
- (4) The delinquency charge will be collected prior to the expenses to be borne.

### **(Consultation)**

## **Article 67**

- (1) If the Minister of the Environment intends to make a designation of or expand the boundaries of a National Park or a Quasi-National Park, establish or change a Park Plan, or designate or expand the boundaries of a special zone, special protection zone, marine special zone, or utilization management zone in a National Park, he/she shall consult with the heads of the relevant administrative organs.
- (2) If a prefectural governor intends to designate or expand the boundary of a special zone, special protection zone, marine special zone or utilization management zone in a Quasi-National Park, he/she shall consult with the heads of the relevant administrative organs.
- (3) If a national government organ other than the Minister of the Environment intends to implement a National Park Facility Project pursuant to the provisions of Article 10, paragraph (1), it shall consult with the Minister of the Environment.
- (4) If a national government organ intends to implement a Quasi-National Park Facility Project pursuant to the provisions of the proviso of Article 16, paragraph (1), it shall consult with the relevant prefectural governor.

### **(Special Provisions in relation to the State)**

## **Article 68**

- (1) Permission under the provisions of Article 20, paragraph (3), Article 21, paragraph (3), Article 22, paragraph (3), or Article 23, paragraph (3), item (vii) is not required with respect to acts to be carried out by a national government organ. In this case, if that national government organ intends to conduct such an act, it shall consult in advance with the Minister of the Environment in the case of a National Park or with the relevant prefectural governor in the case of a Quasi-National Park.
- (2) If a prefectural governor is consulted by a national government organ under the preceding paragraph with respect to a Quasi-National Park and an act pertaining to that consultation constitutes an act prescribed in an Ordinance of the Ministry of the Environment in view of its impact on the scenic beauty or landscape of that Quasi-National Park or other circumstances, he/she shall consult with the Minister of the Environment.
- (3) If a national government organ has or intends to conduct an act for which notification is required under the provisions of the last sentence of paragraph (6), or paragraph (7) or (8) of Article 20, the last sentence of paragraph (6), or paragraph (7) of Article 21, the last sentence of paragraph (6), or paragraph (7) of Article 22, or Article 33, paragraph (1), it shall inform the Minister of the Environment in the case of the National Park or the relevant prefectural governor in the case of a Quasi-National Park to that effect pursuant to the procedures for notification set out in those provisions.
- (4) If the Minister of the Environment or a prefectural governor receives a notice pursuant to the procedures for notification set out in Article 33, paragraph (1) and he/she considers it necessary for the protection of the scenery of that park, he/she may ask that national government organ to consult on the measures to be taken for the protection of that scenery.

#### **(Delegation of Authority)**

##### **Article 69**

The authority of the Minister of the Environment prescribed in this Act may be delegated to the director of a Regional Environment Office pursuant to an Ordinance of the Ministry of the Environment.

#### **(Classification of Affairs)**

##### **Article 70**

The affairs to be processed by a prefecture pursuant to the provisions of Article 20, paragraph (1), Article 5, paragraph (3) as applied *mutatis mutandis* under Article 20, paragraph (2), Article 21, paragraph (1), Article 5, paragraph (3) as applied *mutatis mutandis* under Article 21, paragraph (2), Article 22, paragraph (1), Article 5, paragraph (3) as applied *mutatis mutandis* under Article 22, paragraph (2), and Article 67, paragraph (2) (excluding the provisions

pertaining to utilization management zones) are the item (i) statutory delegated affairs prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act.

#### **(Relationship with Wilderness Areas)**

##### **Article 71**

Any wilderness area designated pursuant to the provisions of Article 14, paragraph (1) of the Nature Conservation Act is excluded from the area of a National Park or a Quasi-National Park.

### **Chapter III Prefectural Natural Parks (entirely omitted)**

### **Chapter IV Penal Provisions**

##### **Article 82**

A person who has violated an order under the provisions of Article 15, paragraph (1) (including where that is applied *mutatis mutandis* under Article 16, paragraph (4)) or Article 34, paragraph (1) will be punished by imprisonment with work for not more than one year or a fine of not more than 1,000,000 yen.

##### **Article 83**

A person who falls under any of the following items will be punished by imprisonment with work for not more than six months or a fine of not more than 500,000 yen:

- (i) A person (limited to a person who has obtained accreditation under Article 10, paragraph (3) or Article 16, paragraph (3)) who has changed a matter listed in any item of Article 10, paragraph (4) (including where that is applied *mutatis mutandis* under Article 16, paragraph (4)) in violation of the provisions of Article 10, paragraph (6) (including where that is applied *mutatis mutandis* under Article 16, paragraph (4))
- (ii) A person who has violated the conditions attached to an accreditation under the provisions of Article 10, paragraph (10) (including where that is applied *mutatis mutandis* under Article 16, paragraph (4))
- (iii) A person who has violated the provisions of Article 20, paragraph (3), Article 21, paragraph (3), Article 22, paragraph (3), or Article 23, paragraph (3)
- (iv) A person who has obtained certification under paragraph (1) or (7) of Article 24 by deception or other wrongful means
- (v) A person who has violated the conditions attached to a permission pursuant to the provisions of Article 32

#### **Article 84**

A person who has violated the provisions of Article 28, paragraph (1) will be punished by imprisonment with work for not more than six months or a fine of not more than 500,000 yen.

#### **Article 85**

A person who has violated an order under the provisions of Article 11 (including where that is applied *mutatis mutandis* under Article 16, paragraph (4)), Article 33, paragraph (2), or Article 52 will be punished by a fine of not more than 500,000 yen.

#### **Article 86**

A person who falls under any of the following items will be punished by a fine of not more than 300,000 yen.

- (i) A person who has failed to make a report or made a false report under the provisions of Article 17, paragraph (1) or who has refused, obstructed, or evaded an on-site inspection or failed to make a statement or made a false statement in response to a question under the provisions of that paragraph
- (ii) A person who has obtained reissuance of an entry certificate under Article 24, paragraph (5) (including where that is applied *mutatis mutandis* under paragraph (8) of that Article) by deception or other wrongful means
- (iii) A person who has discontinued all of the Certification-Related Affairs without permission under Article 27, paragraph (4)
- (iv) A person who has failed to make a report or made a false report under the provisions of Article 30, paragraph (1), or who has refused, obstructed, or evaded an on-site inspection or failed to make a statement or made a false statement in response to a question under the provisions of that paragraph
- (v) A person who has failed to give a notification or given a false notification in violation of the provisions of Article 33, paragraph (1)
- (vi) A person who has violated the provisions of Article 33, paragraph (5)
- (vii) A person who has failed to make a report or made a false report under the provisions of Article 35, paragraph (1)
- (viii) A person who has refused, obstructed, or evaded an on-site inspection or on-site investigation under the provisions of Article 35, paragraph (2)
- (ix) A person who has conducted without due cause an act set out in Article 37, paragraph (1), item (i) within a special zone, marine special zone or facility complex zone of a National Park or a Quasi-National Park
- (x) A person who has conducted without due cause an act set out in Article 37, paragraph (1), item (ii) without complying with an instruction by a relevant official

under the provisions of paragraph (2) of that Article within a special zone, marine special zone or facility complex zone of a National Park or a Quasi-National Park

(xi) A person who has refused or obstructed an entry, installation of signs, or another act under the provisions of Article 62, paragraph (1) in violation of the provisions of paragraph (5) of that Article

#### **Article 87**

If a representative person of a juridical person or if an agent, employee, or other worker of a juridical person or an individual commits a violation set forth in Article 82, Article 83, Article 85 or the preceding Article with regard to the business of that juridical person or individual, in addition to the offender, that juridical person or individual will be punished by the fine in the corresponding Article.

#### **Article 88**

A person (limited to a person who has obtained accreditation under Article 10, paragraph (3) or Article 16, paragraph (3)) who has failed to give notification or given a false notification in violation of the provisions of Article 10, paragraph (9), Article 13, or Article 14, paragraph (2) (including those provisions are applied *mutatis mutandis* under Article 16, paragraph (4)) will be punished by a non-criminal fine of not more than 200,000 yen.

#### **Article 89**

A person who has entered a utilization management zone without carrying an entry certificate in violation of the provisions of Article 24, paragraph (6) (including where that is applied *mutatis mutandis* under paragraph (8) of that Article) will be punished by a non-criminal fine of not more than 100,000 yen.

#### **Article 90**

A prefectural ordinance based on the provisions of Article 73, Article 75, or Article 76 may include provisions providing for a punishment or non-criminal fine on persons that violate that prefectural ordinance up to the extent of the punishments prescribed in Articles 82 to 87 and the preceding Article respectively, in light of the manner of that violation.

### **Supplementary Provisions (entirely omitted)**

## **3-2 Law on the Administration and Management of National Forests (Extract)**

(Law No. 246 of June 23, 1951)

Last amended by Law No. 42 of June 27, 2012

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## **Chapter I General Provisions**

### **(Purpose of this Law)**

#### **Article 1**

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

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

### **(Definitions)**

#### **Article 2**

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

- (i) state-owned forests and range land which the state provides or has decided to provide for forest management; and
  - (ii) state-owned forests and range land which are no longer provided for forest management on the basis of consideration for national welfare and thus are ordinary properties as defined in Article 3(3) of the National Property Law (excluding those whose jurisdiction has been transferred to another ministry, agency, etc. as provided in Article 4(2) of said Law and those whose affiliation has been transferred to another department or bureau as provided in Article 4(3) of said Law).
- (2) “National forestry business” in this Law means operations for the administration and management of national forests (including maintenance and preservation of private forests carried out by the State where it is considered to be appropriate to regard them as an integral part of national forests for maintain and preserve; the same applies hereinafter.).

### **(Objectives of Administration and Management of National Forests)**

#### **Article 3**

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

## **Chapter I-2 Administration and Management Plan**

### **(Basic Plan for Administration and Management)**

#### **Article 4**

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

- (2) The following matters shall be provided in the Basic Plan for Administration and Management:
  - (i) basic policy for the administration and management of national forests;
  - (ii) basic matters related to the maintenance and conservation of national forests;
  - (iii) basic matters related to the supply of forest products from national forests;
  - (iv) basic matters related to the utilization of national forests;
  - (v) basic matters related to the maintenance and preservation of private forests where it is considered to be appropriate to regard them as an integral part of national forests to be maintained and preserved;
  - (vi) matters related to the system to carry out the national forests business, and other matters related to operation of the business; and
  - (vii) other matters necessary for the administration and management of national forests.
- (3) The Basic Plan for Administration and Management shall be prepared by taking into account preservation of biodiversity in forests, supply of forest products that should meet demands of people, and development and retention of human resources needed for efficient and stable forestry management, and comprehensive and integrated promotion of other measures related to national forest business and private forests.
- (4) The Basic Plan for Administration and Management must be consistent with the National Forests Plan, which was established in accordance with the provisions of Article 4(1) of the Forest Law (Law No. 249 of 1951), and other plans for forest maintenance in accordance with the provisions of other laws.

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

#### **Article 5**

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

- (2) When the Minister of Agriculture, Forestry and Fisheries has made an announcement in accordance with the provisions of the preceding paragraph, those who have comments on the draft Basic Plan for Administration and Management provided for public inspection may give their comments to the



Minister by reasoned documents before the date of the expiration of the public inspection period as in the preceding paragraph.

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

### **(Regional Administration and Management Plan)**

#### **Article 6**

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

- (2) The following matters shall be provided in the Regional Administration and Management Plan:
  - (i) basic matters related to the administration and management of national forests covered by the plan;
  - (ii) matters related to patrol, the extermination of forest diseases and pests or the prevention of their infestation, and other matters related to the maintenance and conservation of national forests;
  - (iii) matters related to the establishment of stable business relations for timber, and other matters related to the supply of forest products;
  - (iv) matters related to the development of industry or the improvement of the welfare of residents in the region, and other matters related to the utilization of national forests;
  - (v) basic policy for the maintenance of areas provided for public health use and forests within the relevant areas as well as facilities provided for public health use;
  - (vi) matters related to the construction of forest roads based on the Agreement for the Maintenance and Enhancement of Public Benefit Functions, prescribed in Article 10-15 (1) of the Forest Law, and other matters related to the maintenance and preservation of private forests where it is considered to be appropriate to regard them as an integral part of national forests to be maintained and preserved; and
  - (vii) other matters necessary for the administration and management of national forests.
- (3) The provisions of Article 4(3) shall apply mutatis mutandis to the Regional Administration and

Management Plan.

- (4) The Regional Administration and Management Plan must be consistent with the forest plan established in accordance with the provisions of Article 7-2(1) of the Forest Law.
- (5) The provisions of the preceding article shall apply mutatis mutandis to the establishment and alteration of the Regional Administration and Management Plan. In such case, “Minister of Agriculture, Forestry and Fisheries” in said article shall read “Director of the Regional Forest Office,” and “Forestry Policy Council” in Paragraph (3) of said article shall read “related prefectural governor, related municipal governor, and those who have academic backgrounds for matters mentioned in the items of Paragraph (2) of the following article.”
- (6) The Director of the Regional Forest Office may ask the governors of the relevant prefectures and the mayors of the relevant municipalities for cooperation he/she regards as necessary for comprehensive and integrated promotion of measures related to national forest business and private forests.

## **3-3 National Forests Administration and Management Bylaw (Extract)**

(January 21, 1999)

Ministry of Agriculture, Forestry and Fisheries Directive No. 2

[Last amendment] Ministry of Agriculture, Forestry and Fisheries Directive No. 7 of March 29, 2013

### **Chapter 1 General Provisions**

#### **(Principle)**

##### **Article 1**

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

#### **(Division of National Forests into Blocks)**

##### **Article 2**

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

#### **(Functional Categories of National Forests)**

##### **Article 3**

1. Within national forests, the forests needing preservation shall be classified into such categories as listed in any one of the following subparagraphs in terms of a function that is primarily to be demonstrated among various functions held by it:
  - (1) Forest Disaster Prevention Type
  - (2) Nature Conservation type
  - (3) Forest Space Utilization Type
  - (4) Comfortable Environment Creation Type
  - (5) Water Conservation Type

2. The Forest Disaster Prevention Type is composed of the national forests that should primarily demonstrate the functions of forest disaster prevention and soil conservation from the viewpoint of generating a national land infrastructure that can resist disaster.
3. The Nature Conservation Type is composed of national forests that should primarily demonstrate the function of preserving biodiversity from the viewpoint of preserving biodiversity by taking into account importance of forests as ecosystems.
4. The Forest Space Utilization Type is composed of national forests that should primarily demonstrate the health and recreation or culture function from the viewpoint of offering people places for relaxation and learning, or forming rich natural landscape or historical scenery.
5. The Comfortable Environment Creation Type is composed of national forests that should primarily demonstrate the function of creating comfortable environments from the viewpoint of keeping noise, dust, etc. away from places with conformable living environments.
6. The Water Conservation Type is composed of all the national forests other than those mentioned in paragraph 2 through the preceding paragraph from the viewpoint of ensuring the stable supply of excellent quality water, taking into consideration that the fostering of water resources should be a basic function that all the national forests are expected to demonstrate.

## **Chapter 2 Regional Administration and Management plan**

### **(Detailed Items of Planned Matters)**

#### **Article 4**

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

- (1) Basic matters concerning the administration and management of national forests
  - a. Basic policy for the administration of national forests
  - b. Matters concerning the administration corresponding to functional categories
    - (i) Guideline for the administration and management of the Forest Disaster Prevention Type, or other matters concerning the type
    - (ii) Guideline for the administration and management of the Nature Conservation Type, or other matters concerning the type
    - (iii) Guideline for the administration and management of the Forest Space Utilization Type, or other matters concerning the type
    - (iv) Guideline for the administration and management of the Comfortable Environment Creation Type, or other matters concerning the type
    - (v) Guideline for the administration and management of the Water Conservation Type, or other matters concerning the type
  - c. Matters that are necessary for contribution for rehabilitation of forests and the forestry industry under the watershed control system

- d. Matters concerning the execution of major management
    - (i) Total cutting volume
    - (ii) Total regeneration volume
    - (iii) Total tending volume
    - (iv) Total volume of opening and improvement of forest roads
  - e. Other necessary matters
- (2) Matters concerning maintenance and preservation of national forests
    - a. Matters concerning patrol
    - b. Matters concerning expelling or preventing infestation of harmful insects in forests
    - c. Matters concerning forests for which special protection is necessary
    - d. Other necessary matters
  - (3) Matters concerning supply of forestry products
    - a. Matters concerning the establishment of a stable transaction relationship for lumber
    - b. Other necessary matters
  - (4) Matters concerning utilization of national forests
    - a. Policy of promoting utilization of national forests
    - b. Detailed method of utilization of national forests
    - c. Other necessary matters
  - (5) Basic policy concerning areas that are offered for the purpose of public health and concerning the maintenance of forest and of facilities that are offered for the purpose of public health in the area in question
    - a. Area that is offered for the purpose of public health
    - b. Basic policy concerning the maintenance of facilities in the area that is offered for the purpose of public health
    - c. Basic policy concerning the maintenance of forests in the area
  - (6) Matters concerning the construction of forest roads based on the Agreement for the Maintenance and Enhancement of Public Benefit Functions (the Agreement prescribed in Article 10-15 (1) of the Forest Law; the same applies hereinafter) and other matters concerning the maintenance and preservation of private forests where it is considered appropriate to regard them as an integral part of national forests to be maintained and preserved
    - a. Basic policy concerning the conclusion of the Agreement for the Maintenance and Enhancement of Public Benefit Functions
    - b. Matters concerning the maintenance and preservation of private forests where it is considered appropriate to regard them as an integral part of national forests to be maintained and preserved
  - (7) Matters concerning the maintenance of forests by national participation
    - a. Matters concerning national participation forests
    - b. Matters concerning profit sharing forests

- c. Other necessary matters
- (8) Other matters that are necessary for the administration and management of national forests
- a. Matters concerning the development, guidance, and dissemination of technology for the forestry industry
  - b. Matters concerning regional development
  - c. Other necessary matters

**(Details of Plan)**

**Article 5**

1. The total cutting volume set forth in “(i, d,” subparagraph 1, of the preceding Article shall be specified for cases of final cutting and of thinning, by giving due consideration to the matters stated below, in a manner that is consistent with the cutting of standing tree volume set forth in the forest planning of national forests by areas in the forest planning area under paragraph 1, Article 7-2, of the Forest Law (hereafter called the “Forest Planning”):
  - (1) With respect to the Nature Conservation Type, cutting shall not be carried out except for cutting that is necessary according to the characteristic feature of a subject for which protection is to be considered.
  - (2) With respect to the Forest Disaster Prevention Type, the Forest Space Utilization Type, and the Comfortable Environment Creation Type, cutting shall be carried out to the extent necessary to maintain the respective functions that are primarily to be demonstrated.
  - (3) With respect to the Water Conservation Type, the maximum cutting area for the final cutting shall be specified, making it a rule to maintain and enhance the function of conserving water for respective management groups, and the cutting area shall not exceed the maximum cutting area. On such occasions, management groups shall be established by totaling the areas of forest to be treated, relating similarly to management.
  
2. The purpose of matters concerning the utilization of national forests under subparagraph 4 of the preceding Article shall be described, making it a rule to ensure the development of industry and the enhancement of welfare of residents and so on in the region based on the principle under Article 3, paragraphs 1 and 2, of the Law for Utilization of National Forests (Law No. 108, 1971).
  
3. The basic policy under subparagraph 5 of the preceding Article concerning areas that are offered for the purpose of public health and concerning the maintenance of facilities and forests that are offered for the public in the area in question shall be determined in the following manner:
  - (1) Areas under “a” that are offered for the purpose of public health shall be the national forests that are classified into the Forest Space Utilization Type and shall have a specified scope of area that has a predetermined level of unity that is capable of demonstrating highly the function of health and recreation or culture held by the forest from the viewpoint of natural and social conditions and for which the utilization for public health is to be promoted by carrying out the maintenance of facilities and forests that are of substantial size and offered for the purpose of health.
  - (2) The basic policy under “b” concerning the maintenance of facilities in the area that is offered for the

purpose of public health shall describe the major pattern of use for public health that is to be promoted in the area in question and the maintenance of major facilities that are necessary for such pattern of use and are offered for the purpose of public health, based on natural and social conditions of the national forests in the area in question.

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

- (3) The basic policy under “c” concerning the maintenance of forests in the area shall describe the basic policy concerning the maintenance of forests that is necessary to ensure the promotion of the function of public health held by the national forests in the area in question and the harmonization with public benefit functions other than the function of public health held by national forests in accordance with the guidelines of administration and management and according to the maintenance of facilities in the area that is offered for the purpose of public health.
4. The forests of national participation under “a,” subparagraph 7, of the preceding Article shall be selected from among the national forests that are classified as the Forest Space Utilization Type, and for which it is considered appropriate to promote the use for voluntary forest maintenance by people.

#### **(Procedure for Approval and Change of Plan)**

##### **Article 6**

1. When a Director of a regional forest office intends to specify a regional administration and management plan, the Director shall hear the opinion of the manager of the district forest office that is stationed in the forest area in question.
2. When the Director of the Regional Forest Office drafts a Regional Administration and Management Plan, where he/she finds it necessary, he/she shall hear the opinions of a broad range of the people, in cooperation with the heads of the District Forest Offices.
3. The regional administration and management plan shall be prepared by preparing a written plan.
4. The public notice pursuant to Article 5, paragraph 1, of the Law that is amended to read and applies mutatis mutandis in Article 6, paragraph 5 of the Law shall be given at the regional forest office or at the district forest office having the forest planning area covered by the forest planning area in question, in whole or in part, as its area of jurisdiction, and the public inspection under said paragraph of said Article shall be made at the regional forest office or district forest office having the forest planning area covered by the forest plan in question, in whole or in part, as its area of jurisdiction by making available a draft of such plan to the public inspection.
5. An opinion submitted pursuant to Article 5, paragraph 2, of the Law that is amended to read and applies mutatis mutandis in Article 6, paragraph 5, of the Law shall be properly handled by establishing an opinion settlement commission, etc., in the regional forest office.
6. A hearing of opinions from governors of concerned prefectures and heads of concerned cities, towns, and villages pursuant to Article 5, paragraph 3, of the Law that is amended to read and applies mutatis mutandis in Article 6, paragraph 5 of the Law shall be conducted by using a written instrument by

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

**(Report of Plan, etc.)**

**Article 7**

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

### **Chapter 3 Plan to Offer for the Purpose of Public Health**

(snip)

### **Chapter 4 National Forests Operation Plan**

**(Details of Plan, etc.)**

**Article 12**

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



forest planning areas.

2. The Implementation Plan shall specify the following matters:
  - (1) Name and area of a compartment of national forests
  - (2) District by functional category set forth in Article 3
  - (3) Name and area of the management group, cutting age or circulation period, maximum cutting area, cutting method and cutting volume for each cutting place, as well as regeneration method and regeneration volume for each regeneration place
  - (4) Matters concerning maintenance of forest roads
  - (5) Matters concerning soil preservation
  - (6) Name and area of protected forest and green corridor
  - (7) Name and area of the Agreement for the Maintenance and Enhancement of Public Benefit Functions
  - (8) Name and area of recreation forest
  - (9) Other necessary matters

**(Details of Plan)**

**Article 13**

1. The name and area of a compartment of national forests under paragraph 2, subparagraph 1, of the preceding Article, as well as the area by functional category mentioned in subparagraph 2 of said paragraph as specified in Article 3 shall be indicated in the drawings of the National Forests Operation Plan.
2. The cutting method and cutting volume for each cutting place, as well as the regeneration method and regeneration volume for each regeneration place under paragraph 2, subparagraph 3, of the preceding Article shall be specified in accordance with the matters listed in the subparagraphs under Article 5, paragraph 1, and taking into account selected functions other than that to be demonstrated primarily, efficient utilization of forest roads or other network of roads, wind hazard, forest fire, prevention of damage by insects, and local situations, and with the predetermined cutting order being imagined and indicated in the cutting and planting plan.
3. The forest reserve under paragraph 2, subparagraph 6, of the preceding Article shall select such national forests as are included in the Nature Conservation Type of the forests set forth in Article 3, paragraph 3, and for which it is considered appropriate to carry out control, taking into account the inhabitation of animals and plants and the situation of the inhabitation and requests of the region, for the purpose of contributing specifically to the maintenance of the natural environment consisting of the ecosystem of virgin forest, protection of animals and plants, conservation of genetic resources, and development of operation and management technology, and other factors.
4. Green corridors under paragraph 2, subparagraph 6, of the preceding Article shall select such national forests for which it is considered appropriate to carry out control, taking into account the distribution of wild animals and plants, the establishment situation of forest reserve, and requests of the region, for the purpose of securing a migration pathway for wild animals and plants and of contributing to the expansion of habitats and exchange of wild animals and plants between them.
5. Recreation forests under paragraph 2, subparagraph 8, of the preceding Article shall select such national forests as are included in the Forest Space Utilization Type set forth in Article 3, paragraph 4,

and for which it is considered appropriate to maintain the facility and forest offered for health, cultural, and educational utilization by people in a specifically active manner, taking into account the natural landscape, the present situation and future prospect of utilization of the forest on health, cultural, and educational grounds and requests of the region.

(Omitted below)

## **3-4 Guidelines for Establishment and Administration of Protected Forests**

Date of the revision, 27, Sep 2015

### **Section 1. Purpose**

During the passage of the quarter century from the last revision of the Protected Forest System to meet more sophisticated and diversified public demands in 1989, a surroundings of the system include advancement of scientific knowledge on conservation of biodiversity and methodologies for administration of protected areas have been vastly changed.

With a view to responding to these changes, and protecting and administering forest ecosystems and rare wildlife in national forests into the future, these Guidelines have been established to adopt a more concise and effective categorization of protected forest focusing on sustainability of forest ecosystems and populations there, rebuild an easier-to-understand and more efficient administration system, and introduce the concept of restoration of forest ecosystems, as well as to set out other basic principles that should be applied to establishment and administration of protected forests into the future for contributing conserve biodiversity of the national forests.

### **Section 2. Definitions**

In these Guidelines, the following terms are defined as follows:

1. Primeval natural forest

Natural forests with no record of cutting, or those with conditions similar to those of neighboring areas with no record of cutting.

Natural forests affected by, for instance, any human act or immigrants at parts of their upper-story trees or under-story vegetation are also included when they form an endemic forest ecosystem that should especially be protected and administered.

2. Restoration

Work to be performed for forests that, despite global-level value they could deliver, have lost the ability of self-sustained rehabilitation due to human act, natural disaster, or isolation from populations of the same species, by establishing target forest type and technical method while taking into

consideration opinions offered by experts based on their scientific knowledge, and, based on them, implementing adaptive management mainly in long-term forest operations, to lead them to grow to be biocenoses composed basically of their potential natural vegetation.

3. Monitoring

A survey to be performed on a continuous basis to maintain appropriate understanding of the state of a protected forest, once established, and evaluate it in light of the purpose of designation according to the "Manual for the Monitoring Survey of Protected Forests," stipulated in the "Implementation Procedures for Measures for Maintenance and Conservation of Protected Forests, etc." (Notification of the Director-General of the Forestry Agency, 21-Rin/Koku/Kei No. 64, dated April 9, 2010).

### **Section 3. Classification of protected forests**

Protected forests are classified, according to their purpose, into Forest Ecosystem Reserves, Biocenosis Protection Forests, and Rare Population Protection Forests.

### **Section 4. Establishment and administration of protected forests**

1. Forest Ecosystem Reserves

(1) Purpose

A Forest Ecosystem Reserve is established for protecting and administering primeval natural forests representative of climates or forest zones observed in Japan for preservation of natural environments composed of forest ecosystems, protection of wildlife and genetic resources, development of forest operation and administration techniques, and research for scientific study, among others.

(2) Basic principles for designation

The Director-General of the Regional Forest Office is to designate as a Forest Ecosystem Reserve an area covered mainly with primeval natural forests representative of climates or forest zones observed in Japan and serving as an integrated ecosystem, stretching over 2,000 hectares or more in principle (for specific environments, such as islands and peninsulas, 500 hectares or more, in principle) when they especially need protection and administration for the purpose stated above in (1).

Any area designated as stated above may include grasslands, wetlands, alpine zones, rocky lands, or other landforms that should be protected and administered in an integrated manner together with primeval natural forests representative of climates or forest zones observed in Japan.

(3) Classification of zones

An area of Forest Ecosystem Reserve is divided into Preservation Zone and Conservation and Utilization Zone.

- (A) Preservation Zone is parts of an area to be covered mainly with primeval natural forests representative of climates or forest zones observed in Japan.
- (B) Conservation and Utilization Zone is the area to be covered mainly, in principle, with the same type of natural forests as those in Preservation Zone, having land large enough to serve as a buffer keeping it free from direct influence from the outside. A Conservation and Utilization Zone may include artificial forests when it is appropriate to protect and administer them in an integrated manner together with natural forests.

(4) Principles for treatment

In a Forest Ecosystem Reserve, Preservation Zone and Conservation and Utilization Zone are to be dealt with in the manner as stated below.

(A) Preservation Zone

Preservation Zone, in principle, is to leave to natural transition without human act.

(B) Conservation and Utilization Zone

(a) Natural forests there are to be dealt with in the same manner as those in a Preservation Zone. Artificial forests may undergo operations of multi-storied forests (man-made multi-storied forest operations) to transform into natural forests in the future.

(b) Grasslands, wetlands, alpine zones, rocky lands, or other specific environments there may be protected and administered together, when necessary.

(C) The acts stated below are allowed, when necessary:

(a) Those recognized as necessary for scientific research, nature observation and education, utilization of genetic resources, or other public interest grounds (other than those stated below in (d));

(b) Those recognized as necessary for emergency and disaster management, including extinction of forest fires, and recovery from disasters, such as large-scale forestland collapse, landslide, and eruptions, as well as any measures to prevent and/or control such disasters;

(c) Those recognized as necessary to control damage caused by pests and invasion of immigrants;

(d) Construction of small-scale facilities used for scientific research, nature observation and education, and other, similar purposes;

(e) Cutting and carrying out of dead or damaged trees found in a Conservation and Utilization Zone;

(f) Installation of signs and other similar objects; and

(g) Other acts to be performed pursuant to other laws and regulations.

(5) Others

(A) In any forests adjacent to a Forest Ecosystem Reserve, for the purpose of avoiding drastic changes in environments of the protected forest, clear- or phased-cutting are not to be conducted in principle as part of forest operations there, and instead man-made

multi-storied forest or natural forest operations, mainly multi-storied and selective cutting, are to be conducted.

- (B) The area of a Forest Ecosystem Reserve is to be demarcated along geographical lines, in principle, with signs installed there when necessary to distinguish it.
- (C) A Conservation and Utilization Zone is to be set up, in principle, along a geographical line in such a manner that it will completely enclose a Preservation Zone in it. This may apply on a discretionary basis; however, if, due to its location or other conditions, a Preservation Zone is considered to be kept free from external influence without Conservation and Utilization Zones completely enclosing it.

## 2. Biocenosis Protection Forest

### (1) Purpose

A Biocenosis Protection Forest is established for protecting and administering forests with an endemic biological community for preservation of natural environments composed of forest ecosystems, protection of wildlife and genetic resources, development of forest operation and administration techniques, and research for scientific study, among others.

### (2) Basic principles for designation

The Director-General of the Regional Forest Office is to designate as a Biocenosis Protection Forest an area that corresponds to any of the following items when it especially needs protection and administration for the purpose stated above in (1).

- (A) An area covered mainly with well-preserved natural forests with endemic biological community of a certain scale, stretching over 300 hectares or more, in principle; or
- (B) An area covered with well-preserved natural forests with endemic biological community, including periphery forests to be expected efforts of restoration, stretching over 1,000 hectares or more, in principle;

Any area designated as stated above may include grasslands, wetlands, alpine zones, rocky lands, or others that should be protected and administered in an integrated manner together with natural forests with fully preserved natural conditions.

### (3) Classification of zones

An area of Biocenosis Protection Forest is to be divided into Preservation Zone and Conservation and Utilization Zone. This may not apply, however, when there is no rational reason for zone classification.

- (A) Preservation Zone is to be covered mainly with primeval natural forests.
- (B) Conservation and Utilization Zone is the area to be covered mainly, in principle, with the same type of natural forests as those in Preservation Zone, having land large enough to serve as a buffer keeping it free from direct influence from the outside. A Conservation and Utilization Zone may include artificial forests when it is appropriate to protect and administer them in an integrated manner together with natural forests.

### (4) Principles for treatment

In a Biocenosis Protection Forest, Preservation Zone and Conservation and Utilization Zone are to be dealt with in a manner as stated below.

(A) Preservation Zone

Preservation Zone, in principle, is to leave to natural transition without human act.

(B) Conservation and Utilization Zone

(a) Natural forests there are to be dealt with in the same manner as those in a Preservation Zone. Artificial forests may undergo operations of multi-storied forests (man-made multi-storied forest operations) to transform into natural forests in the future.

(b) Grasslands, wetlands, alpine zones, rocky lands, or other specific environments there may be protected and administered together, when necessary.

(C) The acts stated below are allowed, when necessary:

(a) Those recognized as necessary for scientific research, nature observation and education, utilization of genetic resources, restoration, or other public interest grounds (other than those stated below in (d));

(b) Those recognized as necessary for emergency and disaster management, including extinction of forest fires, and recovery from disasters, such as large-scale forestland collapse, landslide, eruptions, as well as any measures to prevent and/or control such disasters;

(c) Those recognized as necessary to control damage caused by pests and invasion of immigrants;

(d) Construction of small-scale facilities used for scientific research, nature observation and education, and other, similar purposes;

(e) Cutting and carrying out of dead or damaged trees found in a Conservation and Utilization Zone;

(f) Installation of signs and other similar objects; and

(g) Other acts to be performed pursuant to other laws and regulations.

(5) Restoration

Biocenosis Protection Forests, which is considered that it needs restoration, is to be dealt with in a manner as stated below.

(A) Preparation of a Restoration Plan

The Director-General of the Regional Forest Office is to prepare a Restoration Plan which includes stated below by compiling the measures presented by the Sub-committee for Restoration of Protected Forests to be established pursuant to Section 6-2-(2) for Biocenosis Protection Forest for which restoration is recognized as necessary.

(a) Significance and purpose of restoration;

(b) Current state of the Forest, and the target forest type;

(c) Area for restoration;

(d) Methodology and policy for restoration; and

(e) Scheme for implementation management;

(B) Coordination with the Forestry Agency

The Director-General of the Regional Forest Office is to, prior to start the restoration, present the Director-General of the Forestry Agency with his/her opinion on it to ask for his/her opinion.

(C) Public relations

Regular meetings are to be held with people, especially local residents, to offer to a broad range of stakeholders' information on work underway for restoration and the accumulation of restoration techniques, among others.

(6) Others

(A) In any forests adjacent to a Biocenosis Protection Forest, for the purpose of avoiding drastic changes in environments of the protected forest, clear- or phased-cutting are not to be conducted in principle as part of forest operations there, and instead man-made multi-storied forest or natural forest operations, mainly multi-storied and selective cutting, are to be conducted.

(B) The area of a Biocenosis Protection Forest is to be demarcated along geographical lines, in principle, with signs installed there when necessary to distinguish it.

(C) A Conservation and Utilization Zone is to be set up, in principle, along a geographical line in such a manner that it will completely enclose a Preservation Zone in it. This may apply on a discretionary basis, however, if, due to its location or other conditions, a Preservation Zone is considered to be kept free from external influence without Conservation and Utilization Zones completely enclosing it.

3. Rare Population Protection Forest

(1) Purpose

A Rare Population Protection Forest is established for the purpose of preserving and administering forests necessary for inhabitation of rare wildlife to improve sustainability of the wildlife population ("population") and facilitate protection of wildlife and genetic resources, and research for scientific study, among others.

(2) Basic principles for designation

The Director-General of the Regional Forest Office is to designate as a Rare Population Protection Forest an area with a population that corresponds to any of the following items when, in principle, it stretches over a land of five hectares or more that satisfies conditions necessary for survival of the population and especially needs protection and administration for the purpose stated above in (1). For the designation, not only habitats for the wildlife but also other appropriate places for regeneration of forests necessary for population for its survival, among others, are to take into consideration.

(A) a rare population;

(B) a population found around the distribution limit, etc.;

(C) a population isolated from other populations;

(D) a population for preserving genetic resources;



- (E) a population formed under special conditions of location, such as grasslands, wetlands, alpine zones, and rocky lands;
- (F) a population which it is feared may disappear in the future due to global warming or other harmful impact; or
- (G) Other populations whose protection is recognized as necessary;

When any enclaves are found around a forest or other types of land lying in a critical situation as it is feared that a population set as a target for protection there may disappear, and they serve as habitats for populations with some genetic connection or places appropriate for regeneration, said enclaves, together with the forest or other types of land forming a core, may be designated, for the purpose of protecting a group of populations (meta-population) necessary for survival of wildlife there, as the same Rare Forest Protection Forest for their protection and administration.

(3) Principles for treatment

- (A) According to the state of population there, Rare Forest Protection Forests are to be managed as stated below:
  - (a) Forest operations may be conducted as far as they are necessary for protection and/or multiplication of population set as a target.
  - (b) When any disturbances, such as temporary appearance of bare area, needs to take place through the process of transition for sustainable inhabitation of target population, necessary forest operations may be conducted to create such environments.
- (B) The acts stated below are allowed, when necessary:
  - (a) Those recognized as necessary for scientific research, nature observation and education, utilization of genetic resources, or other public interest grounds (other than those stated below in (d));
  - (b) Those recognized as necessary for emergency and disaster management, including extinction of forest fires, and recovery from disasters, such as large-scale forestland collapse, landslide, eruptions, as well as any measures to prevent and/or control such disasters;
  - (c) Those recognized as necessary to control damage caused by pests and invasion of immigrants;
  - (d) Construction of small-scale facilities used for scientific research, nature observation and education, and other, similar purposes;
  - (e) Installation of signs and other similar objects; and
  - (f) Other acts to be performed pursuant to other laws and regulations.

(4) Others

- (A) In any forests adjacent to a Rare Population Protection Forest, for the purpose of avoiding drastic changes in environments of the protected forest, clear- or phased-cutting are not to be conducted in principle as part of forest operations there, and instead man-made multi-storied forest or natural forest operations, mainly multi-storied and selective cutting,

are to be conducted. This may not apply, however, when clear- or phased-cutting is recognized as necessary for creating environments of the protected forest, among others.

- (B) The area of a Rare Population Protection Forest is to be demarcated along geographical lines, in principle, with signs installed there when necessary to distinguish it.
- (C) The shape of a Rare Population Protection Forest is to be made consideration to minimize the edge effect which affects internal habitat caused by exposing most peripheral part of fragmented habitats directly to completely different external environments.

## **Section 5. Monitoring**

1. The Director-General of the Regional Forest Office is to conduct monitoring or other, simpler types of current-conditions survey for established protected forests to have correct understanding of their conditions.
2. Monitoring is to be conducted for each of the protected forests, taking into consideration their own circumstances, at one of the intervals stated below:
  - (1) Less than five years for protected forests
    - Serving to preserve populations faced with great risk of becoming extinct in the near future in the region;
  - (2) Five years for protected forests
    - (A) Going through the process of transition;
    - (B) Undergoing restoration;
    - (C) Inhabited by populations with difficulty in sustainability although designated as target for protection there;
    - (D) Influenced by impact coming from the outside;
    - (E) Clearly showing damage caused by beasts, birds, pests, disease and impact of immigrants;
    - (F) Clearly showing impact of global warming; or
    - (G) Expected to undergo other significant changes during a short period of time; or
  - (3) Ten years for protected forests
    - Other than those which correspond to either (1) or (2).
3. A monitoring survey is to be performed before a fiscal year in which work gets started for preparing a National Forests Operation Plan ("Operation Plan"). For protected forests for which monitoring is to be conducted at intervals of ten years, when an Operation Plan is prepared during a period in which no monitoring is conducted, some simpler type of current-conditions survey, such as inspection tours carried by Forest Officers and photo-shooting at fixed points, or for remote places, inspection of aerial photos, are to be conducted before a fiscal year in which work gets started for the preparation.
4. For protected forests with, for instance, so great stability seen in their vegetation that no significant changes are expected to take place there, a scheduled monitoring survey may be postponed to the next interval after consulting the need of the scheduled survey to the Committee for Administration

of Protected Forests, to be established pursuant to Section 6-1, at a meeting to be held in a fiscal year before the scheduled survey.

- 5 When a monitoring survey detects any changes in conditions of a protected forest, modification of demarcation or other procedures is to be conducted promptly as stipulated in Section 7-3.

## **Section 6. Committee for Administration of Protected Forests**

1. Establishment of the Committee, and consideration

The Director-General of the Regional Forest Office is to, for the purpose of considering matters concerning, among others, establishment of protected forests, as well as their modification, abolition, administration and monitoring, and conservation of biodiversity related to protected forests, establish the Committee for Administration of Protected Forests ("Administration Committee"), and ask it for opinions.

2. Membership of the Administration Committee, and establishment of sub-committee, etc.

- (1) Membership of the Administration Committee

The Administration Committee is to be composed of experts on forests, the forestry industry, and the natural environment, officials of relevant local governments, and others, all of whom are to be appointed by the Director-General of the Regional Forest Office.

- (2) Establishment of sub-committee, etc.

The Director-General of the Regional Forest Office may, when necessary, set up a sub-committee under the Administration Committee to ask it to consider technical issues.

For restoration work, however, the Director-General is to set up a Sub-committee for Restoration of Protected Forests ("Restoration Sub-committee") under the Administration Committee for each of the protected forests for which the work is to be performed. The Restoration Sub-committee is to be composed of experts on forests, the forestry industry, and the natural environment, officials of relevant local governments, local stakeholders, and others, all of whom are to be appointed by the Director-General of the Regional Forest Office, and consider about the target forest type and methodology for restoration, among others.

3. Points to note

- (1) When the Administration Committee of a Regional Forest Office considers a matter which may concern the jurisdiction of another Regional Forest Office, the relevant Administration Committees are to establish enough communication and coordination between them by, for instance, holding joint meetings, so that the matter will be dealt with in a consistent and unified manner.
- (2) The Director-General of the Regional Forest Office is to, for the purpose of maintaining a simple and efficient administration scheme for protection and administration of protected forests, set up the smallest possible number of sub-committees under the Administration Committee only when they are really necessary.

## **Section 7. Policy for Administration of Protected Forests**

### 1. Preparation

The Director-General of the Regional Forest Office is to, when intending to establish a protected forest, collect data on the site to be designated and conduct necessary surveys to prepare, based on them, Policy for Administration of Protected Forests ("Administration Policy") for each protected forest, which is to contain:

- (1) Name;
- (2) Hectares;
- (3) Date of establishment/modification;
- (4) Location and area (For Forest Ecosystem Reserves and Biocenosis Protection Forests, locations and areas of Preservation Zones and Conservation and Utilization Zones);
- (5) Matters concerning forest ecosystems and populations to be protected and administered;
- (6) Matters concerning protection and administration, and usage;
- (7) Intervals between monitoring surveys to be conducted, and points to note;
- (8) General state of designation under laws and regulations; and
- (9) Other points to note.

### 2. Treatment

The Administration Policy is to be used for administration of protected forests, and treated as reference material for the Administration Committee.

### 3. Modification

When any changes takes place in conditions of a protected forest, the Administration Policy is to be revised to reflect the changes, and, if necessary, procedures are to be taken for modification or abolition of the protected forest.

## **Section 8. Coordination with private forests**

1. When a forest to be designated as protected forests adjacent to or near a private forest, and therefore forest ecosystems there can be protected and administered together in an integrated manner, relevant local governments and stakeholders are to be provided with explanations on the purpose of the designation and methodologies for protection and administration of the protected forest, together with some advice, if necessary, to maintain a level of protection and administration.
2. When a group of national forests lying scattered in a private forest is to be designated as protected forest, if the level of administration for the private forest can be kept substantially equal to that for the national forests, the total area (hectares) of the scattered forests are to be included in an area (hectares) required for designation as protected forest.

## **Section 9 Adaptation to international standards**

All protected forests are to in principle be classified into categories of protected area administration recognized under international standards, so that work will be performed to get them registered with international databases that collect information on protected areas in countries around the world.

## **Section 10. Others**

1. Natural Environment Conservation Areas, and places that have been designated as a certain type of area under laws and regulations concerning the natural monument are to also be designated as protected forests when they satisfy the conditions for a certain type of protected forest, so they will be positioned clearly as part of a National Forestry Project, and protected and administered in an appropriate manner. Information is to be exchanged with relevant ministries and agencies, local governments, and other stakeholders, whenever necessary, as part of efforts to protect and administer protected forests in an integrated manner.
2. Active public relations work is to be conducted to inform people about the protected forest system and the general states of the protected forests located in the jurisdiction, and enrich their understanding about efforts made for national forests. Especially before any forests operations are conducted in a protected forest, the people is to be carefully informed about the purpose, plan, and other issues concerned, with scientific justifications for them, for instance.
3. The Director-General of the Regional Forest Office is to give a name to each of the protected forests. The name is to clearly represent the target for protection, and accordingly, in principle, Forest Ecosystem Reserves and Biocenosis Protection Forests are to be named after the region in which they are located, and mountains and rivers there, for instance, and Rare Population Protection Forests are to be named that includes the names of the region and wildlife to be protected there, or those of such wildlife only.
4. The Director-General of the Regional Forest Office is to have the Administration Policy fully understood and implemented by the Directors of the District Forest Offices, the District Forest Branch Offices, the Forest Administration Offices, the Forestry Technology Development and Support Centers, the Forest Ecosystem Conservation Centers and the Forest Environmental Education Facilitation Centers, and instruct them to recognize the current state of protected forests and work to protect and administer them in an appropriate manner.
5. For protected forests, monitoring, patrols for fire prevention and other purposes, public relations and education campaigns, and other similar activities may be conducted by volunteers.
6. The Director-General of the Regional Forest Office is to develop human resources with expertise needed to protect and administer protected forests in an appropriate manner.

# **3-5 Wildlife Protection, Control and Hunting Management Act**

## **(Excerpt)**

(Act No. 88 of July 12, 2002)

Last amended by Act No. 46 of May 30, 2014

The Wildlife Protection and Hunting Act (Act No. 32 of 1918) is hereby fully revised.

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## **Chapter I General Provisions**

### **(Purpose)**

#### **Article 1**

The purpose of this Act is to ensure the protection and control of wildlife and the management of hunting by implementing programs that promote wildlife protection and management, and by preventing hazards associated with the use of hunting equipment, thereby securing the lives of the citizenry that can enjoy the benefits of the natural environment and the sound development of local communities by contributing to the conservation of biodiversity (including ecosystem protection; the same applies hereinafter), the preservation of living environments, and the sound development of agriculture, forestry, and fisheries.

### **(Definitions, etc.)**

#### **Article 2**

- (1) The term “Wildlife” as used in this Act means wild animals classified as birds or mammals.
- (2) The term “Protection” as applied to Wildlife in this Act means strengthening populations to appropriate levels, expanding habitats to appropriate geographical areas, or maintaining population levels and the geographical areas of habitats from the perspective of conserving biodiversity, preserving living environments, or promoting the sound development of agriculture, forestry, and fisheries.
- (3) The term “Control” as applied to Wildlife in this Act means reducing populations to appropriate levels or reducing habitats to appropriate geographical areas from the perspective of conserving biodiversity, preserving living environments, or promoting the sound development of agriculture, forestry, and fisheries.
- (4) The term “Rare Wildlife Species” in this Act means Wildlife specified in an Ordinance of the Ministry of the Environment as requiring international or national Protection.
- (5) The term “Designated Wildlife Species for Control” in this Act means Wildlife other than Rare Wildlife Species specified in an Ordinance of the Ministry of the Environment as requiring intensive Control across a wide area.
- (6) The term “Statutory Hunting Methods” in this Act means hunting methods using firearms (meaning powder-charged firearms and air guns (including guns that fire projectiles using compressed gas; the same applies hereinafter), the same applies hereinafter), nets, or traps specified in an Ordinance of the Ministry of the Environment and other hunting methods specified in an Ordinance of the Ministry of the Environment.

- (7) The term “Game Species” in this Act means Wildlife (except for bird chicks) other than Rare Wildlife Species that becomes the subject of capture (meaning capturing, killing, or injuring; the same applies hereinafter) to be used for its meat or fur, for the purpose of Control, or for any other purpose and that is specified in an Ordinance of the Ministry of the Environment as Wildlife whose status is unlikely to be significantly affected by that capture.
- (8) The term “Hunting” in this Act means the capture of Game Species by a Statutory Hunting Method.
- (9) The term “Hunting Period” in this Act means the period from October 15 of each year (or September 15 of each year in Hokkaido) until April 15 of the following year during which the capture of Game Species is allowed.
- (10) Before establishing or amending an Ordinance of the Ministry of the Environment referred to in paragraph (7), the Minister of the Environment shall hold public hearings to hear the opinions of interested persons, consult with the Minister of Agriculture, Forestry and Fisheries, and hear the opinion of the Central Environment Council.

## **Chapter II Basic Guidelines (partially omitted)**

### **(Basic Guidelines)**

#### **Article 3**

- (1) The Minister of the Environment shall establish basic guidelines (hereinafter referred to as “Basic Guidelines”) to implement programs for the Protection and Control of Wildlife (including matters pertaining to areas in which the use of specified hunting equipment is prohibited and areas in which the use of specified hunting equipment is restricted, as stipulated in Article 35, paragraph (1), as well as areas for paid game hunting stipulated in Article 68, paragraph (1), hereinafter referred to as “Wildlife Protection and Control Programs”).
- (2) The Basic Guidelines are to specify the following matters.
  - (i) Basic matters concerning the implementation of the Wildlife Protection and Control Programs
  - (ii) Standards to be complied with when seeking to specify the period of a Wildlife Protection Program plan referred to in paragraph (2), item (i) of the following Article in the Wildlife Protection and Control Program Plan specified in paragraph (1) of that Article and other matters pertaining to the preparation of that Wildlife Protection and Control Program plan
  - (iii) Matters pertaining to the Protection of Rare Wildlife Species
  - (iv) Matters pertaining to the Control of Designated Wildlife Species for Control
  - (v) Other matters necessary for the implementation of the Wildlife Protection and Control Program



- (3) Before establishing or amending the Basic Guidelines, the Minister of the Environment shall consult with the Minister of Agriculture, Forestry and Fisheries and hear the opinion of the Central Environment Council.
- (4) When the Basic Guidelines are established or amended, the Minister of the Environment shall give public notice and notify the relevant prefectural governors without delay.

### **(Rare Wildlife Species Protection Plans)**

#### **Article 7-3**

- (1) The Minister of the Environment may establish a plan for the Protection of Rare Wildlife Species (hereinafter referred to as a “Rare Wildlife Species Protection Plan”) if he/she considers that to be particularly necessary for the Protection of that Rare Wildlife Species.
- (2) A Rare Wildlife Species Protection Plan is to specify the following matters.
  - (i) Species of Rare Wildlife Species
  - (ii) Period of the Rare Wildlife Species Protection Plan
  - (iii) Areas in which the Rare Wildlife Species is to be protected
  - (iv) Appropriate population levels and appropriate geographical areas of the habitat of the Rare Wildlife Species’ and other objectives for the Protection of the Rare Wildlife Species
  - (v) Other matters necessary for the implementation of programs for the Protection of the Rare Wildlife Species
- (3) Before establishing or amending a Rare Wildlife Species Protection Plan, the Minister of the Environment shall hear the opinion of the Central Environment Council.
- (4) If a Rare Wildlife Species Protection Plan is established or amended, the Minister of the Environment shall give public notice and notify relevant local public entities without delay.
- (5) The provisions of paragraphs (4), (5), and (7) of Article 7 apply *mutatis mutandis* to Rare Wildlife Species Protection Plans. In this case, the phrase “Wildlife Protection and Control Program plan” in paragraph (4) of that Article is deemed to be replaced with “Basic Guidelines,” and the phrase “the relevant prefectural governors” in paragraphs (5) and (7) of that Article is deemed to be replaced with “Minister of the Environment.”

## **Chapter III Implementation of Wildlife Protection and Control Programs**

## **Section 1 Regulations for the Capture of Wildlife or Collection of Bird Eggs (partially omitted)**

### **(Prohibition on Capturing Wildlife and Collecting Bird Eggs)**

#### **Article 8**

Wildlife and bird eggs must not be captured or collected (meaning collecting or damaging; the same applies hereinafter) except in the following cases:

- (i) Capture or collection with permission obtained under paragraph (1) of the following Article where that capture or collection pertains to that permission
- (ii) Capture of Game Species pursuant to the provisions of Article 11, paragraph (1)
- (iii) Capture or collection of Wildlife or bird eggs as stipulated in Article 13, paragraph (1) pursuant to the provisions of that paragraph

### **(Permission for the Capture of Wildlife and Collection of Bird Eggs)**

#### **Article 9**

- (1) A person who intends to capture Wildlife or collect bird eggs for the purpose of academic research, Wildlife Protection or Control, or another purpose specified in an Ordinance of the Ministry of the Environment shall obtain permission from the Minister of the Environment in the following cases or from the relevant prefectural governor in any other case.
  - (i) Capture of Wildlife or collection of bird eggs within a Wildlife Protection Area designated by the Minister of the Environment pursuant to the provisions of Article 28, paragraph (1)
  - (ii) Capture of Rare Wildlife Species or collection of bird eggs of Rare Wildlife Species
  - (iii) Capture of Wildlife with nets or traps specified in an Ordinance of the Ministry of the Environment as significantly hindering the Protection of Wildlife in light of their configuration, materials, or method of use
- (2) A person who intends to obtain permission under the preceding paragraph shall apply for permission to the Minister of the Environment or the relevant prefectural governor as provided by an Ordinance of the Ministry of the Environment.
- (3) Upon receiving an application for permission under the preceding paragraph, the Minister of the Environment or the prefectural governor shall grant permission under paragraph (1) unless the capture or collection to which that application pertains falls under any of the following items.

- (i) The purpose of the capture or collection does not conform to the purpose stipulated in paragraph (1)
  - (ii) It is likely that capture or collection will significantly hinder the Protection of Wildlife (except for capture or collection for the purpose of Wildlife Control specified in an Ordinance of the Ministry of the Environment)
  - (iii) It is likely that capture or collection will significantly hinder the Control of Wildlife pertaining to a Category 2 Specified Wildlife Control Plan or a Specified Rare Wildlife Species Control Plan.
  - (iv) It is likely that capture or collection will hinder the safety of residents or maintenance of peace and quiet in an area specified in an Ordinance of the Ministry of the Environment (hereinafter referred to as a “Designated Area”)
- (4) When granting permission under paragraph (1), the Minister of the Environment or the relevant prefectural governor shall specify the effective period of that permission.
- (5) When granting permission under paragraph (1), the Minister of the Environment or the relevant prefectural governor may attach certain conditions to that permission he/she considers necessary for the Protection of Wildlife, the Control of Wildlife pertaining to a Category 2 Specified Wildlife Control Plan or a Specified Rare Wildlife Species Control Plan, or ensuring the safety of residents and maintaining peace and quiet in a Designated Area.
- (6) If a plan specified in the following items has been established, the Minister of the Environment or the relevant prefectural governor shall give due consideration when granting permission under paragraph (1) with respect to Wildlife specified in the item corresponding to that plan so that that permission will contribute to achieving the plan set forth in that item.
- (i) Category 1 Specified Wildlife Protection Plan: Category 1 Specified Wildlife pertaining to that Type 1 Wildlife Protection Plan
  - (ii) Category 2 Specified Wildlife Control Plan: Category 2 Specified Wildlife pertaining to that Category 2 Specified Wildlife Control Plan
  - (iii) Rare Wildlife Species Protection Plan or Specified Rare Wildlife Species Control Plan: Rare Wildlife Species pertaining to that Rare Wildlife Species Protection Plan or that Specified Rare Wildlife Species Control Plan
- (7) In cases in which permission under paragraph (1) is granted, the Minister of the Environment or the relevant prefectural governor shall issue a certificate of permission pursuant to the Ordinance of the Ministry of the Environment.
- (8) A person that has obtained permission under paragraph (1) that is the State, a local public entity, a certified entity engaged in the capture of Wildlife prescribed in Article 18-5, paragraph (2), item (i) (in Article 14-2 referred to as a “Certified Wildlife Capture Entity”), or another juridical person specified

by the Minister of the Environment as a person that is authorized to perform the capture or collection pertaining to permission under paragraph (1) effectively and appropriately may, as provided by an Ordinance of the Ministry of the Environment, by applying to the Minister of the Environment or the relevant prefectural governor, receive an operator certificate certifying that it is a person that is engaged in the capture or collection pertaining to that permission under the supervision of the Minister of the Environment or the relevant prefectural governor (hereinafter referred to as an “Operator”).

- (9) If a person that has obtained permission under paragraph (1) or an Engaged Person loses its certificate of permission referred to in paragraph (7) (hereinafter simply referred to as “Certificate of Permission”) or operator certificate referred to in the preceding paragraph (hereinafter simply referred to as “Operator Certificate”), or if its Certificate of Permission or Operator Certificate is destroyed, that person may have a Certificate of Permission or an Operator Certificate reissued upon application to the Minister of the Environment or the relevant prefectural governor as provided by an Ordinance of the Ministry of the Environment.
- (10) A person that has obtained permission under paragraph (1) or an Operator shall carry its Certificate of Permission or Operator Certificate when engaged in capture or collection and present that certificate if so requested by an official of the State or a local public entity, a police officer, or another relevant person.
- (11) If any of the following items applies to a person that has obtained permission under paragraph (1), that person shall return its Certificate of Permission or Operator Certificate (or, in the case referred to in item (iv), the Certificate of Permission or Operator Certificate that has been discovered or restored) to the Minister of the Environment or the relevant prefectural governor as provided by an Ordinance of the Ministry of the Environment.
  - (i) If permission has been revoked pursuant to the provisions of paragraph (2) of the following Article
  - (ii) If permission ceases to be effective pursuant to the provisions of Article 87
  - (iii) If the effective period specified pursuant to the provisions of paragraph (4) has expired
  - (iv) If, after the reissuance of a Certificate of Permission or Operator Certificate pursuant to the provisions of paragraph (9), the lost Certificate of Permission or Operator Certificate is discovered or restored
- (12) When a person that has obtained permission under paragraph (1) or an Operator captures Wildlife, that person shall display its address and name and other information specified in an Ordinance of the Ministry of the Environment at an easily visible place on each piece of hunting equipment it uses (limited to those specified in an Ordinance of the Ministry of the Environment).
- (13) Upon the expiration of the effective period of a permission specified by the provisions of paragraph (4), the person that obtained that permission under paragraph (1) shall report the results of the capture

or collection pertaining to that permission to the Minister of the Environment or the relevant prefectural governor within 30 days after that expiration date, inclusive of the expiration date, as provided by an Ordinance of the Ministry of the Environment.

- (14) With respect to the capture of Wildlife or collection of bird eggs referred to in paragraph (1) pertaining to a national endangered species of wild fauna or flora prescribed in Article 4, paragraph (3) of the Act on Conservation of Endangered Species of Wild Fauna and Flora (Act No. 75 of 1992) or a temporarily designated species prescribed in Article 5, paragraph (1) of that Act (hereinafter referred to as “National Endangered Species of Wild Fauna and Flora”), permission under paragraph (1) (limited to permission pertaining to the Minister of the Environment) is not required if permission under Article 10, paragraph (1) of that Act has been obtained, that capture or collection is performed as a certified protection and recovery program, etc. prescribed in Article 47, paragraph (1) of that Act, or a national government organ or local public entity has consulted with the Minister of the Environment pursuant to the provisions of Article 54, paragraph (2) of that Act.

#### **(Order to Take Measures Pertaining to Permission)**

##### **Article 10**

- (1) The Minister of the Environment or a prefectural governor may order a person engaged in the capture of Wildlife or collection of bird eggs without permission in violation of the provisions of paragraph (1) of the preceding Article or a person that has violated a condition attached to a permission pursuant to the provisions of paragraph (5) of that Article to release the Wildlife pertaining to that violation and take other necessary measures in the following cases.
- (i) If those measures are considered necessary for the Protection of Wildlife
  - (ii) If those measures are considered necessary for the Control of Wildlife pertaining to a Category 2 Specified Wildlife Control Plan or a Specified Rare Wildlife Species Control Plan
  - (iii) If those measures are considered necessary to ensure the safety of residents or to maintain peace and quiet in a Designated Area during the capture or collection
- (2) If a person that has obtained permission under paragraph (1) of the preceding Article violates the provisions of this Act or an order or disposition issued under this Act, the Minister of the Environment or the relevant prefectural governor may revoke that permission to the extent that any item of the preceding paragraph applies.

#### **(Capture of Game Species)**

##### **Article 11**

- (1) In the following cases, notwithstanding the provisions of Article 9, paragraph (1), the capture of Game Species (in areas specified by the provisions of Article 14, paragraph (1), the term “Game Species” is limited to Category 2 Specified Wildlife pertaining to those areas, and for periods extended pursuant to the provisions of paragraph (2) of that Article, the term “Game Species” is limited to specified Wildlife pertaining to that extended period) may be performed without permission of the Minister of the Environment or the relevant prefectural governor in areas outside the Wildlife Protection Areas prescribed in Article 28, paragraph (1), temporary closed hunting areas prescribed in Article 34, paragraph (1) (except for areas designated pursuant to the provisions of Article 14, paragraph (1), if any), and other areas specified in an Ordinance of the Ministry of the Environment, as those in which the protection of ecosystems, or the ensuring of the safety of residents or maintenance of peace and quiet, is particularly necessary (hereinafter referred to as “Hunting Open Areas”) only during the Hunting Period (as limited pursuant to the provisions of the following paragraph or extended pursuant to the provisions of Article 14, paragraph (2), if applicable).
  - (i) If hunting is performed in accordance with the provisions of the following Article, Article 14, Articles 15 through 17, and Sections 1 through 3 of the following Chapter
  - (ii) If the capture of Game Species set forth below is performed in accordance with the provisions of the following Article, Articles 14 through 17, Article 36, and Article 37
    - (a) Capture of Game Species by hunting methods other than Statutory Hunting Methods
    - (b) Capture of Game Species on residential land enclosed by a hedge, fence, or similar partition without the use of a firearm
- (2) The Minister of the Environment may limit the period of capture of Game Species (including chicks of birds (limited to birds that are Game Species), hereinafter referred to as “Game Species including Chicks”) during the Hunting Period when that is considered necessary for the Protection of that Game Species including Chicks.
- (3) The provisions of Article 3, paragraph (3) apply *mutatis mutandis* to the limitation of the Hunting Period under the provisions of the preceding paragraph.

**Section 1-2 Certification of Wildlife Capture Programs (entirely omitted)**

**Section 2 Regulations for Raising and Selling Wildlife (entirely omitted)**

**Section 3 Wildlife Protection Areas**

## **(Wildlife Protection Areas)**

### **Article 28**

- (1) The Minister of the Environment or the relevant prefectural governor may designate each of the following areas as Wildlife Protection Areas if that is considered particularly necessary for the Protection of Wildlife in consideration of the species of that Wildlife and the other status of that Wildlife.
  - (i) Areas the Minister of the Environment considers important for international or national Wildlife Protection
  - (ii) Areas a prefectural governor considers important for Wildlife Protection within the relevant prefecture other than areas set forth in the preceding item
- (2) A designation under the provisions of the preceding paragraph or a change to such a designation must specify guidelines on the name, area, and duration of the Wildlife Protection Area and the protection of that Wildlife Protection Area.
- (3) Before the Minister of the Environment or a prefectural governor makes a designation under the provisions of paragraph (1) or changes such a designation (changes are limited to the expansion of the area of a Wildlife Protection Area, the same applies from the following paragraph through paragraph (6)), he/she shall hear the opinions of relevant local public entities.
- (4) Before the Minister of the Environment or a prefectural governor makes a designation under the provisions of paragraph (1) or changes such a designation, he/she shall, as provided by an Ordinance of the Ministry of the Environment, give public notice of that designation or change and make available for public inspection the name, area, and duration of that Wildlife Protection Area and a draft of guidelines regarding the Protection of that Wildlife Protection Area (in the following paragraph and paragraph (6) referred to as the “Draft Guidelines”) for a period of 14 days (or for a period specified by the relevant prefectural governor roughly equivalent to 14 days) from the date of public notice, inclusive of the date of public notice.
- (5) If a public notice is made under the provisions of the preceding paragraph, residents and interested persons in the area where the Minister of the Environment or the relevant prefectural governor intends to make a designation under the provisions of paragraph (1) or change such a designation may submit written opinions concerning the Draft Guidelines to the Minister of the Environment or the relevant prefectural governor before the expiration of the period prescribed in the preceding paragraph.
- (6) If a written opinion submitted under the preceding paragraph sets forth an objection to the Draft Guidelines or if it is otherwise considered necessary to hear opinions from a broader spectrum concerning the designation of the Wildlife Protection Area or a change to that designation, the Minister of the Environment shall hold a public hearing, or the relevant prefectural governor shall hold a public hearing and take other necessary measures.

- (7) The duration of a Wildlife Protection Area may not exceed 20 years; provided, however, that that term may be renewed for a period not exceeding 20 years.
- (8) If a designation made under the provisions of paragraph (1) is considered to be no longer necessary due to changes in the status of the Wildlife or changes in other circumstances, or if the continuation of that designation is considered inappropriate, the Minister of the Environment or the relevant prefectural governor shall withdraw that designation.
- (9) The provisions of paragraph (2) and Article 15, paragraphs (2), (3), (13), and (14) apply *mutatis mutandis* to any renewal under the provisions of the proviso of paragraph (7). The provisions of Article 3, paragraph (3) apply *mutatis mutandis* to any designation made by the Minister of the Environment under the provisions of paragraph (1) and any change to such a designation (limited to the expansion of a Wildlife Protection Area). The provisions of Article 4, paragraph (4) and Article 12, paragraph (4) apply *mutatis mutandis* to any designation made by a prefectural governor under the provisions of paragraph (1) and any change to such a designation (limited to the expansion of a Wildlife Protection Area in the case referred to in Article 4, paragraph (4)). The provisions of Article 15, paragraphs (2), (3), (13), and (14) apply *mutatis mutandis* to any designation made by under the provisions of paragraph (1) and any change to such a designation. In those cases, the phrase “that effect as well as its name, area, and duration” in paragraph (2) of that Article is deemed to be replaced with “that effect as well as guidelines on the name, area, and duration of the Wildlife Protection Area and the Protection of that Wildlife Protection Area,” and the phrase “public notice under the provisions of the preceding paragraph” in paragraph (3) of that Article is deemed to be replaced with “public notice under the provisions of the preceding paragraph as applied *mutatis mutandis* pursuant to Article 28, paragraph (9) following the deemed replacement of terms.”
- (10) The provisions of Article 12, paragraph (4) apply *mutatis mutandis* to any withdrawal of a designation of a Wildlife Protection Area by a prefectural governor under the provisions of paragraph (8). The provisions of paragraphs (2) and (3) of Article 15 apply *mutatis mutandis* to any withdrawal of a designation under the provisions of paragraph (8). In those cases, the phrase “that effect as well as its name, area, and duration” in paragraph (2) of that Article is deemed to be replaced with “that effect and the area subject to withdrawal,” the phrase “public notice under the provisions of the preceding paragraph” in paragraph (3) of that Article is deemed to be replaced with “public notice under the provisions of the preceding paragraph as applied *mutatis mutandis* pursuant to Article 28, paragraph (10) following the deemed replacement of terms.”
- (11) A person that has ownership or other rights with respect to land, or trees or bamboo within the area of a Wildlife Protection Area shall not object without reasonable justification to the installation by the Minister of the Environment or the relevant prefectural governor on that land, or trees or bamboo of nesting, water supply, feeding, or other facilities necessary for promoting the living and breeding of Wildlife.



## **(Conservation Programs in Wildlife Protection Areas)**

### **Article 28-2**

- (1) If it is considered necessary in light of the status of Wildlife in a Wildlife Protection Area, the State shall implement a conservation program (meaning a program for installing Wildlife breeding facilities to protect and improve the habitat of Wildlife and another program specified in an Ordinance of the Ministry of the Environment, the same applies hereinafter) in a Wildlife Protection Area designated by the Minister of the Environment pursuant to the provisions of paragraph (1) of the preceding Article (hereinafter referred to as “National Wildlife Protection Area”) or the relevant prefectural government shall implement a conservation program in a Wildlife Protection Area designated by that prefectural governor pursuant to the provisions of that paragraph (hereinafter referred to as “Prefectural Wildlife Protection Area”).
- (2) If a national government organ other than the Ministry of the Environment intends to implement a conservation program in a National Wildlife Protection Area, it shall consult with the Minister of the Environment.
- (3) A local public entity may implement part of a conservation program in a National Wildlife Protection Area after consulting with and obtaining consent from the Minister of the Environment in the following cases or after consulting with the Minister of the Environment in any other case.
  - (i) Capture of Rare Wildlife Species or collection of bird eggs of Rare Wildlife Species under that conservation program
  - (ii) Capture of Wildlife under that conservation program with nets or traps as specified in the Ordinance of the Ministry of the Environment referred to in Article 9, paragraph (1), item (iii)
- (4) A local public entity other than a prefectural government may implement part of a conservation program in a Prefectural Wildlife Protection Area after consulting with and obtaining consent from the relevant prefectural governor in cases corresponding to those specified in the items of the preceding paragraph or after consulting with the relevant prefectural governor in any other case.
- (5) If a prefectural government implements a conservation program pursuant to the provisions of paragraph (1) in any case set forth in the items of paragraph (3) or if the relevant prefectural governor intends to grant consent in connection with a conservation program pursuant to the provisions of the preceding paragraph, that prefectural government or that prefectural governor shall consult with and obtain consent from the Minister of the Environment.
- (6) The provisions of Article 8, paragraphs (1) and (2) of Article 16, and paragraph (7) of the following Article do not apply to acts conducted as a conservation program pursuant to the provisions of paragraphs (1), (3), or (4).

## **(Special Protection Zones)**

### **Article 29**

- (1) The Minister of the Environment or a prefectural governor may designate an area within a Wildlife Protection Area as a Special Protection Zone if that is considered particularly necessary for the Protection of Wildlife or the Protection of the habitat of Wildlife.
- (2) The duration of a Special Protection Zone shall be specified by the Minister of the Environment or by the relevant prefectural governor for a period up to but not exceeding the duration of the Wildlife Protection Area to which such Special Protection Zone belongs.
- (3) If a designation made under the provisions of paragraph (1) is considered to be no longer necessary due to changes in the status of the Wildlife or changes in other circumstances, or if the continuation of that designation is considered inappropriate, the Minister of the Environment or the relevant prefectural governor shall withdraw that designation.
- (4) The provisions of paragraph (2) apply *mutatis mutandis* to changes to designations under the provisions of paragraph (1). The provisions of Article 3, paragraph (3) apply *mutatis mutandis* to any designation made by the Minister of the Environment under the provisions of paragraph (1) and any change to such a designation (limited to the expansion of a Special Protection Zone or the extension of its duration). The provisions of Article 4, paragraph (4) and Article 12, paragraph (4) apply *mutatis mutandis* to any designation made by a prefectural governor under the provisions of paragraph (1) and any change to such a designation (limited to the expansion of a Special Protection Zone or the extension of its duration in the case of Article 4, paragraph (4)). The provisions of paragraphs (2), (3), (13), and (14) of Article 15 and paragraphs (2) through (6) of Article 28 apply *mutatis mutandis* to any designation made under the provisions of paragraph (1) and any change to such a designation (limited to the expansion of a Special Protection Zone or the extension of its duration in the case of paragraphs (3) through (6) of that Article). In those cases, the phrase “shall notify the Minister of the Environment” in Article 12, paragraph (4) is deemed to be replaced with “shall notify the Minister of the Environment if, after the expiration of the duration of a Special Protection Zone, an area whose boundaries are the same as those of that Special Protection Zone continues to be designated as a Special Protection Zone or if the duration of a Special Protection Zone is extended, and shall consult with the Minister of the Environment in all other cases,” the phrase “that effect as well as its name, area, and duration” in Article 15, paragraph (2) is deemed to be replaced with “that effect as well as guidelines on the name, area, and duration of the Special Protection Zone and the Protection of that Special Protection Zone,” and the phrase “public notice under the provisions of the preceding paragraph” in paragraph (3) of that Article is deemed to be replaced with “public notice under the provisions of the preceding paragraph as applied *mutatis mutandis* pursuant to Article 29, paragraph (4) following the deemed replacement of terms.”

- (5) The provisions of Article 12, paragraph (4) apply *mutatis mutandis* to any withdrawal of a designation by a prefectural governor under the provisions of paragraph (3). The provisions of paragraphs (2) and (3) of Article 15 apply *mutatis mutandis* to any withdrawal of a designation under the provisions of paragraph (3). In those cases, the phrase “shall notify” in Article 12, paragraph (4) is deemed to be replaced with “shall consult with,” the phrase “that effect as well as its name, area, and duration” in Article 15, paragraph (2) is deemed to be replaced with “that effect as well as the area subject to withdrawal,” and the phrase “public notice under the provisions of the preceding paragraph” in paragraph (3) of that Article is deemed to be replaced with “public notice under the provisions of the preceding paragraph as applied *mutatis mutandis* pursuant to Article 29, paragraph (5) following the deemed replacement of terms.”
- (6) If the Minister of the Environment is consulted under the provisions of Article 12, paragraph (4) as applied *mutatis mutandis* pursuant to the provisions of paragraph (4) following the deemed replacement of terms (limited to the expansion of a Special Protection Zone in the case of a change to a designation pursuant to the provisions of paragraph (1)), he/she shall consult with the Minister of Agriculture, Forestry and Fisheries.
- (7) The acts set forth below must not be conducted within the area of a Special Protection Zone without permission of the Minister of the Environment if that area is a Special Protection Zone designated by the Minister of the Environment under the provisions of paragraph (1) (hereinafter referred to as “National Special Protection Zone”) or without the permission of the relevant prefectural governor if that area is a Special Protection Zone designated by that prefectural governor under the provisions of that paragraph (hereinafter referred to as “Prefectural Special Protection Zone”); provided, however, that this does not apply to any act considered to be an act that does not hinder the Protection of Wildlife as specified by the Minister of the Environment for a National Wildlife Protection Area or as specified by the relevant prefectural governor for a Prefectural Wildlife Protection Area.
- (i) Construction, renovation, or expansion of a building or other structure
  - (ii) Reclaiming land from a water area by landfill or drainage
  - (iii) Felling trees or bamboo
  - (iv) Conducting any act other than those set forth in the preceding three items when that act is specified by a Cabinet Order as likely to affect the Protection of Wildlife in an area within a National Special Protection Zone designated by the Minister of the Environment or an area within a Prefectural Special Protection Zone designated by a prefectural governor
- (8) A person who intends to obtain permission under the preceding paragraph shall submit an application to the Minister of the Environment in the case of a National Special Protection Zone or to the relevant prefectural governor in the case of a Prefectural Special Protection Zone, as provided by an Ordinance of the Ministry of the Environment.

- (9) Upon receiving an application for permission under the preceding paragraph, the Minister of the Environment or the relevant prefectural governor shall grant permission under paragraph (7) unless the act pertaining to that application falls under either of the following items.
- (i) It is likely that act will significantly hinder the Protection of Wildlife
  - (i) It is likely that act will significantly hinder the Protection of the habitat of Wildlife
- (10) The Minister of the Environment or a prefectural governor may attach certain conditions to a permission granted under paragraph (7) if that is considered necessary for the Protection of Wildlife or the Protection of the habitat of Wildlife.

**(Order to Take Measures)**

**Article 30**

- (1) If considered necessary for the Protection of Wildlife, the Minister of the Environment may, with respect to a National Special Protection Zone, or a prefectural governor may, with respect to a Prefectural Special Protection Zone, issue instructions regarding the manner in which acts are to be conducted to persons permitted to conduct the acts set forth in the items of paragraph (7) of the preceding Article within the area of that Special Protection Zone.
- (2) If it is considered necessary for the Protection of Wildlife or the Protection of the habitat of Wildlife, the Minister of the Environment may, with respect to a National Special Protection Zone, or a prefectural governor may, with respect to a Prefectural Special Protection Zone, order a person who has violated the provisions of paragraph (7) of the preceding Article or any condition attached to a permission pursuant to the provisions of paragraph (10) of that Article to discontinue that act to the extent necessary for the Protection of Wildlife or the Protection of the habitat of Wildlife, or order that person or a person that has succeeded to the rights of that person in that land, building or other structure or property to restore that land, building or other structure or property to its original condition within a reasonable period, or if that restoration is extremely difficult, order that person to take necessary alternative measures.
- (3) If the Minister of the Environment or a prefectural governor intends to give an order for restoration or necessary alternative measures pursuant to the provisions of the preceding paragraph (hereinafter referred to as “Restoration”) and it is impossible to ascertain without error the person to which that order for Restoration is to be made, he/she may perform that Restoration or have a person ordered or commissioned by him/her to perform that Restoration at the expense of that person. In this case, the Minister of the Environment or a prefectural governor shall give public notice in advance that that Restoration will be performed within a reasonable period and that the Minister of the Environment or that prefectural governor or a person ordered or commissioned by the Minister of the Environment or

that prefectural governor will perform that Restoration if that Restoration is not performed within that period.

- (4) A person that intends to perform Restoration pursuant to the provisions of the preceding paragraph shall carry an identification card and present that if requested by a relevant person.

### **(On-Site Investigations)**

#### **Article 31**

- (1) The Minister of the Environment or a prefectural governor may cause an official of that ministry or prefecture to enter land belonging to another person to the extent necessary for an on-site investigation for the purpose of a designation pursuant to the provisions of Article 28, paragraph (1) or Article 29, paragraph (1) or paragraph (7), item (iv).
- (2) If the Minister of the Environment or a prefectural governor intends to cause an official of that ministry or prefecture to enter land pursuant to the provisions of the preceding paragraph, he/she shall notify the owner or possessor of that land and to give that owner or possessor an opportunity to express his/her opinion in advance.
- (3) A ministry or prefectural official who enters land pursuant to the provisions of paragraph (1) shall carry an identification card and present that to relevant persons.
- (4) The landowner or possessor shall not refuse or interfere with entry pursuant to the provisions of paragraph (1) without reasonable justification.

### **(Compensation for Losses)**

#### **Article 32**

- (1) The State shall, with respect to a National Wildlife Protection Area, or the relevant prefectural governor shall, with respect to a Prefectural Wildlife Protection Area, compensate for losses that would ordinarily arise to a person that suffer losses due to the installation of facilities pursuant to the provisions of Article 28, paragraph (11), the rejection of permission under Article 29, paragraph (7), or the attachment of conditions pursuant to the provisions of paragraph (10) of that Article.
- (2) A person that intends to receive compensation under the preceding paragraph shall make a request to the Minister of the Environment or the relevant prefectural governor.
- (3) If the Minister of the Environment or a prefectural governor receives a request under the preceding paragraph, he/she shall determine the compensation amount and notify the requestor of that amount.

- (4) A person dissatisfied with the amount determined under the provisions of the preceding paragraph may request an increase in that amount by filing an action within six months of the date of receipt of the notice under the provisions of that paragraph.
- (5) The State or the relevant prefecture will be the defendant in any action filed under the preceding paragraph.

#### **(Relationship between National Wildlife Protection Areas and Prefectural Wildlife Protection Areas)**

##### **Article 33**

If all or part of the area of a Prefectural Wildlife Protection Area is designated as a National Wildlife Protection Area, notwithstanding the provisions of Article 28, paragraph (2) and Article 15, paragraphs (2) and (3) as applied *mutatis mutandis* pursuant to Article 28, paragraphs (9) and (10), it will be deemed that the designation of that Prefectural Wildlife Protection Area has been withdrawn or that that Prefectural Wildlife Protection Area has been changed to exclude the overlapping part of that National Wildlife Protection Area.

#### **Section 4 Temporary Closed Hunting Areas (entirely omitted)**

#### **Chapter IV Management of Hunting (entirely omitted)**

#### **Chapter V Miscellaneous Provisions (entirely omitted)**

#### **Chapter VI Penal Provisions (partially omitted)**

##### **Article 83**

- (1) A person who falls under any of the following items will be punished by imprisonment with work for not more than one year or a fine of not more than 1,000,000 yen.
  - (i) A person who has captured Wildlife other than Game Species or collected bird eggs in violation of the provisions of Article 8 (except for persons not required to obtain permission)
  - (ii) A person who has captured Game Species in an area other than a Hunting Open Area or during a period outside a Hunting Period (if the Hunting Period is limited pursuant to the provisions of Article 11, paragraph (2) or extended pursuant to the provisions of Article 14, paragraph (2), that

period) (except for a person who has obtained permission under Article 9, paragraph (1) or a person who captures Game Species pursuant to the provisions of Article 13, paragraph (1))

- (iii) A person who has violated an order under the provisions of Article 10, paragraph (1), Article 25, paragraph (6), Article 37, paragraph (10), or Article 38-2, paragraph (10)
- (2) Attempts to commit offences prescribed in items (i) through (ii)-2, item (iv) (limited to the part pertaining to Article 35, paragraph (2), Article 36, or Article 38), and item (v) of the preceding paragraph are punishable.
- (3) Any item used in a criminal act prescribed in items (i) through (ii)-2, item (iv), and item (v) of paragraph (1) and any Wildlife captured or bird eggs collected through that criminal act in the possession of the offender will be confiscated.

#### **Article 84**

A person who falls under any of the following items will be punished by imprisonment with work for not more than six months or a fine of not more than 500,000 yen.

- (i) A person who has violated a condition attached to a permission pursuant to the provisions of Article 9, paragraph (5), Article 37, paragraph (5), or Article 38-2, paragraph (5)
- (ii) A person who has allowed another person to use his or her Certificate of Permission or Operator Certificate, certificate of permission to use dangerous hunting methods, certificate of permission to use a tranquilizer gun, or Hunter Registration
- (iii) A person who has used another person's Certificate of Permission or Operator certificate, certificate of permission to use dangerous hunting methods, certificate of permission to use a tranquilizer gun, or Hunter Registration
- (v) A person who has violated the provisions of Article 15, paragraph (4), Article 16, paragraph (1) or (2), Article 20, paragraph (1) or (2), Article 23, Article 26, paragraph (2), (5) or (6), Article 27, Article 29, paragraph (7), or Article 35, paragraph (3)
- (vi) A person who has violated an order under the provisions of Article 15, paragraph (10), Article 18-6, paragraph (2), Article 22, paragraph (1), Article 24, paragraph (9), Article 30, paragraph (2), or Article 35, paragraph (11)

#### **Article 85**

A person who falls under any of the following items will be punished by a fine of not more than 500,000 yen.

- (i) A person who has violated a condition attached to a permission or approval pursuant to the provisions of Article 15, paragraph (6), Article 24, paragraph (4), Article 29, paragraph (10), or Article 35, paragraph (7)
- (iv) A person who has violated the provisions of Article 28, paragraph (11) or Article 74, paragraph (1)

#### **Article 86**

A person who falls under any of the following items will be punished by a fine of not more than 300,000 yen.

- (i) A person who has violated the provisions of Article 9 paragraph (10) or (11), Article 15, paragraph (8) or (9), Article 18, Article 18-9, Article 21, paragraph (1), Article 24, paragraph (7) or (8), Article 25, paragraph (5), Article 35, paragraph (9) or (10), Article 37, paragraph (8) or (9), Article 38-2, paragraph (8) or (9), Article 54, Article 62, paragraph (1), or Article 65
- (i)-2 A person who has captured Wildlife using hunting equipment that does not display identity information in violation of the provisions of Article 9, paragraph (12)
- (ii) A person who has failed to make a report or made a false report pursuant to the provisions of Article 9, paragraph (13), Article 66, or Article 75, paragraph (1)
- (iii) A person who has moved, defaced, damaged, or removed a sign referred to in Article 15, paragraph (13) (including cases in which that provision is applied *mutatis mutandis* pursuant to Article 28, paragraph (9) and Article 29, paragraph (4)), Article 34, paragraph (5) (including cases in which that provision is applied *mutatis mutandis* pursuant to Article 35, paragraph (12)), or Article 70, paragraph (2), or facilities referred to in Article 28, paragraph (11)
- (v) A person who has refused or obstructed an entry pursuant to the provisions of Article 31, paragraph (1) in violation of the provisions of paragraph (4) of that Article

#### **Article 87**

If a person that has obtained permission under Article 9, paragraph (1) or a Hunting License violates the provisions of this Act and is punishable by a fine or heavier punishment, that person's permission or Hunting License will cease to be effective.

#### **Article 88**

If a representative of a juridical person or if an agent, employee, or other worker of a juridical person or an individual commits an offense prescribed in Articles 83 through 86 in connection with the business of that



juridical person or individual, in addition to the offender, that juridical person or individual will be punished by the fine in the corresponding Article.

**Supplementary Provisions (entirely omitted)**

# **3-6 Act on Conservation of Endangered Species of Wild Fauna and Flora (Excerpt)**

(Act No. 75 of June 5, 1992)

Last amended by Act No. 69 of June 13, 2014

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## **Chapter I General Provisions**

### **(Purpose)**

#### **Article 1**

In view of the fact that wild fauna and flora are not only important constituent elements of ecosystems, but are essential for enriching the lives of human beings as an important part of the natural environment, the purpose of this Act is to secure biodiversity and to conserve a satisfactory natural environment by ensuring the conservation of endangered species of wild fauna and flora, thereby contributing to securing healthy and cultured lives for present and future generations of citizens.

### **(Responsibilities)**

#### **Article 2**

- (1) The State shall, at all times, monitor the status of wild fauna and flora species (if any species has subspecies or varieties, those subspecies or varieties; the same applies hereinafter ), and enhance scientific knowledge on the conservation of endangered species of wild fauna and flora, as well as formulate and implement comprehensive measures for the conservation of those species.
- (2) Each local public entity shall endeavor to formulate and implement measures for the conservation of endangered species of wild fauna and flora depending on the natural and social conditions within the territory of that local public entity.
- (3) Citizens shall endeavor to contribute to the conservation of endangered species of wild fauna and flora in such ways as cooperating with the measures carried out by the State and local public entities set forth in the preceding two paragraphs.

### **(Respect for Property Rights, etc.)**

#### **Article 3**

In the application of this Act, respect shall be shown for ownership and any other property rights held by persons concerned, consideration shall be given to the stability of residents' lives as well as the maintenance and promotion of their welfare, and attention shall be paid to the accommodation of conservation of national land and other public interest.

### **(Definitions, etc.)**

#### **Article 4**

- (1) The term "Endangered" as used in this Act means that, with regard to a species of wild fauna and flora, the number of individual organisms of that species is notably small, the number of individual organisms of that species is decreasing notably, the major habitats or natural environments of the individual organisms of that species are disappearing, or the environment where the individual organisms of that species live or grow is deteriorating notably, to a level that would be detrimental to

the survival of that species, or there are other circumstances that would be detrimental to the survival of that species.

- (2) The term "Endangered Species" as used in this Act means National Endangered Species set forth in the following paragraph, International Endangered Species set forth in paragraph (4), and temporarily designated species set forth in paragraph (1) of the following Article.
- (3) The term "National Endangered Species" as used in this Act means endangered species of wild fauna and flora, of which individual organisms live or grow in Japan, designated by Cabinet Order.
- (4) The term "International Endangered Species" as used in this Act means endangered species of wild fauna and flora for which arrangements have been made to ensure conservation through international cooperation (excluding National Endangered Species ) designated by Cabinet Order.
- (5) The term "Specified National Endangered Species" as used in this Act means National Endangered Species that satisfy both of the following requirements and that are designated by Cabinet Order:
  - (i) individual organisms of the species may be bred or propagated commercially; and
  - (ii) no arrangements have been made to ensure conservation of the species through international cooperation.
- (6) When the Minister of the Environment drafts the Cabinet Order referenced in the preceding three paragraphs, upon its enactment, revision, or abolition, he/she shall hear the opinions of the Central Environment Council.

### **(Temporarily Designated Species)**

#### **Article 5**

- (1) If the Minister of the Environment considers it necessary and especially urgent to ensure the conservation of any species of wild fauna or flora that is neither a National Endangered Species nor an International Endangered Species, he/she may designate that species as a temporarily designated species.
- (2) Prior to making a designation under the provisions of the preceding paragraph (hereinafter referred to as the "designation" in this Article), the Minister of the Environment shall consult with the head of the relevant administrative organ.
- (3) The period of the designation must not exceed three years.
- (4) When making a designation, the Minister of the Environment shall give public notice in the official gazette of that designation and of the species of wild fauna or flora to which the designation pertains.
- (5) The designation will become effective on the second day following the day of the public notice under the provisions of the preceding paragraph.
- (6) If the Minister of the Environment finds that the designation is no longer necessary, he/she shall withdraw that designation.
- (7) The provisions of paragraphs (2), (4), and (5) apply *mutatis mutandis* to the withdrawal of a designation under the provisions of the preceding paragraph. In this case, the phrase "on the second day following the day of the public notice under the provisions of the preceding paragraph" in

paragraph (5) will be deemed to be replaced with "upon giving public notice under the provisions of the preceding paragraph as applied *mutatis mutandis* pursuant to paragraph (7)."

**(Basic Policy for the Conservation of Endangered Species of Wild Fauna and Flora)**

**Article 6**

- (1) The Minister of the Environment shall prepare a draft basic policy for the conservation of Endangered Species after hearing opinions of the Central Environment Council and shall seek a cabinet decision thereon.
- (2) The basic policy set forth in the preceding paragraph (hereinafter referred to as the "Basic Policy for the Conservation of Endangered Species of Wild Fauna and Flora" in this Article) must provide for the following matters:
  - (i) the basic concept for the conservation of endangered species of wild fauna and flora;
  - (ii) basic matters concerning the selection of Endangered Species;
  - (iii) basic matters concerning the treatment of individual organisms (including eggs or seeds which are specified by Cabinet Order; the same applies hereinafter) of Endangered Species, any part of those individual organisms (limited to those organs that require the species conservation measures under this Act such as regulation of transfers, etc., from which the species can be easily identified and which are specified by Cabinet Order; the same applies hereinafter), and any processed products made from those individual organisms or organs thereof (limited to those processed products from which the species can be easily identified and which are specified by Cabinet Order; the same applies hereinafter);
  - (iv) basic matters concerning the protection of the habitat or natural environment of individual organisms from National Endangered Species;
  - (v) basic matters concerning protection and recovery programs (meaning programs for promoting the breeding or propagation of individual organisms of National Endangered Species, maintaining their habitat or natural environment, or otherwise ensuring the conservation of National Endangered Species; the same applies in Chapter IV); and
  - (vi) other important matters concerning the conservation of endangered species of wild fauna and flora in addition to what is listed in the preceding items.
- (3) When the cabinet decision set forth in paragraph (1) is made on the Basic Policy for the Conservation of Endangered Species of Wild Fauna and Flora, the Minister of the Environment shall publicly announce that cabinet decision without delay.
- (4) The provisions of paragraph (1) and the preceding paragraph apply *mutatis mutandis* to any amendment to the Basic Policy for the Conservation of Endangered Species of Wild Fauna and Flora.
- (5) The contents of any disposition based on the provisions of this Act and other measures and programs for the conservation of endangered species of wild fauna and flora must be in harmony with the Basic Policy for the Conservation of Endangered Species of Wild Fauna and Flora.

## **Chapter II Regulation of the Treatment of Individual Organisms, etc.**

### **Section 1 Obligations, etc. of Owners of Individual Organisms, etc.**

#### **(Obligations of Owners etc. of Individual Organisms, etc.)**

##### **Article 7**

An owner or possessor of an individual organism from an Endangered Species of Wild Fauna or Flora, any part of that individual organism, or any processed product made from that individual organism or part (hereinafter collectively referred to as an “Individual Organism, Etc.”) shall be aware of the importance of the conservation of Endangered Species of Wild Fauna and Flora, and endeavor to treat that Individual Organism, Etc. appropriately.

#### **(Advice or Guidance)**

##### **Article 8**

If the Minister of the Environment considers it necessary for the conservation of Endangered Species of Wild Fauna and Flora, he/she may provide an owner or possessor of an Individual Organism, Etc. from an Endangered Species of Wild Fauna or Flora with necessary advice or guidance concerning the treatment of that Individual Organism, Etc.

### **Section 2 Prohibition of the Capture of Individual Organisms and Transfer, etc. of Individual Organisms, etc.**

#### **(Prohibition of Taking)**

##### **Article 9**

A person shall not capture, collect, kill, wound, or damage (hereinafter collectively referred to as “Take” or “Taking”) a living individual organism from a National Endangered Species or from a Temporarily Designated Species (hereinafter collectively referred to as a “National Endangered Species, Etc.” in this Section and Article 54, paragraph (2)); provided, however, that this does not apply in any of the following cases:

- (i) where a person obtains permission under paragraph (1) of the following Article and carries out the Taking to which that permission pertains;
- (ii) cases specified by Ordinance of the Ministry of the Environment as those in which it is particularly necessary for a person to carry out the Taking to earn his/her living, and where that Taking poses no risk of impeding the conservation of the species; or
- (iii) where other unavoidable grounds specified by Ordinance of the Ministry of the Environment exist, such as the protection of human life and limb.

## **(Permission for Taking)**

### **Article 10**

- (1) A person who intends to Take a living individual organism from a National Endangered Species, etc. for the purpose of academic research, breeding, or propagation or for any other purpose specified by Ordinance of the Ministry of the Environment shall obtain the permission of the Minister of the Environment.
- (2) A person who intends to obtain permission set forth in the preceding paragraph, shall apply for permission to the Minister of the Environment as provided by Ordinance of the Ministry of the Environment.
- (3) If any of the following grounds exist with regard to the Taking to which an application set forth in the preceding paragraph pertains, the Minister of the Environment shall not grant permission under paragraph (1):
  - (i) the purpose of the Taking does not conform to any of the purposes prescribed in paragraph (1);
  - (ii) the Taking poses a risk of impeding the conservation of the National Endangered Species, etc.; or
  - (iii) the person carrying out the Taking is found to be unable to appropriately care for the individual organism he/she intends to Take, due to not having an appropriate rearing and/or cultivating facility or for any other grounds.
- (4) When granting permission under paragraph (1), if either of the circumstances specified in the following items for the respective categories of permission set forth therein exist, the Minister of the Environment may attach conditions to that permission to the extent necessary:
  - (i) permission other than that prescribed in the following item: if the minister considers it necessary for the conservation of the National Endangered Species, etc.; or
  - (ii) permission to Take a living individual organism from a Specified National Endangered Species for the purpose of breeding or propagation for transfer or delivery in connection with the business set forth in Article 30, paragraph (1): if the minister considers it necessary to contribute to the conservation of the Endangered Species of Wild Fauna or Flora through the promotion of breeding or propagation of individual organisms of the Specified National Endangered Species.
- (5) When the Minister of the Environment grants permission set forth in paragraph (1), he/she shall issue a permit as provided by Ordinance of the Ministry of the Environment.
- (6) Any recipient of permission set forth in paragraph (1) that is specified by Ordinance of the Ministry of the Environment as a juridical person or another person with unavoidable circumstances for having another person engage in the Taking to which that permission pertains may, as provided by Ordinance of the Ministry of the Environment, apply to the Minister of the Environment for an operator certificate certifying that the certificate holder engages in the Taking to which the permission pertains under that person's supervision.
- (7) A recipient of permission set forth in paragraph (1) may, if that person or a person engaged in the Taking to which that permission pertains under that person's supervision loses the permit set forth in paragraph (5) or the operator certificate set forth in the preceding paragraph or if that permit or that



operator certificate is destroyed, apply to the Minister of the Environment for that permit or operator certificate to be reissued as provided by Ordinance of the Ministry of the Environment.

- (8) A recipient of permission set forth in paragraph (1) or a person engaged in the Taking to which the permission pertains under that person's supervision shall carry the permit set forth in paragraph (5) or the operator certificate set forth in paragraph (6) when carrying out the Taking.
- (9) A person who has carried out the Taking after obtaining permission set forth in paragraph (1) shall appropriately treat the individual organism he/she has Taken by housing it in an appropriate rearing and/or cultivation facility or by any other method specified by Ordinance of the Ministry of the Environment.
- (10) The Minister of the Environment shall consult with the Minister of Agriculture, Forestry and Fisheries prior to granting permission set forth in paragraph (1) to Take a living individual organism from a Specified National Endangered Species for the purpose of breeding or propagation for transfer or delivery in connection with the business set forth in Article 30, paragraph (1) or attaching conditions to that permission pursuant to the provisions of paragraph (4).

**(Order to Take Measures etc. Issued to a Person Permitted to Carry out Taking)**

**Article 11**

- (1) Where a recipient of permission set forth in paragraph (1) of the preceding Article violates the provisions of paragraph (9) of that Article or the conditions attached pursuant to the provisions of paragraph (4) of that Article, if either of the circumstances specified in the following items exists for the respective categories of persons who have obtained that permission, the Minister of the Environment may order that person to improve his/her rearing and/or cultivation facilities or to take other necessary measures:
  - (i) a person not prescribed in the following item: if the Minister of the Environment considers it necessary for the conservation of the National Endangered Species, etc.; or
  - (ii) a recipient of permission set forth in paragraph (1) of the preceding Article to Take a living individual organism from a Specified National Endangered Species for the purpose of breeding or propagation for transfer or delivery in connection with the business set forth in Article 30, paragraph (1): if the Minister of the Environment considers it necessary to contribute to the conservation of Endangered Species of Wild Fauna and Flora through promotion of the breeding or propagation of individual organisms from the Specified National Endangered Species.
- (2) Where a recipient of permission set forth in paragraph (1) of the preceding Article violates the provisions of this Act or any order issued or disposition made under this Act, if either of the circumstances specified in the following items exist for the respective categories of persons who have obtained the permission set forth therein, the Minister of the Environment may revoke that permission:
  - (i) a person not prescribed in the following item: if the Minister of the Environment finds that the violation impedes the conservation of the National Endangered Species, etc.; or

- (ii) a person set forth in item (ii) of the preceding paragraph: if the Minister of the Environment finds that the violation impedes contribution to the conservation of Endangered Species of Wild Fauna and Flora through promotion of the breeding or propagation of individual organisms from the Specified National Endangered Species.
- (3) The Minister of the Environment shall consult with the Minister of Agriculture, Forestry and Fisheries prior to issuing an order under the provisions of paragraph (1) against a person set forth in item (ii) of that paragraph or revoking that person's permission pursuant to the provisions of the preceding paragraph.

**(Prohibition of Transfer)**

**Article 12**

- (1) A person shall not transfer or receive a transfer of or deliver or receive a delivery of (hereinafter collectively referred to as "Transfer") an Individual Organism, Etc. from an Endangered Species of Wild Fauna or Flora; provided, however, that this does not apply in any of the following cases:
  - (i) where a person obtains permission under paragraph (1) of the following Article and carries out the Transfer to which said permission pertains;
  - (ii) where a person Transfers an Individual Organism, Etc. from a Specified National Endangered Species;
  - (iii) where a person Transfers a part from an International Endangered Species or a processed product made from that part that is specified by Cabinet Order as a raw material for products within Japan (hereinafter referred to as a "Raw Material Part, Etc.") or any processed product made from a Raw Material Part, Etc. that satisfies the requirements specified by Cabinet Order in terms of its form, size, or other matters according to the type of the Raw Material Part, Etc. or the processed product made therefrom (hereinafter referred to as a "Specified Part, Etc.");
  - (iv) where a person Transfers an individual organism from a National Endangered Species, Etc. that he/she has Taken in the case prescribed under Article 9, item (ii), any part from that individual organism, or any processed product made from that individual organism or part;
  - (v) where a person Transfers an Individual Organism, Etc. from an International Endangered Species for which a registration set forth in Article 20, paragraph (1) has been obtained or a Raw Material Part, Etc. for which an advance registration certificate set forth in Article 20-3, paragraph (1) has been completed pursuant to the provisions of the main clause of that paragraph;
  - (vi) cases specified by Ordinance of the Ministry of the Environment where one or both of the parties involved in a Transfer of an Individual Organism, Etc. from an Endangered Species of Wild Fauna or Flora are national government organs or local public entities; or
  - (vii) in addition to what is listed in the preceding items, cases specified by Ordinance of the Ministry of the Environment as those in which a Transfer poses no risk of impeding the conservation of Endangered Species of Wild Fauna or Flora.

- (2) If the Minister of the Environment intends to establish the Ordinance of the Ministry of the Environment set forth in item (vi) or (vii) of the preceding paragraph, he/she shall consult with the Minister of Agriculture, Forestry and Fisheries and the Minister of Economy, Trade and Industry.

**(Permission for Transfer)**

**Article 13**

- (1) A person who intends to Transfer an Individual Organism, Etc. from an Endangered Species of Wild Fauna or Flora for the purpose of academic research, breeding, or propagation or for any other purpose specified by Ordinance of the Ministry of the Environment (excluding a person who intends to carry out a Transfer in any of the cases listed in paragraph (1), items (ii) through (vii) of the preceding Article) shall obtain the permission of the Minister of the Environment.
- (2) A person who intends to obtain permission set forth in the preceding paragraph shall apply for permission to the Minister of the Environment as provided by Ordinance of the Ministry of the Environment.
- (3) If any of the following grounds exist with regard to the Transfer to which the application set forth in the preceding paragraph pertains, the Minister of the Environment shall not grant permission under in paragraph (1):
  - (i) the purpose of the Transfer does not conform to any of the purposes prescribed in paragraph (1);  
or
  - (ii) the transferee or the recipient of delivery is found to be unable to appropriately care for the Individual Organism, Etc. he/she receives by Transfer or delivery for the conservation of the species due to not having an appropriate rearing and/or cultivation facility or for any other grounds.
- (4) The provisions of Article 10, paragraph (4) apply *mutatis mutandis* to the permission set forth in paragraph (1), the provisions of paragraph (9) of that Article apply *mutatis mutandis* to any person who has received a Transfer or delivery after obtaining the permission set forth in paragraph (1), and the provisions of paragraph (2) of the preceding Article apply *mutatis mutandis* to the enactment, revision, or abolition of the Ordinance of the Ministry of the Environment set forth in paragraph (1). In this case, the phrase "individual organism he/she has Taken" in Article 10, paragraph (9) will be deemed to be replaced with "Individual Organism, Etc. he/she has received by Transfer or delivery."

**(Order to Take Measures etc. Issued to a Person Permitted to Carry Out a Transfer)**

**Article 14**

Where a recipient of a permission set forth in paragraph (1) of the preceding Article violates the provisions of Article 10, paragraph (9) as applied *mutatis mutandis* pursuant to paragraph (4) of the preceding Article or the conditions attached pursuant to the provisions of Article 10, paragraph (4) as applied *mutatis mutandis* pursuant to paragraph (4) of the preceding Article, if the Minister of the Environment considers it necessary

for the conservation of the Endangered Species of Wild Fauna or Flora, he/she may order that person to improve the rearing and/or cultivation facility or to Take any other necessary measures.

**(Prohibition of Export and Import)**

**Article 15**

- (1) An Individual Organism, Etc. from a National Endangered Species other than Specified National Endangered Species must not be exported or imported; provided, however, that this does not apply if that export or import is carried out for the purpose of academic research involving international cooperation or is otherwise particularly necessary, if it does not impede the conservation of the National Endangered Species in Japan, or if it satisfies any other requirements specified by Cabinet Order.
- (2) A person who intends to export or import an Individual Organism, Etc. from an Endangered Species of Wild Fauna or Flora other than Specified National Endangered Species bears an obligation to obtain approval for the export or import pursuant to the provisions of Article 48, paragraph (3) or Article 52 of the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949).

**(Order to Take Measures, etc. Issued to an Illegal Importer)**

**Article 16**

- (1) If the Minister of Economy, Trade and Industry considers it necessary where an Individual Organism, Etc. from an Endangered Species of Wild Fauna or Flora other than Specified National Endangered Species has been imported without approval under the provisions of the Cabinet Order based on the provisions of Article 52 of the Foreign Exchange and Foreign Trade Act, he/she may order the importer of that Individual Organism, Etc. to return that Individual Organism, Etc. by designating a facility or other place appropriate for the protection of the Individual Organism, Etc. located within the exporting country or the country of origin.
- (2) If the Minister of the Environment and the Minister of Economy, Trade and Industry find it to be necessary where a person has received a Transfer of an Individual Organism, Etc. from an Endangered Species of Wild Fauna or Flora other than Specified National Endangered Species in violation of the provisions of Article 12, paragraph (1) from a person who has imported that Individual Organism, Etc. without approval under the provisions of the Cabinet Order based on the provisions of Article 52 of the Foreign Exchange and Foreign Trade Act, with knowledge that that Individual Organism, Etc. has been imported without that approval, they may order the person who has received that Transfer to return that Individual Organism, Etc. by designating a facility or other place appropriate for the protection of that Individual Organism, Etc. located within the exporting country or the country of origin.
- (3) Where the Minister of Economy, Trade and Industry has issued an order under the provisions of paragraph (1) or the Minister of the Environment and the Minister of Economy, Trade and Industry have issued an order under the provisions of the preceding paragraph, if the person who has received

that order fails to return the Individual Organism, Etc. as ordered, the Minister of Economy, Trade and Industry or the Minister of the Environment and the Minister of Economy, Trade and Industry (collectively referred to as the "Minister of Economy, Trade and Industry, Etc." in Article 52) may return the Individual Organism, Etc. to the facility or other place prescribed in the preceding two paragraphs himself/herself and have that person bear all or part of the costs incurred.

**(Prohibition of Display or Advertisement)**

**Article 17**

An Individual Organism, Etc. from an Endangered Species of Wild Fauna or Flora must not be displayed or advertised for the purpose of sale or distribution; provided, however, that this does not apply to the display or advertisement of an Individual Organism, Etc. from a Specified National Endangered Species, a Specified Part, Etc., an individual organism from a National Endangered Species, etc. Taken in the case set forth in Article 9, item (ii), any part of that individual organism, or processed product made from that individual organism or organ, an Individual Organism, Etc. from an International Endangered Species for which the registration set forth in Article 20, paragraph (1) has been obtained, or a Raw Material Part, Etc. pertaining to the advance registration certificate set forth in Article 20-3, paragraph (1) that has been completed pursuant to the provisions of the main clause of that paragraph or to any other cases specified by Ordinance of the Ministry of the Environment wherein that display or advertisement poses no risk of impeding the conservation of the Endangered Species of Wild Fauna or Flora.

**(Order to Take Measures Issued to a Person Displaying or Advertising an Individual Organism)**

**Article 18**

The Minister of the Environment may order a person who is displaying or advertising an Individual Organism, Etc. from an Endangered Species of Wild Fauna or Flora in violation of the provisions of the preceding Article to cease that display or advertisement or order any other necessary matters to secure the observance of the provisions of that Article.

**(Collection of Reports and On-Site Inspections)**

**Article 19**

(1) The ministers listed in the following items may, to the extent necessary for the enforcement of this Act, request the corresponding persons prescribed in those items to report on the status of the treatment of an Individual Organism, Etc. from an Endangered Species of Wild Fauna or Flora and other necessary matters or have ministry officials enter a facility related to the Taking of an individual organism from an Endangered Species of Wild Fauna or Flora or the Transfer, import, display, or advertisement of an Individual Organism, Etc. from an Endangered Species of Wild Fauna or Flora and inspect the Individual Organism, Etc., the rearing and/or cultivation facility, documents, or any other articles, or question relevant persons:

- (i) the Minister of the Environment: a recipient of permission set forth in Article 10, paragraph (1) or Article 13, paragraph (1) or a person who is displaying or advertising an Individual Organism, Etc. from an Endangered Species of Wild Fauna or Flora for the purpose of sale or distribution;
  - (ii) the Minister of the Environment and the Minister of Economy, Trade and Industry: a person who has received Transfer of an imported Individual Organism, Etc. from an Endangered Species of Wild Fauna or Flora other than Specified National Endangered Species; and
  - (iii) the Minister of Economy, Trade and Industry: a person who has imported an Individual Organism, Etc. from an Endangered Species of Wild Fauna or Flora other than a National Endangered Species.
- (2) A ministry official who carries out an on-site inspection under the provisions of the preceding paragraph shall carry an identification card and present it to relevant persons.
- (3) The authority under the provisions of paragraph (1) must not be construed as extending to criminal investigations.

### **Section 3 Registration, etc. of Individual Organisms, Etc. from International Endangered Species (entirely omitted)**

## **Section 4 Regulation of Businesses Dealing with Specified National Endangered Species and Businesses Dealing with Specified International Endangered Species**

### **Subsection 1 Regulation of Businesses Dealing with Specified National Endangered Species**

#### **(Notification of Business Dealing with Specified National Endangered Species)**

##### **Article 30**

- (1) A person (excluding a person prescribed in the following paragraph) who intends to carry out a business activity that involves the Transfer or delivery of any Individual Organism, Etc. from a Specified National Endangered Species (hereinafter referred to as a "Business Dealing with Specified National Endangered Species" in this Section and Article 62, item (i)) shall notify the Minister of the Environment and the Minister of Agriculture, Forestry and Fisheries of the following matters in advance:
- (i) the name and address, and in the case of a juridical person, the name of the representative person thereof;
  - (ii) the name and location of the facility for carrying out the Transfer or delivery of the Individual Organism, Etc. from a Specified National Endangered Species;
  - (iii) the Specified National Endangered Species subject to Transfer or delivery; and

- (iv) in addition to what is listed in the preceding three items, any matter specified by Ordinance of the Ministry of the Environment and Ordinance of the Ministry of Agriculture, Forestry and Fisheries.
- (2) A person who intends to carry out a Business Dealing with Specified National Endangered Species that involves a processed product shall notify the Minister of the Environment and the minister specified by Cabinet Order according to the type of processed product (hereinafter referred to as the "Minister Concerned with the Specified National Endangered Species" in this Section) of the following matters in advance:
  - (i) the matters listed in items (i) through (iii) of the preceding paragraph; and
  - (ii) in addition to what is listed in the preceding item, any matter specified by an order issued by the Minister of the Environment and the Minister Concerned with the Specified National Endangered Species.
- (3) A person who has provided notification under the provisions of paragraph (1) shall, in the event of a change in any matter to which that notification pertains or when having abolished the Business Dealing with Specified National Endangered Species, notify the Minister of the Environment and the Minister of Agriculture, Forestry and Fisheries within thirty days from the day of that change or abolition.
- (4) In addition to what is provided in paragraph (1) and the preceding paragraph, necessary matters concerning notification under these provisions are to be specified by Ordinance of the Ministry of the Environment and Ordinance of the Ministry of Agriculture, Forestry and Fisheries.
- (5) The provisions of paragraph (3) apply *mutatis mutandis* to persons who have provided notification under the provisions of paragraph (2), and the provisions of the preceding paragraph apply *mutatis mutandis* to notifications under the provisions of paragraph (2). In this case, the term "Minister of Agriculture, Forestry and Fisheries" in paragraph (3) will be deemed to be replaced with "Minister Concerned with the Specified National Endangered Species," and the phrase "Ordinance of the Ministry of the Environment and Ordinance of the Ministry of Agriculture, Forestry and Fisheries" in the preceding paragraph will be deemed to be replaced with "order issued by the Minister of the Environment and the Minister Concerned with the Specified National Endangered Species."

**(Matters to be Observed by a Person Carrying Out a Business Dealing with a Specified National Endangered Species)**

**Article 31**

- (1) A person who carries out a Business Dealing with Specified National Endangered Species after providing notification under the provisions of paragraph (1) of the preceding Article shall, when receiving Transfer or delivery of an Individual Organism, Etc. from a Specified National Endangered Species in connection with that Business Dealing with Specified National Endangered Species, confirm the name and address of the transferor or deliverer of the Individual Organism, Etc., and if the

transferor or deliverer is a juridical person, the name of the representative person thereof, and also ask the transferor or the deliverer about the following matters:

- (i) whether that Individual Organism, Etc. is a bred or propagated individual organism, a part of that individual organism, or a processed product made from that individual organism or part (referred to as a "Bred or Propagated Individual Organism, Etc." in the following item) or a captured or collected individual organism, a part of that individual organism, or a processed product made from that individual organism or part (referred to as a "Captured or Collected Individual Organism, Etc." in item (iii));
  - (ii) if that Individual Organism, Etc. is a Bred or Propagated Individual Organism, Etc., the name and address of the person who bred or propagated that Individual Organism, Etc., and in the case of a juridical person, the name of the representative person thereof; and
  - (iii) if that Individual Organism, Etc. is a Captured or Collected Individual Organism, Etc., the place where that Individual Organism, Etc. was captured or collected, and the name and address of the person who captured or collected that Individual Organism, Etc.
- (2) A person who carries out a Business Dealing with Specified National Endangered Species after providing notification under the provisions of paragraph (1) of the preceding Article shall, as provided by Ordinance of the Ministry of the Environment and Ordinance of the Ministry of Agriculture, Forestry and Fisheries, enter the matters confirmed or inquired about pursuant to the provisions of the preceding paragraph and other matters concerning the Transfer of the Individual Organism, Etc. of the Specified National Endangered Species in a document, and preserve that document.
- (3) The provisions of the preceding two paragraphs apply *mutatis mutandis* to a person carrying out a Business Dealing with Specified National Endangered Species after providing notification under the provisions of paragraph (2) of the preceding Article. In this case, the phrase "Ordinance of the Ministry of the Environment and Ordinance of the Ministry of Agriculture, Forestry and Fisheries" in the preceding paragraph will be deemed to be replaced with "order issued by the Minister of the Environment and the Minister Concerned with the Specified National Endangered Species."

**(Instructions, etc. Given to a Person Carrying Out a Business Dealing with a Specified National Endangered Species)**

**Article 32**

- (1) Where a person carrying out a Business Dealing with Specified National Endangered Species after providing notification under the provisions of Article 30, paragraph (1) violates the provisions of paragraph (1) or (2) of the preceding Article, the Minister of the Environment and the Minister of Agriculture, Forestry and Fisheries may instruct that person on matters necessary to secure the observance of those provisions if they find it necessary in order to contribute to the conservation of Endangered Species of Wild Fauna and Flora by regulating for proper operation of that Business Dealing with Specified National Endangered Species.



- (2) Where a person carrying out a Business Dealing with Specified National Endangered Species after providing notification under the provisions of Article 30, paragraph (1) violates an instruction given under the preceding paragraph, the Minister of the Environment and the Minister of Agriculture, Forestry and Fisheries may order that person to suspend all or part of the Transfer or delivery of Individual Organisms, Etc. from a Specified National Endangered Species to which that Business Dealing with Specified National Endangered Species pertains for a period not exceeding three months, if they find that that violation will impede the conservation of Endangered Species of Wild Fauna or Flora accomplished by regulating for proper operation of that Business Dealing with Specified National Endangered Species.
- (3) The provisions of the preceding two paragraphs apply *mutatis mutandis* to a person carrying out a Business Dealing with Specified National Endangered Species after providing notification under the provisions of Article 30, paragraph (2). In this case, the term "Minister of Agriculture, Forestry and Fisheries" in the preceding two paragraphs will be deemed to be replaced with "minister relevant to the specified national endangered species," and the phrase "paragraph (1) or (2) of the preceding Article" in paragraph (1) will be deemed to be replaced with "paragraph (1) or (2) of the preceding Article as applied *mutatis mutandis* pursuant to paragraph (3) of that Article."

#### **(Collection of Reports and On-Site Inspections)**

##### **Article 33**

- (1) The Minister of the Environment and the Minister of Agriculture, Forestry and Fisheries may, to the extent necessary for the enforcement of the provisions of this Section, request a person carrying out a Business Dealing with Specified National Endangered Species after providing notification under the provisions of Article 30, paragraph (1) to report on that business or have ministry officials enter a facility used to carry out that business to inspect documents and other articles or question relevant persons.
- (2) The provisions of the preceding paragraph apply *mutatis mutandis* to a person carrying out a Business Dealing with Specified National Endangered Species after providing notification under the provisions of Article 30, paragraph (2). In this case, the term "Minister of Agriculture, Forestry and Fisheries" in the preceding paragraph will be deemed to be replaced with "minister relevant to the specified national endangered species."
- (3) A ministry official who carries out an on-site inspection under the provisions of paragraph (1) (including where applied *mutatis mutandis* pursuant to the preceding paragraph; the same applies in the following paragraph) shall carry identification and present it to relevant persons.
- (4) The authority under the provisions of paragraph (1) must not be construed as extending to criminal investigations.

**Subsection 2 Regulation of Business Dealing with Specified International Endangered Species (entirely omitted)**

**Section 5 Certification, etc. that Processed Products are from Properly Acquired Raw Materials (entirely omitted)**

**Chapter III Regulations for Protection of Habitats, etc.**

**Section 1 Obligations, etc. of Landowners**

**(Obligations of Landowners, etc.)**

**Article 34**

An owner or possessor of land shall give consideration to the conservation of National Endangered Species when using that land.

**(Advice or Guidance)**

**Article 35**

If the Minister of the Environment considers it necessary for the conservation of National Endangered Species, he/she may provide an owner or possessor of land with necessary advice or guidance concerning the method of use of that land or any other matter.

**Section 2 Natural Habitat Protection Areas**

**(Natural Habitat Protection Areas)**

**Article 36**

- (1) If the Minister of the Environment considers it necessary for the conservation of a National Endangered Species, he/she may designate, as a natural habitat protection area, the habitat or natural environment of individual organisms of that species and the area that needs to be protected together with that habitat that are considered important for the conservation of that National Endangered Species in light of the distribution and ecological needs of those individual organisms and other matters related to the habitation and growth of those individual organisms.
- (2) Designation under the provisions of the preceding paragraph (hereinafter referred to as "Designation" in this Article) is made by specifying the area to be designated, the National Endangered Species to which the designation pertains, and guidelines on protection of the area to be designated.
- (3) The Minister of the Environment shall consult with the head of the relevant administrative organ and hear the opinions of the Central Environment Council and relevant local public entities prior to making a Designation.

- (4) The Minister of the Environment shall give public notice prior to making a Designation and make a draft for the area to be subject to the Designation, the National Endangered Species to which the Designation pertains, and guidelines on the protection of the area subject to the Designation (hereinafter referred to as the "Designation Draft" in the following paragraph and paragraph (6)) available for public inspection within 14 days of the day of public notice as provided by Ordinance of the Ministry of the Environment.
- (5) If public notice has been provided under the provisions of the preceding paragraph, any resident and/or interested person in the area to be subject to Designation may submit a written opinion on the Designation Draft to the Minister of the Environment during the period prescribed in that paragraph.
- (6) The Minister of the Environment shall hold a public hearing if a written opinion objecting to a Designation Draft is submitted under the preceding paragraph or where he/she finds it to be otherwise necessary in order to solicit a wide range of opinions on the Designation.
- (7) If the Minister of the Environment makes a Designation, he/she shall give public notice in the official gazette of that Designation and of the area to be subject to Designation, the National Endangered Species to which the Designation pertains, and guidelines on the protection of the area of the Designation.
- (8) A Designation will become effective upon the giving of public notice under the provisions of the preceding paragraph.
- (9) If the Minister of the Environment finds that there is no longer a need for a Designation or if he/she finds it to be inappropriate to continue a Designation due to a change in the habitation or growth status, or in any of the other circumstances in relation to the individual organisms from the National Endangered Species to which the natural habitat protection area pertains, he/she shall withdraw that Designation.
- (10) The provisions of paragraphs (3), (7), and (8) apply *mutatis mutandis* to withdrawal of a Designation under the provisions of the preceding paragraph. In this case, the phrase "that Designation and of the area to be subject to Designation, the National Endangered Species to which the Designation pertains, and guidelines on the protection of the area of the Designation" in paragraph (7) will be deemed to be replaced with "that Designation and of the area for which the Designation is to be withdrawn," and the phrase "public notice under the provisions of the preceding paragraph" in paragraph (8) will be deemed to be replaced with "public notice under the provisions of the preceding paragraph as applied *mutatis mutandis* pursuant to paragraph (10)."
- (11) A person who carries out any of the acts listed in the items under paragraph (4) of the following Article within a natural habitat protection area (for the act set forth in item (viii) of that paragraph, within one kilometer of a lake, pond, or wetland prescribed in that item) shall do so in a way that does not impede the conservation of the National Endangered Species while giving consideration to the guidelines set forth in paragraph (2).

**(Special Management Zones)**

### Article 37

- (1) The Minister of the Environment may designate any area within a natural habitat protection area which he/she finds to be particularly necessary for the conservation of a National Endangered Species as a special management zone.
- (2) If the Minister of the Environment finds that there is no longer a need for a designation under the provisions of the preceding paragraph or when he/she finds it to be inappropriate to continue that designation due to a change in the habitation or growth status or in any of the other circumstances in relation to the individual organisms of the National Endangered Species to which the special management zone pertains, he/she shall withdraw that designation.
- (3) The provisions of paragraphs (2) through (8) of the preceding Article apply *mutatis mutandis* to a designation under the provisions of paragraph (1), and the provisions of paragraphs (3), (7), and (8) of that Article apply *mutatis mutandis* to the withdrawal of a designation under the provisions of the preceding paragraph. In this case, the phrase "that Designation and of the area to be subject to Designation, the National Endangered Species to which the Designation pertains, and guidelines on the protection of the area of the Designation" in paragraph (7) of that Article will be deemed to be replaced with "that Designation and of the area for which the Designation is to be withdrawn," with regard to withdrawal of a designation under the provisions of the preceding paragraph, and the phrase "public notice under the provisions of the preceding paragraph" in paragraph (8) of that Article will be deemed to be replaced with "public notice under the provisions of the preceding paragraph as applied *mutatis mutandis* pursuant to paragraph (3) of the following Article."
- (4) The following acts (with regard to acts listed in items (x) through (xiv), limited to those carried out within any area designated by the Minister of the Environment and during a period designated for each such area) must not be carried out without the permission of the Minister of the Environment within a special management zone (with regard to acts listed in item (viii), within one kilometer of a lake, pond, or wetland prescribed in that item; the same applies in Article 40, paragraph (1) and Article 41, paragraph (1)):
  - (i) construction, renovation, or expansion of a building or other structure;
  - (ii) development of residential land, cultivation of land or otherwise changing the form or nature of land (including the beds of bodies of water);
  - (iii) excavation of minerals or quarrying of soil and/or stone;
  - (iv) reclamation of land from a water surface by landfill or drainage;
  - (v) raising or lowering the water level or water volume of a river, lake, pond, etc.;
  - (vi) felling trees or bamboo;
  - (vii) Taking an individual organism or other item from a species of wild fauna or flora designated by the Minister of the Environment as required for the habitation or growth of individual organisms from a National Endangered Species;

- (viii) discharging sewage or waste water into a lake, pond, or wetland designated by the Minister of the Environment within a special management zone or into any body of water or waterway that flows into such a lake, pond, or wetland by installing a drainage facility;
  - (ix) using a motor vehicle, horse, motorboat or landing an aircraft within any area designated by the Minister of the Environment other than on roads, open spaces set aside for public use, rice fields and other cultivated fields, pastures, and residential land;
  - (x) Taking an individual organism or other item from a species of wild fauna or flora other than an individual organism or other item from a species of wild fauna or flora designated by the Minister of the Environment pursuant to the provisions of item (vii);
  - (xi) releasing, planting, or sowing the seeds of an individual organism from a species of fauna or flora designated by the Minister of the Environment as one that poses a risk of impeding the habitation or growth of individual organisms from a National Endangered Species;
  - (xii) spreading any substance designated by the Minister of the Environment as one posing a risk of impeding the habitation or growth of individual organisms from a National Endangered Species;
  - (xiii) engaging in controlled burning or making an open fire; or
  - (xiv) observing an individual organism from a National Endangered Species by a method specified by the Minister of the Environment as posing a risk of impeding the habitation or growth of that individual organism from the National Endangered Species.
- (5) A person who intends to obtain the permission set forth in the preceding paragraph shall apply to the Minister of the Environment as provided for by Ordinance of the Ministry of the Environment.
- (6) If the act pertaining to the application set forth in the preceding paragraph does not conform to the guidelines set forth in paragraph (2) of the preceding Article as applied *mutatis mutandis* pursuant to paragraph (3), the Minister of the Environment may refuse to grant the permission set forth in paragraph (4).
- (7) If the Minister of the Environment considers it necessary for the conservation of a National Endangered Species, he/she may attach conditions to the permission set forth in paragraph (4) to the extent necessary for that conservation.
- (8) A person who had already commenced any of the acts listed in the items under paragraph (4) may, if it is decided that that act is to be regulated pursuant to the provisions of that paragraph, continue to conduct that act notwithstanding the provisions of that paragraph, if he/she notifies the Minister of the Environment of the matters specified by Ordinance of the Ministry of the Environment within three months of the decision on that regulation.
- (9) The provisions of paragraph (4) do not apply to the following acts:
- (i) an act carried out as a necessary emergency measure in response to an extraordinary disaster;
  - (ii) an ordinary act of management or a simple act specified by Ordinance of the Ministry of the Environment; and

- (iii) felling trees or bamboo by a method and to an extent designated by the Minister of the Environment for each special management zone in consultation with the Minister of Agriculture, Forestry and Fisheries.
- (10) A person who has carried out an act set forth in item (i) of the preceding paragraph that falls under any of the items under paragraph (4) shall notify the Minister of the Environment to that effect within fourteen days of the act.

#### **(No Entry Zones)**

#### **Article 38**

- (1) The Minister of the Environment may designate, as a no entry zone, any area within a special management zone that he/she finds to be particularly necessary to the protection of the habitation or growth of individual organisms from a National Endangered Species.
- (2) If the Minister of the Environment intends to make a designation under the provisions of the preceding paragraph, he/she shall obtain the consent of the owner or possessor of the land in that place (limited to the person having legitimate title to the land; the same applies in the following paragraph and Article 42, paragraph (2)), and consult with the head of the relevant administrative organ.
- (3) If the owner or possessor of land requests withdrawal of the designation under the provisions of paragraph (1) based on justifiable grounds or if the Minister of the Environment finds that there is no longer a need for that designation, the Minister of the Environment shall withdraw that designation.
- (4) Any person shall not enter a no entry zone during the period specified by the Minister of the Environment; provided, however, that this does not apply in any of the following cases:
  - (i) when entering the no entry zone in order to carry out a necessary emergency measure in response to an extraordinary disaster;
  - (ii) when entering the no entry zone in order to carry out an ordinary act of management or a simple act specified by Ordinance of the Ministry of the Environment; and
  - (iii) in addition to what is listed in the preceding two items, where the Minister of the Environment finds that unavoidable grounds exist and grants permission.
- (5) The provisions of Article 36, paragraphs (7) and (8) apply *mutatis mutandis* to designation under the provisions of paragraph (1) and withdrawal of designation under the provisions of paragraph (3), and the provisions of paragraphs (5) and (7) of the preceding Article apply *mutatis mutandis* to the permission set forth in item (iii) of the preceding paragraph. In this case, the phrase "that Designation and of the area to be subject to Designation, the National Endangered Species to which the Designation pertains, and guidelines on the protection of the area of the Designation" in Article 36, paragraph (7) will be deemed to be replaced with "that Designation and the area to be subject to Designation" with regard to a designation under the provisions of paragraph (1) and "that Designation and the area for which the Designation is to be withdrawn " with regard to withdrawal of designation under the provisions of paragraph (3), and the phrase "public notice under the provisions of the preceding paragraph" in paragraph (8) of that Article will be deemed to be replaced with "public notice

under the provisions of the preceding paragraph as applied *mutatis mutandis* pursuant to Article 38, paragraph (5)."

### **(Monitoring Zones)**

#### **Article 39**

- (1) A person who intends to carry out any of the acts listed in Article 37, paragraph (4), items (i) through (v) within any part of a natural habitat special management zone that is not categorized as a protection zone (referred to as a "Monitoring Zone" in paragraph (1) of the following Article and Article 41, paragraph (1)) shall notify the Minister of the Environment of matters specified by Ordinance of the Ministry of the Environment in advance.
- (2) Where notification under the provisions of the preceding paragraph (hereinafter referred to as "Notification" in this Article) has been provided, if the act to which the notification pertains does not conform to the guidelines set forth in Article 36, paragraph (2), the Minister of the Environment may prohibit or restrict the person who made the notification from carrying out the act to which the notification pertains or order that person to take necessary measures.
- (3) An order under the provisions of the preceding paragraph may not be issued after thirty days have elapsed from the day of the Notification (or after a period specified by the Minister of the Environment not exceeding sixty days from the day of the Notification, if there are reasonable grounds for not being able to issue an order under the provisions of that paragraph within thirty days from the day of the Notification) or after providing notice under the provisions of the proviso to paragraph (5).
- (4) If the Minister of the Environment has specified a period pursuant to the provisions of the preceding paragraph, he/she shall notify the person who provided notification of that fact and the grounds therefor without delay.
- (5) A person who provided notification shall not commence the act to which the notification pertains until thirty days have elapsed from the day of the notification (if the Minister of the Environment has specified a period pursuant to the provisions of paragraph (3), until that period has elapsed). However, this does not apply if the Minister of the Environment finds that the act poses no risk of impeding the conservation of the National Endangered Species and notifies that person to that effect.
- (6) The provisions of paragraph (1) do not apply to the following acts:
  - (i) an act carried out as a necessary emergency measure in response to an extraordinary disaster;
  - (ii) an ordinary act of management or a simple act specified by Ordinance of the Ministry of the Environment; and
  - (iii) an act that the person has already commenced upon designation under the provisions of Article 36, paragraph (1).

### **(Order to Take Measures, etc.)**

#### **Article 40**

- (1) If the Minister of the Environment considers it necessary for the conservation of a National Endangered Species, he/she may instruct a person carrying out any of the acts listed in the items under Article 37, paragraph (4) within a special management zone or a person carrying out any of the acts listed in items (i) through (v) of that paragraph within a Monitoring Zone with respect to the implementation methods of that act.
- (2) Where a person who has violated the provisions of Article 37, paragraph (4) or Article 38, paragraph (4), a person who has violated a condition attached pursuant to the provisions of Article 37, paragraph (7) (including cases where that paragraph is applied *mutatis mutandis* pursuant to Article 38, paragraph (5)), a person who has carried out an act prescribed in paragraph (1) of the preceding Article without providing notification under the provisions of that paragraph, or a person who has violated an order under the provisions of paragraph (2) of that Article has impeded the protection of the habitat or natural environment of individual organisms from a National Endangered Species as a result of that violation, if the Minister of the Environment considers it necessary for the conservation of the National Endangered Species, he/she may order that person to restore the original conditions or take any other necessary measures for the protection of the habitat of individual organisms from the National Endangered Species within a reasonable time limit specified by the Minister of the Environment.
- (3) If the recipient of an order issued by the Minister of the Environment under the provisions of the preceding paragraph fails to take measures prescribed in the order by the time limit pertaining to that order, the Minister of the Environment may himself/herself restore the original conditions or take any other necessary measures for the protection of the habitat or natural environment of individual organisms from the National Endangered Species and charge the recipient for all or part of the costs therefor.

#### **(Collection of Reports and On-Site Inspections)**

##### **Article 41**

- (1) The Minister of the Environment may, to the extent necessary for the enforcement of this Act, request a person who has carried out any of the acts listed in the items under Article 37, paragraph (4) within a special management zone or any of the acts listed in items (i) through (v) of that paragraph within a Monitoring Zone to report on the implementation status of that act or any other necessary matters.
- (2) The Minister of the Environment may, to the extent necessary for the enforcement of this Act, have ministry officials enter land owned or possessed by a person prescribed in the preceding paragraph within a natural habitat protection area and inspect the implementation status of the act carried out by that person or question relevant persons, or have them survey the impact of that act on the conservation of a National Endangered Species.
- (3) A ministry official carrying out an on-site inspection or survey under the provisions of the preceding paragraph shall carry an identification card and present it to relevant persons.



- (4) The authority under the provisions of paragraphs (1) and (2) must not be construed as extending to criminal investigations.

#### **(Field Surveys)**

##### **Article 42**

- (1) The Minister of the Environment may have ministry officials enter a person's land to the extent necessary to conduct a field survey for the purpose of making a designation under the provisions of Article 36, paragraph (1), Article 37, paragraph (1), or Article 38, paragraph (1).
- (2) If the Minister of the Environment intends to have ministry officials enter land under the provisions of the preceding paragraph, he/she shall notify the owner or possessor of that land of that fact and give that owner or possessor an opportunity to state his/her opinions in advance.
- (3) A ministry official who enters land pursuant to the provisions of paragraph (1) shall carry an identification card and present it to relevant persons.
- (4) An owner or possessor of land shall not refuse or obstruct entry under the provisions of paragraph (1) unless justifiable grounds exist.

#### **(Ruling by the Environmental Disputes Coordination Commission)**

##### **Article 43**

- (1) A person who is dissatisfied with a disposition under the provisions of Article 37, paragraph (4), Article 39, paragraph (2), or Article 40, paragraph (2) may apply to the Environmental Disputes Coordination Commission for a ruling if the grounds for that dissatisfaction relate to coordination with a mining, stone quarrying, or gravel quarrying business. In this case, that person may not file a request for administrative review.
- (2) The provisions of Article 22 of the Administrative Appeal Act apply *mutatis mutandis* if the administrative agency ordering a disposition erroneously announces that a request for administrative review or a request for reinvestigation may be filed against the disposition set forth in the preceding paragraph.

#### **(Compensation for Losses)**

##### **Article 44**

- (1) If a person has incurred losses due to the inability to obtain a permission set forth in Article 37, paragraph (4) or due to an attachment of conditions pursuant to the provisions of Article 37, paragraph (7), or an order under the provisions of Article 39, paragraph (2), the State shall compensate that person for the losses that would normally be incurred in such a case.
- (2) A person who intends to receive the compensation set forth in the preceding paragraph shall make a request for that compensation to the Minister of the Environment.
- (3) If the Minister of the Environment receives a request set forth in the preceding paragraph, he/she shall determine the compensation amount and notify the requester thereof.

- (4) A person dissatisfied with the amount determined under the provisions of the preceding paragraph may request an increase in that amount by filing an action within six months from the day on which he/she receives notice under the provisions of that paragraph.
- (5) The State will be the defendant in any action brought under the preceding paragraph.

## **Chapter IV Protection and Recovery Program**

### **(Plan for a Protection and Recovery Program)**

#### **Article 45**

- (1) The Minister of the Environment and the head of the national government administrative organ intending to carry out a protection and recovery program (collectively referred to as the "Minister of the Environment, Etc." in paragraph (3)) shall, in order to contribute to the proper and effective implementation of that protection and recovery program, establish a plan for that program after hearing the opinions of the Central Environment Council.
- (2) A plan for a protection and recovery program set forth in the preceding paragraph must, for each National Endangered Species to be subject to that program, specify the goals of that program, the area where that program is to be carried out, the contents of that program, and any other matters necessary to properly and effectively implement that program.
- (3) If the Minister of the Environment, etc. establishes a plan for a protection and recovery program set forth in paragraph (1), he/she shall give public notice of an outline thereof in the official gazette and make that protection and recovery program available for public inspection.
- (4) The provisions of paragraph (1) and the preceding paragraph apply *mutatis mutandis* to any amendment to a plan for a protection and recovery program set forth in paragraph (1).

### **(Certified Protection and Recovery Program, etc.)**

#### **Article 46**

- (1) If the State considers it necessary for the conservation of a National Endangered Species, it shall carry out a protection and recovery program.
- (2) If a plan for a protection and recovery program to be carried out by a local public entity conforms to a plan under paragraph (1) of the preceding Article, the local public entity may receive confirmation to that effect from the Minister of the Environment.
- (3) A person other than the State or local public entity may obtain certification from the Minister of the Environment to the effect that that person is capable of properly and reliably implementing the protection and recovery program to be carried out by that person and that the business plan for that protection and recovery program conforms to the plan for a protection and recovery program under paragraph (1) of the preceding Article.
- (4) If the Minister of the Environment grants a certification set forth in the preceding paragraph, he/she shall give public notice to that effect as provided by Ordinance of the Ministry of the Environment.

The same applies if that certification is revoked pursuant to the provisions of Article 48, paragraph (2) or (3).

#### **Article 47**

- (1) A certified protection and recovery program, etc. (meaning a national protection and recovery program or a protection and recovery program for which a confirmation set forth in paragraph (2) of the preceding Article or a certification set forth in paragraph (3) of that Article has been obtained; hereinafter the same applies in this Article) must be carried out in accordance with a plan for the protection and recovery program set forth in Article 45, paragraph (1).
- (2) The provisions of Article 9, Article 12, paragraph (1), Article 37, paragraphs (4) and (10), Article 38, paragraph (4), Article 39, paragraph (1), and Article 54, paragraphs (2) and (3) do not apply to an act implemented as a certified protection and recovery program, etc.
- (3) An owner or possessor of land within a natural habitat protection area shall endeavor to cooperate with the installation of feeding facilities and/or any other facilities necessary for a protection and recovery program that is conducted as part of a certified protection and recovery program, etc.
- (4) The Minister of the Environment may request a person carrying out a protection and recovery program after obtaining a certification set forth in paragraph (3) of the preceding Article to report on the implementation status of that program or on any other necessary matter.

#### **Article 48**

- (1) If a person carrying out a protection and recovery program after obtaining confirmation set forth in Article 46, paragraph (2) or a certification set forth in paragraph (3) of that Article abolishes that program or becomes unable to carry out that program in accordance with the plan established under Article 45, paragraph (1), he/she shall notify the Minister of the Environment to that effect.
- (2) If a person gives notice under the provisions of the preceding paragraph, the Minister of the Environment shall revoke the confirmation set forth in Article 46, paragraph (2) or the certification set forth in paragraph (3) of that Article to which that notice pertains.
- (3) If the Minister of the Environment finds that a protection and recovery program for which a certification set forth in Article 46, paragraph (3) has been obtained is not being carried out in accordance with the plan for that program established under Article 45, paragraph (1), or finds that the person carrying out that program is no longer capable of properly and reliably implementing that program, or has failed to make a report or made a false report under the provisions of paragraph (4) of the preceding Article, he/she may revoke that certification.

### **Chapter V Miscellaneous Provisions (entirely omitted)**

### **Chapter VI Penal Provisions (partially omitted)**

**Article 57-2**

A person who has violated the provisions of Article 9, Article 12, paragraph (1), or Article 15, paragraph (1), will be punished by imprisonment with work for not more than five years, a fine of not more than five million yen, or both.

**Article 58**

A person who falls under either of the following items will be punished by imprisonment with work for not more than one year or a fine of not more than one million yen:

- (i) a person who has violated an order under the provisions of Article 11, paragraph (1), Article 14, Article 16, paragraph (1) or (2), Article 18, or Article 40, paragraph (2); or
- (ii) a person who has violated the provisions of Article 17 or Article 37, paragraph (4).

*[Item (iii) has been intentionally omitted.]*

**Article 59**

A person who falls under any of the following items will be punished by imprisonment with work for not more than six months or a fine of not more than five hundred thousand yen:

- (i) a person who has violated any of the conditions attached pursuant to the provisions of Article 10, paragraph (4) (including where applied *mutatis mutandis* pursuant to Article 13, paragraph (4)) or Article 37, paragraph (7); or

*[Item (ii) has been intentionally omitted.]*

- (iii) a person who has violated an order under the provisions of Article 20-3, paragraphs (4) through (6), Article 32, paragraph (2) (including where applied *mutatis mutandis* pursuant to paragraph (3) of that Article), Article 33-4, paragraph (2), or Article 33-6, paragraph (4).

*[Item (iv) has been intentionally omitted.]*

*[Articles 60 and 61 have been intentionally omitted.]*

**Article 62**

A person who falls under any of the following items will be punished by a fine of not more than five hundred thousand yen:

- (i) a person who has carried out a Business Dealing with Specified National Endangered Species or a Business Dealing with Specified International Endangered Species without providing

notification or by providing false notification under the provisions of Article 30, paragraph (1) or (2) or Article 33-2.

*[Items (ii) through (v) have been intentionally omitted.]*

### **Article 63**

A person who falls under any of the following items will be punished by a fine of not more than three hundred thousand yen:

- (i) a person who has carried out Taking without having a permit or operator certificate in his/her possession in violation of the provisions of Article 10, paragraph (8);
- (ii) a person who has failed to make a report or made a false report under Article 19, paragraph (1), who has refused, obstructed, or evaded an on-site inspection under the provisions of that paragraph, or who has failed to make a statement or made a false statement in response to a question under the provisions of that paragraph;
- (iii) a person who has failed to provide a notification or provided a false notification under the provisions of Article 20, paragraph (9);

*[Items (iv) and (v) have been intentionally omitted]*

- (vi) a person who has violated the provisions of Article 21, Article 22, paragraph (1), or Article 30, paragraph (3) (including where applied *mutatis mutandis* pursuant to paragraph (5) of that Article and Article 33-5); or
- (vii) a person who has failed to make a report or made a false report under the provisions of Article 33, paragraph (1) (including where applied *mutatis mutandis* pursuant to paragraph (2) of that Article and Article 33-5; hereinafter the same applies in this item), who has refused, obstructed, or evaded an on-site inspection under the provisions of Article 33, paragraph (1), or who has failed to make a statement or made a false statement in response to a question under the provisions of that paragraph.

*[Items (viii) through (xi) have been intentionally omitted.]*

*[Article 64 has been intentionally omitted.]*

### **Article 65**

- (1) If a representative person of a juridical person or if an agent, employee, or other person engaged by a juridical person or an individual commits a violation set forth in the following items with regard to the business of that juridical person or individual, in addition to the offender, that juridical person will be

punished by the fine prescribed in the following corresponding item or that individual will be punished by the fine prescribed in the corresponding Article.

- (i) Article 57-2 a fine of not more than one hundred million yen;
  - (ii) Article 58, item (i) (limited to those parts to which Article 18 pertains), item (ii) (limited to those parts to which Article 17 pertains), and item (iii) a fine of not more than twenty million yen; and
  - (iii) Article 58, item (i) (excluding those parts to which Article 18 pertains) and item (ii) (limited to those parts to which Article 37, paragraph (4) pertains), Article 59, Article 62, and Article 63 the fine prescribed in the corresponding Article.
- (2) If a juridical person or an individual is punished by a fine due to a violation set forth in Article 57-2 pursuant to the provisions of the preceding paragraph, the period of prescription will be in accordance with the period of prescription for the offenses set forth in that Article.

*[Article 66 has been intentionally omitted.]*

### **Supplementary Provisions (entirely omitted)**

**3-7 Act on the Prevention of Adverse Ecological Impacts Caused by  
Specified Invasive Alien Species**

**(Excerpt)**

(Act No. 78 of June 2, 2004)

Last amended by Act No. 69 of June 13, 2014

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## **Chapter I General Provisions**

### **(Purpose)**

#### **Article 1**

The purpose of this Act is to prevent adverse impacts pertaining to ecosystems, etc. by specified invasive alien species by regulating the raising, growing, storing, carrying (hereinafter referred to as “Raising”), importing, and other handling of Specified Invasive Alien Species and by taking measures such as controlling Specified Invasive Alien Species by the State, etc., and thereby to contribute to the stabilization and improvement of the lives of the citizenry by conserving biodiversity, protecting human life and limb, and contributing to the sound development of agriculture, forestry and fisheries.

### **(Definitions)**

#### **Article 2**

- (1) The term “Specified Invasive Alien Species” as used in this Act means individual organisms (including eggs, seeds, and other individual organisms designated by a Cabinet Order; limited to living organisms) and their parts (limited to those which require measures to be taken to prevent adverse ecological impacts under this Act such as regulations on Raising and that are designated by a Cabinet Order (limited to living parts)) that are designated by a Cabinet Order as organisms that exist outside of their original habitat or natural environment as a result of being introduced in Japan from overseas (including organisms generated as the result of crossbreeding; hereinafter referred to as “Alien Species”) and that cause or are likely to cause adverse ecological impacts because their characteristics differ from organisms whose original habitat or natural environment is Japan (hereinafter referred to as “Native Species”).
- (2) The term “Adverse Ecological Impact” as used in this Act means damage to an ecosystem, human life or limb, or agriculture, forestry and fisheries.
- (3) If a competent minister plans to enact, revise, or abolish a Cabinet Order mentioned in paragraph (1), that minister shall hear the opinions of people with expert knowledge and experience about the characteristics of the relevant organism.

### **(Basic Policy for Preventing Adverse Ecological Impacts Caused by Specified Invasive Alien Species)**

#### **Article 3**



- (1) The competent minister shall prepare a draft of basic policies for preventing Adverse Ecological Impact by a Specified Invasive Alien Species after hearing the opinions of the Central Environment Council and seek a cabinet decision on that draft.
- (2) The basic policy in the preceding paragraph (hereinafter referred to as the “Basic Policy”) is to specify the following matters:
  - (i) The basic concept concerning the prevention of Adverse Ecological Impact caused by a Specified Invasive Alien Species;
  - (ii) Basic matters concerning the selection of a Specified Invasive Alien Species;
  - (iii) Basic matters concerning the handling of a Specified Invasive Alien Species;
  - (iv) Basic matters concerning the control of a Specified Invasive Alien Species by the State, etc.; and
  - (v) in addition to the matters listed in the preceding items, important matters concerning the prevention of Adverse Ecological Impact by a Specified Invasive Alien Species.
- (3) Upon the cabinet decision on the Basic Policy set forth in paragraph (1), the competent minister shall give public notice that cabinet decision without delay.
- (4) The provisions of paragraph (1) and the preceding paragraph apply *mutatis mutandis* to any amendment to the Basic Policy.

## **Chapter II Regulations of the Handling of Specified Invasive Alien Species**

### **(Prohibition of Raising)**

#### **Article 4**

Raising of Specified Invasive Alien Species is prohibited; provided, however, that this does not apply to the following cases:

- (i) if permission in paragraph (1) of the following Article is obtained and Raising is conducted in connection with that permission; or
- (ii) in the case of capturing, etc. an organism in relation to control pursuant to the provisions of the following Chapter, or if there is an unavoidable reason specified by an ordinance of the competent ministry.

**(Permission for Raising)**

**Article 5**

- (1) A person that performs Raising of a Specified Invasive Alien Species for the purpose of academic research or another purpose specified by an ordinance of the competent ministry shall obtain permission from the competent minister.
- (2) A person that intends to obtain permission set forth in the preceding paragraph shall apply for permission to the competent minister pursuant to the provisions of an ordinance of the competent ministry.
- (3) The competent minister shall not grant permission under paragraph (1) if any of the following grounds exist with regard to Raising to which an application set forth in the preceding paragraph pertains:
  - (i) the purpose of the Raising does not conform to any of the purposes prescribed in paragraph (1); or
  - (ii) the person engaging in the Raising is found to be unable to appropriately handle the Specified Invasive Alien Species pertaining to the Raising due to not having a Raising facility that conforms to standards specified by an ordinance of the competent ministry (hereinafter referred to as “Specified Raising Facility”) according to the characteristics of that Specified Invasive Alien Species or for any other reason.
- (4) If the competent minister finds it necessary to prevent Adverse Ecological Impact by that Specified Invasive Alien Species when granting permission under paragraph (1), he/she may attach conditions to that permission to the extent of that necessity.
- (5) If a person that has received permission under paragraph (1) engages in Raising pertaining to that permission, it shall periodically inspect the Specified Raising Facility pertaining to that Specified Invasive Alien Species, clarify that it has received permission with regard to that Specified Invasive Alien Species, and conform to any other methods specified by an ordinance of the competent ministry.

**Article 6**

Deleted

**(Prohibition of Import)**

**Article 7**

A Specified Invasive Alien Species must not be imported; provided, however, that this does not apply to cases where a person that has received permission under Article 5, paragraph (1) imports a Specified Invasive Alien Species in connection with that permission.

**(Prohibition of Transfers)**

**Article 8**

A person shall not transfer or receive a transfer of or deliver or receive a delivery of (hereinafter referred to as "Transfer") a Specified Invasive Alien Species; provided, however, that this does not apply to cases where persons that perform or intend to perform Raising that falls under Article 4, item (i) conduct a Transfer to each other of Specified Invasive Alien Species pertaining to that Raising or to other cases specified by an ordinance of the competent ministry.

**(Prohibition of Releasing)**

**Article 9**

A Specified Invasive Alien Species pertaining to Raising, import, or Transfer must not be released, planted, or sown outside the Specified Raising Facility for that Specified Invasive Alien Species (hereinafter referred to as "Releasing"); provided, however, that this does not apply in the following cases:

- (i) if permission in paragraph (1) of the following Article is obtained and Releasing is conducted in connection with that permission; or
- (ii) if Releasing is performed in connection with control pursuant to the provisions of the following Chapter.

**(Permission for Releasing)**

**Article 9-2**

- (1) A person who intends to perform Releasing of a Specified Invasive Alien Species for the purpose of academic research to contribute to the promotion of control pursuant to the provisions of the following Chapter shall obtain permission from the competent minister.
- (2) A person who intends to obtain permission set forth in the preceding paragraph shall apply for permission to the competent minister pursuant to the provisions of an ordinance of the competent ministry.

- (3) The competent minister shall not grant permission under paragraph (1) unless he/she finds that the purpose of the Releasing pertaining to the application under the preceding paragraph conforms to the purpose set forth in paragraph (1) and that Releasing is not likely to expand the habitat or natural environment of that Specified Invasive Alien Species and complies with other standards specified by an ordinance of the competent ministry.
- (4) If the competent minister grants permission under paragraph (1), he/she shall issue a license certificate as specified by an ordinance of the competent ministry.
- (5) A person who has received permission under paragraph (1) shall carry the license certificate set forth in the preceding paragraph when performing Releasing in connection with that permission.
- (6) The provisions of Article 5, paragraph (4) apply *mutatis mutandis* to any permission set forth in paragraph (1).

**(Order to Take Measures, Etc.)**

**Article 9-3**

- (1) The competent minister may, if he/she finds it necessary to prevent Adverse Ecological Impact by a Specified Invasive Alien Species, order, to the extent necessary for that prevention, a person that has violated any of the conditions attached under Article 4, Article 5, paragraph (5), Article 8 or Article 9, or the provisions of Article 5, paragraph (4) (including cases in which that is applied *mutatis mutandis* pursuant to paragraph (6) of the preceding Article) to suspend the Raising of that Specified Invasive Alien Species, improve the method of Raising of that Specified Invasive Alien Species, collect that Specified Invasive Alien Species that underwent Releasing, or take other necessary measures.
- (2) If a person that has received permission under Article 5, paragraph (1) or paragraph (1) of the preceding Article violates the provisions of this Act, an order based on this Act, or a disposition based on this Act and Adverse Ecological Impact by a Specified Invasive Alien Species occurs or is considered likely to occur, the competent minister may revoke that permission.

**(Collection of Reports and On-Site Inspection)**

**Article 10**

- (1) The competent minister may, to the extent necessary for the enforcement of this Act, request a person that has received permission under Article 5, paragraph (1) or Article 9-2, paragraph (1) to report on the status of handling of the relevant Specified Invasive Alien Species or any other necessary matters.

- (2) The competent minister may, to the extent necessary for the enforcement of this Act, have ministry officials enter facilities pertaining to Raising or areas pertaining to Releasing of a Specified Invasive Alien Species, inspect a Specified Invasive Alien Species, documents and other items, or question relevant persons.
- (3) A ministry official referred to in the preceding paragraph shall carry an identification card and present that to relevant persons.
- (4) The authority under the provisions of paragraph (2) must not be construed as extending to criminal investigations.

### **Chapter III Control of Specified Invasive Alien Species**

#### **(Control by the Competent Minister)**

##### **Article 11**

- (1) If Adverse Ecological Impact by a Specified Invasive Alien Species has occurred or is likely to occur, and it is necessary to prevent occurrence of that impact, the competent minister and heads of relevant national administrative organs (hereinafter referred to as the “Competent Ministers”) shall perform control pursuant to the provisions of this Chapter.
- (2) When performing control under the preceding paragraph, the Competent Ministers shall hear the opinions of the relevant prefectures and specify the following matters and give public notice of those matters pursuant to the provisions of an ordinance of the competent ministry.
  - (i) The type of the Specified Invasive Alien Species to be subject to control
  - (ii) The area and period for control
  - (iii) Other details of the control such as capturing, collecting, or killing of that Specified Invasive Alien Species (hereinafter referred to as “Capturing”) or Releasing of sterilized Specified Invasive Alien Species for the purpose of controlling that Specified Invasive Alien Species
  - (iv) In addition to what is listed in the preceding three items, any matter specified by an ordinance of the competent ministry

#### **(Special Provisions on the Wildlife Protection, Control and Hunting Management Act)**

## **Article 12**

The provisions of the Wildlife Protection, Control and Hunting Management Act (Act No. 88 of 2002) do not apply to the Capturing of Specified Invasive Alien Species subject to control performed by the Competent Ministers under paragraph (1) of the preceding Article.

### **(Entry to Land and Other Measures)**

## **Article 13**

- (1) The Competent Ministers may, to the extent required for control under Article 11, paragraph (1), have a ministry official enter the land or a water surface of another person, perform Capturing or Releasing of a Specified Invasive Alien Species, or fell trees or bamboo that interfere with the Capturing of a Specified Invasive Alien Species.
- (2) If a ministry official is to conduct any act under the preceding paragraph, the Competent Ministers shall notify in advance the possessor of the land or the water surface, or the owner of the trees or bamboo about that act, and give that possessor or owner an opportunity to express his/her opinion.
- (3) A ministry official referred to in paragraph (1) shall carry an identification card and present that to relevant persons.
- (4) If, when the Competent Ministers give notice under paragraph (2), the identity or whereabouts of the addressee are unknown, the Competent Ministers shall post that notice at the place to give such notices at the office of the municipality where that land, water surface, or trees or bamboo is located, and publish an outline of that notice and the fact that its contents have been so posted in the official gazette. In that case, it will be deemed that that notice has arrived at the addressee 14 days from the day on which that notice was first posted or from the date of publication in the official gazette, whichever is later.

### **(Compensation for Losses)**

## **Article 14**

- (1) The State shall compensate for losses that would ordinarily arise to any person who suffers losses as a result of an act conducted under paragraph (1) of the preceding Article.
- (2) A person who intends to receive compensation under the preceding paragraph shall request that compensation from the Competent Ministers.
- (3) If the Competent Ministers receive a request under the preceding paragraph, they shall determine the amount of compensation and notify the requester of that amount.

**(Filing of an Action)**

**Article 15**

- (1) A person who is dissatisfied with a decision made under paragraph (3) of the preceding Article may demand an increase in the amount of compensation by filing an action within six months from the date of the receipt of the notice.
- (2) The State will be the defendant in any action brought under the preceding paragraph.

**(Expenses to be Borne by Person causing Control)**

**Article 16**

If it becomes necessary to perform control under Article 11, paragraph (1) and there is a person who has conducted an act that caused that control to become necessary, the State may cause that person to bear all or part of the expenses for that control to the extent necessary to carry out the control.

**(Method of Collecting Expenses to be Borne)**

**Article 17**

- (1) If the Competent Ministers intend to cause a person to bear expenses pursuant to the provisions of the preceding Article, they shall specify the amount of expenses they intend to cause that person to bear (hereinafter referred to as “Expenses to be Borne” in this Article) and the due date for their payment, and order the payment, pursuant to the provisions of an ordinance of the competent ministry.
- (2) If a person does not pay Expenses to be Borne by the due date set forth in the preceding paragraph, the Competent Ministers shall demand payment by sending a demand letter and designating a due date, as provided by an ordinance of the competent ministry.
- (3) If the Competent Ministers demand payment under the provisions of the preceding paragraph, they may, as provided by an ordinance of the competent ministry, collect a delinquency charge in an amount calculated by multiplying the amount of the Expenses to be Borne by a rate not exceeding 14.5% per annum based on the number of days from the day following the due date set forth in paragraph (1) until the day preceding either full payment of those Expenses to be Borne or property attachment pertaining to those Expenses to be Borne.

- (4) If a person who receives a demand for payment under paragraph (2) fails to pay the Expenses to be Borne or the delinquency charge set forth in the preceding paragraph pertaining to those Expenses to be Borne (hereinafter referred to as the "Delinquency Charge" in this Article) by the due date designated in the demand letter described in paragraph (2), the Competent Ministers may collect those Expenses to be Borne or the Delinquency Charge in accordance with the rules for collection of delinquent national tax. In this case, the order of the statutory lien on the Expenses to be Borne and the Delinquency Charge will come after national taxes and local taxes.
- (5) The Delinquency Charge is to be collected prior to the Expenses to be Borne.

**(Control by a Person Other than the Competent Ministers)**

**Article 18**

- (1) With respect to the control of a Specified Invasive Alien Species that is performed by a local public entity and that conforms with matters publicly notified under Article 11, paragraph (2), that local public entity may obtain confirmation of that control from the competent minister, as provided by an ordinance of the competent ministry.
- (2) A person other than the State or a local public entity may obtain certification of the competent minister, as provided by an ordinance of the competent ministry, that that person is capable of performing control of a Specified Invasive Alien Species properly and reliably and that that control conforms with matters publicly notified under Article 11, paragraph (2).
- (3) When giving confirmation under paragraph (1) or certification under the preceding paragraph, the competent minister shall give public notice of that fact as provided by an ordinance of the competent ministry. The same applies to cases where a confirmation or certification is revoked under the provisions of Article 20, paragraph (2) or (4).
- (4) The provisions of Article 12 apply *mutatis mutandis* to control that is performed by a local public entity that has received confirmation under paragraph (1) or control performed by a person other than the State or a local public entity that has received certification under paragraph (2), and the provisions of Article 13 to the preceding Article apply *mutatis mutandis* to local public entities taking charge of affairs related to the control with confirmation under paragraph (1). In those cases, "official gazette" in Article 13, paragraph (4) is deemed to be replaced with "bulletin of the local public entity."

**Article 19**



The competent minister may request a person who performs control after obtaining a certification under paragraph (2) of the preceding Article to submit reports on the status of the performance of that control and other necessary matters.

#### **Article 20**

- (1) If a person who performs control after obtaining a confirmation under Article 18, paragraph (1) or a certification under Article 18, paragraph (2) suspends that control or becomes unable to perform that control in conformity with matters publicly notified under Article 11, paragraph (2), that person shall notify the competent minister of that.
- (2) If the competent minister receives a notice under the preceding paragraph, he/she shall revoke the confirmation set forth in Article 18, paragraph (1) or the certification set forth in Article 18, paragraph (2) pertaining to that notice.
- (3) If the competent minister finds that the Releasing of any sterilized Specified Invasive Alien Species for the purpose of control for which a certification under Article 18, paragraph (2) has been obtained fails to comply with matters publicly notified under Article 11, paragraph (2), he/she may order the person engaged in that control to collect that Specified Invasive Alien Species that was subject to Releasing and take other necessary measures.
- (4) If the competent minister finds that control for which a certification under Article 18, paragraph (2) has been obtained is not performed in conformity with matters publicly notified under Article 11, paragraph (2), or that the person who performs that control becomes unable to perform that control properly and reliably, fails to submit a report prescribed in the preceding Article, or submits a false report, he/she may revoke that certification.

#### **Chapter IV Unevaluated Alien Species (entirely omitted)**

#### **Chapter IV-2 Inspection of Imported Goods (entirely omitted)**

#### **Chapter V Miscellaneous Provisions (entirely omitted)**

#### **Chapter VI Penal Provisions (partially omitted)**

### **Article 32**

A person who falls under any of the following items will be punished by imprisonment with work for a period not exceeding three years or a fine not exceeding three million yen, or both:

- (i) a person who has performed Raising of a Specified Invasive Alien Species for the purpose of sale or distribution in violation of Article 4;
- (ii) a person who has obtained permission under Article 5, paragraph (1) or Article 9-2, paragraph (1) through deception or other wrongful means;
- (iii) a person who has violated Article 7 or Article 9;
- (iv) a person who has sold or distributed a Specified Invasive Alien Species in violation of Article 8; or
- (v) a person who has violated an order under Article 9-3, paragraph (1) or Article 24-2, paragraph (2).

### **Article 33**

A person who falls under any of the following items will be punished by imprisonment with work for a period not exceeding one year or a fine not exceeding one million yen, or both.

- (i) a person who has violated Article 4 or Article 8 (excluding a person who falls under item (i) or item (iv) of the preceding Article);
- (ii) a person who has performed Raising of a Specified Invasive Alien Species in violation of the conditions attached under Article 5, paragraph (4);
- (iii) a person who has performed Releasing of a Specified Invasive Alien Species in violation of the conditions attached under Article 5, paragraph (4) as applied *mutatis mutandis* pursuant to Article 9-2, paragraph (6); or
- (iv) a person who has violated an order under Article 20, paragraph (3).

### **Article 34**

A person who has violated Article 25, paragraph (1) or (2) will be punished by a fine not exceeding 500,000 yen.

### **Article 35**

A person who falls under either of the following items will be punished by a fine not exceeding 300,000 yen:

- (i) a person who has not made a report or has made a false report under Article 10, paragraph (1); or
- (ii) a person who has refused, obstructed or evaded an on-site inspection under Article 10, paragraph (2) or has not given a statement or has given a false statement in reply to a question asked at an on-site inspection.

### **Article 36**

If a representative of a juridical person or if an agent, employee, or other worker of a juridical person or an individual commits a violation set forth in Article 32 to the preceding Article with regard to the business of that juridical person or individual, in addition to the offender, that juridical person will be punished by the fine prescribed in the corresponding item below or that individual will be punished by the fine prescribed in the respective Articles.

- (i) Article 32: punishment by a fine not exceeding 100,000,000 yen
- (ii) Article 33: punishment by a fine not exceeding 50,000,000 yen
- (iii) Preceding two Articles: punishment by the fine prescribed in the respective Articles

### **Supplementary Provisions (entirely omitted)**

## **3-8 Law for the Protection of Cultural Property (Extract)**

(Law No.214 of May 30, 1950)

### **Contents of the Law**

|              |  |
|--------------|--|
| Chapter I    | General Rules (Article 1 to Article 4)   |
| Chapter VII  | Historic Sites, Places of Scenic Beauty and Natural Monuments (Article 109 to Article 133) |
| Chapter XI   | Consultation with the Council for Cultural Affairs (Article 153)                           |
| Chapter XIII | Penal Rules (Article 193 to Article 203)   |

## Chapter I General Rules (Article 1 to Article 4)

### (Purpose of the Present Law)

#### Article 1

The purpose of the present law is to preserve and utilize cultural property objects so that the cultural quality of the nation can be enhanced, thereby contributing to the evolution of world culture.

### (Definition of Cultural Property)

#### Article 2

1. “An object of cultural property” in the present law shall be as follows:

- (1) Buildings, pictures, sculptures, applied crafts, calligraphic works, classical books, ancient documents, and other tangible cultural products that are of significant historical or artistic value to Japan (including lands and other objects which are combined with these objects to create such value): archaeological and other historical resources of significant scientific value (hereinafter referred to as “Tangible Cultural Property”);
  - (2) Drama, music, applied art, and other intangible cultural products that are of a significant historical or artistic value to Japan (hereinafter referred to as “Intangible Cultural Property”);
  - (3) (i) Manners and customs related to food, clothing and housing, to occupations, to religious faiths, and to annual festivals, etc.: (ii) folk performing arts: (iii) folk skills: (iv) clothes, utensils, houses and other objects used therefor, which are indispensable to the understanding of changes in the mode of life of Japan (hereinafter referred to as “Folk Cultural Property”);
  - (4) (i) Shell mounds, tumuli, sites of fortified capitals, sites of forts, sites of castles, monument houses and other sites, which are of significant historical or scientific value to Japan: (ii) gardens, bridges, gorges, sea-shores, mountains, and other places of scenic beauty, which are of significant artistic or aesthetic value to Japan: (iii) animals (including their habitats, breeding areas and trails), plants (including their self-seeded areas), and geological features and minerals (including the areas where peculiar natural phenomena are recognizable), which are of significant scientific value to Japan (hereinafter referred to as “Monuments”);
  - (5) Landscapes that have been created by people’s lives or occupations in their community as well as by the climate prevailing in such community, and which are indispensable to the understanding of the mode of life or occupation of Japan (hereinafter referred to as “Cultural Landscapes”);
  - (6) Groups of traditional buildings of a high value, which form a certain historic configuration in combination with their environments (hereinafter referred to as a “Group of Traditional Buildings”);
2. The term “an object of ‘Important Cultural Property’” prescribed in the provisions of the present law (except for the provisions of Articles 27 to 29 inclusive, Article 37, Article 55 paragraph 1 Item (4), Article 153 paragraph 1 Item (1), Article 165, Article 171, and additional rules’ Article 3) shall include ‘National Treasure’.
  3. The term “Historic Sites, Places of Scenic Beauty and Natural Monuments” prescribed in the provisions of the present law (except for the provisions of Article 109, Article 110, Article 112, Article 122, Article 131 paragraph 1 Items (4), Article 153 paragraph 1 Items (7) and (8), Article 165, and

Article 171) shall include ‘Special Historic Sites, Places of Scenic Beauty and Natural Monuments’.

**(Duty of the Government and Local Governments)**

**Article 3**

The Government and local governments shall, recognizing that cultural property is indispensable to the correct understanding of the history and culture of Japan and that it forms a foundation for cultural development in the future, sincerely endeavor to achieve the purpose of the present law so that the preservation thereof may be properly secured.

**(Attitude of People and Owners)**

**Article 4**

1. The general people shall faithfully cooperate with such measures taken by the Government and local governments to achieve the purpose of the present law.
2. An owner of cultural property and other persons concerned therewith, being conscious that cultural property is a valuable national asset, shall preserve it with good care for the public and endeavor to promote its cultural utilization, such as by opening it to public viewing.
3. The Government and local governments shall respect the ownership and other property rights of the persons concerned in the enforcement of the present law.

**Chapter VII Historic Sites, Places of Scenic Beauty and Natural Monuments**

**(Designation)**

**Article 109**

1. The Minister of Education, Culture, Sports, Science and Technology may designate an important one among monuments as ‘Historic Site’, ‘Place of Scenic Beauty’ or ‘Natural Monument’ (hereinafter collectively referred to as “Historic Sites, Places of Scenic Beauty and Natural Monuments”).
2. The Minister of Education, Culture, Sports, Science and Technology may designate particularly important ones among ‘Historic Sites, Places of Scenic Beauty or Natural Monuments’ designated under the provisions of the preceding paragraph, as ‘Special Historic Site’, ‘Special Place of Scenic Beauty’, or ‘Special Natural Monument’ (hereinafter collectively referred to as ”Special Historic Sites, Places of Scenic Beauty and Natural Monuments”).
3. The designation under the preceding two paragraphs shall be announced in the Official Gazette, and an owner and an occupant by title of such ‘Special Historic Sites, Places of Scenic Beauty and Natural Monuments’ or such ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ shall be informed thereof.
4. Where there are too many addressees to be individually informed under the provisions of the preceding paragraph, the Minister of Education, Culture, Sports, Science and Technology may, instead of informing them as prescribed in the same paragraph, put up a notice of matters to be informed on a notice board in an office or any other similar facility in a city (including special wards; hereinafter the same applies), town, or village where such ‘Special Historic Sites, Places of Scenic Beauty or Natural

Monuments' or such 'Historic Sites, Places of Scenic Beauty and Natural Monuments' are located. In this case the information document prescribed in the preceding paragraph shall be deemed to have reached those addressees after two weeks have passed since the day on which the notice was first exhibited.

5. Designation under the provisions of paragraph 1 or paragraph 2 shall come into effect as from the day of announcement in the Official Gazette under the provisions of paragraph 3. However, for an owner or an occupant by title of 'Special Historic Sites, Places of Scenic Beauty and Natural Monuments' or of 'Historic Sites, Places of Scenic Beauty and Natural Monuments', it shall come into effect as from the time when the information document under the provisions of paragraph 3 has reached him or when it is deemed to have reached him under the provisions of the preceding paragraph.
6. Where the Minister of Education, Culture, Sports, Science and Technology designates a historic site, a place of scenic beauty or a natural monument, he shall consult the Minister of the Environment if such monuments to be designated possess a high value for the protection of the natural environment.

### **(Interim Designation)**

#### **Article 110**

1. Prior to designation under the provisions of the preceding Article, paragraph 1, if a board of education within To-Do-Fu-Ken (prefectures) recognizes an imminent necessity, it may make an interim designation of 'Historic Sites, Places of Scenic Beauty and Natural Monuments'.
2. Where the board of education within To-Do-Fu-Ken (prefectures) has made an interim designation under the provisions of the preceding paragraph, it shall report the fact to the Minister of Education, Culture, Sports, Science and Technology without delay.
3. The provisions of the preceding Article, paragraphs 3 to 5 inclusive, shall apply *mutatis mutandis* to an interim designation under the provisions of paragraph 1.

### **(Respect for Ownership, etc. and Coordination with Other Public Interests)**

#### **Article 111**

1. In making a designation under the provisions of Article 109, paragraph 1 or paragraph 2, or an interim designation under the provisions of the preceding Article, paragraph 1, the Minister of Education, Culture, Sports, Science and Technology or a board of education within To-Do-Fu-Ken (prefectures) shall, in particular, respect ownership, mining rights and other property rights of the parties concerned, and at the same time pay due attention to coordination with land development and other public interests.
2. Where the Minister of Education, Culture, Sports, Science and Technology deems it necessary, he may express his opinions to the Minister of the Environment on the protection and maintenance of natural environment that relates to Places of Scenic Beauty or Natural Monuments. Where the Commissioner for the Cultural Affairs expresses his opinion in that case, he shall do so through the Minister of Education, Culture, Sports, Science and Technology.
3. Where the Minister of the Environment deems it necessary, he may express his opinions on the preservation or utilization of Places of Scenic Beauty or Natural Monuments of a high value from the viewpoint of the protection of the natural environment to the Minister of Education, Culture, Sports, Science and Technology, or to the Commissioner for Cultural Affairs through the Minister of Education, Culture, Sports, Science and Technology.

## **(Annulment of Designation)**

### **Article 112**

1. Where ‘Special Historic Sites, Places of Scenic Beauty and Natural Monuments’, or ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ have lost their value as such, or where there is any other special reason, the Minister of Education, Culture, Sports, Science and Technology or a board of education within To-Do-Fu-Ken (prefectures) may annul the designation or interim designation thereof.
2. Where designation under the provisions of Article 109, paragraph 1, has been done for ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ for which an interim designation had been done under the provisions of Article 110, paragraph 1, or where no designation under the same provision has been done within two years as from the day when such an interim designation had been done, such an interim designation shall become null and void.
3. Where the Minister of Education, Culture, Sports, Science and Technology deems it inappropriate, he may annul any interim designation under the provisions of Article 110, paragraph 1.
4. The provisions of Article 109, paragraphs 3 to 5 inclusive, shall apply *mutatis mutandis* to the annulment of designation or interim designation under the provisions of paragraph 1 or of the preceding paragraph.

## **(Management and Restoration by a Managerial Body)**

### **Article 113**

1. Where an owner of ‘Historic Sites, Places of Scenic Beauty, and Natural Monuments’ does not exist or is not traceable, or where it is apparently recognizable that the management by its responsible manager appointed by an owner or under the provisions of Article 109, paragraph 2, is extremely difficult or inappropriate, the Commissioner for Cultural Affairs may appoint an appropriate local government or any other juridical person and charge it with the management and restoration necessary for the preservation of the said ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ (including the management and restoration of such facilities, equipment and other objects under the ownership or management of the owner of the said ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’, as are necessary for the preservation thereof)
2. In order to make an appointment under the provisions of the preceding paragraph, the Commissioner for Cultural Affairs shall obtain the consent of a local government or any other juridical person to be appointed in advance.
3. The appointment under the provisions of paragraph 1 shall be announced in the Official Gazette, and an owner and an occupant by title of the said ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ as well as a local government or other juridical person to be appointed shall be informed thereof.
4. The provisions of Article 109, paragraphs 4 and 5, shall apply *mutatis mutandis* to appointment under the provisions of paragraph 1.

### **Article 114**

1. Where the reasons prescribed in the preceding Article, paragraph 1, have become obsolete or where there is any other special reason, the Commissioner for Cultural Affairs may annul the appointment of



a managerial body.

2. The provisions of the preceding Article, paragraph 3, and Article 109, paragraphs 4 and 5, shall apply *mutatis mutandis* to annulment under the provisions of the preceding paragraph.

#### **Article 115**

1. A local government and any other juridical person appointed under the provisions of Article 113, paragraph 1 (hereinafter referred to as "a managerial body" in the present Chapter and Chapter XII) shall set up signs, explanation boards, boundary indicators, fences and other facilities necessary for the management of 'Historic Sites, Places of Scenic Beauty and Natural Monuments' according to the standards set by a MEXT ordinance.
2. Where there has been any change in the name, block number, category or acreage of land within the designated area of 'Historic Sites, Places of Scenic Beauty and Natural Monuments', a managerial body shall notify the Commissioner for Cultural Affairs to that effect in accordance with the stipulations of a MEXT ordinance.
3. Where a managerial body implements restoration, it shall hear opinions of an owner (except where the owner is not traceable) and an occupant by title of 'Historic Sites, Places of Scenic Beauty and Natural Monuments' in advance on the method and time of restoration.
4. An owner or an occupant of 'Historic Sites, Places of Scenic Beauty and Natural Monuments' shall not refuse, impede, or evade the management, restoration, or measures necessary for such management or restoration implemented by a managerial body without justifiable reasons.

#### **Article 116**

1. A managerial body shall bear the expenses required for the management and restoration implemented by itself, unless otherwise prescribed by the present law.
2. Notwithstanding the provisions of the preceding paragraph, an owner may bear part of the expenses required for the management or restoration upon agreement between a managerial body and an owner, within the limit of profits that the latter enjoys as a result of management or restoration implemented by the former.
3. A managerial body may collect admission fees from visitors to 'Historic Sites, Places of Scenic Beauty and Natural Monuments' during its term of management.

#### **Article 117**

1. A managerial body shall compensate a person who has suffered loss caused by the manager or restoration it implemented, for ordinary damages incidental thereto.
2. The amount of indemnity under the preceding paragraph shall be determined by a managerial body (or if a managerial body is a local government, the board of education within such a local government).
3. The provisions of Article 41, paragraph 3, shall apply *mutatis mutandis* to the amount of indemnity under the provisions of the preceding paragraph.
4. A managerial body shall be a defendant in a lawsuit under the provisions of Article 41, paragraph 3, when applied *mutatis mutandis* in the preceding paragraph.

#### **Article 118**

The provisions of Article 30, Article 31, paragraph 1, and Article 33 shall apply *mutatis mutandis* to the management implemented by a managerial body; the provisions of Articles 35 and 47 to the management and restoration implemented by a managerial body; the provisions of Article 56, paragraph 3, to cases where a managerial body has been appointed, or where such appointment has been annulled.

**(Management and Restoration by an Owner)**

**Article 119**

1. Except where a managerial body has been appointed, the owner of ' Historic Sites, Places of Scenic Beauty and Natural Monuments' shall be responsible for the management and restoration thereof.
2. An owner in charge of the management of 'Historic Sites, Places of Scenic Beauty and Natural Monuments' under the provisions of the preceding paragraph may appoint an appropriate person to be responsible on his behalf for the management of the said 'Historic Sites, Places of Scenic Beauty and Natural Monuments' in specific circumstances (hereinafter referred to as "a responsible manager" in the present Chapter and Chapter XII). The provisions of Article 31, paragraph 3 shall apply *mutatis mutandis* in this case.

**Article 120**

The provisions of Article 30, Article 31, paragraph 1, Article 32, Article 33 and Article 115, paragraphs 1 and 2 (paragraph 2 is not applicable if a managerial body has been appointed) shall apply *mutatis mutandis* to management by an owner; the provisions of Article 35 and 47 to management and restoration by an owner; the provisions of Article 56, paragraph 1, to the succession to rights and obligations upon a change in ownership; the provisions of Article 30, Article 31, paragraph 1, Article 32, paragraph 3, Article 33, Article 47, paragraph 4 and Article 115, paragraph 2 to management by a responsible manager.

**(Order or Advice on Management)**

**Article 121**

1. Where the Commissioner for Cultural Affairs concludes that 'Historic Sites, Places of Scenic Beauty and Natural Monuments' is in danger of destruction, damage, decay or theft because of inappropriate management, he may (i) order a managerial body, an owner or a responsible manager thereof to improve its management methods, to install facilities for preservation and to take any other measure necessary for proper management thereof, or (ii) offer them appropriate advice.
2. The provisions of Article 36, paragraphs 2 and 3, shall apply *mutatis mutandis* to cases under the preceding paragraph.

**(Order or Advice on Restoration)**

**Article 122**

1. Where 'Special Historic Sites, Places of Scenic Beauty and Natural Monuments' is damaged or in a state of decay and the Commissioner for Cultural Affairs deems it necessary for its preservation, he may give any necessary order or advice on its restoration to a managerial body or owner thereof.
2. Where 'Historic Sites, Places of Scenic Beauty and Natural Monuments' other than 'Special Historic Sites, Places of Scenic Beauty and Natural Monuments' is damaged or in a state of decay and the Commissioner for Cultural Affairs deems it necessary for its preservation, he may give necessary advice on its restoration to a managerial body or to an owner thereof.
3. The provisions of Article 37, paragraphs 3 and 4, shall apply *mutatis mutandis* to cases under the preceding two paragraphs.

**(Implementation of Restoration, etc. of Special Historic Sites, Places of Scenic Beauty or Natural**

## **Monuments by the Commissioner for Cultural Affairs)**

### **Article 123**

1. The Commissioner for Cultural Affairs may himself implement the restoration of ‘Special Historic Sites, Places of Scenic Beauty and Natural Monuments’ or take measures to prevent its destruction, damage, decay or theft, in either of the following cases:
  - (1) where a managerial body, an owner or a responsible manager does not observe the orders given under the provisions of the preceding two Articles;
  - (2) where ‘Special Historic Sites, Places of Scenic Beauty and Natural Monuments’ is damaged or in a state of decay, or in danger of destruction, damage, decay or theft, and where The Commissioner for Cultural Affairs deems it inappropriate to have a managerial body, an owner or a responsible manager thereof restore or take measures to prevent its destruction, damage, decay or theft.
2. The provisions of Article 38, paragraph 2, and Articles 39 to 41 inclusive, shall apply *mutatis mutandis* to the cases under preceding paragraph.

## **(Reimbursement for Alienation of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ for Which a Subsidy, etc. Has Been Granted)**

### **Article 124**

The provisions of Article 42 shall apply *mutatis mutandis* to ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ for which a subsidy has been granted by the State for restoration or measures to prevent its destruction, damage, decay or theft under the provisions of Article 35, paragraph 1 when applied *mutatis mutandis* in Article 118 and Article 120, or for which all or part of the expenses were owed under the provisions of Article 36, paragraph 2, when applied *mutatis mutandis* by Article 121, paragraph 2, under Article 37, paragraph 3, when applied *mutatis mutandis* in Article 122, paragraph 3, or under Article 40, paragraph 1, when applied *mutatis mutandis* in the preceding Article, paragraph 2.

## **(Restriction upon Alteration of the Status Quo and Order of Restitutio in Integrum)**

### **Article 125**

1. Where any person intends to take action to alter the status quo of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ or any action that affects its preservation, he must obtain the permission of the Commissioner for Cultural Affairs. However, the present provision does not apply where such act of altering the status quo is merely a measure for maintaining the *status quo* of an entity or an emergency measure necessary for the prevention of extraordinary disasters; or where the influence of any act that may affect its preservation is insignificant.
2. The extent of a measure to maintain the status quo provided for in the proviso to the preceding paragraph shall be stipulated by the MEXT ordinance.
3. The provisions of Article 43, paragraph 3 shall apply *mutatis mutandis* to the delivery of permission prescribed in paragraph 1, while that of Article 43, paragraph 4, shall apply to a person who has obtained such permission under paragraph 1.
4. The provisions of Article 111, paragraph 1, shall apply *mutatis mutandis* to final actions under the provisions of paragraph 1.
5. The State shall compensate a person who has suffered loss caused by the fact that he failed to obtain permission under paragraph 1 or that the permission was subject to conditions under Article 43,

paragraph 3, when applied *mutatis mutandis* in paragraph 3, for ordinary damages incidental thereto.

6. The provisions of Article 41, paragraphs 2 to 4 inclusive, shall apply *mutatis mutandis* to cases under the preceding paragraph.
7. Where any person has done anything to alter the status quo or to affect the preservation of 'Historic Sites, Places of Scenic Beauty and Natural Monuments' without obtaining permission under the provisions of paragraph 1 or without observing the conditions of permission under Article 43, paragraph 3, when applied *mutatis mutandis* in paragraph 3, the Commissioner for Cultural Affairs may order him to restore it to its original state. In this case the Commissioner for Cultural Affairs may give necessary instructions for such recovery.

#### **(Informing the Administrative Agency Concerned)**

##### **Article 126**

Regarding an act for which a permission should be obtained under the provisions of the preceding Article, paragraph 1, and the conduct subject to other permission, authorization, or any other final action, depending on a cabinet order under the provisions of other laws or orders, the administrative agency with competence for a final action under such other laws or orders, or a person to whom such competence has been entrusted, shall inform the Commissioner for Cultural Affairs (or a board of education within To- Do- Fu-Ken (prefectures) or a city if Article 184, paragraph 1, provides that a board of education within To-Do-Fu-Ken (prefectures) or a city shall exercise competence for permission under the provisions of the preceding Article, paragraph 1) to that effect in accordance with what the cabinet order prescribed where it takes such a final action.

#### **(Notification of Restoration)**

##### **Article 127**

1. Where 'Historic Sites, Places of Scenic Beauty and Natural Monuments' is to be restored, its managerial body or owner shall notify the Commissioner for Cultural Affairs thereof at least thirty days prior to the commencement date of such restoration, in accordance with the stipulations of a MEXT ordinance. However, the present provision does not apply to cases where permission is to be obtained under the provisions of Article 125, paragraph 1 and to other cases stipulated by a MEXT ordinance.
2. Where the Commissioner for Cultural Affairs deems it necessary for the protection of 'Historic Sites, Places of Scenic Beauty and Natural Monuments', he may give technical guidance and advice on the restoration of the 'Historic Sites, Places of Scenic Beauty and Natural Monument' for which notification is filed under the preceding paragraph.

#### **(Integrity of Surroundings)**

##### **Article 128**

1. Where the Commissioner for Cultural Affairs deems it necessary for the preservation of 'Historic Sites, Places of Scenic Beauty and Natural Monuments', he may restrict or prohibit certain acts within a delimited area or order the installation of any necessary facilities in such area.
2. The State shall compensate a person who has suffered loss caused by the final action under the preceding paragraph, for ordinary damages incidental thereto.

3. The provisions of Article 125, paragraph 7 shall apply *mutatis mutandis* to a person who has contravened the restriction or prohibitions under paragraph 1, while the provisions of Article 41, paragraphs 2 to 4 inclusive, shall apply to cases under the preceding paragraph.

**(Subsidy for a Managerial Body to Buy)**

**Article 129**

1. Where a local government or other juridical person that is a managerial body deems it necessary to buy the land, buildings or other fixtures to the land involved in the designation as ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ for the preservation of a designated entity that is under its management, the State may grant a subsidy to cover part of the expenses required to buy the same.
2. The provisions of Article 35, paragraphs 2 and 3, and Article 42 shall apply *mutatis mutandis* to cases under the preceding paragraph.

**(Investigation for Preservation)**

**Article 130**

Where the Commissioner for Cultural Affairs deems it necessary, he may ask a managerial body, an owner or a responsible manager to file a report (i) on the status quo of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’, or (ii) on the conditions of its management, of its restoration, or of the integrity of its surroundings.

**Article 131**

1. In any of the following cases, when the Commissioner for Cultural Affairs is still unable to confirm the condition of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ notwithstanding the report filed under the preceding Article, and where there appears to be no alternative way for the confirmation thereof, he may appoint a person who is in charge of the investigation and have him enter upon the land where the ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ is located or its adjoining area, investigate on the spot the status quo or the conditions of its management, of its restoration, or of the integrity of its surroundings, excavate the land, remove obstacles, or take any other measures necessary for such investigation. However, he shall not oblige him to take such measures as may result in considerable damage to the owner or the occupant or any other parties with an interested such land:
  - (1) where application has been filed for approval of alteration of the status quo or of any action to affect the preservation of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’;
  - (2) where ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ is damaged in a state of decay;
  - (3) where ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ is in danger of destruction, damage, decay or theft;
  - (4) where special circumstances necessitate re-investigating of the value of ‘Special Historic Sites, Places of Scenic Beauty and Natural Monuments’ or of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ as such.
2. The State shall compensate a person who has suffered loss caused by the investigation or measures under the provisions of the preceding paragraph, for ordinary damages incidental thereto.
3. The provisions of Article 55, paragraph 2, shall apply *mutatis mutandis* to cases of entering upon the

land for investigation under the provisions of paragraph 1, and those of Article 41, paragraphs 2 to 4 inclusive, to cases under the preceding paragraph.

### **(Registered Monuments)**

#### **Article 132**

1. From among monuments (except those designated by a local government under the provisions of Article 182, paragraph 2) other than ‘Historic Sites, Places of Scenic Beauty or Natural Monuments’ (including those of interim designation by a board of education within To-Do-Fu-Ken (prefectures) under the provisions of Article 110, paragraph 1), the Minister of Education, Cultural, Sports, Science and Technology may, in view of the value as cultural property, register in the Cultural, Sports, Science and Technology may, in view of the value as cultural property, register in the Cultural Property Registry those monuments for which it is especially necessary to take preservation and utilization measures.
2. Article 57, paragraph 2 to 3 inclusive, Article 109, paragraph 3 to 5 inclusive, and Article 111, paragraph 1, shall apply *mutatis mutandis* to registration under the preceding paragraph.

#### **Article 133**

The provisions of Article 59, paragraph 1 to 5 inclusive, Article 64, Article 68, Article 111, paragraph 2 and paragraph 3, and Article 113 to Article 120 inclusive, shall apply *mutatis mutandis* to monuments registered under the provisions of the preceding paragraph (hereinafter referred to as “registered monuments”). In these cases, “in cases where ... has been designated as Important Cultural Property under the provisions of Article 27, paragraph 1” described in Article 59, paragraph 1, shall be read as “where ... has been designated as Historical Sites, Places of Scenic Beauty or Natural Monuments under the provisions of Article 109, paragraph 1 (including an interim designation by a board of education within To-Do-Fu-Ken (prefectures) under the provisions of Article 110, paragraph 1)”; “an owner ... shall be informed thereof” described in the same Article, paragraph 4 shall be read as “an owner and an occupant by title ... shall be informed thereof. However, in cases where there are too many addressees to be individually informed, the Minister of Education, Culture, Sports, Science and Technology may, instead of thus informing them, put up a notice of matters to be informed on a notice board in an office or any other similar facility in a city, town, or village where such registered monument is located. In this case the information shall be deemed to have reached those addressees when two weeks have passed since the day when the notice was first exhibited” ; “the provisions of the preceding Article, paragraph 2 shall apply *mutatis mutandis* to the annulment of registration” described in the same Article, paragraph 5, shall be read as “annulments shall come into effect as from the day of its announcement in the Official Gazette under the provisions of the preceding paragraph. However, it shall come into effect for an owner or an occupant by title of the said Registered Monument as from the time when the information under the provisions of the preceding paragraph has reached or is deemed to have reached them” ; “where it is apparently recognizable that ... is inappropriate” described in Article 113, paragraph 1, shall be read as “where the local government concerned reports to the effect that it is apparent that ... is inappropriate, the Commissioner for Cultural shall hear the opinion of the local government concerned”; “Article 30 and Article 31, paragraph 1” described in Article 118 and Article 120” shall be read as “Article 31, paragraph 1,” and “shall apply *mutatis mutandis* to” shall be read as “shall apply *mutatis mutandis* to ... In this case, ‘under ... as well as those MEXT ordinances and instructions of the Commissioner for Cultural Affairs as issued thereunder’ described in Article 31, paragraph 1, shall be read as ‘under ... as well as those MEXT ordinances as issued

thereunder”“the provisions of Articles 35 and 47 to ... ; the provisions of Article 56, paragraph 3, to cases where a managerial body has been appointed or where such appointment has been annulled.” described in Article 118 shall be read as “Article 47, paragraph 4”“the provisions of Article 35 and 47 to ... ; the provisions of Article 56, paragraph 1, to the succession to rights and obligations upon a change in ownership” described in Article 120,shall be read as “Article 47, paragraph 4.”

## **Chapter XI Consultation with the Council for Cultural Affairs**

### **Article 153**

1. The Minister of Education, Culture, Sports, Science and Technology shall consult the Council for Cultural Affairs about the following matters in advance:
  - (1) designation as ‘National Treasure’ or ‘Important Cultural Property’, and annulment of such designation;
  - (2) registration of an object of ‘Registered Tangible Cultural Property’, and annulment of such registration (except annulment of registration under the provisions of Article 59, paragraph 1 or 2);
  - (3) designation of a element as ‘Important Intangible Cultural Property, and annulment of such designation;
  - (4) recognition of bearer or a bearing body of an element of ‘Important Intangible Cultural Property’, and annulment of such recognition;
  - (5) designation of an object as ‘Important Tangible Folk Cultural Property’ or an element as ‘Important Intangible Folk Cultural Property’, and annulment of such designation;
  - (6) registration of an object of Registered ‘Tangible Folk Cultural Property’, and annulment of such registration (except annulment of registration under the provisions of Article 59, paragraph 1 or 2, when applied *mutatis mutandis* in Article 90, paragraph 3);
  - (7) designation of ‘Special Historic Sites, Places of Scenic Beauty and Natural Monuments’, or ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’, and annulment of such designation;
  - (8) interim designation of an entity as ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ and annulment of such an interim designation;
  - (9) registration of a registered monument, and annulment of that registration (except annulment of registration under the provisions of Article 59, paragraph 1 or 2, when applied *mutatis mutandis* in Article 133);
  - (10) selection of ‘Important Cultural Landscape’, and annulment of such selection;
  - (11) selection of an ‘Important Preserved District for a Group of Traditional Buildings’, and annulment of such selection.
  - (12) selection of a preservation technique, and annulment of such selection;
  - (13) recognition of a bearer or preserving body of a preservation technique, and annulment of such recognition.
2. The Commissioner for Cultural Affairs shall consult the Council for Cultural Affairs about the following matters in advance:
  - (1) orders on the management of an object of ‘Important Cultural Property’ or the repairs of ‘National Treasure’;
  - (2) repairs of ‘National Treasure’ or taking measures to prevent its destruction, damage or theft, by the Commissioner for Cultural Affairs;

- (3) permission for the alteration of the status quo of or for any action that affects the preservation of an object of 'Important Cultural Property';
- (4) orders on the restriction, prohibition or necessary facilities for the integrity of the surroundings of an object of 'Important Cultural Property';
- (5) buying of an object of 'Important Cultural Property' by the State;
- (6) choosing from among elements of 'Intangible Cultural Property' other than 'Important Intangible Cultural Property', the record of which the Commissioner for Cultural Affairs shall produce or subsidize;
- (7) orders on the management of an object of 'Important Tangible Folk Cultural Property';
- (8) buying an object of 'Important Tangible Folk Cultural Property';
- (9) choosing from among elements of 'Intangible Folk Cultural Property' other than 'Important Intangible Folk Cultural Property', the record of which the Commissioner for Cultural Affairs shall produce or subsidize;
- (10) extension of the terms of orders on the suspension or prohibition of such action as to alter the status quo of remains;
- (11) implementation of excavation by the Commissioner for Cultural Affairs in order to investigate Treasure Trove;
- (12) orders on the management of 'Historic Sites, Places of Scenic Beauty and Natural Monuments', or on restoration of 'Special Historic Sites, Places of Scenic Beauty and Natural Monuments';
- (13) implementation by the Commissioner for Cultural Affairs of the restoration or measures to prevent destruction, damage, decay or theft of 'Special Historic Sites, Places of Scenic Beauty and Natural Monuments';
- (14) permission for the alteration of the status quo of or for any action that affects the preservation of 'Historic Sites, Places of Scenic Beauty and Natural Monuments';
- (15) orders on the restriction, prohibition or necessary facilities for the integrity of the surroundings of 'Historic Sites, Places of Scenic Beauty and Natural Monuments';
- (16) orders on the *restitution in integrum* where permission for alteration of the status quo of or for any act that affects the preservation of 'Historic Sites, Places of Scenic Beauty and Natural Monuments' is not obtained or conditions of such permission are not observed, or where a restriction or prohibition for the integrity of surroundings of 'Historic Sites, Places of Scenic Beauty and Natural Monuments' is violated;
- (17) orders on the maintenance of 'Important Cultural Landscape';
- (18) proposals for the establishment, revision or annulment of a cabinet order under Article 184, paragraph 1 (limited to matters related to the administrative tasks listed in the same Article, paragraph 2, Item(2)).

## **Chapter XIII Penal Rules**

### **Article 193**

Any person who has, in contravention of the provisions of Article 44, exported an object of 'Important Cultural Property' without obtaining permission from the Commissioner for Cultural Affairs shall be



subject to imprisonment with or without labor for a term not exceeding five years or to a fine not exceeding one million yen.

#### **Article 194**

Any person who has, in contravention of the provisions of Article 82, exported an object of ‘Important Tangible Folk Cultural Property’ without obtaining permission from the Commissioner for Cultural Affairs shall be subject to imprisonment with or without labor for a term not exceeding three years or to a fine not exceeding five hundred thousand yen.

#### **Article 195**

1. Any person who has damaged, discarded or concealed an object of ‘Important Cultural Property’ shall be subject to imprisonment with or without labor for a term not exceeding five years or to a fine not exceeding three hundred thousand yen.
2. Where the person prescribed in the preceding paragraph happens to be the owner of the said object of ‘Important Cultural Property’, he shall be subject to imprisonment with or without labor for a term not exceeding two years or to a fine not exceeding two hundred thousand yen, or a minor fine.

#### **Article 196**

1. Any person who has altered the status quo of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’, or committed an action that affects its preservation and has then destroyed, damaged or caused it to deteriorate shall be subject to imprisonment with or without labor for a term not exceeding five years or to a fine not exceeding three hundred thousand yen.
2. Where the person prescribed in the preceding paragraph happens to be the owner of the said entity of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’, he shall be subject to imprisonment with or without labor for a term not exceeding two years or to a fine not exceeding two hundred thousand yen, or a minor fine.

#### **Article 197**

Any person who falls under either of the following Items shall be subject to a fine not exceeding two hundred thousand yen:

- (1) any person who has, in contravention of the provisions of Article 43 or Article 125, altered the status quo of or committed an act that affects the preservation of an object of ‘Important Cultural Property’ or ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ without obtaining permission or without complying with the conditions of such permission; has failed to comply with an order on the suspension of any act to alter the status quo or to affect the preservation thereof;
- (2) any person who has, in contravention of the provisions of Article 96, paragraph 2, failed to comply with an order on the suspension or prohibition of any act resulting in the alteration of the status quo.

#### **Article 198**

Any person who falls under either of the following Items shall be subject to a fine not exceeding ten thousand yen;

- (1) any person who has, in contravention of the provisions of Article 32 *bis*, paragraph 5 applied *mutatis mutandis* in Article 39, paragraph 3 (including cases where this paragraph applied *mutatis mutandis* in Article 186, paragraph 2), refused or interfered with implementing repairs or taking measures to prevent destruction, damage or theft of ‘National Treasure’;
- (2) any person who has, in contravention of the provisions of Article 32 *bis*, paragraph 5 applied *mutatis*

*mutandis* in Article 39, paragraph 3, which is applied *mutatis mutandis* in Article 98, paragraph 3 (including cases where this paragraph is applied *mutatis mutandis* in Article 186, paragraph 2), refused or interfered with the implementation of an excavation;

- (3) any person who has, in contravention of the provisions of Article 32 *bis*, paragraph 5 applied *mutatis mutandis* in Article 39, paragraph 3, which is applied *mutatis mutandis* in Article 123, paragraph 2 (including cases where this paragraph is applied *mutatis mutandis* in Article 186, paragraph 2), refused or interfered with implementing restoration or taking measures to prevent the destruction, damage, decay or theft of ‘Special Historic Sites, Places of Scenic Beauty and Natural Monuments’.

#### **Article 199**

Where a representative of a juridical person, or an proxy, a servant or any other employee of a juridical or natural person has committed any of the offenses prescribed in Article 193 to the preceding Articles inclusive, regarding the services or property management of the juridical or natural person, such an offender shall be punished while the juridical or natural person shall be fined.

#### **Article 200**

Where a person in charge of the implementation of the management, repairs or restoration of an object of ‘Important Cultural Property’, an object of ‘Important Tangible Folk Cultural Property’ or ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ prescribed in Article 39, paragraph 1 (including cases where this paragraph is applied *mutatis mutandis* in Article 47, paragraph 3 (including cases where the latter is applied *mutatis mutandis* in Article 83), Article 123, paragraph 2, Article 186, paragraph 2 or Article 187, paragraph 2), Article 49 (including cases where this paragraph is applied *mutatis mutandis* in Article 85) or Article 185, paragraph 2, has resulted in the destruction, damage or deterioration of an object of ‘Important Cultural Property’, an object of ‘Important Tangible Folk Cultural Property’ or ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ through negligence or serious dereliction of duty, he shall be subject to a minor fine not exceeding three hundred thousand yen.

#### **Article 201**

Any person who falls under either of the following Items shall be subject to a fine not exceeding three hundred thousand yen:

- (1) any person who has failed to comply with, without justifiable reason, an order of the Commissioner for Cultural Affairs on the repairs of ‘National Treasure’ or on the management of an object of ‘Important Cultural Property’ or ‘Important Tangible Folk Cultural Property’ prescribed in Article 36, paragraph 1 (including cases where this paragraph is applied *mutatis mutandis* in Article 83 and Article 172, paragraph 5) or Article 37, paragraph 1;
- (2) any person who has failed to comply with, without justifiable reason, an order of the Commissioner for Cultural Affairs on the restoration of ‘Special Historic Sites, Places of Scenic Beauty and Natural Monuments’ or on the management of ‘Historic Sites, Places of Scenic Beauty and Natural Monuments’ prescribed in Article 121, paragraph 1 (including cases where this paragraph is applied *mutatis mutandis* in Article 172, paragraph 5) or Article 122, paragraph 1;
- (3) any person who has failed to comply with, without justifiable reason, an order of the Commissioner for Cultural Affairs on taking such measures as related to a recommendation regarding the management of an Important Landscape as prescribed in Article 137, paragraph 2.

#### **Article 202**

Any person who falls under either of the following Items shall be subject to a fine not exceeding one

hundred thousand yen:

- (1) any person who has failed to comply with, without justifiable reasons, an order on the restriction, prohibitions or facilities prescribed in Article 45, paragraph 1;
- (2) any person who, in contravention of the provisions of Article 46 (including cases where this Article is applied *mutatis mutandis* in Article 83), failed to make an offer to the Commissioner for Cultural Affairs regarding a sale to the State; transferred an object of ‘Important Cultural Property’ or ‘Important Tangible Folk Cultural Property’ to any other party than the State within the period prescribed in Article 46, paragraph 5 (including cases where this paragraph is applied *mutatis mutandis* in Article 83) after making such offer; has made a false statement on an offer of sales under the provisions of Article 46, paragraph 1 (including cases where this paragraph applies *mutatis mutandis* under Article 83);
- (3) any person who has, in contravention of the provisions of Article 48, paragraph 4 (including cases where this paragraph is applied *mutatis mutandis* in Article 51, paragraph 3 (including cases where the latter paragraph is applied *mutatis mutandis* under Article 85) and Article 85), failed to display or open to public viewing, or has, in contravention of the provisions of Article 51, paragraph 5 (including cases where this paragraph is applied *mutatis mutandis* in Article 51 bis (including cases where this Article is applied *mutatis mutandis* in Article 85) , Article 84 paragraph 2 and Article 85), failed to obey the order for suspension or discontinuance of such public viewing;
- (4) any person who has, in contravention of the provisions of Article 53, paragraphs 1, 3, or 4, opened an object of ‘Important Cultural Property’ to public viewing, without obtaining permission or failing to comply with the conditions of such permission, or failed to comply with an order on the suspension of public viewing;
- (5) any person who has, in contravention of the provisions of Article 54 (including cases where this Article is applied *mutatis mutandis* in Article 86 and Article 172, paragraph 5), Article 55, Article 68 (including cases where the latter Article is applied *mutatis mutandis* in Article 90, paragraph 3 and Article 133) or Article 130 (including cases where this Article is applied *mutatis mutandis* in Article 172, paragraph 5), Article 131 or Article 140, failed to submit a report or submitted a false report, or has refused, interfered with or evaded a responsible officials' on-site investigation or the implementation of measures necessary for such investigation;
- (6) any person who has, in contravention of the provisions of Article 92, paragraph 2, failed to comply with an order the prohibition, suspension or discontinuance of an excavation;
- (7) any person who has, without justifiable reason, failed to comply with an order on the restriction, prohibitions or facilities prescribed in Article 128, paragraph 1.

### **Article 203**

Any person who falls under either of the following Items shall be subject to a fine not exceeding fifty thousand yen:

- (1) Any person who has, in contravention of the provisions of Article 28, paragraph 5, Article 29, paragraph 4 (including cases where this paragraph is applied *mutatis mutandis* in Article 79, paragraph 2), Article 56, paragraph 2 (including cases where this paragraph is applied *mutatis mutandis* in Article 86), Article 59, paragraph 6 or Article 69 (including cases where these paragraphs are applied *mutatis mutandis* in Article 90, paragraph 3) failed to return a certificate of designation as ‘Important Cultural Property’ or ‘Important Tangible Folk Cultural Property’ or a certificate of registration of an object of Registered ‘Tangible Folk Cultural Property’ to the Minister of Education, Culture, Sports, Science and

Technology or to a new owner of the said object;

- (2) any person who has, in contravention of the provisions of Article 31, paragraph 3 (including cases where this paragraph is applied *mutatis mutandis* in Article 60, paragraph 4 (including cases where this paragraph is applied *mutatis mutandis* in Article 90, paragraph 3 ), Article 80, Article 119, paragraph 2 (including cases where this paragraph is applied *mutatis mutandis* in Article 133 ), Article 32 (including cases where this Article is applied *mutatis mutandis* in Article 60, paragraph 4 (including cases where this is applied *mutatis mutandis* in Article 90, paragraph 3), Article 80 and Article 120 (including cases where this is applied *mutatis mutandis* in Article 133)), Article 33 (including cases where this Article is applied *mutatis mutandis* in Article 80, Article 118 and Article 120 (including cases where these provisions are applied *mutatis mutandis* in Article 133) Article 172, paragraph 5), Article 34 (including cases where this Article is applied *mutatis mutandis* in Article 80 and Article 172, paragraph 5), Article 43 bis, paragraph 1, Article 61 and Article 62 (including cases where these Articles are applied *mutatis mutandis* in Article 90, paragraph 3), Article 64, paragraph 1 (including cases where this paragraph is applied *mutatis mutandis* in Article 90, paragraph 3 and Article 133), Article 65, paragraph 1 (including cases where this paragraph is applied *mutatis mutandis* in Article 90, paragraph 3), Article 73, Article 81, paragraph 1, Article 84, paragraph 1 except for the proviso, Article 92, paragraph 1, Article 96, paragraph 1, Article 115, paragraph 2 (including cases where this paragraph is applied *mutatis mutandis* in Article 120, Article 133 and Article 172, paragraph 5), Article 127, paragraph 1, Article 136, or Article 139, paragraph 1, failed to submit a report or a false report;
- (3) any person who has, in contravention of the provisions of Article 32 bis, paragraph 5 (including cases where this paragraph is applied *mutatis mutandis* in Article 83), Article 115, paragraph 4, Article 63, paragraph 2 (including cases where these paragraphs are applied *mutatis mutandis* in Article 90, paragraph 3) and Article 80), or Article 115, paragraph 4 (including cases where this paragraph is applied *mutatis mutandis* in Article 133), refused, interfered with or evaded the implementation of management, repairs or restoration, or measures necessary for these actions.

## **3-9 The Ordinance to Protect Endangered Wild Fauna and Flora of Kagoshima Prefecture**

(Ordinance No.11, March 25, 2003)

The Ordinance to Protect Endangered Wild Fauna and Flora of Kagoshima Prefecture are herein promulgated.

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Supplementary Provisions

## **Chapter I General Provisions**

### **(Purpose)**

#### **Article 1**

In view of the fact that the wild fauna and flora of Kagoshima Prefecture are not only essential elements of the ecosystem but that they also serve to enrich the lives of the residents, the objective of this Ordinance is to safeguard the natural environment by ensuring the protection of indigenous fauna and flora. As well, the aim is to preserve the natural environment and cultural livelihood of the residents for current and future generations.

### **(Definitions)**

#### **Article 2**

##### **Paragraph 1**

The term “endangered wild fauna and flora” as used in this Ordinance means any wild plants and animals to which the following applies:

- (i) Wild fauna or flora whose number of individual organisms is notably small to a level that would be detrimental to the survival of said species (if any species have subspecies or varieties, the same shall apply hereinafter);
- (ii) Wild fauna or flora whose number of individual organisms is decreasing notably;
- (iii) Wild fauna or flora whose major habitats or breeding grounds are disappearing;
- (iv) Wild fauna or flora whose habitats or breeding grounds suffer from notable environmental deterioration;
- (v) In addition to those cases listed in the preceding points, any wild fauna or flora in which there are other circumstances detrimental to the survival of said species.

##### **Paragraph 2**

“Designated endangered wild fauna or flora” as used in this Ordinance means any endangered wild fauna and flora which live, breed, or develop in this prefecture, and are designated by the governor under the provision of Article 9, paragraph 1 (excluding the wild fauna or flora of nationally endangered species as noted in the Act on the Conservation of Endangered Species of Wild Fauna and Flora (Act No. 75, 1992) Article 4, paragraph 3, and designated as urgent species under the same Act, Article 5, paragraph 1).

##### **Paragraph 3**

“Specified endangered fauna or flora” mentioned in this Ordinance means designated endangered fauna or flora as regulated in Article 9, Section 2, by the governor.

##### **Paragraph 4**

“Prefectural residents, etc.” as used in this Ordinance means those who reside in this prefecture, as well as business people, travelers, and visitors within this prefecture.

### **(Responsibilities of the Prefecture)**

#### **Article 3**

##### **Paragraph 1**

The prefecture shall, at all times, monitor the status of wild fauna and flora, as well as formulate and implement basic and comprehensive measures for the protection of endangered wild fauna and flora.

## **Paragraph 2**

The prefecture shall take suitable measures to deepen the understanding of prefectural residents, etc., about the necessity of protection of wild fauna and flora.

### **(Responsibilities of Prefectural Residents, etc.)**

## **Article 4**

Prefectural residents, etc., shall endeavor to contribute to the protection of endangered wild fauna and flora of this prefecture by assisting and cooperating, etc., with the measures implemented by the prefecture under the provision of the preceding Article, paragraph 1.

### **(Request to and Support from Municipalities)**

## **Article 5**

### **Paragraph 1**

The prefecture requests the cooperation of all municipalities in formulating and implementing measures for the protection of endangered wild fauna and flora, as well as the municipalities' implementation of all measures that the prefecture imposes under the provision of Article 3, paragraph 1.

### **Paragraph 2**

The prefecture shall contribute to provide of information and any other necessary cooperation about the municipalities' implementation of measure for the protection of endangered wild fauna and flora.

### **(Respect for Property Rights, etc)**

## **Article 6**

When applying this Ordinance, respect is to be shown for the ownership and property rights of persons concerned, consideration is to be given to preserving the stability of prefectural residents' lives as well as the maintenance and promotion of their welfare, and attention is to be paid to the conservation of prefectural land and other considerations of the public good.

### **(Consideration of Regional Development Measures, etc.)**

## **Article 7**

When the prefecture formulates and implements measures for community development and enhancement, etc., the effect that this development may have on the environments, breeding grounds, and habitats of individual endangered wild fauna and flora must first be considered. Suitable measures are to be taken to preserve the natural environments of these species.

### **(Guidelines for the Protection of Endangered Species of Wild Fauna and Flora)**

## **Article 8**

### **Paragraph 1**

The governor shall draft guidelines for the protection of endangered wild fauna and flora (hereinafter referred to as "guidelines" in this Article).

### **Paragraph 2**

The guidelines shall provide for the following:

- (i) A basic plan for the protection of endangered wild fauna and flora;
- (ii) The basic criteria for the selection of designated endangered wild fauna and flora or specified endangered wild fauna and flora;
- (iii) The basic criteria for the treatment of individual organisms designated as endangered wild fauna

- and flora (including eggs and seeds; the same shall apply hereinafter);
- (iv) Basic criteria concerning protection of the habitats and breeding grounds of individual organisms designated as endangered wild fauna and flora;
  - (v) Other important matters concerning the protection of endangered wild fauna and flora in addition to what is listed in the preceding items.

**Paragraph 3**

The governor shall seek the opinions of the Kagoshima Prefecture Environment Council (hereinafter referred to as the “Council” in this Ordinance) prior to setting forth guidelines for the protection of endangered wild fauna and flora.

**Paragraph 4**

When the governor establishes guidelines, public proclamation of those guidelines is to be made without delay.

**Paragraph 5**

As changing circumstances require, the governor may revise the guidelines.

**Paragraph 6**

The provisions of paragraphs 3 and 4 shall apply, *mutatis mutandis*, to the amendment of guidelines under the provisions of the preceding paragraph.

**Paragraph 7**

Any projects or policies for the protection of endangered wild fauna and flora based on the provisions of this Ordinance are to be in harmony with the prefectural guidelines on the protection of endangered wild fauna and flora.

**(The Designation of “Designated” and “Specified” Endangered Wild Fauna and Flora)**

**Article 9**

**Paragraph 1**

The governor may designate which species of wild fauna and flora living or breeding in the prefecture are to be recognized as endangered wild fauna and flora.

**Paragraph 2**

The governor may designate “designated endangered wild fauna and flora” that are able to be bred or reproduced commercially as “specified endangered wild fauna and flora.”

**Paragraph 3**

Prior to making a designation under the provision of the preceding paragraph 2, (hereinafter referred to as the “designation” in this Article), the governor shall seek the opinions of the Council.

**Paragraph 4**

The governor is to give public notice before any designations are assigned.

**Paragraph 5**

When notice is given, under the provision of the preceding paragraph, interested parties may submit written arguments within 14 days following said announcement.

**Paragraph 6**

When written arguments have been submitted per the preceding paragraph, the governor is to hold a public hearing to necessarily gather differing views on the designation in question.

**Paragraph 7**



When the governor intends to make a designation, its purpose as well as the species name of the fauna and flora are to be specified.

**Paragraph 8**

Once public notification is given, per the preceding paragraph, the designation shall take effect.

**Paragraph 9**

When a change in environmental conditions or breeding grounds of an individual designated species of endangered wild fauna and flora no longer necessitates the continuance of the designation, the governor shall repeal the designation.

**Paragraph 10**

The provisions of paragraph 3 to 8 shall apply, *mutatis mutandis*, to the cancellation of a designation under the provision of the preceding paragraph.

## **Chapter II Regulations on the Treatment of Individual Organisms**

### **Section 1 Obligations, etc., of Owners or Possessors of Individual Organisms**

**Article 10**

**Paragraph 1**

Owners or possessors of individual organisms of those species specified as endangered wild fauna and flora shall recognize the gravity of their protection and shall endeavor to give them appropriate care and treatment.

**Paragraph 2**

When the governor deems it necessary for safeguarding, the governor is entitled to give advice or guidance to owners and/or possessors of individual organisms of those species specified as endangered wild fauna and flora concerning the treatment and care of said organisms.

### **Section 2 Prohibitions on the Taking of Individual Organisms, etc.**

**(Prohibitions on Taking, etc.)**

**Article 11**

**Paragraph 1**

No person shall capture, collect, kill, or harm (hereinafter collectively referred to as “take”) a living individual organism of any species of endangered wild fauna and flora. However, this shall not apply in the following cases:

- (i) when a person obtains the permission set forth in paragraph 1 of the following Article and engages in the taking to which said permission pertains;
- (ii) in unavoidable situations, such as the protection of human life from bodily harm or death.

**Paragraph 2**

No person shall possess, transfer, or receive any individual organism of endangered wild fauna or flora which is taken in violation of the provisions of the previous Article (including possession of any products made from an individual organism that has been regulated under this Article).

**(Permission for Taking, etc.)**

**Article 12**

**Paragraph 1**

A person who intends to take a living individual organism of any designated species of endangered wild fauna and flora, etc., for the purpose of academic research, breeding, propagation, or for any other purpose as specified by the regulations, shall first obtain permission from the governor.

**Paragraph 2**

To obtain permission as set forth in the preceding paragraph, a person shall make application to the governor according to prefectural regulations.

**Paragraph 3**

When any of the following grounds exist in regard to taking, to which applications per the preceding paragraph pertain, the governor shall not give the permission granted in paragraph 1:

- (i) the purpose of the taking does not conform to any of the purposes prescribed in paragraph 1;
- (ii) the taking poses a risk of impeding the protection of endangered wild fauna and flora;
- (iii) when it is determined that the person engaged in the taking does not possess suitable facilities for the raising or cultivation of said individual organism(s), or is in some way found to be unable to appropriately care for the individual organism(s).

**Paragraph 4**

When granting permission under paragraph 1, conditions may be attached by the governor when deemed necessary for the protection of said species of endangered wild fauna and flora.

**Paragraph 5**

When the governor grants permission under paragraph 1, the governor shall issue a permit as provided by prefectural regulations.

**Paragraph 6**

Any recipient of permission, per paragraph 1, who is considered a juridical entity, or a person for whom unavoidable reasons require that someone else engage in the taking for him, may (as provided by prefectural regulations), apply for an operator certificate. This certificate allows the subordinate bearer to engage in the taking granted to the recipient of permission.

**Paragraph 7**

In the event that a certificate of permission granted under the terms of paragraphs 1 or 5 is lost or destroyed, application may be made to the governor for reissue.

**Paragraph 8**

Certificates of permission, granted under paragraphs 1, 5, or 6, must be carried when engaging in any taking.

**Paragraph 9**

Any organisms taken, per permission granted, must be housed, cultivated, and/or cared for in a manner appropriate to its species, in accordance with prefectural regulations.

**(Measures to be Taken Against a Person Permitted to Engage in Taking, etc.)****Article 13****Paragraph 1**

When violations of this Article necessitate (re paragraphs 1, 9, 4 and their conditions), the governor shall give orders to improve the breeding, cultivation, and/or care of endangered wild fauna and flora.

**Paragraph 2**

When violations of this Ordinance (by recipients of permission under paragraph 1 of the preceding Article) are deemed by the governor to impair the protection of endangered wild fauna and flora, the governor may rescind the permission.

**(Collection of Reports and On-Site Inspections)**

**Article 14**

**Paragraph 1**

The governor may, to the extent necessary to enforce this Ordinance, request recipients of permission (re Article 12) to report on the condition and wellbeing of the taken organism(s) in their care. Prefectural officials may be ordered by the governor to inspect the care facilities of the taken endangered wild fauna and flora, the organism itself, as well as any relevant documents, and to question persons concerned.

**Paragraph 2**

Any official who carries out an on-site inspection under the provisions of the preceding paragraph shall carry an identification card and present it to persons concerned.

**Paragraph 3**

The authority under the provisions of paragraph 1 shall not be interpreted as extending to criminal investigations.

**Section 3 Regulation of Designated Businesses**

**(Notification of Designated Businesses)**

**Article 15**

**Paragraph 1**

A person who intends to engage in a business that involves the transfer of any individual organism(s) of designated endangered wild fauna and flora (hereinafter referred to as a “designated business”) shall notify the governor of the following matters in advance:

- (i) their full name and address, and in the case of a juridical entity, the full name of their representative;
- (ii) the name and location of the company responsible for the transfer of the individual organism(s) of designated endangered wild fauna and flora;
- (iii) the name of the designated endangered species of wild fauna or flora subject to transfer;
- (iv) in addition to those listed in the preceding three items, relevant matters specified in the prefectural regulations.

**Paragraph 2**

Those who have provided notification under the provisions of the preceding paragraph shall, in the event of any change in matters provided in their report, or in the event of the termination of their business relevant to the endangered species, notify the governor within thirty days from the day of such change or termination.

**Paragraph 3**

When the governor receives notification under preceding paragraph 2, he shall acknowledge it by giving public notice of the matter, as specified by regulations.

**(Interim Measures)**

## **Article 16**

When a species is newly designated as endangered wild fauna and flora, regardless of the provisions of the preceding Article, a person who engages in a designated business that involves the transfer of individual organism(s) of designated endangered wild fauna and flora must notify the governor, in compliance with the points set forth in the preceding Article, paragraph 1. Accordingly, the person who gives notification to the governor under the preceding Article (15) shall be regarded as the person who gave notice per the preceding Article, paragraph 1.

### **(Compliance Requirements for Persons Engaged in a Designated Business)**

## **Article 17**

### **Paragraph 1**

After providing notification, in accordance with Article 15, paragraph 1, of transfer of individual organism(s) of any endangered wild fauna or flora by a designated business (including persons or entities regarded as having made notification per the latter part of the preceding Article, hereinafter the same in this Article, the next Article, as well as Article 19, paragraph 1), those engaged in said business shall confirm the name and address of the transferor, and if the transferor is a juridical entity, the name of the representative thereof, as well as request the following information:

- (i) whether the individual organism is a bred or propagated individual organism, or a captured or collected individual organism;
- (ii) if the individual organism is a bred or propagated individual organism, the name and address of the person who bred or propagated the individual organism, and in the case of a juridical entity, the name of the representative thereof;
- (iii) if the individual organism is a captured or collected individual organism, the place where the individual organism was captured or collected and the name and address of the person who captured or collected the individual organism.

### **Paragraph 2**

A person who engages in a designated business activity, after providing notification under the provisions of Article 15, paragraph 1, shall enter the matters confirmed or inquired about pursuant to the provisions of the preceding paragraph, and other matters concerning the transfer of the individual organism of the designated endangered wild fauna or flora, in a document, and preserve said document.

### **(Instructions for Persons Engaged in a Designated Business)**

## **Article 18**

### **Paragraph 1**

When a person engaged in a designated business, that has provided notification under the provisions of Article 15, paragraph 1, subsequently violates the provisions of paragraphs 1 or 2 of the preceding Article, the governor may give instructions to the violator in order to ensure compliance with said provisions for the safeguarding of endangered wild fauna and flora.

### **Paragraph 2**

When a person engaged in a designated business, that has provided notification under the provisions of Article 15, paragraph 1, subsequently violates the instructions given under the preceding paragraph, the governor may order the violator to suspend all or part of the transfer operations related to organism(s) of designated endangered wild fauna or flora, if the governor deems that the violation will impair the protection of said organism(s). The duration, as determined by the governor, is not to exceed three months.

### **(Report Collection and On-site Inspections)**

## **Article 19**

### **Paragraph 1**

The governor may, to the extent necessary for the enforcement of the provisions of this Section, request that a person engaged in a designated business activity (after providing notification per Article 15, paragraph 1) report on said business activity, or allow prefectural officials to enter the facility used to carry out said business to inspect documents and/or other articles, and to allow those officials to question persons concerned.

### **Paragraph 2**

An official carrying out an on-site inspection under the provisions of the preceding paragraph shall carry an identification card and present it to persons concerned.

### **Paragraph 3**

The authority under the provisions of paragraph 1 shall not be interpreted as extending to criminal investigations.

## **Chapter III Regulations for Protection of Habitats, etc.**

### **(Designation of Natural Habitat Protection Areas)**

## **Article 20**

### **Paragraph 1**

After considering the distribution, ecological needs, as well as other matters related to the habitats and growth of designated endangered wild fauna or flora, as the governor deems necessary for the protection of any such organisms and their habitats, the governor may designate the habitat of the individual organisms of said species and the area that needs to be protected together with said habitat, as a natural habitat protection area (hereinafter referred to as “protected area”).

### **Paragraph 2**

Designation under the provisions of the preceding paragraph (hereinafter referred to as “designation” in this Article) shall be made by specifying the area, the designated endangered wild fauna and flora to which the designation pertains, and guidelines on protection of the area designated.

### **Paragraph 3**

The governor shall consult with the Council and the heads of relevant municipalities prior to making any designation.

### **Paragraph 4**

The governor shall provide public notice prior to making a designation. This notice shall include the boundaries of the area to be designated, the designated endangered wild fauna and flora to which the designation pertains, and a draft of the guidelines for the protection of the area to be designated (referred to as the “designation plan” in the following paragraph and paragraph 6). This notice shall be made available for public inspection for 14 days from the date of issuance (as provided for by prefectural regulations).

### **Paragraph 5**

When notice is given, under the provision of the preceding paragraph, any resident and/or interested party in the area to be designated may submit written arguments within 14 days following said announcement.

### **Paragraph 6**

When written arguments have been submitted per the preceding paragraph, or when the governor

deems it necessary, the governor shall hold a public hearing to gather differing views on the designation in question.

**Paragraph 7**

When the governor makes a designation, the governor shall issue public notice of it, including the area to be designated, the endangered wild fauna and flora to which the designation pertains, and guidelines on the protection of the designated area.

**Paragraph 8**

The designation shall take effect once public notice under the provisions of the preceding paragraph has been given.

**Paragraph 9**

When any change in environmental conditions, habitats, or breeding grounds of an individual designated species of endangered wild fauna and flora no longer necessitates the continuance of the designation, the governor shall repeal the designation at his discretion.

**Paragraph 10**

The provisions of paragraphs 3, 7, and 8 shall apply, *mutatis mutandis*, to the cancellation of the designation under the provisions of the preceding paragraph. In this case, “it, including the area to be designated, the endangered wild fauna and flora to which the designation pertains, and guidelines on the protection of the designated area,” in paragraph 7 shall be replaced with, “it, and the area for which the designation is to be cancelled,” and the passage, “public notice under the provisions of the preceding paragraph,” in paragraph 8 shall be replaced with, “public notice under the provisions of the preceding paragraph as applied, *mutatis mutandis*, pursuant to paragraph 10.”

**(Regulations of Natural Habitat Protection Areas)**

**Article 21**

**Paragraph 1**

Without the permission of the governor, the following shall not be carried out within a managed area [with regard to item (viii), within one kilometer of the lake, pond, or wetland prescribed in said item], [with regard to items (x) through (xiv), limited to those carried out within the area and period of time designated by the governor for each area]:

- (i) construction, renovation, or expansion of a building or any other structure;
- (ii) development of residential land, cultivation of land, or otherwise changing the characteristics of the land (including the beds of bodies of water);
- (iii) excavation of minerals or quarrying of soil and/or stone;
- (iv) reclamation of land from a body of water by landfill or drainage;
- (v) raising or lowering the water level or water volume of a river, lake, pond, etc.;
- (vi) felling trees and/or bamboo;
- (vii) taking an individual organism of wild fauna or flora, or other thing designated under the provision of the preceding Article, paragraph 2 (hereinafter referred to as “guideline” in this Article) as required for the habitation or growth of any designated endangered wild fauna or flora;
- (viii) installing drainage facilitates that would discharge sewage or waste water into any lake, pond, or wetland within the managed area designated in the guideline, or into any body of water or waterway

that flows into said lake, pond, or wetland;

- (ix) using a motor vehicle, horse, motorboat, or landing an aircraft within any area designated in the guideline, other than on roads, open spaces set aside for public use, rice fields or other cultivated land, pastures, or residential land;
- (x) taking any organism of wild fauna or flora (per Article 7), including, but not limited to, those designated in the guideline under the provision of item (vii);
- (xi) release, cultivation, or sowing seeds of any organism of designated endangered wild fauna or flora that would pose a risk of impeding the habitation or growth of other organisms designated in the guideline;
- (xii) disseminating any substance designated in the guideline as posing a risk of impeding the habitation or growth of organisms of designated endangered wild fauna or flora;
- (xiii) engaging in controlled burning or making of open fires;
- (xiv) observing an individual organism of designated endangered wild fauna or flora by any method specified in the guideline as posing a risk of impeding the habitation or growth of organisms of designated endangered wild fauna or flora.

**Paragraph 2**

A person who intends to obtain the permission set forth in the preceding paragraph shall apply to the governor, per the prefectural regulations.

**Paragraph 3**

If an act pertaining to the application set forth in the preceding paragraph does not conform to the guidelines, the governor may refuse to grant the permission set forth in paragraph 1.

**Paragraph 4**

When granting permission under paragraph 1, conditions may be attached by the governor when deemed necessary for the protection of any species of designated endangered wild fauna and flora.

**Paragraph 5**

A person who had already started to engage in any of the acts listed in the items under paragraph 1, when it is decided that said act is to be regulated pursuant to the provisions of said paragraph, may continue to engage in said act notwithstanding the provisions of said paragraph, if he/she notifies the governor of the matters specified by the provisions within three months of the decision on such regulation.

**Paragraph 6**

The provisions of paragraph 1 shall not apply to the following acts:

- (i) an act as a necessary emergency measure in response to an extraordinary disaster;
- (ii) an ordinary act of management or a simple act regarded as posing no risk of impeding the protection of designated endangered wild fauna or flora under the regulations;
- (iii) felling trees and bamboo by methods, and within the limits, designated by the governor in the guidelines for each protected area.

**Paragraph 7**

A person who has carried out an act set forth in item (i) of the preceding point, which falls under any

of the items under paragraph 1, shall notify the governor to that effect within fourteen days of the act.

**(Order to Take Measures, etc.)**

**Article 22**

**Paragraph 1**

Should the governor deem it necessary for the protection of designated endangered wild fauna or flora, the governor may instruct any person who violates the terms of the preceding Article, paragraph 1, within a protected area, by indicating the methods needed to implement this Act.

**Paragraph 2**

When a person who has, in violation of the provisions of the preceding Article, paragraph 1, or the conditions attached pursuant to the provisions of the preceding Article, paragraph 4, impaired the protection of the habitat of organisms of designated endangered wild fauna or flora, if the governor deems it necessary for the protection of designated endangered wild fauna or flora, the governor may order the restoration of the original conditions and/or order other necessary measures to protect the habitat of organisms of designated wild fauna or flora, to be carried out by the violator within a reasonable time limit as specified by the governor.

**(Collection of Reports and Onsite Inspections)**

**Article 23**

**Paragraph 1**

To the extent necessary to enforce this Ordinance, the governor may request a person who has engaged in any of the acts listed under Article 21, paragraph 1, within a protected area, to report on the implementation status of said act or any other necessary matters.

**Paragraph 2**

To the extent necessary for the enforcement of this Ordinance, the governor may have prefectural officials enter land within a protected area that is owned or possessed by a person prescribed in the preceding paragraph. These officials may inspect the implementation status of the act engaged in, question persons concerned, and/or investigate the effects of said act on the protection of designated endangered wild fauna and flora.

**Paragraph 3**

An official carrying out an on-site inspection or survey, under the provisions of the preceding paragraph, shall carry an identification card and present it to persons concerned.

**Paragraph 4**

The authority under the provisions of paragraph 1 and 2 shall not be interpreted as extending to criminal investigations.

**(Field Survey)**

**Article 24**

**Paragraph 1**

The governor may have prefectural officials enter a person's land to the extent necessary, to conduct field surveys in order to make designations under the provision of Article 20, paragraph 1.

**Paragraph 2**

When the governor intends to have officials enter land under the provision of the preceding paragraph, the governor shall notify the owner or possessor of the land in advance and give said owner opportunity to express his/her opinions.

**Paragraph 3**



An official who enters land pursuant to the provisions of paragraph 1 shall carry an identification card and present it to persons concerned.

**Paragraph 4**

No owner or possessor of land shall refuse or obstruct entry under the provisions of paragraph 1, unless justifiable grounds exist.

**(Compensation for Losses)**

**Article 25**

When a person has incurred losses due to the inability to obtain the permission set forth in Article 21, paragraph 1, or due to the attachment of conditions (pursuant to the provisions of the same Article, paragraph 4), the prefecture shall compensate the person for the losses that would normally be incurred in such a case.

**Chapter IV Miscellaneous Provisions**

**(Habitats and/or Growth Status Surveys)**

**Article 26**

The governor shall survey the status of the habitats and growth of, and other necessarily matters pertaining to, individual organisms of wild fauna and flora, and use the results for the revision or repeal of any regulations issued under this Ordinance, designations made under this Ordinance, or the cancellation thereof, and other purposes to ensure the proper application of this Ordinance.

**(Endangered Species Protection Promoters)**

**Article 27**

**Paragraph 1**

The governor may appoint endangered species protection promoters to educate the public on the need to preserve the natural environment for the conservation, breeding, and growth of endangered wild fauna and flora. These promoters are also to survey the status of said fauna and flora, and provide the public with necessary advice for the protection of endangered wild fauna and flora.

**Paragraph 2**

Necessary matters concerning endangered species protection promoters are to be established by regulations.

**(Cooperation with Local and National Public Entities)**

**Article 28**

The prefecture shall endeavor to cooperate with local and national public entities to formulate, implement, and promote policies for the protection of endangered wild fauna and flora.

**(Promotion of the Prefectural Residents' Activities)**

**Article 29**

The prefecture shall provide necessary advice, instruction, and/or other supportive measures to businesses, individuals, organizations, or groups who engage in volunteer activities related to the protection of endangered wild fauna and flora in alignment with the aims of this Ordinance.

**(Special Provisions Concerning the Nation, etc.)**

## **Article 30**

### **Paragraph 1**

The provisions of Article 10, paragraph 2; Article 11, paragraph 1; Article 21, paragraphs 1 and 7; Article 22, paragraph 1; and Article 23, paragraphs 1 and 2; shall not apply to activities and programs carried out by local or national public organizations.

### **Paragraph 2**

When a local or national public organization intends to take a living organism of designated endangered wild fauna or flora, in a case other than those listed in Article 11, paragraph 1, item (ii), or when it intends to carry out an act which requires the permission set forth in Article 21, paragraph 1, except in cases specified by prefectural ordinance, it shall consult with the governor in advance and obtain the governor's consent.

### **Paragraph 3**

When a local or national public organization carries out any of the acts listed in the items under Article 21, paragraph 1, and in which it may continue to carry out said act by having provided notification per the provisions of Article 21, paragraph 5; or when it carries out or intends to carry out an act that requires notification per the provisions of paragraph 7 of that Article (except in cases specified by prefectural ordinance), it shall notify the governor to that effect, in accordance with the rules for notification under these provisions.

### **(Delegation)**

## **Article 31**

Necessary matters related to the implementation of these provisions, other than those determined in this Ordinance, are to be established by regulations.

## **Chapter V Penal Provisions**

### **(Penal Provisions)**

## **Article 32**

A person found guilty of any of the following points shall be punished by imprisonment with hard labor for not more than one year, or a fine of not more than five hundred thousand yen:

- (i) a person who has violated the provisions of Article 11, or Article 21, paragraph 1;
- (ii) a person who has violated an order under the provisions of Article 13 paragraph 1, or Article 22 paragraph 2;

## **Article 33**

A person found guilty of any of the following points shall be punished by imprisonment with hard labor for not more than six months, or a fine of not more than three hundred thousand yen:

- (i) a person who has violated any of the conditions attached to the provisions of Article 12 paragraph 4, or Article 21, paragraph 4;
- (ii) a person who has violated an order under the provision of Article 18, paragraph 2.

## **Article 34**

A person who engages in a designated business activity without providing notification under the provisions of Article 15, paragraph 1, or the preceding part of Article 16, or provides false notification, shall be

punished by a fine of not more than three hundred thousand yen.

### **Article 35**

A person found guilty of any of the following points shall be punished by a fine of not more than two hundred thousand yen:

- (i) a person who engages in taking, etc., without carrying a permit or an operator's certificate in violation of the provisions of Article 12, paragraph 8;
- (ii) a person who fails to make a report (per Article 14, paragraph 1), or who makes a false report; or who refuses, obstructs, or evades an onsite inspection under the provisions of said paragraph; or who fails to make a statement, or makes a false statement, in response to a question under the provisions of said paragraph;
- (iii) a person who violates the provision of Article 16, paragraph 2;
- (iv) a person who fails to make a report (per Article 19, paragraph 1), or who makes a false report; or who refuses, obstructs, or evades an onsite inspection under the provisions of said paragraph; or who fails to make a statement, or makes a false statement, in response to a question under the provisions of said paragraph;
- (v) a person who fails to make a report (per Article 23, paragraph 1), or who makes a false report; or who refuses, obstructs, or evades an onsite inspection or an onsite survey under the provisions of paragraph 2 of said Article; or who fails to make a statement, or makes a false statement, in response to a question under the provisions of said paragraph;
- (vi) a person who refuses or obstructs entry under the provisions of Article 24, paragraph 1, in violation of the provisions of paragraph 4 of said Article.

### **(Joint Punishment Provision)**

### **Article 36**

When a representative person of a juridical entity, or an agent, employee, or any other person engaged by a juridical entity or individual, commits a violation set forth in any of the points from Article 32 through the preceding Article, with regard to the business of said juridical entity or individual, not only the offender but also the juridical entity or individual shall be punished by the fine prescribed in the respective Article.

### **Supplementary Provisions**

1. This Ordinance shall come into effect on a day, to be established by ordinance, within 9 months from the day of promulgation. However, the provisions of Chapter 1 of this Ordinance have been in effect since April 1, 2003.

(This Ordinance came into effect on December 24, 2003, by provision number 81, December, 2003.)

2. When this Ordinance comes into effect, any person or entity who is at that time engaged in business involving transfer of any individual organism of designated endangered wild fauna or flora is to be regarded as a person engaged in a designated business, under the provision of Article 15, paragraph 1. The provisions of said Article shall thenceforth apply to that person or entity. In this case, "in advance" in the Article 15, paragraph 1, shall be, "within thirty days from the day of its enforcement."

## **3-10 Amami-Oshima Island and Tokunoshima Island Municipal Ordinances to Protect Endangered Species of Wild Fauna and Flora**

### **1. Municipal ordinances to protect endangered species of wild fauna and flora**

All municipalities in Amami-Oshima Island and Tokunoshima Island have enacted ordinances to protect endangered species of wild fauna and flora.

#### **Municipal ordinances to protect endangered species of wild fauna and flora**

##### **Amami-Oshima Island**

Amami City Ordinance to Protect Endangered Species of Wild Fauna and Flora (Ordinance No. 116 of March 20, 2006)

Yamato Village Ordinance to Protect Endangered Species of Wild Fauna and Flora (Ordinance No. 15 of June 17, 2013)

Uken Village Ordinance to Protect Endangered Species of Wild Fauna and Flora (Ordinance No. 20 of June 18, 2013)

Setouchi Town Ordinance to Protect Endangered Species of Wild Fauna and Flora (Ordinance No. 23 of June 19, 2013)

Tatsugo Town Ordinance to Protect Endangered Species of Wild Fauna and Flora (Ordinance No. 22 of June 14, 2013)

##### **Tokunoshima Island**

Tokunoshima Town Ordinance to Protect Endangered Species of Wild Fauna and Flora (Ordinance No. 19 of June 20, 2012)

Amagi Town Ordinance to Protect Endangered Species of Wild Fauna and Flora (Ordinance No. 13 of June 19, 2012)

Isen Town Ordinance to Protect Endangered Species of Wild Fauna and Flora (Ordinance No. 13 of June 19, 2012)

## **2. Overview of municipal ordinances to protect endangered species of wild fauna and flora**

All ordinances established by these eight municipalities designate endangered wildlife species, and impose regulations on the capture and designate protected areas to conserve the habitats. All municipalities have enacted the ordinances similar to the Amami City ordinance, a part of which is shown below.

### **Amami City Ordinance to Protect Endangered Species of Wild Fauna and Flora (excerpt)**

Ordinance No. 116 of March 20, 2006

#### **(Purpose)**

##### **Article 1**

The purpose of this ordinance is to protect and to preserve for subsequent generations the wild fauna and flora found in Amami City, as both world treasures and important elements of the ecosystem.

#### **(Relationship to other acts and ordinances)**

##### **Article 3**

The provisions of this ordinance apply to the protection of endangered species of wild fauna and flora, except as otherwise specified by the Act on Conservation of Endangered Species of Wild Fauna and Flora (Act No. 75 of 1992), the Kagoshima Prefectural Ordinance to Protect Endangered Species of Wild Fauna and Flora (Kagoshima Prefectural Ordinance No. 11 of 2003), and other acts and ordinances.

#### **(Designation as designated endangered species of wild fauna and flora)**

##### **Article 9**

(1) The Mayor may designate endangered species of wild fauna and flora occurring within the City that he or she deems to require protection as designated endangered wildlife species.

#### **(Prohibition of capture and other actions)**

##### **Article 10**

(1) Living individuals of designated endangered wildlife species cannot be captured, collected, killed, or damaged/injured ("Capture" hereinafter); provided, however, that this shall not apply in cases in which Capture is urgently and absolutely necessary to protect human life or human safety or is permitted by the Mayor specifically for academic studies or other reasons in the public interest.

#### **(Designation of habitats and other areas as protected areas)**

##### **Article 13**

(1) The Mayor may designate the habitats of designated endangered wildlife species and areas that require protection along with such habitats as protected areas ("Protected Areas" hereinafter) if he or she deems such designation necessary to protect such fauna and flora.

**(Regulations in Protected Areas)**

**Article 14**

(1) Persons who intend to undertake any of the actions set forth below within the Protected Areas shall obtain permission from the Mayor.

- (i) Constructing, reconstructing or extending structures.
- (ii) Developing building site, clearing or cultivating land, or otherwise altering the shape or nature of the land (or lake, stream, or river bed).
- (iii) Mining minerals or quarrying soil and stones.
- (iv) Reclaiming the surface of water or reclaiming by drainage.
- (v) Raising or lowering the water-level or water of volume of a river and lake, etc.
- (vi) Felling trees or bamboo.
- (vii) Burning fields or starting open-air fires.

**(Penalties)**

**Article 24**

Persons violating the provisions of the main clause of Article 10, paragraph 1 or of paragraph 2 of the same Article or of Article 14, paragraph 1, shall be punished by imprisonment with labor of not more than one year or fine of not more than 500,000 yen.

## **3-11 Pet Cat Ordinances in Amami-Oshima Island, Tokunoshima Island, Yambaru, and Iriomote Island**

### **1. Municipal ordinances on the management of pet cats**

All municipalities in Amami-Oshima Island, Tokunoshima Island, Yambaru, and Iriomote Island have enacted ordinances concerning the management of pet cats.

#### **Municipal ordinances on the management of pet cats**

##### **Amami-Oshima Island**

Amami City Ordinance on the Proper Keeping and Management of Pet Cats (Ordinance No. 16 of July 20, 2011)

Yamato Village Ordinance on the Proper Keeping and Management of Pet Cats (Ordinance No. 4-1 of June 23, 2011)

Uken Village Ordinance on the Proper Keeping and Management of Pet Cats (Ordinance No. 11 of June 24, 2014)

Setouchi Town Ordinance on the Proper Keeping and Management of Pet Cats (Ordinance No. 6 of June 17, 2011)

Tatsugo Town Ordinance on the Proper Keeping and Management of Pet Cats (Ordinance No. 10 of June 21, 2011)

##### **Tokunoshima Island**

Tokunoshima Town Ordinance on the Proper Keeping and Management of Pet Cats (Ordinance No. 43 of December 12, 2013)

Amagi Town Ordinance on the Proper Keeping and Management of Pet Cats (Ordinance No. 33 of December 12, 2013)

Isen Town Ordinance on the Proper Keeping and Management of Pet Cats (Ordinance No. 21 of December 12, 2013)

##### **Yambaru**

Kunigami Village Ordinance on Cat Welfare and Management (Ordinance No. 18 of September 24, 2004)

Ogimi Village Ordinance on Cat Welfare and Management (Ordinance No. 12 of September 27, 2004)

Higashi Village Ordinance on Cat Welfare and Management (Ordinance No. 15 of September 24, 2004)

## Iriomote Island

Taketomi Town Ordinance on the Keeping of Cats (Ordinance No. 15 of June 19, 2008)

### 2. Overview of municipal ordinances on the management of pet cats

Intended to prevent damage to wildlife species, these ordinances oblige owners to register pet cats, require owners to keep cats indoors, and prohibit the abandonment of pet cats (table below). The ordinances established by Taketomi Town have special provisions intended to prevent the impact of domesticated cats on populations of Iriomote cats, including mandatory inspections of pet cats for infective diseases.

**Table. Overview of municipal ordinances on management of pet cats**

|                                  | Amami-Oshima Island and Tokunoshima Island (Ordinances of eight municipalities)  | Yambaru (Ordinances of three villages)  | Iriomote Island (Taketomi Town ordinance)   |
|----------------------------------|--|---|---|
|                                  | Note 1   | Note 2  | Note 3  |
| Purpose                          | <ul style="list-style-type: none"> <li>● Raise awareness of the importance of animal welfare.</li> <li>● Prevent the impact of feral cats or pets allowed to roam free on Amami rabbit and other wildlife populations.</li> <li>● Apply these measures to improve local living environments and conserve local natural environments and ecosystems.</li> </ul> | <ul style="list-style-type: none"> <li>● Raise awareness of the importance of animal welfare.</li> <li>● Maintain environmental health and conserve the natural environment.</li> </ul> | <ul style="list-style-type: none"> <li>● Maintain the health and safety of pet cats.</li> <li>● Prevent nuisance behavior among pet cats and to prevent their impact on populations of the endangered Iriomote cat.</li> <li>● Apply these measures to conserve living environments and to secure biodiversity in Taketomi Town.</li> </ul>                   |
| Pet cat registration, etc.       | <ul style="list-style-type: none"> <li>● Obligation to register pet cats</li> <li>● Requirement to implant microchips in pet cats</li> </ul>   | <ul style="list-style-type: none"> <li>● Obligation to register pet cats</li> <li>● Village mayoral edict to implant microchips in pet cats</li> </ul>                                  | <ul style="list-style-type: none"> <li>● Obligation to register pet cats</li> <li>◇ Obligation to implant microchips in pet cats in Iriomote Island</li> <li>◇ Obligation to have pet cats in Iriomote Island inspected for specific infective diseases</li> </ul>  |
| Keeping indoors, etc.            | <ul style="list-style-type: none"> <li>● Requirement to keep pet cats indoors</li> <li>● Requirement not to let pet cats roam free outside</li> </ul>  | <ul style="list-style-type: none"> <li>● Requirement to keep pet cats indoors</li> <li>● Requirement not to let pet cats roam free outside</li> </ul>                                   | <ul style="list-style-type: none"> <li>● Requirement to keep pet cats indoors</li> <li>◇ Requirement to spay/neuter pet cats if roaming free in Iriomote Island</li> <li>◇ Prohibition on keeping 10 or more cats in Iriomote Island</li> <li>◇ Regulations imposed on bringing cats infected with specific infective disease into Iriomote Island</li> </ul> |
| Prohibition on feeding           | <ul style="list-style-type: none"> <li>● Prohibition on feeding cats other than pet cats without good reason</li> </ul>  | <ul style="list-style-type: none"> <li>● Prohibition on feeding cats other than one's own without good reason</li> </ul>  | <ul style="list-style-type: none"> <li>● Prohibition on feeding cats other than one's own without good reason</li> </ul>  |
| Prohibition on abandonment, etc. | <ul style="list-style-type: none"> <li>● Obligation to keep and take care of pet cats for life; prohibition on abandoning pet cats</li> </ul>  | <ul style="list-style-type: none"> <li>● Obligation to keep pet cats for life; prohibition on abandoning pet cats</li> </ul>  | <ul style="list-style-type: none"> <li>● Prohibition on abandoning pet cats</li> </ul>  |



|                           | Amami-Oshima Island and Tokunoshima Island (Ordinances of eight municipalities)                  | Yambaru (Ordinances of three villages)   | Iriomote Island (Taketomi Town ordinance)   |
|---------------------------|--|--|---|
|                           | Note 1   | Note 2   | Note 3  |
| Instructions to violators | <ul style="list-style-type: none"> <li>● Mayoral instructions and orders to violators</li> </ul> | <ul style="list-style-type: none"> <li>● Mayoral instructions and recommendations to violators, and public announcement of names of violators</li> </ul> | <ul style="list-style-type: none"> <li>● Mayoral p instructions, recommendations, and orders to violators</li> <li>◇ Non-criminal fines for those violating special provisions for Iriomote Island</li> </ul> |

Note 1: Ordinances enacted by the eight municipalities in Amami-Oshima Island and Tokunoshima Island are nearly identical. The exceptions include that some do not prohibit feeding.

Note 2: All villages in Yambaru (Kunigami, Ogimi, and Higashi) have identical ordinances.

Note 3: Provisions marked with a ◇ apply to Iriomote Island and the islands neighboring Iriomote Island (with special provisions for Iriomote Island).