

NATURE CONSERVATION LAW

Law No. 85 of 1972

Amended by Law No. 73 of 1973

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N.B. "Minister of Agriculture and Forestry" in this Law should be changed to "Minister of Agriculture, Forestry and Fisheries." (Law No. 87, 1979)

CHAPTER I GENERAL PROVISIONS

(Purpose)

Article 1

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

(Basic Concept)

Article 2

In view of the fact that the natural environment is indispensable to man's healthful and cultural life, conservation of the natural environment shall properly be carried out so that all the people may enjoy its benefits and so that, at the same time, future people may inherit the natural environment.

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

Article 3

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

(Obligation of the State)

Article 4

The State shall be responsible for preparing the basic and comprehensive plans for proper conservation of the natural environment and for carrying out the plans.

(Execution of Basic Survey)

Article 5

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

(Promotion of Scientific Techniques)

Article 6

For the purpose of planning measures for conservation of the natural environment and promoting the scientific techniques necessary for this, the State shall take such necessary measures as consolidation of the system of experiment and research, promotion of research and development, training for researchers, etc.

(Measures for Heightening the People's Understanding)

Article 7

The State shall take appropriate measures, through educational activities, information activities, etc. for heightening the people's understanding of the need to conserve the natural environment.

(Considerations in Executing Regional Development, Etc.)

Article 8

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

(Obligation of Local Public Bodies)

Article 9

Local public bodies shall be responsible for making and implementing plans for the conservation of the natural environment within the given legal framework, in keeping with the State's planning, and in conformity with the natural and social conditions of the area concerned.

(Obligation of Enterprises)

Article 10

An operator of an enterprise shall take necessary steps for properly conserving the natural environment while carrying out his enterprise activities, and at the same time, shall cooperate with the State and local public bodies in their implementation of the plans for conservation of the natural environment.

(Obligation of the People)

Article 11

The people shall endeavor to properly conserve the natural environment and to cooperate with the State and local public bodies in their implementation of the plans for conservation of the natural environment.

**CHAPTER II BASIC POLICIES OF NATURE CONSERVATION
AND NATURE CONSERVATION COUNCIL**

(Basic Policies of Nature Conservation)

Article 12

1. The State shall determine the basic policies for the planning of nature conservation (hereinafter referred to as the "basic policies of nature conservation").
2. The matters described in the following items shall be provided for in the basic policies of nature conservation.
 - (1) Basic plan concerning the conservation of the natural environment.
 - (2) Designation of wilderness areas and nature conservation areas

and other fundamental matters concerning the planning related to conservation of the natural environment within said areas.

(3) Standards for the designation of prefectural nature conservation areas and other fundamental matters relating to standards for the planning related to conservation of the natural environment within said areas.

(4) In addition to the matters provided for in the preceding three items, basic policy on adjustment of the areas referred to in the preceding two items with the areas designated under the Natural Parks Law and other laws aiming at conservation of the natural environment.

3. The Prime Minister shall propose the basic policies for nature conservation and shall ask the Cabinet for its decision.

4. In drafting a proposal for the basic policies of nature conservation, the Prime Minister shall seek in advance the opinion of the Nature Conservation Council.

5. When the Cabinet has made its decision in accordance with Paragraph 3, the Prime Minister shall give prompt public notice of the basic policies for nature conservation.

6. The preceding three Paragraphs shall apply *mutatis mutandis* to any revision of the basic policies for nature conservation.

(Nature Conservation Council)

Article 13

1. A Nature Conservation Council shall be established in the Environment Agency.

2. The Nature Conservation Council (hereinafter in this Article referred to as the "Council") shall investigate and discuss such matters as fall under its authority under the provisions of this Law, the Natural Parks Law, the Law Concerning Wildlife Protection and Hunting (Law No. 32 of 1918) and the Law Relating to the Regulation of Transfer of Special Birds, Etc. (Law No. 49 of 1972) and it shall also investigate and discuss important matters relating to conservation of the natural environment as requested by the Director General of the Environment Agency or a competent Minister.

3. The Council may give its opinion on important matters relating to conservation of the natural environment to the Director General of the Environment Agency or a competent Minister.

4. The Council shall be composed of 45 or fewer members.

5. Should the need arise for investigation and discussion of a special matter, the Council may hold extraordinary meetings.

6. Members and temporary members of the Council shall be appointed by the Prime Minister from among men of learning and experience in the field of conservation of the natural environment.

7. Members and temporary members of the Council shall be part-time.

8. In addition to the provisions of Paragraphs 4 through 7, other matters necessary for the organization and management of the Council shall be stipulated by Cabinet Order.

CHAPTER III WILDERNESS AREAS

Section 1 Designation, Etc.

(Designation)

Article 14

1. From among the zones of land upon which the natural environment has maintained an ecological stability without being influenced by human activities, are of a size exceeding that stipulated in the Cabinet Order, and are owned by the State or local public bodies (excluding those reserved forests designated in accordance with the provisions of Article 25 Paragraph 1 of the Forests Law (Law No. 249 of 1951), the Director General the Environment Agency may designate those areas where conservation of the natural environment is especially needed as wilderness areas.
2. Should the Director General of the Environment Agency intend to make a designation of a wilderness area, he shall seek in advance the opinion of the governor of the prefecture concerned and the Nature Conservation Council.
3. Should the Director General of the Environment Agency intend to make a designation of a wilderness area, he shall obtain the prior consent of the head of the administrative agency having control over the land if it is owned by the State or of the local public body if it is owned by a local public body.
4. Should the Director General of the Environment Agency intend to make a designation of a wilderness area, he shall give public notice to this effect and the area to be designated in *Kampo* (*Official Gazette*).
5. The designation of a wilderness area shall come into force on the date of public notice in accordance with the preceding Paragraph.
6. The provisions of Paragraph 2, Paragraph 4, and the preceding Paragraph shall apply *mutatis mutandis* to revocation of designation of a wilderness area or alteration of its zone, and the provisions of Paragraph 3 to expansion of the zone of a wilderness area.

(Determination of Conservation Plan relating to Wilderness Area)

Article 15

1. The conservation plan relating to a wilderness area (hereinafter meaning the Plan concerning the regulations or facilities for conservation of the natural environment with a wilderness area) shall be determined by the Director General of the Environment Agency after hearing the opinions of the governor of the Prefecture concerned and the Nature Conservation Council.
2. Should the Director General of the Environment Agency determine a conservation plan relating to a wilderness area, he shall give public notice of its general outline.
3. The provisions of preceding two Paragraphs shall apply *mutatis*

mutandis to revocation or alteration of a conservation plan relating to a wilderness area.

(Execution of Conservation Work relating to Wilderness Area)

Article 16

1. The State shall execute the conservation work relating to a wilderness area (hereinafter meaning the work to be executed on the basis of the conservation plan relating to the wilderness area and facilities for conservation of the natural environment within said area as stipulated by Cabinet Order).
2. Local public bodies may execute part of the conservation work relating to a wilderness area with the approval of the Director General of the Environment Agency.

Section 2 Conservation

(Restriction of Acts)

Article 17

1. The acts described in the following items shall not be performed within the wilderness area. However, this provision shall not apply to cases where the Director General of the Environment Agency has specifically granted a permit for scientific research or otherwise for the public good, or where the act is performed as an emergency measure to cope with an extraordinary situation.
 - (1) To construct, rebuild, or expand a building or other structure.
 - (2) To make residential land, clear land, or otherwise change the topography of the land.
 - (3) To exploit minerals or extract soil or stone.
 - (4) To fill in the water surface or to drain land.
 - (5) To cause an increase or decrease in the water level of rivers, lakes, marshes, etc. or in the volume of their water.
 - (6) To fell or damage trees or bamboo.
 - (7) To collect plants other than trees and bamboo, or fallen leaves or branches.
 - (8) To plant trees or bamboo.
 - (9) To capture animals or collect their eggs.
 - (10) To graze cattle.
 - (11) To start kindling or make fire.
 - (12) To pile or store things in the open air.
 - (13) To use horses and vehicles or power-driven boats or to land an airplane.
 - (14) In addition to the acts listed in the preceding items, acts as stipulated by Cabinet Order which are likely to influence the conservation of the natural environment within the wilderness area.
2. Such conditions as necessary for conservation of the natural environment within the wilderness area may be attached to the permit referred to in the preceding Paragraph.
3. Any person who has committed any act listed in any item of Para-

graph 1 as an emergency measure to cope with an extraordinary situation within a wilderness area shall so notify the Director General of the Environment Agency within fourteen (14) days from the date of commission of the act.

4. Any person who has already started any act listed in any item of Paragraph 1 within an area which is designated a wilderness area or which is included within the expanded zone of such wilderness area may continue said act notwithstanding the provisions of said Paragraph for three (3) months from the date of the designation or the expansion of the zone (in case he applies for the permit referred to in said Paragraph within such period, until said permit is granted or denied).

5. The provisions of Paragraph 1 and Paragraph 3 shall not apply to the acts listed in the following items.

(1) Any act to be performed in executing the conservation work relating to the wilderness area.

(2) Any act of ordinary management or simple act as stipulated by the Ordinance of the Prime Minister's Office and not likely to interfere with conservation of the natural environment within the wilderness area.

(Injunction, Etc.)

Article 18

1. Should the Director General of the Environment Agency feel such to be necessary for conservation of the natural environment within the wilderness area, he shall enjoin the person who has violated an item of Paragraph 1 of the preceding Article or who has acted in violation of the conditions attached to the permit granted in accordance with Paragraph 2 of the same Article from said act, order said person to restore the area to its original state within a reasonable period to be stipulated or, when it is difficult to restore the area to its original state, order the person to take such other necessary measures.

2. The Director General of the Environment Agency may appoint a nature protection supervisor from among his officials in accordance with the provisions of the Cabinet Order and may delegate a part of his authority under the preceding Paragraph to said supervisor.

3. The official of the preceding paragraph shall carry identification papers and present such to the persons concerned.

(Restricted Entry District)

Article 19

1. Should the Director General of the Environment Agency feel such to be especially necessary for conservation of natural environment within the wilderness area, he may designate restricted entry districts within the zone of said area based upon the conservation plan relating to the wilderness area.

2. The provisions of Article 14 Paragraph 3 shall apply *mutatis mutandis* to the designation of restricted entry districts and their expansion, and the provisions of Paragraph 4 and Paragraph 5 of the same Article to

the designation of restricted entry districts, revocation of such designation, and alteration of designation.

3. No person shall enter a restricted entry district. However, this shall not apply to the cases stipulated in the following items.

(1) When he enters to perform an act for which a permit has been granted under Article 17 Paragraph 1 (including an act discussed under the provision of the second sentence of Article 21 Paragraph 1).

(2) When he enters to take an emergency measures to cope with an extraordinary situation.

(3) When he enters to execute conservation work relating to the wilderness area.

(4) When he enters to perform an ordinary management or simple act as stipulated in the Ordinance of the Prime Minister's Office and not likely to interfere with conservation of the natural environment within the wilderness area.

(5) In addition to the acts listed in the preceding items, when the Director General of the Environment Agency has granted a special permit for unavoidable cause.

(Report)

Article 20

Should the Director General of the Environment Agency feel such to be necessary for conservation of the natural environment within the wilderness area, he may require the person to whom the permit has been granted under Article 17 Paragraph 1 to submit a report on the condition of execution and on other necessary matters.

(Special Case for the State, Etc.)

Article 21

1. With respect to acts to be performed by State agencies or local public bodies, such shall not be required to obtain the permit under Article 17 Paragraph 1 or Article 19 Paragraph 3 (5). In this case, said agencies or local public bodies shall consult in advance with the Director General of the Environment Agency before performing said act.

2. Should State agencies or local public bodies have performed an act for which notification is required under Article 17 Paragraph 3, such notification shall be made to the Director General of the Environment Agency under the provision of said Paragraph.

CHAPTER IV NATURE CONSERVATION AREAS

Section 1 Designation, Etc.

(Designation)

Article 22

1. From among zones other than the wilderness areas which fall under any of the following items, the Director General of the Environment Agency may designate those where conservation of the natural environment is especially needed in light of natural and social conditions as

nature conservation areas.

(1) Forests or plains largely covered with alpine plants or sub-alpine plants (including land which is an integral part of the natural environment) and which are of a size exceeding that stipulated by Cabinet Order (with respect to the area stipulated by Cabinet Order, this shall be the stipulation for land above sea level).

(2) Forest largely composed of excellent natural groves (including land which is an integral part of the natural environment) and which are of a size exceeding that stipulated by Cabinet Order.

(3) Land with unique topography or geology or where a unique natural phenomenon can be seen, including land which is an integral part of the natural environment, which is of a size exceeding that stipulated by Cabinet Order.

(4) Seashores, lakes, marshes, damp fields, or rivers where the natural environment, including animals and plants within said zones, is maintained in an excellent condition and which are of a size exceeding that stipulated by Cabinet Order.

(5) Sea zones where the natural environment, including tropical fish, coral, seaweed, or other animals or plants within said zones, is maintained in an excellent condition and which are of a size exceeding that stipulated by Cabinet Order.

(6) Land with native plants, wild animal habitats, and other zones as stipulated by Cabinet Order where the natural environment is maintained to the extent equivalent to that within the zones noted in the preceding items and are of a size exceeding that stipulated by Cabinet Order.

2. Natural park zones as defined in Article 2 (1) of the Natural Parks Law shall not be included within the nature conservation areas.

3. Should the Director General of the Environment Agency intend to make a designation of a nature conservation area, he shall seek in advance the opinions of the governor of the prefecture concerned and of the Nature Conservation Council. In this regard, he shall also seek their opinions on proposals for conservation plans relating to the nature conservation areas as provided for in Paragraph 1 of the next Article.

4. Should the Director General of the Environment Agency intend to make a designation of a nature conservation area, he shall give prior public notice to that effect in accordance with the provisions of the Ordinance of the Prime Minister's Office and shall make the proposal available for public inspection for two weeks from the day of said public notice.

5. When public notice is given under the provisions of the preceding Paragraph, residents within said zone and interested parties may submit written opinions to the Director General of the Environment Agency regarding the proposal available for inspection by the last day of the inspection period stipulated in the same Paragraph.

6. When a written opinion involving a complaint regarding the proposal

open to public inspection is submitted to the Director General of the Environment Agency in accordance with the provisions of the preceding Paragraph or when he deems it necessary to hear a wide variety of opinions concerning the designation of said nature conservation area, he shall hold public hearings.

7. The provisions of Article 14 Paragraph 4 and Paragraph 5 shall apply *mutatis mutandis* to designation of a nature conservation area, to revocation of the designation, and to alteration of its zone; the provisions of the first part of Paragraph 3 to revocation of the designation of the nature conservation area and to alteration of its zone; and the provisions of the last part of the same Paragraph and of the preceding three Paragraphs to expansion of the zone of the nature conservation area.

(Determination of Conservation Plan relating to Nature Conservation Area)

Article 23

1. The conservation plan for a nature conservation area (hereinafter meaning the plan concerning the regulations or facilities for conservation of the natural environment within a nature conservation area) shall be determined by the Director General of the Environment Agency.

2. The Conservation plan concerning the nature conservation area shall include such matters as noted in the following items.

(1) Characteristics of the natural environment to be conserved and other basic matters relating to conservation of the natural environment within said nature conservation area.

(2) Matters relating to designation of a zone of land to be specially conserved (hereinafter referred to as a "special area") or a sea zone to be specially conserved (hereinafter referred to as a "special marine area") in keeping with the characteristics of said area.

(3) Matters relating to regulation for conservation of the natural environment within said area.

(4) Matters relating to facilities for conservation of the natural environment within said area.

3. The provisions of Article 15 Paragraph 2 shall apply *mutatis mutandis* to determination, revocation, and alteration of the conservation plan relating to the nature conservation area; the provisions of the first part of Paragraph 3 of the preceding Article to revocation and alteration of the conservation plan relating to the nature conservation area; and the provisions of Paragraph 4 through Paragraph 6 of the same Article to determination and alteration (limited to alteration of the matters described in item (2) and item (3) of the preceding Paragraph) of the conservation plan relating to the nature conservation area.

(Execution of Conservation Work relating to Nature Conservation Areas)

Article 24

1. The State shall execute the conservation work relating to the nature conservation area (hereinafter meaning the work to be executed on the basis of the conservation plan relating to the nature conservation area

and facilities for conservation of the natural environment within said area as stipulated by Cabinet Order).

2. Local public bodies may execute a part of the conservation work relating to the nature conservation area with the approval of the Director General of the Environment Agency.

Section 2 Conservation

(Special Areas)

Article 25

1. The Director General of the Environment Agency may designate special areas within the nature conservation areas on the basis of the conservation plan relating to said area.

2. The provisions of Article 14 Paragraph 4 and Paragraph 5 shall apply *mutatis mutandis* to designation of a special area, to revocation of the designation, and to alteration of its zone.

3. When the Director General of the Environment Agency designates a special area or expands its zone, he shall also designate in conference with the Minister of Agriculture and Forestry the methods and limitations for which felling trees (excluding that which comes under Paragraph 10) is allowed within said zone on the basis of the conservation plan for said nature conservation area without obtaining the permit stipulated in the next Paragraph. This provision is also applicable to alteration (excluding alteration other than that concerned with the matters of Article 23 Paragraph 2 item (3) of the conservation plan for the nature conservation area related to said special area.

4. The acts stipulated in the following items shall not be performed within the special area without the permission of the Director General of the Environment Agency. However, this provision shall not apply to those acts performed as necessary emergency measures to cope with an extraordinary situation, to the acts falling under item (1) or item (3) by a person who has obtained a permit under Article 34 Paragraph 2 of the Forests Law (including where said Paragraph is applicable *mutatis mutandis* under Article 44 of the same Law) to the extent allowed by said permit within the protection forest designated on the basis of Article 25 Paragraph 1 or Paragraph 2 of the Forests Law or within the district equipped with protection facilities (collectively referred to as "protection forest zones, etc." in Article 28 Paragraph 1), or to the acts falling under item (2) done in accordance with the methods and within the limits set by the Director General of the Environment Agency on the basis of the provisions of the preceding Paragraph.

(1) Acts described in Article 17 Paragraph 1 item (1) through item (5).

(2) Cutting of trees and bamboo.

(3) Establishing drainage equipment which will discharge waste water or sewerage into lakes, marshes, or damp fields or into water basins or water courses which lead running water to said lakes, marshes,

or damp fields.

5. The provisions of Article 17 Paragraph 2 shall apply *mutatis mutandis* to the permit of the preceding Paragraph.

6. The Director General of the Environment Agency may not issue a permit under Paragraph 4 for any act described in any item of said Paragraph which does not conform to the standards stipulated in the Ordinance of the Prime Minister's Office.

7. A person who has committed an act coming under any item of Paragraph 4 as a necessary emergency measure to cope with an extraordinary situation within the special area shall so notify the Director General of the Environment Agency within fourteen (14) days from the date of said act.

8. A person who has already started any act described in Paragraph 4 item (1) or item (2) within the special area at the time of its designation or expansion of its zone, or a person who has already started any act described in item (3) of said Paragraph within the zone referred to at the time of designation of lakes, marshes, or damp field under said item, may, the provisions of said Paragraph notwithstanding, continue such act for six (6) months from the date of designation or expansion of the zone.

9. When a person as referred to in the preceding Paragraph gives notice of his act to the Director General of the Environment Agency within the period of said Paragraph, he shall be treated as having obtained the permit under Paragraph 4.

10. The provisions of Paragraph 4 and Paragraph 7 shall not apply to the acts listed in the following items.

(1) Any act to be performed as execution of the conservation work relating to the nature conservation area.

(2) From among the acts to be performed by the State or by local public bodies on the basis of laws and regulations, those stipulated in the Ordinance of the Prime Minister's Office and not likely to interfere with conservation of the natural environment within the nature conservation area.

(Wild Animal and Plant Protection District)

Article 26

1. Should the Director General of the Environment Agency feel there to be a special need for the protection of specific wild animals and plants within the special area, he may designate a wild animal and plant protection district for each kind of wild animal or plant to be protected within the zone on the basis of the conservation plan relating to the nature conservation area.

2. The provisions of Article 14 Paragraph 4 and Paragraph 5 shall apply *mutatis mutandis* to the designation of wild animal and plant protection districts, revocation of their designation, and alteration of their zones.

3. No person shall capture or collect wild animals or plants (including eggs) in the wild animal and plant protection district. However, this

provision shall not apply to the cases described in the following items.

(1) When he performs an act for which he has obtained a permit under Paragraph 4 of the preceding Article (including acts for which conferences have been held pursuant to the provisions of the last part of Article 21 Paragraph 1 applicable *mutatis mutandis* under Article 30).

(2) When he performs an emergency measure to cope with an extraordinary situation.

(3) When he performs the act in order to execute the conservation work relating to the nature conservation area.

(4) When he performs the act to be done by the State or local public bodies on the basis of laws and regulations and which is specified from among those not likely to interfere with conservation of the natural environment within the nature conservation area.

(5) When he performs the act to be done by the State or local public bodies on the basis of laws and regulations and which is an ordinary administrative act or simple act specified from among those not likely to interfere with conservation of the natural environment within the nature conservation area.

(6) In addition to the cases described in the preceding items, when the Director General of the Environment Agency grants a permit in consideration of special necessity.

4. The provisions of Article 17 Paragraph 2 shall apply *mutatis mutandis* to the permit referred to in item (6) of the preceding Paragraph.

(Special Marine Areas)

Article 27

1. The Director General of the Environment Agency may designate special marine areas within the zones of the nature conservation areas on the basis of the conservation plans relating to said areas.

2. The provisions of Article 14 Paragraph 4 and Paragraph 5 shall apply *mutatis mutandis* to designation of a special marine area, revocation of the designation, and alteration of its zone.

3. The acts described in the following items shall not be performed within the special marine areas without the permission of the Director General of the Environment Agency. However, this provision shall not apply to act performed as necessary emergency measures to cope with an extraordinary situation or to acts falling under item (1) through item (3) and item (6) deemed necessary for constructing fishing implements and carrying out other fishery works.

(1) To construct, reconstruct, or expand a structure.

(2) To change the topography of the seabed.

(3) To exploit minerals or extract soil and stone.

(4) To fill in the surface of the sea or drain the seashore.

(5) To capture tropical fish, coral, seaweed, or other animals or plants as designated by the Director General of the Environment Agency for

each special marine area with the approval of the Minister of Agriculture and Forestry.

(6) To moor things.

4. The provisions of Article 17 Paragraph 2 shall apply *mutatis mutandis* to the permit referred to in the preceding Paragraph.

5. The Director General of the Environment Agency may not issue a permit under Paragraph 3 for any act described in any item of said Paragraph which does not conform to the standards stipulated in the Ordinance of the Prime Minister's Office.

6. A person who has committed an act coming under any item of Paragraph 3 as a necessary emergency measure to cope with an extraordinary situation within the special marine area shall so notify the Director General of the Environment Agency within fourteen (14) days from the date of the act.

7. A person who has already started an act described in any item of Paragraph 3 within the special marine area at the time of its designation or expansion of its zone may, the provisions of said Paragraph notwithstanding, continue such act for six (6) months from the date of designation or expansion of the zone.

8. When a person as referred to in the preceding Paragraph gives notice of his act to the Director General of the Environment Agency within the period of said Paragraph, he shall be treated as having obtained the permit under Paragraph 3.

9. The provisions of Paragraph 4 and Paragraph 7 shall not apply to the acts listed in the following items.

(1) Any act be done as execution of the conservation work relating to the nature conservation area.

(2) From among the acts to be performed by the State or by local public bodies on the basis of laws and regulations, those as stipulated by Ordinance of the Prime Minister's Office not likely to interfere with conservation of the natural environment within the nature conservation area.

(3) Any act of ordinary management or simple act as stipulated in the Ordinance of the Prime Minister's Office not likely to interfere with conservation of the natural environment within the nature conservation area.

(Ordinary Area)

Article 28

1. A person who wishes to perform any act listed in the following items within a zone not included in a special areas or a special marine area but falling within the zone of a nature conservation area (hereinafter referred to as an "ordinary area") shall notify the sort of act, the place, the means, the prearranged date, and others stipulated by ordinance of the Prime Minister's office to the Director General of the Environment Agency. However, this provision shall not apply to any person who

intends to perform an act listed in item (1) through item (3) which also falls under the provisions of the main sentence of Article 34 Paragraph 2 of the Forests Law within the protection forest zone, etc. or to a person who intends to perform an act listed in item (1) through item (3) deemed necessary for constructing fishing implements or carrying out other fishery works in the sea.

(1) To construct, reconstruct, or expand a building or other structure of a size exceeds the standards stipulated in the Ordinance of the Prime Minister's Office (including reconstruction or expansion when the resultant size will exceed the standards stipulated in the Ordinance of the Prime Minister's Office).

(2) To make residential land, clear land, or otherwise change the topography of the land.

(3) To exploit minerals or extract soil and stone.

(4) To fill in the surface of water or drain land.

(5) To cause an increase or decrease in the water level of rivers, lakes, marshes, etc. or in the volume of their water.

2. Should the Director General of the Environment Agency feel it to be necessary for conservation of the natural environment within the nature conservation area in response to the notification submitted pursuant to the provisions of the preceding Paragraph, he may prohibit or restrict the person who has made said notification from performing the act of said notification within thirty (30) days from the date of said notification and to the extent necessary for conservation of the natural environment concerned or may order said person to take necessary measures.

3. In case an actual survey is needed in response to the notification submitted under the provisions of Paragraph 1 or in case there is reasonable cause that makes it impossible to effect the handling stipulated in the preceding Paragraph within the period stated in said Paragraph, the Director General of the Environment Agency may extend the period as necessary. In such case, he must, within the period stipulated in said Paragraph, give notice of the extension of the period and the reason thereof to the person who has submitted the notification under Paragraph 1.

4. The person who has submitted the notification under Paragraph 1 shall not start the act of said notification without after passed thirty (30) days from the date of said notification.

5. Should the Director General of the Environment Agency feel it not likely to interfere with conservation of the natural environment within the nature conservation area, he may abridge the period stipulated in the preceding Paragraph.

6. The provisions of the preceding three Paragraphs shall not apply to the acts listed in the following items.

(1) Any act taken as an emergency measure to cope with an

extraordinary situation.

(2) Any act performed for the execution of the conservation work relating to the nature conservation area.

(3) From among the acts to be done by the State or by local public bodies on the basis of laws and regulations, those stipulated by Ordinance of the Prime Minister's Office not likely to interfere with conservation of the natural environment within the nature conservation area.

(4) Any act of ordinary management or simple act as stipulated by Ordinance of the Prime Minister's Office not likely to interfere with conservation of the natural environment within the nature conservation area.

(5) Any act which has been already started when the nature conservation area is designated or its zone expanded.

(Report, Inspection, Etc.)

Article 29

1. The Director General of the Environment Agency may require a person who has obtained a permit under Article 25 Paragraph 4, Article 26 Paragraph 3 item (6), or Article 27 Paragraph 3 or who has been restricted in performing the act or ordered to take necessary measures in accordance with Paragraph 2 of the preceding Article to submit a report on the conditions of execution and other necessary matters to the extent necessary for conservation of the natural environment within the nature conservation area or may have his official enter the land or building within the zone of the nature conservation area and inspect the actual conditions of the acts listed in the items of Article 25 Paragraph 4, the main sentence of Article 26 Paragraph 3, the items of Article 27 Paragraph 3, or the items of Paragraph 1 of the preceding Article or investigate the effects of the above acts on the natural environment.

2. The official referred to in the preceding Paragraph shall carry identification papers and present them to the person concerned.

3. The authority granted under Paragraph 1 shall not be construed as authority for the purposes of police search.

(Application *Mutatis Mutandis*)

Article 30

The provisions of Article 18 shall apply *mutatis mutandis* to the order issued concerning an act performed within the zone of the nature conservation area, and the provisions of Article 21 to the act executed by the State's agencies or by local public bodies within said zone. In this case, the provision of Article 18 Paragraph 1 stating "violated an item of Paragraph 1 of the preceding Article or who has acted in violation of the conditions attached to the permit granted in accordance with Paragraph 2 of the same Article" shall be read as meaning "violated an item of Article 25 Paragraph 4, Article 26 Paragraph 3, or Article 27

Paragraph 3; who has acted in violation of the conditions attached to the permit granted in accordance with the provisions of Article 17 Paragraph 2 applying *mutatis mutandis* under Article 15 Paragraph 5, Article 16 Paragraph 4, or Article 27 Paragraph 4; or who has committed an act listed in the items of Article 28 Paragraph 1 without giving such notification as required under the same Paragraph; who has notification as required under the same Paragraph; who has failed to submit the notification in accordance with the provisions of Article 28 Paragraph 1; or who has performed any of the acts in the items of the same Paragraph or has been punished under Paragraph 2 of the same Article"; the terms in Article 21 Paragraph 1 stating "under Article 17 Paragraph 1 or Article 19 Paragraph 3 item (5)" as "Article 25 Paragraph 4, Article 26 Paragraph 3 item (6), or Article 27 Paragraph 3"; the terms in Article 21 Paragraph 2 stating "Article 17 Paragraph 3" as "Article 25 Paragraph 7, Article 27 Paragraph 6 or Article 28 Paragraph 1"; "have performed" as "have performed or wish to perform"; and "said Paragraph" as "them."

Section 3 Miscellaneous Provisions

(Actual Survey)

Article 31

1. When an actual survey is needed for designation of the nature conservation area or expansion of its zone, determination or alteration of the conservation plan relating to the nature conservation area, or execution of the conservation work relating to the nature conservation area, the Director General of the Environment Agency may, as may the heads of State agencies other than the Environment Agency or local public bodies with respect to execution of the conservation work relating to the nature conservation area, have his officials enter other person's land, establish markers, make measurements, or cut down or remove trees, bamboo, fences, stockades, etc. However, where there is a special provision for such actual survey in another law, said provision shall apply.
2. Should the head of a State agency or a local public body intend to have his official execute the work provided for in the preceding Paragraph, he shall give prior notice to that effect to the owner (hereinafter in this Article including to the occupant when the residence of the owner is unknown) and give him the opportunity to submit a written opinion.
3. The official referred to in Paragraph 1 shall not enter a house or land surrounded by fences, stockades, etc. before sunrise or after sunset.
4. The official referred to in Paragraph 1 shall carry identification papers and shall present them to the person concerned.
5. The owner or occupant of the land, or the owner of trees and bamboo or fences, stockages, etc. may not refuse or interfere with the entry provided for in Paragraph 1 without good cause.

(Adjudication by Pollution, Etc. Arbitration Council)

Article 32

1. A person who has a complaint against the handling of the Director General of the Environment Agency on the basis of the provisions of Article 25 Paragraph 4, Article 27 Paragraph 3, or Article 28 Paragraph 2 may request adjudication by the Environmental Dispute Coordination Commission if the reason for the complaint is related to mining, stone-quarrying, or gravel-gathering enterprise. In this case, he may not be allowed to make an appeal on the basis of the Administrative Appeal Adjudication Law (Law No. 160 of 1962).

2. The provisions of Article 18 of the Administrative Appeal Adjudication Law shall apply *mutatis mutandis* to the handling referred to in the preceding Paragraph if the acting Agency has erroneously instructed that re-examination may be requested or that an appeal may be made.

(Compensation for Loss)

Article 33

1. The State shall compensate a person for the loss normally incurred when such arises from refusal of the permit under Article 25 Paragraph 4, Article 26 Paragraph 3 item (6), or Article 27 Paragraph 3; the conditions attached to the permit in accordance with Article 17 Paragraph 2 applied *mutatis mutandis* under Article 25 Paragraph 5, Article 26 Paragraph 4, or Article 27 Paragraph 4; or the handling under Article 28 Paragraph 2.

2. A person who intends to receive compensation as in the preceding Paragraph shall so request the Director General of the Environment Agency.

3. When the Director General of the Environment Agency receives the request of the preceding Paragraph, he shall determine the amount of compensation and so notify said claimant.

4. With respect to designation of the nature conservation area or expansion of its zone, determination or alteration of the conservation plan relating to the nature conservation area, or execution of the conservation work to be done by the State in the nature conservation area the State and with respect to the conservation work to be done by local public bodies in the nature conservation area local public bodies shall compensate a person suffering loss from the disposition rendered by the official concerned under Article 31 Paragraph 1 for the loss normally incurred.

5. The provisions of Paragraph 2 and Paragraph 3 shall apply *mutatis mutandis* to compensation for, loss under the preceding Paragraph. In such case, the terms in Paragraph 2 and Paragraph 3 stating "the Director General of the Environment Agency" shall be read as "the competent Minister or local public body head."

(Legal Proceedings)

Article 34

1. A person who has a complaint against the handling in accordance with Paragraph 3 of the preceding Article (including application *mutatis mutandis* under Paragraph 5 of said Article) may bring an action claiming an increase of the amount of compensation within three (3) months from the date of receipt of notice.
2. The State or local public body shall be the defendant in the action of the preceding Paragraph.

(Consideration)

Article 35

In applying the regulatory provisions for the nature conservation area, consideration shall be given to securing livings for residents within the area engaged in agriculture, forestry, fishery, etc. and to enhancing their welfare.

CHAPTER V MISCELLANEOUS PROVISIONS

(Expenses Necessary for Execution of Conservation Work)

Article 36

Expenses necessary for execution of the conservation work (hereinafter meaning conservation work relating to the wilderness areas and to the nature conservation areas) shall be borne by the person executing said conservation work.

(Charge to Person Creating Cause)

Article 37

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

(Charge to Beneficiary)

Article 38

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

(Method of Collecting Charges, Etc.)

Article 39

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

(Forced Collection of Charges)

Article 40

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

2. In the case of the preceding Paragraph, the Director General of the Environment Agency may in accordance with the provisions of the Ordinance of the Prime Minister's Office, or the head of the local public body concerned may in accordance with the provisions of its regulations, collect arrears. However, the amount of arrears must be set so as not to exceed the amount of the charge multiplied by 0.145 per annum.

3. Should a person who has received a demand note under Paragraph 1 fail to pay the charge due by the time limit set, the Director General of the Environment Agency or the head of the local public body concerned may collect the charge and its arrears referred to in the preceding two Paragraphs by forced collection as for the national tax if said charge would become a part of the State's income or by forced collection as for the local tax if said charge would become a part of the local public body's income. In such case, the priority of lien for the charge and arrears shall be next after the national tax and the local tax.

4. Arrears shall be given preference to the charge.

(State Assistance)

Article 41

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

(Exemption from Application)

Article 42

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

(Delegation of Authority)

Article 43

The authority of the Director General of the Environment Agency under this Law may be partially delegated to the governor of the prefecture as determined by Cabinet Order.

(Consultation)

Article 44

1. Should the Director General of the Environment Agency intend to designate or expand a wilderness area, nature conservation area, restricted entry district, special area, wild animal and plant protection district,

or special marine area; intend to determine or alter a conservation plan relating to a wilderness area or a nature conservation area; or intend to propose formulation, amendment, or abolition of the Ordinance of the Prime Minister's Office in Article 25 Paragraph 6 or Article 27 Paragraph 5, he shall consult with the heads of the related administrative agencies.

2. Should a State agency other than the Environment Agency intend to execute conservation work, it shall consult with the Director General of the Environment Agency.

CHAPTER VI PREFECTURAL NATURE CONSERVATION AREAS AND PREFECTURAL NATURE CONSERVATION COUNCILS

(Designation of Prefectural Nature Conservation Area)

Article 45

1. Prefectures may designate prefectural nature conservation areas from among the zones where the natural environment is equivalent with that in nature conservation areas and where there is a special need for conservation of said natural environment in light of natural and social conditions in the surrounding zones.
2. The zones of natural parks provided for in Article 2 item (1) of the Natural Parks Law shall not be included within the prefectural nature conservation areas.

(Conservation)

Article 46

1. Prefectures may designate special areas (including wild animal and plant protection districts) within the prefectural nature conservation areas in accordance with their regulations for the purpose of conserving the natural environment within said area and may provide the necessary regulations for acts within the special areas (including wild animal and plant protection districts) and within the prefectural nature conservation areas not included in the special area, such regulations to be within the framework of the regulations provided under Chapter IV Section 2 concerning acts within the special areas (including wild animal and plant protection districts) and ordinary areas of nature conservation areas. In such case, consideration shall be given to securing livings for the residents within said area engaged in agriculture, forestry, fishery, etc. and enhancing their welfare.
2. Should the prefecture, in its regulations under the provisions of the preceding Paragraph, provide the prefectural governor authority equivalent to that of Article 18 Paragraph 1, the prefecture may also provide in the same regulations that the governor of the prefecture may have

his official exercise a part of his authority in the manner described in Paragraph 2 and Paragraph 3 of that Article:

3. The provisions of Article 32 shall apply *mutatis mutandis* to a complaint against the handling in accordance with the provisions of regulations enacted under Paragraph 1.

(Actual Survey)

Article 47

The prefecture may provide in its regulations that, when there is a need for an actual survey concerning the prefectural nature conservation area, the governor of the prefecture may have his official enter another person's land in the manner described in Article 31 and establish markers and perform other acts as noted in Paragraph 1 of said Article.

(Compensation for Loss)

Article 48

The prefecture shall compensate a person for the loss normally be incurred when such arises from the act in accordance with the regulations enacted under Article 46 Paragraph 1 or from acts performed by its officials in accordance with the regulations enacted on the basis of the preceding Article.

(Consultation, Etc.)

Article 49

1. Should the prefecture intend to designate or expand a special area (including a wild animal and plant protection district) or the prefectural nature conservation area, it shall consult with the Director General of the Environment Agency and present a plan for conservation of the natural environment within said area.
2. Should the Director General of the Environment Agency be consulted in accordance with the preceding Paragraph, he shall consult with the heads of the related administrative agencies.
3. With respect to the special case for acts to be performed by a State agency or local public body where the prefecture has made regulations under Article 46 Paragraph 1 concerning acts within the prefectural nature conservation area, the provisions of Article 21, which apply under Article 30, shall also be applicable here.

(Report, Advice, and Recommendations)

Article 50

1. The Director General of the Environment Agency may require the prefecture to submit any necessary report concerning the prefectural nature conservation area.
2. The Director General of the Environment Agency may give any necessary advice or recommendations to the prefecture concerning administration or technologic relations relating to the prefectural nature conservation area.

(Prefectural Nature Conservation Council)

Article 51

1. A Prefectural Nature Conservation Council shall be established in the prefecture.
2. The Prefectural Nature Conservation Council shall, in addition to investigating and discussing such matters as fall under its authority under the provisions of the Law Concerning Wildlife Protection and Hunting, investigate and discuss other important matters relating to conservation in the natural environment of said prefecture in response to inquiries from the prefecture.
3. The necessary matters relating to the organization and operation of the Prefectural Nature Conservation Council shall be provided for by the regulations of the prefecture.

CHAPTER VII SUPPLEMENTARY PROVISIONS

(Consideration for Local Government Bonds)

Article 52

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

CHAPTER VIII PENAL PROVISIONS

Article 53

A person who falls under any of the following items shall be sentenced to imprisonment not to exceed one year or to a fine not to exceed two hundred thousand yen (¥200,000).

- (1) Any person who has violated Article 17 Paragraph 1.
- (2) Any person who has disobeyed an order issued under Article 18 Paragraph 1 or Paragraph 2 (including the application of where these provisions *mutatis mutandis* under Article 30).

Article 54

A person who falls under any of the following items shall be sentenced to imprisonment not to exceed six (6) months or to a fine not to exceed one hundred thousand yen (¥100,000).

- (1) Any person who has acted in violation of the condition attached to the permit under Article 17 Paragraph 2 (including the application of this Paragraph *mutatis mutandis* under Article 25 Paragraph 5, Article 26 Paragraph 4, and Article 27 Paragraph 4).
- (2) Any person who has violated Article 19 Paragraph 3, Article 25 Paragraph 4, Article 26 Paragraph 3, or Article 27 Paragraph 3.

Article 55

A person who has violated the handling in accordance with Article 28 Paragraph 2 shall be sentenced to a fine not to exceed one hundred thousand yen (¥100,000).

Article 56

A person who falls under any of the following items shall be sentenced to a fine not to exceed fifty thousand yen (¥50,000).

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

Article 57

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

Article 58

The regulations enacted under Article 46 Paragraph 1 or Article 47 may provide that a person who has violated said regulations shall be subject to penal provisions appropriate to the offense to the extent that such shall not exceed the penal framework stipulated in Article 53 through Article 57.