

# Natural Parks Act

(Act No. 161 of June 1, 1957)

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## Chapter I General Provisions

### (Purpose)

Article 1 The purpose of this Act is to contribute to the health, recreation and increase awareness 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" mean 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 distinguished 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 parks" 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 Cabinet Order, for the protection or utilization of a national park or a quasi-national park:
  - (vii) "ecosystem preservation and restoration program" means a project implemented based on a park plan for the preservation or restoration of an ecosystem in a national park or a quasi-national park.

(Responsibility of the State)

- 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, corporations, and users of natural parks are to each make efforts in their respective positions to protect the excellent natural scenic areas and promote the proper use of those areas.
- (2) Giving consideration to 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 are to 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 applying this Act, beyond 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, the Minister must make public 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, the Minister must hear the opinions of both the prefectures and council concerned.

- (2) If the Minister of the Environment intends to withdraw the designation or change the boundaries of a quasi-national park, the Minister must 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 changes 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 both the prefectures and council concerned.

- (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 opinions of the council.
- (3) If the Minister of the Environment establishes a park plan, the Minister must 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, the Minister must hear the opinions of both the prefectures and council concerned.

- (2) If the Minister of the Environment intends to abolish or change a park plan concerning a quasi-national park, the Minister must hear the opinions of the prefectures and council concerned; 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 a "national park facility project") are to be established by the Minister of the Environment after hearing the opinions of the council.
- (2) Park facility projects concerning quasi-national parks (hereinafter referred to as a "quasi-national park facility project") are to be established by a prefectural governor.
- (3) If the Minister of the Environment decides a national park facility project, the Minister must give public notice of an outline of that project.
- (4) If a prefectural governor establishes a quasi-national park facility project, the Minister must make public the outline of 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 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 Order 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 Order of the Ministry of the Environment after obtaining approval from the Minister of the Environment.
- (4) A person seeking consultation under paragraph (2) or a person seeking authorization under the preceding paragraph must submit a written request for consultation or a written application with a description of the following particulars to the Minister of the Environment as provided by Order of the Ministry of the Environment;
- (i) name and address, and in the case of a corporation, the name of the representative of that corporation;
  - (ii) type of facilities specified by 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) beyond the preceding items, any particulars specified by Order 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 Order of the Ministry of the Environment.
- (6) If a person that has consulted under paragraph (2) or obtained authorization under paragraph (3) (hereinafter referred to as a "national park facility project operator") intends to change any particulars listed in the items of paragraph (4), the person must consult with the Minister of the Environment if it is a public entity, and that person must obtain authorization 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 Order of the Ministry of the Environment.
- (7) A person seeking consultation or authorization under the preceding paragraph must submit the written request for consultation or a written application with a description of the particulars pertaining to that change to the Minister of the Environment as provided by Order 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 Order of the Ministry of the Environment under the proviso of paragraph (6), that operator must notify the Minister of the Environment of that change without delay.
- (10) Conditions may be attached to an authorization under paragraphs (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, the Minister may issue an order to a person who has obtained authorization 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 corporation that is a national park facility project operator has effected a merger (except when that corporation that is a national park facility project operator merges with a corporation that is not a national park facility project operator and the former is the surviving corporation) or a split (limited to where the entire national park facility project is to be succeeded) and if the surviving corporation after the merger, the corporation established in the merger, or the corporation to succeed to the entire national park facility project after the split (hereinafter referred to as "merging corporation, etc." in this paragraph) is a public entity, and that merging corporation, etc. has consulted with the Minister of the Environment, or if the merging corporation, etc. is a corporation other than the State or a public entity and that merging corporation, etc. has obtained approval from the Minister of the Environment, that merging corporation, etc. will succeed to the position of the national park facility project operator.

(2) If a national park facility project operator dies and the 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, that relevant person will be the heir, hereinafter the same applies in this Article) intends to continue that national park facility project, the succeeding heir must 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 authorization 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 the approval will be given.

(4) An heir who has obtained approval under paragraph (2) succeeds 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, the operator must notify the Minister of the Environment to that effect in advance as provided by Order of the Ministry of the Environment.

#### (Lapse and Revocation of Authorization)

Article 14 (1) If a project to be implemented as a national park facility project requires the permission, authorization, or other measures 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 authorization 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 authorization has ceased to be effective must notify the Minister of the Environment to that effect within 30 days from the date on which that authorization ceases to be effective.

- (3) If a person that has obtained authorization 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 authorization 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 authorization under Article 10, paragraphs (3) or (6) by deception or other wrongful means.

(Restoration Orders)

- Article 15 (1) If a person that has obtained authorization under Article 10, paragraph (3) discontinues the national park facility project, or if authorization 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 authorization has ceased to be effective or has been revoked to restore that national park to its original state or if the restoration to the original state is extremely difficult, to 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 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 must give public notice in advance that the 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 must carry identification and present it at the

request of a relevant person.

(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 Order 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 authorization from the prefectural governor as provided by Order of the Ministry of the Environment.
- (4) The provisions of Article 10, paragraphs (4) and (5) apply mutatis mutandis to consultation under paragraph (2) and authorization under the preceding paragraph. The provisions of Article 10, paragraphs (6) through (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) through (10), Articles 11 through 13, Article 14, paragraph (3), and the preceding Article apply mutatis mutandis to persons that have obtained authorization under the preceding paragraph. The provisions of Article 14, paragraphs (1) and (2) apply mutatis mutandis to authorization 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 request a person that has obtained authorization under Article 10, paragraph (3) and a prefectural governor may request a person that has obtained authorization 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 have 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 must carry proof of identity and present it to persons concerned.

(3) The authority under the provisions of paragraph (1) must not be interpreted as being granted for a criminal investigation.

(Delegation to Cabinet Order)

Article 18 Beyond the provisions in this Section, necessary matters concerning the implementation of park facility are to be specified by Cabinet Order.

(Maintaining Cleanliness)

Article 19 The State and local public entities, when considered necessary, are to 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 Areas)

Article 20 (1) The Minister of the Environment, in regard to a national park, and prefectural governors, in regard to quasi-national parks, may designate special areas within the boundaries of those parks (excluding marine areas) based on park plans for the purpose of preserving the scenic beauty of those parks.

(2) The provisions of Article 5, paragraphs (3) and (4) apply mutatis mutandis to the designation of special areas, 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 area (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 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 preservation 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 wetlands 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) piling or storing soil and stones or other materials designated by the Minister of the Environment outdoors:
- (ix) 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 the 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 any other animal designated by the Minister of the Environment, or collecting or damaging the eggs of the animal:
- (xiv) within a zone designated by the Minister of the Environment, releasing an animal that is not indigenous to that zone or an animal designated by the Minister of the Environment which poses a potential risk to the conservation of the scenic beauty of that zone (including 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 zones designated by the Minister of the Environment during the period designated for each such zones:
- (xvii) using a horse, vehicle or motorboat, or landing an aircraft in a zone other

than a zone designated by the Minister of the Environment other than on a road, open space for public use, rice field, field, pasture, or residential land: (xviii) any act other than those listed in the preceding items that might affect the preservation of the scenic beauty of a special area and is specified by Cabinet Order.

- (4) The Minister of the Environment or a prefectural governor must 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 Order 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 by Order of the Ministry of the Environment in view of its impact on the scenic beauty of that quasi-national park or other conditions, the governor may consult with the Minister of the Environment.
- (6) A person that has already commenced activities listed in any of the items of paragraph (3) when the relevant act becomes restricted, may continue to conduct that act notwithstanding the provisions of that paragraph. In this case, that person is to 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 any act listed in the items of paragraph (3) within a special area as a necessary emergency measure for an extraordinary disaster must 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 area must 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 execution of a park facility project;
  - (ii) acts conducted as a certified ecosystem preservation and restoration program, etc. (meaning an ecosystem preservation and restoration program to be carried out pursuant to the provisions of Article 39, paragraph (1) or Article 41, paragraph (1) and an ecosystem preservation and restoration 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 Order of the Ministry of the Environment.

(Special Protection Zones)

Article 21 (1) The Minister of the Environment, in regard to a national park, and a prefectural governor, in regard to a quasi-national park, may designate a special protection zone within a special area based on a park plan if it is particularly necessary for preserving 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 does not apply to acts carried out as emergency measures necessitated by an extraordinary disaster:

- (i) acts listed in item (i), item (ii), items (iv) through (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

preservation of the landscape of a special protection zone specified by Cabinet Order.

- (4) The Minister of the Environment or a prefectural governor must 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 Order 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 by Order of the Ministry of the Environment in view of its impact on the landscape of that quasi-national park or other circumstances, the governor must consult with the Minister of the Environment.
- (6) A person that has already commenced activities 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 must 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 of the items of paragraph (3) within a marine special zone as a necessary emergency measure for an extraordinary disaster must 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 an execution of a park facility project;
  - (ii) acts conducted as a certified eco-system preservation and restoration 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 Order of the Ministry of the Environment.

(Marine Special Zones)

Article 22 (1) The Minister of the Environment, in regard to a national park, and a prefectural governor, in regard to a quasi-national park, may designate a marine special zone in the marine area of that park based on a park plan for the purpose of preserving 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 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 for each relevant zone by the Minister of the Environment with the consent of the Minister of the Agriculture, Forestry, and Fisheries within the zone designated by the Minister of the Environment;
  - (iii) land reclamation of a marine area by land fill 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 zones designated by the Minister of the Environment during the period designated for each such zone;
  - (viii) any act other than those listed in the preceding items that might affect the preservation of the landscape of a marine special zone and is specified by Cabinet Order.
- (4) The Minister of the Environment or a prefectural governor must 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 Order 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 by Order 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, the governor must consult with the Minister of the Environment.
- (6) A person that has already committed any act listed in the items of paragraph

- (3) at the time such act becomes restricted may continue to conduct that act notwithstanding the provisions of that paragraph. In this case, that person must 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 committed any act listed in items of paragraph (3) within a marine special zone as a necessary emergency measure for an extraordinary disaster must 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 the act was conducted.
- (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 execution of a park facility project;
  - (ii) acts conducted as a certified ecosystem preservation and restoration program, etc.;
  - (iii) routine administrative activities, minor activities, and other activities specified by Order of the Ministry of the Environment.

(Utilization Management Zones)

- Article 23 (1) The Minister of the Environment, in regard to a national park, and a prefectural governor, in regard to a quasi-national park, may designate a utilization management zone within a special area or a marine special zone based on a park plan when particularly necessary for preserving 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) A person must 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 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 second sentence of Article 68, paragraph (1)) or an act

- notified as prescribed in the second sentence of Article 20, paragraph (6) or (8), the second sentence of Article 21, paragraph (6), or the second sentence of paragraph (6) of the preceding Article (including an act pertaining to a 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 execute a park facility project;
  - (iv) entry in order to execute a certified ecosystem preservation and restoration program, etc.;
  - (v) 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;
  - (vi) entry in order to carry out routine administrative activities, minor activities, and other activities specified by Order of the Ministry of the Environment;
  - (vii) any entry other than those listed in the preceding items when 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, the user must 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 both of the following items; provided, however, that this 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; and
  - (ii) comply with standards specified by Order of the Ministry of the Environment that there is no risk of impairment to the preservation 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, as provided by Order of the Ministry of the Environment, must apply for a 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 is to grant certification under paragraph (1) if the minister finds that the entry for which

an application has been made for that certification under paragraph (1) complies with both of the items of that paragraph.

- (4) The Minister of the Environment or a prefectural governor must issue an entry certification as provided by Order 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, as provided by Order of the Ministry of the Environment, the person may apply for reissuance of that certificate to the Minister of the Environment in the case of a national park, or to the relevant prefectural governor in the case of a quasi-national park.
- (6) A person who has obtained certification under paragraph (1) must carry the entry 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 Order of the Ministry of the Environment intends to have another user enter a utilization management zone under their supervision during the period stipulated in paragraph (3) of the preceding Article, the user 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 their supervision with the items of paragraph (1).
- (8) The provisions of paragraphs (2) through (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 a users supervision loses," and the phrase a "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 a user's supervision."

(Designated Certification Agencies)

- Article 25 (1) The Minister of the Environment, in regard to a national park, and a prefectural governor, in regard to a quasi-national park, may have a designated person (hereinafter referred to as a "designated certification agency") perform all or part of the governor's affairs stipulated in the preceding Article (hereinafter referred to as "certification-related affairs").
- (2) Designation of a designated certification agency (hereinafter referred to simply as "designation" in this Article through 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 whose rights are yet to be 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 person finished serving the sentence or to be subject to its enforcement;
  - (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; or
  - (v) a corporation where an officer of that corporation falls under any of the preceding items.
- (4) If the Minister of the Environment or a prefectural governor makes a designation, the minister is not to 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, the minister is to 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 agency, 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 agency."

(Standards for Designation)

Article 26 The Minister of the Environment or a prefectural governor must not make a designation unless no other person has been designated as a designated certification agency 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 sufficient financial and technical capability 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 in certification-related affairs, there is no risk that the engagement in the other business will impair the fair implementation of the certification-related affairs; and
- (iv) beyond the preceding three items, the applicant is able to fairly and properly implement the certification-related affairs.

(Matters to be Observed by a Designated Certification Agency)

Article 27 (1) Before a designated certification agency starts to implement certification-related affairs, as provided by Orders of the Ministry of the Environment, the agency must stipulate the rules for the implementation of those Certification-Related Affairs and obtain authorization for those rules from the Minister of the Environment or the relevant prefectural governor. The same applies if a designated certification agency intends to amend any such rules.

- (2) A designated certification agency must prepare a business plan and an income and expenditure budget for each business year before the beginning of that business year (without delay after the designation, for the business year during which the date of designation falls), and obtain authorization for that plan and budget from the Minister of the Environment or the relevant prefectural governor. The same applies if a designated certification agency intends to amend any such plan or budget.
- (3) A designated certification agency, within three months after the end of each business year, must 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 agency must 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 agency suspends all or part of its certification-related affairs with permission under the preceding paragraph, or it becomes difficult for that designated certification agency to implement all or part of those certification-related affairs due to a natural disaster or other reason, when considered necessary, the Minister of the Environment or the relevant prefectural governor is to 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 agency 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 Order of the Ministry of the Environment.

(Duty of Confidentiality)

Article 28 (1) A designated certification agency (if it is a corporation, its officials, the same applies in the following paragraph), and its employees, and persons formerly in such positions must not disclose any confidential information they come to know in connection with the certification-related affairs or use that information for their personal benefit.

(2) A designated certification agency and its employees who engage in the certification-related affairs are 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 to Designated Certification Agencies)

Article 29 (1) The Minister of the Environment or a prefectural governor may issue to a designated certification agency an order necessary for supervision of certification-related affairs to the extent required for the enforcement of the provisions of Articles 24 through 31.

(2) If a designated certification agency 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 must revoke the designation issued to that designated certification agency.

(3) If a designated certification agency 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 agency.

(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, to the extent required for the enforcement of the provisions of Article 24 to the

following Article, may request a designated certification agency 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 agency 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 must carry identification and present it at the request of a relevant person.
- (3) The authority under the provisions of paragraph (1) must not be interpreted as being granted for a criminal investigation.

#### (Charges)

- Article 31 (1) A person that intends to obtain certification under Article 24, paragraphs (1) or (7) or receive reissuance of an entry 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 must pay to the State (if a designated certification agency is implementing the certification-related affairs, that designated certification agency) a charge in an amount specified by Cabinet Order taking into consideration the actual costs.
- (2) If a prefecture collects a charge for a certification under Article 24, paragraphs (1) or (7) or reissuance of an entry certificate under paragraph (5) of that Article (including when 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 agency pursuant to the provisions of Article 25 to pay that charge to that designated certification agency as provided by Prefectural Ordinance.
  - (3) Charges paid to a designated certification agency pursuant to the provisions of the preceding two paragraphs are treated as income of that agency.

#### (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 Areas)

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 area or a marine special zone (hereinafter referred to as "ordinary area"), as provided by

Order of the Ministry of the Environment, must 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 Order of the Ministry of the Environment such as the type of acts, place, implementation method and scheduled date of commencement; provided, however, that this does not apply to a person who intends to conduct the acts listed in items (i), (iii), (v) and (vii) that are necessary for engaging in fishery such as setting up fishing gear in a marine area:

- (i) constructing, reconstructing or extending a structure for which the size exceeds the standards specified by Order of the Ministry of the Environment (including reconstructing or extending of a structure if the size of the relevant structure will exceed the standards specified by Order 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 area 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) land reclamation of a water area by landfill or drainage;
  - (v) mining minerals or gathering soil and stones (in marine areas, limited to marine areas connected to a marine special zone within one kilometer of the relevant marine special zone);
  - (vi) changing the shape of land; or
  - (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, in regard to a national park, and a prefectural governor, in regard to a quasi-national park, when either the minister of governor consider it necessary to protect the scenery of that park, may give an order to a person that intends to conduct or has conducted an act in an ordinary area that requires notification and is set out in any of the items of the preceding paragraph prohibiting or restricting the specific 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 to make an issuance of a disposition impossible 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) must not conduct an act pertaining to that notification unless a period of 30 days has passed after the date of the relevant notification.
- (6) The Minister of the Environment, in regard to a national park, and a prefectural governor, in regard to a quasi-national park, may shorten the period prescribed in the preceding paragraph if either the minister or governor considers that there is no risk that shortening the duration will impair the protection of the scenery of the relevant 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 preservation and restoration 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 Order of the Ministry of the Environment;
  - (v) acts that have already commenced 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; or
  - (vi) acts to be carried out as emergency measures necessitated by an extraordinary disaster.

(Discontinuance Orders)

Article 34 (1) The Minister of the Environment, in regard to a national park, and a prefectural governor, in regard to a quasi-national park, if the minister and governor consider the protection of that park necessary, the minister may 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 to that relevant 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, the minister or the governor may carry out the relevant restoration, etc. or have a person ordered or delegated by the minister or the governor to carry out the relevant restoration, etc. at the expense of the person to which the relevant order of restoration, etc. is to be made. In this case, the Minister of the Environment or the governor must make public in advance that the relevant 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 prefectural governor will carry out the relevant restoration, etc. if the relevant 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 must carry identification and present it at the request of a relevant person.

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

Article 35 (1) If the Minister of the Environment, in regard to a national park, and a prefectural governor, in regard to a quasi-national park, considers it necessary for the protection of that park, the minister or governor may 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) If the Minister of the Environment, in regard to a national park, and a prefectural governor, in regard to a quasi-national park, 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, the minister or governor may have 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 must carry identification and

present it at the request of a relevant person.

- (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, in regard to a national park, and the prefectural governor, in regard to a quasi-national park, is to 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) A person must not conduct without due cause any act listed in the following items within a special area, 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; and
  - (ii) emitting an extremely foul smell, 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 excessively 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 area, 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 must carry identification and present it at the request of a relevant person.

## **Section 5 Ecosystem Preservation and Restoration Project**

(Ecosystem Preservation and Restoration Project Plans)

Article 38 (1) The Minister of the Environment and the head of a national

government organ that is to implement an ecosystem preservation and restoration program (hereinafter referred to as the "Minister of the Environment, etc.") will formulate a plan concerning an ecosystem preservation and restoration project (hereinafter referred to as "ecosystem preservation and restoration 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 preservation and restoration project in that national park.

- (2) A prefectural governor may formulate an ecosystem preservation and restoration 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 preservation and restoration program in that quasi-national park.
- (3) An ecosystem preservation and restoration program plan must prescribe the following information:
  - (i) the goal of the ecosystem preservation and restoration program;
  - (ii) the area in which the ecosystem preservation and restoration program is to be implemented;
  - (iii) the contents of the ecosystem preservation and restoration program; and
  - (iv) beyond the preceding three items, any information necessary for the proper and effective implementation of the ecosystem preservation and restoration program.
- (4) After formulating an ecosystem preservation and restoration program plan, the Minister of the Environment, etc. or the relevant prefectural governor must give public notice of an outline of that plan.
- (5) If the Minister of the Environment, etc. intends to abolish or change an ecosystem preservation and restoration program plan, they must hear the opinion of the council.
- (6) The provisions of paragraph (4) apply mutatis mutandis to the abolishment of or change to an ecosystem preservation and restoration program plan by the Minister of the Environment, etc. or a prefectural governor.

(Ecosystem Preservation and Restoration Programs in National Parks)

Article 39 (1) If it is considered necessary to preserve or restore an ecosystem in order to protect a natural scenic area within a national park, the State is to implement an ecosystem preservation and restoration program in accordance with an ecosystem preservation and restoration program plan in that national park.

- (2) A local public entity, as provided by Order of the Ministry of the Environment, may implement an ecosystem preservation and restoration program in accordance with an ecosystem preservation and restoration program plan in a national park after obtaining confirmation from the Minister of the

Environment to the effect that the relevant ecosystem preservation and restoration program is in compliance with that ecosystem preservation and restoration program plan.

- (3) A person other than the State or a local public entity, as provided by Order of the Ministry of the Environment, may implement an ecosystem preservation and restoration program in accordance with an ecosystem preservation and restoration program plan in a national park after obtaining certification from the Minister of the Environment to the effect that the person is able to properly and reliably implement the relevant ecosystem preservation and restoration program and that the relevant ecosystem preservation and restoration program is in compliance with the relevant ecosystem preservation and restoration program plan.
- (4) A person intending to obtain confirmation under paragraph (2) or certification under the preceding paragraph must submit a written application with a description of the following particulars to the Minister of the Environment as provided by Order of the Ministry of the Environment:
  - (i) name and address, and in the case of a corporation, the name of the representative person of that corporation;
  - (ii) the area in which the ecosystem preservation and restoration program is to be implemented;
  - (iii) the contents of the ecosystem preservation and restoration program; and
  - (iv) beyond the preceding three items, any particulars specified by Order 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 preservation and restoration program and other documents specified by Order 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 particulars listed in the items of paragraph (4), that person must obtain confirmation from the Minister of the Environment if it is a local public entity and that person must 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 by Order of the Ministry of the Environment.
- (7) A person intending to obtain confirmation or certification under the preceding paragraph must submit a written application with a description of the matters pertaining to that change to the Minister of the Environment as provided by Order 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 Order of the Ministry of the Environment under the proviso of paragraph (6), that person must 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 the relevant person is not implementing the ecosystem preservation and restoration program in accordance with the ecosystem preservation and restoration program plan in a national park;
- (ii) if it is found that the relevant person is no longer able to implement that ecosystem preservation and restoration 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; or
- (v) if that person obtains approval under paragraph (3) or (6) of the preceding Article by deception or other wrongful means.

(Ecosystem Preservation and Restoration 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 preservation and restoration program in accordance with an ecosystem preservation and restoration program plan in that quasi-national park.

(2) A local public entity other than the State or a prefecture, as provided by Order of the Ministry of the Environment, implement an ecosystem preservation and restoration program in accordance with an ecosystem preservation and restoration program plan in a quasi-national park after obtaining confirmation from the relevant prefectural governor to the effect that that ecosystem preservation and restoration program is in compliance with that ecosystem preservation and restoration program plan.

(3) A person other than the State or a local public entity, as provided by Order of the Ministry of the Environment, implement an ecosystem preservation and restoration program in accordance with an ecosystem preservation and restoration 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 the relevant ecosystem preservation and restoration program and that the relevant ecosystem preservation and restoration program

is in compliance with the relevant ecosystem preservation and restoration program plan.

(4) The provisions of Article 39, paragraphs (4) and (5) apply mutatis mutandis to confirmations under paragraph (2) and certification under the preceding paragraph, the provisions of paragraphs (6) through (9) of that Article apply mutatis mutandis to persons that have obtained confirmation under paragraph (2), and the provisions of paragraphs (6) through (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 request a person that has obtained certification under Article 39, paragraph (3), and the relevant prefectural governor may request the person that has obtained certification under paragraph (3) of the preceding Article, to report on the implementation status of that ecosystem preservation and restoration program and other necessary matters.

## **Section 6 Scenic Area Protection Agreements**

(Conclusion of a Scenic Area Protection Agreement)

Article 43 (1) The Minister of the Environment, a local public entity, or a park management agency 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), if it is considered necessary to protect that natural scenic area within a national park or a quasi-national park, may manage the natural scenic area within the boundary of land within the relevant 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) particulars concerning the method of managing a natural scenic area within a scenic area protection agreement zone;
  - (iii) if it is necessary to improve facilities that are necessary facilities 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; and
  - (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; and
  - (iii) the particulars mentioned in each item of paragraph (1) conform to the standards specified by Order of the Ministry of the Environment.
- (4) If a local public entity intends to conclude a scenic area protection agreement, it must, 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 agency referred to in paragraph (1) intends to conclude a scenic area protection agreement, it must obtain authorization 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 a Scenic Area Protection Agreement)

- 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 submit an application for authorization of a scenic area protection agreement under paragraph (5) of the preceding Article, that person must give public notice to that effect in accordance by Order 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 a 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.

(Authorization for Scenic Area Protection Agreements)

Article 45 If an application for authorization 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 must grant authorization for that scenic area protection agreement:

- (i) the application procedures are not in violation of any law or regulation; and
- (ii) the contents of the scenic area protection agreement conform to the standards listed in each item of Article 43, paragraph (3).

(Public Notice 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 gives authorization under the preceding Article, that person, as provided by Order 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 the relevant area is a scenic area protection agreement zone.

(Changes to a Scenic Area Protection Agreement)

Article 47 The provisions of Article 43, paragraphs (2) through (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 a 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, in regard to a national park, and a prefectural governor, in regard to a quasi-national park, upon application, may designate as a park management agency 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 agency under Article 2, paragraph (2) of the Act on Promotion of Specified Nonprofit Activities (Act No. 7 of 1998), or another corporation specified by Order 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, the minister must make public, the name and address of the relevant park management agency and the location of its office.
- (3) If a park management agency intends to change its name or address or the location of its office, it must 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 must make public, the matters pertaining to that notification.

#### (Operations)

Article 50 A park management agency will perform the following operations:

- (i) managing the natural scenic area and conducting other activities that contribute to the 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; and
- (vi) conducting operations incidental to the operations listed in the preceding items.

#### (Coordination)

Article 51 A park management agency must 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 the management of operations by a park management agency, the minister may order that park management agency to take measures necessary to make those improvements.

(Revocation of Designations)

Article 53 (1) If a park management agency 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 agency.

(2) If the Minister of the Environment or a prefectural governor revokes a designation under the provisions of the preceding paragraph, the minister must make public the fact.

(Provision of Information)

Article 54 The State and local public entities are to provide a park management agency with information and provide guidance and advice necessary for that park management agency 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 the park facility project.

(Government Subsidies)

Article 56 The State, within the limits of the budget, may 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 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 significantly benefits from the implementation of the relevant 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 must hear the opinion of that local public entity.

(Expenses to be Borne by Beneficiaries)

Article 58 If there is a person who significantly benefits from the implementation of a park facility project, the State or a local public entity may have that person to bear part of the expenses necessary for the implementation of that park facility project to the extent that the person benefits.

(Expenses Borne by the Party at Fault)

Article 59 If it becomes necessary to implement a park facility project due to construction or another act, the State or a local public entity may have the person bear expenses for the construction or act which is the cause of the relevant implementation necessary to bear all or a part of those expenses to the extent to which the implementation of the relevant 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 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, in regard to the designation of a national park or a quasi-national park, the decision of a park plan, the implementation of a park facility project, or the decision of a park facility project of a national park, a prefectural governor, in regard to the designation of a quasi-national park or application for expansion of the boundaries of that park, the decision of a park plan or offer for addition to a park plan, or the decision or implementation of a park facility project, and a national government organ other than the Minister of the Environment, in regard to the implementation of a park facility project, may 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 relevant officials conduct acts pursuant to the provisions of the preceding paragraph, that person must 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) must not enter residential land or land enclosed with hedges, fences, etc. before sunrise or after sunset.
- (4) An official referred to in paragraph (1) must carry identification and present it at the request of a relevant person.
- (5) An owner or possessor of land or an owner of trees and bamboo or hedges or fences must not deny or interfere with an entry, installation of signs, or other acts conducted pursuant to the 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 adjustment in relation to mining, stone quarrying, or gravel quarrying. In this case, the person may not make a request for administrative review.

- (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 administrative review or re-investigation with respect to that disposition.

(Compensation for Loss)

Article 64 (1) The State, in regard to a national park, and the relevant prefectural governor, in regard to a quasi-national park, is to compensate for losses that would ordinarily incur 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 must 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 the prefecture.
- (3) If the Minister of the Environment or a prefectural governor receives a request pursuant to the provisions of the preceding paragraph, the minister or the governor must determine the amount of compensation and notify the requestor of that amount.
- (4) The State or the relevant prefecture is to compensate for losses that would generally be incurred 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 paragraphs (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) are 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 if it is applied mutatis mutandis under paragraph (5) of that Article) may request an increase of the amount of 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 must issue a demand in the form that specifies the deadline by which the person must pay.
- (2) In the case of the preceding paragraph, the Minister of the Environment may charge a delinquency charge as provided by Order 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, decide or change a park plan, or designate or expand the boundaries of a special zone, special protection zone, marine special area, or utilization management zone in a national park, the minister must consult with the head of the relevant administrative organs.

(2) If a prefectural governor intends to designate or expand the boundary of a special area, special protection zone, marine special zone or utilization management zone in a quasi-national park, the governor must consult with the head 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 must 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 must 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 must 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 by Order 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, the government organ must consult with the Minister of the Environment.

(3) If a national government organ has or intends to conduct an act for which a notification is required under the provisions of the second sentence of Article 20, paragraph (6), or Article 20, paragraph (7) or (8), the second sentence of Article 21, paragraph (6), or Article 21, paragraph (7) of, the second sentence of

Article 22, paragraph (6), or Article 22, paragraph (7) of, or Article 33, paragraph (1), it must inform 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 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 the minister considers it necessary for the protection of the scenery of that park, the minister may request 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 Order of the Ministry of the Environment.

(Classification of Affairs)

Article 70 The matter 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 Type 1 statutory entrusted functions prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act.

(In Relation to Natural Wilderness Conservation Areas)

Article 71 Any natural wilderness conservation 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**

(Designation)

Article 72 The prefectural natural parks may be designated pursuant to the Prefectural Ordinance by the prefectures, by specifying their boundaries.

(Protection and Utilization)

Article 73 (1) Prefectures, pursuant to the Prefectural Ordinance may designate a special area within the boundary of a prefectural natural park concerned for

the purpose of preserving the scenic beauty of the park, designate the utilization management area within the special area for the purpose of promoting the preservation of the scenic beauty or landscape of the park concerned and proper use thereof, and establish the necessary regulations by Prefectural Ordinance on the activities in the special area, utilization management zone, and the areas in the prefectural natural park concerned other than the special area, within the scope of regulations prescribed in the provisions of Section 4 of the preceding chapter concerning the activities in the special area, utilization management zone and an ordinary area in the national parks.

- (2) When deemed necessary for the implementation of the certification-related affairs for the prefectural natural park concerned, prefectures may stipulate in the Prefectural Ordinance that the prefectural governor may designate the designated certification agency by following the cases of the provisions from Articles 25 through 31 and cause them to perform the certification-related affairs concerned.
- (3) Prefectures, for the purpose of establishing complex facilities for the utilization of the prefectural natural park concerned, pursuant to the Prefectural Ordinance, may designate the facility complex zone within its boundary and stipulate in the Prefectural Ordinance to prohibit the activities in the special area and facility complex zone as provided for the items of Article 37, paragraph (1) pursuant to the provisions of the same article.

(Scenic Area Protection Agreement)

Article 74 When deemed necessary for protecting the natural scenic beauty in a prefectural natural park concerned, prefectures may stipulate in the Prefectural Ordinance that local public entity or the park management organization that is designated under the Prefectural Ordinance pursuant to the provisions of the following Article may conclude a scenic landscape protection agreement with the land owner by following the provisions of Section 6 of the preceding chapter.

(Park Management Organization)

Article 75 When deemed necessary for protecting a natural scenic area in the prefectural natural park concerned and proper use thereof, prefectures may stipulate in the Prefectural Ordinance that the prefectural governor may designate the park management organization by following the provisions of Section 7 of the preceding chapter.

(On-site Investigation)

Article 76 When the on-site investigation is deemed necessary for the prefectural

natural park concerned, prefectures may stipulate in the Prefectural Ordinance that the prefectural governor concerned may have their relevant official enter the land owned by others, which is governed by the provisions of Article 62, set up land marks or take other actions prescribed in the provisions of paragraph (1) of the same article.

(Compensation for Loss)

Article 77 Prefectures must compensate for the loss that may occur under ordinary circumstances to the one who suffers the loss due to the disposition under the Prefectural Ordinance pursuant to Article 73, paragraph (1) or due to the activities by the relevant personnel pursuant to the provisions of the Prefectural Ordinance pursuant to the preceding article.

(Arbitration Award by the Environmental Dispute Coordination Committee)

Article 78 One who has any complaints against measures by the prefectural governor under the provisions of the Prefectural Ordinance pursuant to the provisions of Article 73, paragraph (1) may apply for the arbitration award to the Environmental Dispute Coordination Committee, when the reason for the complaint is regarding the coordination with mining, quarrying or gravel industries. The provisions of the second sentence of Article 63, paragraphs (1) and Article 63, paragraph (2) are applied mutatis mutandis to this case.

(Consultation)

Article 79 (1) Prefectures are to consult with the head of the relevant local administrative organs of national governments, when attempting to carry out the designation of a special area or regulated utilization area within the prefectural natural park concerned, or expansion of the boundary thereof.  
(2) Regarding special provisions concerning the activities carried out by the national government organs, when the prefecture concerned has established regulations on activities within the area of the prefectural natural park concerned under the Prefectural Ordinance pursuant to Article 73, paragraph (1), is governed by the provisions of Article 68.

(Report, Advice or Recommendations)

Article 80 (1) The Minister of the Environment may request necessary reports on the prefectural natural park from the prefectures.  
(2) The Minister of the Environment may provide the prefectures with necessary advice or recommendation on administration or skill regarding the prefectural natural park.

(Relationship with national parks)

Article 81 Any area in the national parks, the quasi-national parks, or the natural wilderness conservation area designated pursuant to the provisions of Article 14, paragraph (1) of the Nature Conservation Act is excluded from the area of a prefectural natural park.

#### **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 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 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 authorization under Article 10, paragraph (3) or Article 16, paragraph (3)) who has changed any particulars listed in the items 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 authorization 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; or
- (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 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, 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 has 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 area 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 area, marine special zone or facility complex zone of a national park or a quasi-national park; or
- (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 corporation or if an agent, employee, or other worker of a corporation 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 corporation or individual, not only the offender, but also that corporation or individual will be punished by the fine in the corresponding Article.

Article 88 A person (limited to a person who has obtained authorization under Article 10, paragraph (3) or Article 16, paragraph (3)) who has failed to give notification or has 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 through 87 and the preceding Article respectively, in light of the manner of that violation.

### **Supplementary Provisions [Extract]**

(Date of Enforcement)

(1) This Act comes into effect as of October 1, 1957.

(Abolition of the National Parks Act)

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

(Transitional Provisions)

(3) Upon the enforcement of this Act, the national parks that have been already designated under Article 1 of the National Parks Act or the areas of quasi-national parks that have been already designated under Article 11-2, paragraph (1) of the same Act are deemed as national parks and quasi-national parks respectively in this Act and the areas thereof are also deemed as those of the national parks and quasi-national parks of this Act.

(4) Upon the enforcement of this Act, the national park plans, the park plans concerning the areas of quasi-national parks, or the national park plans that have been already decided under the National Parks Act are deemed as the national or quasi-national park plan or the national park facility projects that is decided based on this Act.

(5) Upon the enforcement of this Act, the special areas that have been already

designated under Article 8, paragraph (1) of the national parks Act or the special protection zones that have been already designated under Article 8-2, paragraph (1) of the same Act are deemed respectively as the special area or the special protection zone within the national park designated based on this Act.

- (6) Permission, authorization, application and other activities under the provisions of the National Parks Act or order thereof that have been made before the enforcement of this Act are deemed as being made in accordance with the equivalent provisions in this Act or order hereof when there are provisions in this Act or the order hereof equivalent to those Acts,
- (7) The activities that required no permission, disposition, or notification under the provisions of the National Parks Act or order thereof and that require permission, disposition, or notification under this Act or order hereof, or the activities that required notification only under the provisions of the National Parks Act or order thereof and that require permission or other measures under this Act or order hereof, when such activities have already commenced upon the enforcement of this Act, do not require any disposition or procedure under the provisions of this Act or order hereof or it would be sufficient to make a notification under the provisions then in force.
- (8) Prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of this Act.

(Affairs Dealt by Prefectures)

- (9) Part of the affairs that belong to the authority of the Minister of the Environment as prescribed in this Law may be performed by the governors of the prefectures prescribed by Cabinet Order for the time being as prescribed by Cabinet Order.
- (10) When attempting to draft a Cabinet Order to prescribe the prefectures under the preceding paragraph, the Minister of the Environment is to draft it upon application by the governor of the prefecture concerned.

(Interest-free Loan by the State)

- (11) For a park facility project for which the State may subsidize the expenses under Article 56, the State, may provide interest-free loans to the prefecture concerned in the amount for which the State may provide within the budgetary limit, as subsidy under Article 56 with respect to the funds to be used as expenses for matters mentioned in Article 2, paragraph (1), item (ii) of the Act concerning Special Measures for Promoting Improvement of Social Infrastructure Using Proceeds from Sales of the Stock of Nippon Telegraph and Telephone Corporation (Act No. 86 of 1987).
- (12) The repayment period of the loans provided by the State under the preceding

paragraph is prescribed by Cabinet Order not exceeding five years (including a grace period not exceeding two years).

- (13) Beyond the preceding paragraph, matters necessary for reimbursement such as the reimbursement method and acceleration of the due date under paragraph (11) of the supplementary provisions must be prescribed by Cabinet Order.
- (14) When the loan is extended to a prefecture under paragraph (11) of the supplementary provisions, the State is to subsidize the park facility projects concerning the loan extended in the amount equivalent to the amount of the relevant loan in accordance with Article 56. This subsidy is implemented by delivering the amount equivalent to the total redemption of the loan concerned at the time of redemption thereof.
- (15) When redemption of the interest-free loan extended to a prefecture under paragraph (11) of the supplementary provisions is accelerated to a date prior to the due date prescribed in paragraphs (12) and (13) of the supplementary provisions (except when the redemption is prescribed by Cabinet Order), with respect to an application of the provisions of the preceding paragraph, the redemption concerned is deemed to have been made at the due date for the redemption.

### **Supplementary Provisions [Act No. 47 dated June 3, 2009] [Extract]**

(Date of Enforcement)

Article 1 This Act comes into effect as of the date prescribed by Cabinet Order not exceeding one year from the date of promulgation; provided, however, that the provisions prescribed in the following items come into effect as of the date prescribed by each item concerned:

- (i) provisions of Article 8 of the supplementary provisions: the date of promulgation

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

Article 2 As for the Natural Parks Act after revision under the provisions of Article 1 (hereinafter referred to as the "New Natural Parks Act"), the provisions of Article 15 (including cases where applied mutatis mutandis under Article 16, paragraph (4) of the New Natural Parks Act) is applied to any person who discontinued the national park facility projects or the quasi-national park facility projects pertaining to the authorization of Article 10, paragraph (3) or Article 16, paragraph (3) of the New Natural Parks Act, the person whose authorization concerned has been lapsed, and the person whose authorization has been cancelled, after the day of enforcement of this Act.

Article 3 The marine park areas that have already been designated under Article 24, paragraph (1) of the Natural Parks Act before the revision (referred to as the "Former Natural Park Act" in the following article) prescribed in the provisions of Article 1 upon the enforcement of this Act is deemed as the marine park areas designated under Article 22, paragraph (1) of the New Natural Park Act.

Article 4 Prior laws continue to govern the applicability of a notification to the effect that anyone who has already come under the provisions of Article 24, paragraph (6) or (7) of the Former Natural Park Act upon the enforcement of this Act and who has not submitted the notification under paragraph (6) or (7) of the same article, commenced the activities or performed the activities.

(Transitional Measures for the Penal Provisions)

Article 7 Prior laws continue to govern the applicability of penal provisions for the activities that have been already carried out before the enforcement of this Act.

(Delegation to Cabinet Order)

Article 8 Beyond the matters prescribed in the provisions of Article 2 through the preceding article in the supplementary provisions, the transitional measures necessary for the enforcement of this Act are stipulated by Cabinet Order.

(Examination)

Article 9 The Government, when five years have passed since the enforcement of this Act, is to consider the state of enforcement of the New Natural Park Act and the New Nature Conservation Act, and when considered necessary, are to examine the provisions of the New Natural Park Act and the New Nature Conservation Act, and take necessary measures based on results of the examination.