

Order for Enforcement of the Nature Conservation Act

(Cabinet Order No. 38 of March 31, 1973)

The Cabinet enacts this Cabinet Order pursuant to the provisions of Article 14, paragraph (1), Article 16, paragraph (1), Article 17, paragraph (1), item (xiv), Article 18, paragraph (2) (including as applied mutatis mutandis pursuant to Article 30), each item of Article 22, paragraph (1), Article 24, paragraph (1), Article 39 and Article 43 of the Nature Conservation Act (Act No. 85 of 1972).

(Minimum Size of Wilderness Areas)

Article 1 The size of areas specified by the Cabinet Orders in Article 14, paragraph (1) of the Nature Conservation Act (hereinafter referred to as the "Act") is to be one thousand hectares; provided, however, that the size of areas with perimeters adjacent to the sea is to be three hundred hectares.

(Facilities for Nature Conservation in Wilderness Areas)

Article 2 The facilities specified by the Cabinet Orders in Article 16, paragraph (1) of the Act are patrol paths, management buildings, signs, and other similar facilities necessary for management.

(Qualification and Authority of Nature Conservation Regulating Officer)

Article 3 (1) The nature conservation investigator provided for in Article 18, paragraph (2) of the Act must be a person falling under one of the following items:

- (i) a person who has engaged in administrative work relating to the conservation of natural environments for at least three years in total;
- (ii) a person who has engaged in administrative work relating to the conservation of natural environments for at least one year in total after graduating from a university or college of technology under the School Education Act (Act No. 26 of 1947), a university under the former University Order (Imperial Order No. 388 of 1918), or a vocational training school under the former Professional Training College Order (Imperial Order No. 61 of 1903) by completing a course in biology, geology, agricultural science, forestry, fisheries science, landscape architecture, or another course necessary for the conservation of natural environments (including cases where the person has completed the first half of a professional university course under the School Education Act).

(2) The authority that the nature conservation regulating officer is to be

permitted to exercise pursuant to the provisions of Article 18, paragraph (2) of the Act is authority relating to the acts set forth in the items of Article 17, paragraph (1) of the Act, that is, to make an order for their termination, and relating to the acts set forth in items (iii) and (v) through (xvi) of the same paragraph, to make an order for restoration to the original state, or, where restoration to the original state is extremely difficult, to make an order that necessary alternative measures be taken within a reasonable period of time.

(3) The authority that the nature conservation investigator is to be permitted to exercise pursuant to the provisions of Article 18, paragraph (2) of the Act as applied *mutatis mutandis* pursuant to Article 30 of the Act is the authority to make an order for the termination and to make an order for restoration to the original state or take necessary alternative measures if restoration to the original state is extremely difficult, regarding to the acts set forth below (in the case of the acts set forth in item (i), excluding the acts set forth in Article 25, paragraph (4), item (i) of the Act that are set forth in Article 17, paragraph (1), items (i), (ii), and (iv) of the Act; in the case of the acts set forth in item (iii), excluding the acts set forth in Article 27, paragraph (3), items (i), (ii), and (iv) of the Act; and in the case of the acts set forth in item (iv), excluding the acts set forth in Article 28, paragraph (1), items (i), (ii), and (iv) of the Act), within a reasonable period of time:

- (i) an act set forth in the items of Article 25, paragraph (4) of the Act within a special zone;
- (ii) an act within the wildlife protection zone prescribed for h in the main clause of Article 26, paragraph (3) of the Act;
- (iii) an act within the Marine Special Zone set forth in the items of Article 27, paragraph (3) of the Act;
- (iv) an act within the ordinary zone set forth in the items of Article 28, paragraph (1) of the Act.

(4) The authority that the nature conservation regulating officer is to be permitted to exercise pursuant to the provisions of Article 18, paragraph (2) of the Act as applied *mutatis mutandis* pursuant to Article 35-7 of the Act is the authority to make an order for their termination and to make an order for restoration to the original state, or take necessary alternative measures if restoration to the original state is extremely difficult, regarding to the acts set forth in the items of Article 35-4, paragraph (3) of the Act, within a reasonable period of time.

(Minimum Size of Nature Conservation Areas)

Article 4 (1) The size of area specified by Cabinet Order in Article 22, paragraph (1), item (i) of the Act is to be one thousand hectares; the area specified by Cabinet Order in the same item is Hokkaido; and the altitude specified by

Cabinet Order in the same item is to be eight hundred meters.

- (2) The size of area specified by Cabinet Order in Article 22, paragraph (1), item (ii) of the Act is to be one hundred hectares.
- (3) The size of area specified by Cabinet Order in Article 22, paragraph (1), items (iii) through (v) of the Act is to be ten hectares.
- (4) The areas of land specified by Cabinet Order in Article 22, paragraph (1), item (vi) of the Act are plant habitats, wild animal habitats or breeding grounds, or areas where a considerable part consists of planted forests, with academic value, comprised of exceptionally old trees; and the size of the area specified by Cabinet Order in the same item is to be ten hectares.

(Conservation Facilities in Nature Conservation Areas)

Article 5 The facilities specified by Cabinet Order in Article 24, paragraph (1) of the Act are as follows:

- (i) facilities set forth in Article 2;
- (ii) drainage facilities and waste disposal facilities;
- (iii) vegetation restoration facilities, disease and pest elimination facilities, erosion control facilities, and fire prevention facilities;
- (iv) feeding facilities and culture facilities.

(Method of Collection of Expenses)

Article 6 If the State intends to cause a person to bear part of the expenses necessary for the execution of the conservation project pursuant to the provisions of Article 38 of the Act, the State must hear the opinions of that person.

(Regulating Officer)

Article 7 The person specified by Cabinet Order in Article 60, paragraph (1) of the Act is a police officer or a coast guard officer.

(Standards on the Amount of Security Deposit)

Article 8 The standards set forth in Article 60, paragraph (3) of the Act must be specified by taking into consideration the type of violation, the penalty provided for the crime, the degree of violation, and the number of violations committed, etc.

(Provision of Security Deposit)

Article 9 (1) A security deposit (excluding that provided in accordance with the content of a document which certifies that the security deposit will be provided (hereinafter referred to as "letter of guarantee"); the same applies in item (i)) or a letter of guarantee must be provided in accordance with the following:

- (i) in the case of a security deposit, it is to be provided by the offender set forth in Article 60, paragraph (1) of the Act; the captain of the vessel related to the incident set forth in the same paragraph; or any other person who is considered by the competent minister as appropriate to provide the security deposit, to be provided in Japanese currency within ten days from the day after the notification was made pursuant to the provisions of the same paragraph (or, based on compelling circumstances, if a regulating officer provides an extension not exceeding 20 days from the day after the notification was made, within the extended period);
- (ii) in the case of a letter of guarantee, it is to be provided as to meet the following requirements within the period set forth in the preceding item:
 - (a) the letter of guarantee is to ensure that the security deposit is provided in Japanese currency within one month from the day after the letter of guarantee is provided, and guarantee that the security deposit is provided without fail, in accordance with the content of the letter of guarantee in question;
 - (b) the person who provides the security deposit related to the letter of guarantee falls under the persons prescribed for in the preceding item.
- (2) If the last day of the period set forth in item (i) and item (ii), (a) of the preceding paragraph falls on a Sunday, Saturday, a holiday set forth in the National Holidays Act (Act No. 178 of 1948), January 2, January 3, or December 31, the day does not count towards that period.

(Competent Minister and Order of Competent Ministry)

- Article 10 (1) The competent minister set forth in Article 60, paragraph (2), Article 61, paragraph (1), and Article 62, paragraph (1) and paragraph (1) of the preceding Article is the Prime Minister with regard to incidents related to police officers and the Minister of Land, Infrastructure, Transport and Tourism with regard to incidents related to coast guard officers; and the competent ministers set forth in Article 60, paragraph (3) of the Act are the Prime Minister and the Minister of Land, Infrastructure, Transport and Tourism.
- (2) The Orders of the competent ministry set forth in Article 63 of the Act are the Cabinet Office Order and the Order of the Ministry of Land, Infrastructure, Transport and Tourism.

Supplementary Provisions [Extract]

(Effective Date)

- (1) This Cabinet Order comes into effect as of the date of enforcement of the Act (April 12, 1973).

**Supplementary Provisions [Cabinet Order No. 13 of February 15, 2010]
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date of enforcement (April 1, 2010) of the Act Partially Amending the Natural Parks Act and the Nature Conservation Act (hereinafter referred to as "the Revised Act").

(Transitional Measure)

Article 10 With regard to the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order, prior laws continue to govern.

Supplementary Provisions [Cabinet Order No. 105 of September 11, 2019]

This Cabinet Order comes into effect as of the date of enforcement (April 1, 2020) of the Act Partially Amending the Nature Conservation Act (Act No. 20 of 2019).