

# Regulations for Enforcement of the Nature Conservation Act

(Order of the Prime Minister's Office No. 62 of November 9, 1973)

The Regulations for Enforcement of the Nature Conservation Act are enacted as follows, for the purpose of enforcing the Nature Conservation Act (Act No. 85 of 1972), and based on the provisions of Article 17, paragraph (5), item (ii); Article 19, paragraph (3), item (iv); Article 22, paragraph (4) (including as applied mutatis mutandis pursuant to the same Article, paragraph (7) and Article 23, paragraph (3)); Article 25, paragraph (6); the same Article, paragraph (10), items (ii) and (iii); Article 26, paragraph (3), items (iv) and (v); Article 27, paragraph (5); the same Article, paragraph (9), items (ii) and (iii); Article 28, paragraph (1); the same Article, paragraph (6), items (iii) and (iv); and Article 40, paragraph (2) of the same Act:

Chapter I Wilderness Areas (Article 1 to 6)

Chapter II Nature Conservation Areas (Article 7 to 31)

Chapter II-2 Offshore Seabed Nature Conservation Areas (Article 31-4 to 31-8)

Chapter III Miscellaneous Provisions (Article 32 to 37)

Supplementary Provisions

## Chapter I Wilderness Areas

(Memorandum of Consultation Concerning Wilderness Area Conservation Project Implementation)

Article 1 (1) An application to consult on the implementation of a conservation project for a wilderness area (hereinafter referred to as a "Conservation Project" in this Chapter) under Article 16, paragraph (2) of the Nature Conservation Act (hereinafter referred to as the Act) is to be made by submitting a memorandum of consultation stating the following matters:

- (i) the name of the local public body;
- (ii) the type of the conservation project;
- (iii) the location of the facility;
- (iv) the size and structure of the facility;
- (v) an outline of the facility management or operation method;
- (vi) the total expenses required for the construction and how those expenses will be funded;
- (vii) the scheduled construction start and completion dates.

(2) The following documents and drawings must be attached to a memorandum of

consultation referred to in the preceding paragraph:

- (i) a topographical map with a reduced scale of 1/50,000 or more that clarifies the location of the facility;
- (ii) schematic drawings with a reduced scale of 1/5,000 or more and color photographs that clarify the conditions in the vicinity of the facility;
- (iii) plans, elevations, cross-sections, structural drawings, and color design drawings with a reduced scale of 1/1,000 or more that clarify the scale and structure of the facility;
- (iv) documents stating the breakdown of the expenses required for construction.

(Written Applications for Permission to Carry Out Acts within Wilderness Areas)

Article 2 (1) An application for permission under the provisions of the proviso to Article 17, paragraph (1) of the Act is to be made by submitting a written application stating the following matters:

- (i) the address and name of the applicant (in the case of a corporation, the location and name of the principal office and the name of a representative);
- (ii) the type of the act;
- (iii) the purpose of the act;
- (iv) the location of the act;
- (v) the condition of the location where the act will be carried out and in that vicinity;
- (vi) how the act will be carried out;
- (vii) the scheduled start and completion dates for the act.

(2) The following drawings must be attached to the written application referred to in the preceding paragraph:

- (i) a topographical map with a reduced scale of 1/50,000 or more that clarifies the location of the act;
- (ii) a schematic drawing with a reduced scale of 1/5,000 or more and a color photograph that clarifies the conditions at the location of the act and in that vicinity;
- (iii) plans, elevations, cross-sections, structural drawings, and color design drawings with a reduced scale of 1/1,000 or more that clarify how the act will be carried out;
- (iv) drawings with a reduced scale of 1/1,000 or more that clarify the restoration plan for the topography and vegetation in the location where the act will be carried out and in that vicinity after the act is completed;

(Acts Excluded from Restrictions on Acts within Wilderness Areas)

Article 3 The acts specified by Order of the Ministry of the Environment under Article 17, paragraph (5), item (ii) of the Nature Conservation Act, are referred

to as follows:

- (i) installing a sign for the protection and management of forests or the conservation and breeding of wild birds or animals;
- (ii) installing a sign, pile, alarm unit, rainfall observation facility, water level observation facility, or other similar structures for managing land designated pursuant to the provisions of Article 2 of the Erosion Control Act (Act No. 29 of 1897), a landslide prevention area prescribed in Article 3 of the Landslide Prevention Act (Act No. 30 of 1958) or a river area prescribed in Article 6, paragraph (1) of the River Act (Act No. 167 of 1964);
- (iii) installing a survey marker prescribed in Article 10, paragraph (1) of the Survey Act (Act No. 188 of 1949) or a hydrographic survey marker prescribed in Article 5, paragraph (1) of the Act on Services Related to Waterways (Act No. 102 of 1950);
- (iii)-2 installing a boundary marker (meaning a boundary marker prescribed in Article 77, paragraph (1), item (ix) of the Ordinance on Real Property Registration (Order of the Ministry of Justice No. 18 of 2005); the same applies hereinafter);
- (iv) reconstructing, or extending structures for observing meteorological phenomena, terrestrial phenomena, tremors, terrestrial magnetism, terrestrial electricity, or hydrological phenomena;
- (iv)-2 installing cameras, or other observation equipment or signs, piles or other similar items for the control of designated invasive alien species prescribed in Article 2, paragraph (1) of the same Act (hereinafter referred to "designated invasive alien species") under the provisions of Chapter 3 of the Act on the Prevention of Adverse Ecological Impacts Caused by Designated Invasive Alien Species (Act No. 78 of June 2004);
- (v) capturing, killing, collecting or harming aquatic plants and animals, or installing fishing gear for this purpose based on the fishery rights prescribed in Article 6, paragraph (1) of Fishery Act (Act No. 267 of 1949) or the common of piscary prescribed in Article 7 of the same Act;
- (vi) collecting or harming plants other than trees and bamboo, or collecting fallen leaves or fallen branches pursuant to the rights of common prescribed in Articles 263 and 294 of the Civil Code (Act No. 89 of 1896) or the rights prescribed in Article 238-6, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947);
- (vii) felling or damaging trees or bamboos in association with the on-site inspections under Article 6, paragraph (1) of the Forest Pest Control Act (Act No. 53 of 1950);
- (vii)-2 damaging trees or bamboos within the extent necessary in order for the State or a local public body to carry out the operations to rescue disaster victims which are prescribed as its duties pursuant to laws and regulations;

- (viii) capturing or killing, or collecting or damaging forest pests (including their eggs) with regard to forestry and fishery products for tests and researches by a test and research authority of the State or a local public body (limited to what has been notified to the Minister of the Environment in advance);
- (ix) conducting acts for preserving a natural monument of historic site and place of scenic beauty designated pursuant to the provisions of Article 109, paragraph (1) of the Cultural Properties Protection Act (Act No. 214 of 1950), or provisionally designated pursuant to the provisions of Article 110, paragraph (1) of the same Act (excluding construction of a building and change of characteristics of land);
- (x) capturing, collecting or killing designated invasive alien species in association with the prevention under Chapter 3 of the Act on the Prevention of Adverse Ecological Impacts Caused by Designated Invasive Alien Species;
- (xi) releasing a dog to carry out operations concerning the rescue of disaster victims;
- (xii) releasing designated invasive alien species related to the permission of a competent minister under Article 9-2, paragraph (1) of the Act on the Prevention of Adverse Ecological Impacts Caused by Designated Invasive Alien Species;
- (xiii) releasing a dog to capture animals of designated invasive alien species related to the prevention under Chapter 3 of the Act on the Prevention of Adverse Ecological Impacts Caused by Designated Invasive Alien Species;
- (xiv) releasing sterilized designated invasive alien species for the purpose of prevention under Chapter 3 of the Act on the Prevention of Adverse Ecological Impacts Caused by designated invasive alien species;
- (xv) immediately releasing animals captured within a wilderness area to the place of their capture;
- (xvi) acts carried out as the performance of obligations under laws and regulations or a disposition based on this;
- (xvii) beyond what is set forth in the preceding items, acts for repairing buildings or other structures (hereinafter simply referred to as "structures");
- (xviii) acts accompanying the acts set forth in the preceding items.

(Form of Identification To Be Carried by a Nature Conservation Investigator)

Article 4 An identification to be carried by a nature conservation investigator pursuant to the provisions of Article 18, paragraph (3) of the Act (including as applied mutatis mutandis pursuant to Article 30 or Article 35-7 of the Act) is to be in Form 1.

(Acts Excluded from Being Subject to the Limitation of Entry to Entry

Restricted Zone)

Article 5 The acts specified by Order of the Ministry of the Environment under Article 19, paragraph (3), item (iv) of the Act are as follows:

- (i) acts set forth in items under Article 3 (excluding the acts referred to in the same Article items (v) and (vi));
- (ii) conducting protection and management of forests or conservation and breeding of wild birds and animals;
- (iii) conducting a survey under Article 3 of the Survey Act or a hydrographic survey under Article 2, paragraph (1) of the Act on Services Related to Waterways;
- (iv) observing meteorological phenomena, terrestrial phenomena, tremors, terrestrial magnetism, terrestrial electricity, or hydrological phenomena;
- (v) conducting an investigation for designation of a natural monument of a historic site and place of scenic beauty under Article 109, paragraph (1) of the Cultural Properties Protection Act, or for provisional designation under Article 110, paragraph (1) of the same Act;
- (vi) capturing, collecting, or killing designated invasive alien species related to the acts of prevention in the case that the Minister of the Environment finds that it is necessary to urgently carry out acts of prevention among the acts of prevention under Chapter 3 of the Act on the Prevention of Adverse Ecological Impacts Caused by designated invasive alien species;
- (vii) conducting prevention or investigation of crimes, rescue of disaster victims, and other acts similar thereto;
- (viii) conducting an inspection, research, or other similar acts pursuant to laws and regulations.

(Written Application for Permission for Entry into an Entry Restricted Zone)

Article 6 (1) An application for permission under of Article 19, paragraph (3), item (v) of the Act is to be made by submitting an application stating the following matters:

- (i) address and name of an applicant (in the case of a corporation, the location and name of the principal office and the name of a representative);
  - (ii) acts that will be the purpose of entry;
  - (iii) location and name of an entry restricted zone;
  - (iv) number of people entering and a method of entering;
  - (v) scheduled date of starting entry and scheduled period of entry.
- (2) A position diagram and a drawing that clarifies a route or range of the entry and other entry methods must be attached to the written application under the preceding paragraph.

## Chapter II Nature Conservation Areas

(Public Notice of the draft of Designation of Nature Conservation Areas)

Article 7 (1) A public notice under Article 22, paragraph (4) of the Act (including as applied mutatis mutandis pursuant to the same Article paragraph (7)) is to be given by publication in the Official Gazette for the following matters:

- (i) name of a nature conservation area;
- (ii) land area or marine area to be included to a nature conservation area (in the case of extension of the area, the portion related to the expansion in question);
- (iii) public inspection place showing a draft of the designation of a nature conservation area or expansion of an area.

(2) A public notice under Article 22, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 23, paragraph (3) of the Act is to be given by publication in the Official Gazette for the following matters:

- (i) an outline of a draft of the decision or change of a conservation plan;
- (ii) public inspection place showing a draft of the decision or change of a conservation plan.

(Public Hearing)

Article 8 (1) When the Minister of the Environment intends to hold a public hearing pursuant to the provisions of Article 22, paragraph (6) of the Act (including as applied mutatis mutandis pursuant to the same Article, paragraph (7) and Article 23, paragraph (3)), the Minister is to give public notice of a date, a place, and the matter for which the Minister intends to hear opinions in a public hearing, as well as to inform that effect to a person who has been recognized by the Minister as a person whose opinions concerning the matter are necessary to be heard (hereinafter referred to as a "speaker at a public hearing").

(2) The public notice referred to in the preceding paragraph is to be made by the official gazette no later than three weeks before the date of a public hearing.

Article 9 A public hearing will be presided over by the Minister of the Environment or a person to be designated by the Minister.

Article 10 In a public hearing, a chairperson must first allow any person among the speakers who has submitted a written objection and any other person who has an objection to the matter on which the minister wishes to hear opinions, state the details of their objection and their reasons.

Article 11 (1) A speaker at a public hearing must obtain the permission of the chairperson when they wish to speak.

(2) The chairperson may, if they find it to be particularly necessary, allow a person observing a public hearing to state their opinion.

Article 12 (1) The statements made by a speaker or a person allowed to state their opinion must not fall outside the intended scope of the matter to be heard.  
(2) When the opinion of a speaker at a public hearing or a person allowed to state their opinion falls outside the scope of matters of the preceding paragraph, or they behave inappropriately, a chairperson may prohibit that person from speaking or order that person to leave.

Article 13 When a chairperson finds that it is necessary for the maintenance of order of a public hearing, the chairman have a person who disrupts the order of the hearing or behaves inappropriately leave the hearing.

Article 14 The chairperson must create a written statement that describes important matters concerning the progression of a public hearing after closing the public hearing without delay and must sign and seal this.

(Memorandum of Consultation of Execution of Conservation Projects for the Nature Conservation Area)

Article 15 The provisions of Article 1 apply mutatis mutandis to a request for consultation under Article 24, paragraph (2) of the Act.

(Written Application for Permission of Acts within Special Zones and Marine Special Zones)

Article 16 The provisions of Article 2 apply mutatis mutandis to an application for permission under of Article 25, paragraph (4) and Article 27, paragraph (3) of the Act.

(Standards for Permission of Acts within Special Zones)

Article 17 The standards specified in Order of the Ministry of the Environment under Article 25, paragraph (6) of the Act, in accordance with the categories of the acts set forth in the following items, are to be as specified in those items:

(i) constructing structures;

(a) temporary structures (excluding ones set forth in (c))

1. the design of the structure in question is one that enables its ready relocation or removal;
2. the methods of the construction in question and its scale, configuration, and the usage of the structure has a low risk of hindering nature conservation in the land where the construction is implemented and the surrounding areas of land.

- (b) structures to be installed under the ground (excluding ones set forth in (c))

The methods of the construction in question and its location, scale, and usage of the structure are unlikely to hinder nature conservation in the land where the construction is implemented and the surrounding areas of land.

- (c) structures set forth in the following:

The methods of the construction in question and the scale and configuration of the structure have a low risk of hindering nature conservation in the land where the construction is implemented and the surrounding areas of land.

a. erosion control facilities as prescribed in Article 1 of the Erosion Control Act

b. coastal conservation facilities prescribed in Article 2, paragraph (1) of the Coast Act (Act No. 101 of 1956) (for embankment or parapets, excluding forest integrally installed with the facilities, the same applies to Articles 18, 23, and 24), and other facilities to prevent seawater invasion or erosion by seawater

c. landslide prevention facilities prescribed in Article 2, paragraph (3) of the Landslide Prevention Act

d. rivers prescribed in Article 3, paragraph (1) of the River Act or other waterways for public use, or facilities to manage these (excluding forest zone)

e. steep slope collapse prevention facilities prescribed in Article 2, paragraph (2) of the Act on prevention of disasters caused by steep slope collapses (Act No. 57 of 1969)

f. buildings for agriculture, forestry, fishery, or other occupation (excluding a housing)

g. port facilities prescribed in Article 3 of the Act on Development of Fishing Ports and Grounds (Act No. 137 of 1950) or facilities which have been deemed to be a port facility pursuant to the provisions of Article 40 of the same Act

h. facilities related to the business of improvement of a structure of a shore fishery (referring to a shore fishery prescribed in Article 2, paragraph (1) of the Act on a shore fishery improvement fund subsidization (Act No. 25 of 1979) (excluding a shore fishery conducted by using a powered fishing boat whose total weight is more than 10 tons but less than 20 tons (excluding a carried boat). the same applies to Article 19, item (i))

i. facilities related to business based on a coast marine resource development plan prescribed in Article 7 of the Marine Resources Development Promotion Act (Act No. 60 of 1971)

- j. land improvement facilities prescribed in Article 2, paragraph (2), item (i) of the Land Improvement Act (Act No. 195 of 1949)
- k. roads, agricultural roads, forest roads or other roads (hereinafter referred to as "roads" except the item (xiii) and the item (xi) of Article 19) prescribed in Article 2, paragraph (1) of the road Act (Act No. 180 of 1952), and roads provided for the traffic of an automobile only and roads other than those provided for mainly sightseeing
- l. structures to manage a road
- m. a railroad, a track, or a cableway
- n. buildings that serve as a station for a railroad, track, or cableway, or a place of business of a passenger transport business by an automobile or vessel or a waiting room (including buildings accompanying these)
- o. facilities that have been deemed to be a port facility pursuant to the provisions of Article 2, paragraph (6) of the Ports and Harbors Act (Act No. 218 of 1950)
- p. waste oil disposal facilities prescribed in Article 3, item (xiv) of the Act on Prevention of Marine Pollution and Maritime Disaster (Act No. 136 of 1970)
- q. passage navigation aids or other facilities to ensure the safety of navigation of vessels
- r. mooring facilities or other facilities provided for transportation by vessels
- s. air navigation facilities prescribed in Article 2, paragraph (5) of the Civil Aeronautics Act (Act No. 231 of 1952)
- t. structures for observing meteorological phenomena, terrestrial phenomena, tremors, terrestrial magnetism, terrestrial electricity, or hydrological phenomena;
- u. electric lines, buildings, or antennas for wire telecommunication (including their supports)
- v. electric facilities prescribed in Article 2, paragraph (1), item (xviii) of the Electricity Business Act (Act No. 170 of 1964) (excluding a thermal power plant)
- w. structures for conducting education or testing and research
- x. water supply facilities prescribed in Article 3, paragraph (8) of the Waterworks Act (Act No. 177 of 1957)
- y. public sewerage systems prescribed in Article 2, item (iii) of the Sewerage Act (Act No. 79 of 1958), regional sewerage systems prescribed in the same Article, item (iv), or urban storm drainage systems prescribed in the same Article, item (v)
- z. water pipes, gas pipes, or other similar structures
- aa. a house of worship prescribed in Article 3 of the Religious Corporations

- Act (Act No. 126 of 1951) within a place of worship prescribed in the same Article or equivalent facilities of a religious corporation under the old Religious Corporations Order (Imperial Order No. 709 of 1945)
- bb. buildings storing a watchtower, alarm bell tower, machine, or equipment used for fire or water defense
  - cc. storage sheds, garages, toilets or other buildings used for daily life (excluding housings) that a person living within the special zone uses
  - dd. buildings to preserve important cultural properties designated pursuant to the provisions of Article 27, paragraph (1) of the Cultural Properties Protection Act, buried cultural properties prescribed in Article 92, paragraph (1) of the same Act or natural monument of historic site and place of scenic beauty designated pursuant to the provisions of Article 109, paragraph (1) of the same Act or provisionally designated pursuant to the provisions of Article 110, paragraph (1) of the same Act
  - ee. buildings to be installed within an area of a park, green area, or cemetery that is an urban park prescribed in Article 2, paragraph (1) of the Urban Park Act (Act No. 79 of 1956) or a city planning facility prescribed in Article 4, paragraph (6) of the City Planning Act (Act No. 100 of 1968)
  - ff. buildings accompanying facilities set forth in (a) through(e), (g) or (o) through (z), or buildings to manage these facilities
  - gg. buildings for the purpose of carrying out acts granted permission under Article 25, paragraph (4) of the Act (including acts related to consultations under the second sentence of Article 21, paragraph (1) of the Act as applied mutatis mutandis to Article 30 of the Act)
- (d) buildings other than the buildings set forth in (a), (b), or (c) (hereinafter in this (d) referred as to "ordinary buildings"):
1. the relevant construction is to be conducted on one of the following premises; provided, however, it does not apply if the construction in question is conducted for personal residential purposes, if the construction is conducted to rebuild ordinary buildings that already existed within that special zone which were lost due to a disaster, or when it is conducted to have those residing within that special zone evacuate from a disaster.
    - i. land which was a site of a building prior to six months from the day on the date when a special zone was designated or the zone was extended;
    - ii. land which was a site of a building under new construction when a special zone was designated or the zone was extended;
    - iii. land which is a site of a building currently existing;
    - iv. land adjacent to a land of i or ii (including land in contact across a road or waterway).
  2. the height of the ordinary building in question is not to exceed 10 meters

- (in the case when the construction in question falls under any of the following and the height of the prior ordinary building exceeds 10 meters, it is not to exceed the height of the prior ordinary building).
- i. if it is conducted for the reconstruction of an existing ordinary building;
  - ii. if it is implemented for a reconstruction of an ordinary building removed within six months from the prior day on the date when a special zone was designated or the zone was extended;
  - iii. if it is conducted to restore an ordinary building lost due to a disaster or to evacuate from a disaster.
3. the total floor area (meaning the floor area prescribed in Article 2, paragraph (1), item (iii) of the Order for Enforcement of the Building Standards Act Enforcement Order (Cabinet Order No. 338 of 1950), not including the floor area of a basement floor prescribed in Article 1, item (ii) of the same Order; the same applies hereinafter) of an ordinary building within the site of that ordinary building is not to exceed 200 square meters (where paragraph (2), item (iii) applies to the construction, and the total floor area of the prior ordinary building exceeded 200 square meters, the total floor area of the prior ordinary building) provided, however, that this does not apply when the construction is carried out on land in paragraph (1), item (i) or (ii).
  4. the methods of the construction in question and the configuration and usage of the ordinary building have a low risk of hindering nature conservation in the land where the construction is implemented and the surrounding areas of land.
- (e) structures other than the structures set forth in (a), (b), or (c) (excluding buildings):
1. the height of the structure is not to exceed 10 meters and a horizontal projection area is not to exceed 200 square meters;
  2. the methods of the construction in question and the configuration and usage of the structure have a low risk of hindering nature conservation in the land where the construction is implemented and the surrounding areas of land.
- (ii) reconstructing structures;
- (a) temporary structures (excluding ones set forth in (c))
    1. the structure of the relevant structure after the reconstruction in question can be easily relocated or removed;
    2. the methods of the reconstruction in question and the configuration and usage of the structures after reconstruction have a low risk of hindering nature conservation in the land where reconstruction is implemented and the surrounding areas of land.

(b) structures to be installed under the ground (excluding ones set forth in (c))

the methods of the reconstruction in question and the usage of the structures after reconstruction have a low risk of hindering nature conservation in the land where reconstruction is implemented and the surrounding areas of land.

(c) structures set forth in the preceding item (c)

The methods of the reconstruction in question and the configuration of the structures after reconstruction have a low risk of hindering nature conservation in the land where reconstruction is implemented and the surrounding areas of land.

(d) buildings other than the buildings set forth in (a), (b), or (c) (hereinafter in this (d) referred as to "ordinary buildings")

1. the height of the ordinary building after the reconstruction in question is not to exceed 10 meters (in the case when the height of the ordinary building before reconstruction exceeds 10 meters, it is not to exceed the height of the ordinary building before reconstruction).

2. the methods of the reconstruction in question and the configuration and usage of the ordinary building after reconstruction have a low risk of hindering nature conservation in the land where reconstruction is implemented and the surrounding areas of land.

(e) structures other than the structures set forth in (a), (b), or (c) (excluding buildings)

1. the height of the structures after the reconstruction in question is not to exceed the height of the structures before reconstruction.

2. the methods of the reconstruction in question and the configuration and usage of the structures after reconstruction have a low risk of hindering nature conservation in the land where the reconstruction is implemented and the surrounding areas of land.

(iii) extending structures;

(a) temporary structures (excluding ones set forth in (c))

1. the structure of the extension in question is one that can be easily relocated or removed.

2. the methods of the extension in question and the scale, configuration and usage of the structures after extension have a low risk of hindering nature conservation in the land where the extension is implemented and the surrounding areas of land.

(b) structures to be installed under the ground (excluding ones set forth in (c))

The methods of the extension in question and the scale and usage of the structures after the extension have a low risk of hindering nature

conservation in the land where the extension is implemented and the surrounding areas of land.

(c) structures set forth in item (i), (c)

The methods of the extension in question and the scale and configuration of the structures after extension have a low risk of hindering nature conservation in the land where the extension is implemented and the surrounding areas of land.

(d) buildings other than the buildings set forth in (a), (b), or (c) (hereinafter in this (d) referred as to "ordinary buildings")

1. the height of the ordinary building after the extension in question is not to exceed 10 meters (in the case when the height of the ordinary building before extension exceeds 10 meters, it is not to exceed the height of the ordinary building before the extension).

2. the total floor area of the ordinary building within a site of the ordinary building after the extension in question is not to exceed 200 square meters; provided, however, that this does not apply to cases where the extensions are carried out in the following areas:

i. land which was a site of a building prior to six months from the day on the date when a special zone was designated or the zone was extended

ii. land which was a site of a building under new construction when a special zone was designated or the zone was extended

3. the methods of the extension in question and the configuration and usage of the ordinary building after extension have a low risk of hindering nature conservation in the land where the extension is implemented and the surrounding areas of land.

(e) structures other than the structures set forth in (a), (b), or (c) (excluding buildings)

1. The height of a structure after that reconstruction is not to exceed 10 meters (when the height of the structure before reconstruction exceeds 10 meters, the height of the structure before reconstruction) and the horizontal projection area is not to exceed 200 square meters (when the horizontal projection area of the structure before reconstruction exceeds 200 square meters, the horizontal projection area of the structure before reconstruction).

2. the methods of the extension in question and the configuration and usage of the structures after extension have a low risk of hindering nature conservation in the land where the extension is implemented and the surrounding areas of land.

(iv) development of residential land, cultivation of land or otherwise changing the characteristics of land;

The change of the characteristics of the land in question is to fall under any

of the following, and the methods and scale of the change have a low risk of hindering nature conservation in the land where the change is implemented and the surrounding areas of land.

- (a) cultivation of land;
- (b) changing the characteristic of land for installation or maintenance of roads or rivers that are not structures, or other waterways provided for public use;
- (c) changing the characteristics of land for education or test and research
- (d) changing the characteristics of land for land excavation for the purpose of investigating buried cultural properties prescribed in Article 92, paragraph (1) of the Cultural Properties Protection Act
- (e) changing the characteristics of land for beach nourishment;
- (f) changing the characteristics of land in connection with construction, reconstruction or expansion of a structure, mining minerals, or quarrying soil and stones
- (v) mining minerals or quarrying soil and stones:

The act in question is to fall under any of the following, and the methods and scale of the act have a low risk of hindering nature conservation in the land where the act is implemented and the surrounding areas of land.

- (a) quarrying soil and stones within an area of a river or a waterway provided for public use
- (b) quarrying soil and stones for welling up water or excavating a hot spring
- (c) mining minerals or quarrying soil and stones for education or test and research
- (d) mining minerals or quarrying soil and stones for a geological survey to carry out construction, reconstruction, or extension of a structure
- (e) mining minerals or quarrying soil and stones by a non-strip mining method

- (vi) reclaiming land from a water area by landfill or drainage;

The methods and scale of the act in question have a low risk of hindering nature conservation in the land where the act is implemented and the surrounding areas of land.

- (vii) raising or lowering the water level or water volume of a river, lake, pond, etc. ;

The methods and scale of the act in question have a low risk of hindering nature conservation in the land where the act is implemented and the surrounding areas of land .

- (viii) felling trees or bamboo;

The methods and scale of felling trees or bamboo in question have a low risk of hindering nature conservation on the land where felling is carried out and the surrounding areas of land.

(ix) damaging trees or bamboo within a zone designated by the Minister of the Environment;

The methods and scale of the damage to the relevant trees or bamboo have a low risk of hindering the trees and bamboo in light of the growing conditions for trees and bamboo on the land where they will be damaged.

(x) planting or sowing seeds of plants, within a zone designated by the Minister of the Environment, that are not indigenous to that zone, and are designated by the Minister of the Environment as plants that pose a potential risk to the conservation of the natural environment in that zone.

The methods and scale of the act in question have a low risk of hindering nature conservation in the land where the act is implemented and within the surrounding areas of land.

(xi) within a zone designated by the Minister of the Environment, releasing an animals 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 nature environment of that zone (if that designated animal is livestock, including the grazing of that livestock).

The method and scale of the act in question has a low risk of hindering nature conservation in the land where the act is implemented and within the surrounding areas of land.

(xii) discharging sewage or waste water into a lake, pond, or wetland designated by the Minister of the Environment or into a water area or waterway that flows into the designated lake, pond, or wetland and that is within one kilometer of the designated lake, pond, or wetland, by installing a drainage facility.

The methods and scale of the act in question and the state of the sewage or waste water in question have a low risk of hindering nature conservation in the area of the lake, pond, or wetland.

(xiii) using a horse, vehicle or motorboat, or landing an aircraft in 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;

The methods and scale of the act in question have a low risk of hindering nature conservation in the land where the act is implemented and within the surrounding areas of land.

(xiv) acts set forth in the following

Regardless of the provisions of the preceding items, the acts in question have a low risk of hindering nature conservation in the land where the act is implemented and the surrounding areas of land.

(a) acts which are necessary and unavoidable to prevent disasters

(b) acts to be carried out in accordance with a recommendation by an administrative authority under laws and regulations

(Acts by the State or a Local Public Body Excluded from being Subject to the Limitation of the Acts within a Special Zone)

Article 18 The acts specified in Order of the Ministry of the Environment under Article 25, paragraph (10), item (iii) of the Act are as follows:

- (i) reconstruction or extension of erosion control facilities prescribed in Article 1 of the Erosion Control Act
- (ii) reconstruction or extension of coastal conservation facilities prescribed in Article 2, paragraph (1) of the Coast Act
- (iii) reconstruction or extension of landslide prevention facilities prescribed in Article 2, paragraph (3) of the Landslide Prevention Act
- (iv) reconstruction or extension of the river management facilities prescribed in Article 3, paragraph (2) of the River Act (excluding forest zone), or localized river improvements that do not bring about significant change to the existing state of the river
- (v) reconstruction or extension of steep slope collapse prevention facilities prescribed in Article 2, paragraph (2) of the Act on prevention of disasters caused by steep slope collapses.
- (vi) reconstruction or extension of roads prescribed in Article 2, paragraph (1) of the Road Act (limited to widening on a small scale, paving, slope mitigation, linearity improvements or other improvements that do not bring about a significant change to the existing state of a road).
- (vii) reconstruction or extension of facilities that have been deemed to be a port facility pursuant to the provisions of Article 2, paragraph (6) of the Ports and Harbors Act, and for which the certification under the same paragraph was made prior to when a special zone was designated or the zone was extended, or that have been installed after the completion of the consultation under the second sentence of Article 21, paragraph (1) of the Act as applied mutatis mutandis to Article 30 of the Act.
- (viii) reconstruction or extension of public sewerage systems prescribed in Article 2, item (iii) of the Sewerage Act, regional sewerage systems prescribed in the same Article, item (iv), or urban storm drainage systems prescribed in the same Article, item (v).
- (ix) within the wildlife protection areas designated by the Minister of the Environment based on the provisions of Article 28, paragraph (1) of the Act on Protection and Control of Wild Birds and Mammals and Hunting Management (Act No. 88 of 2002), damaging trees or bamboos as a conservation project by the State pursuant to the provisions of Article 28-2, paragraph (1) of the same Act , or as a conservation project for which consultation has been conducted with the Minister of the Environment and the Minister's consent has been obtained or for which consultations have

- been conducted pursuant to the provisions of the same Article, paragraph (3).
- (x) damaging trees or bamboos within the extent necessary in order for the State or a local public body to carry out the operations to rescue disaster victims which are prescribed as its duties pursuant to laws and regulations (including any training related to the operations and any operations to deal with extraordinary disasters), to prevent or investigate crimes, or to conduct other operations for maintaining public order or those equivalent thereto.
  - (xi) using a horse, vehicle or motorboat, or landing an aircraft so that the State or a local public body can carry out the operations to rescue disaster victims which are prescribed as its duties pursuant to laws and regulations (including any training related to the operations and any operations to deal with extraordinary disasters), to prevent or investigate crimes or to conduct other operations for maintaining public order, to conduct operations for ensuring traffic safety, or to conduct the services related to waterways or other services equivalent thereto.
  - (xii) acts accompanying the acts referred to under the preceding items

(Acts Not Requiring Permission Within a Special Zone)

Article 19 The acts specified by Order of the Ministry of the Environment under Article 25, paragraph (10), item (iv) of the Act are as follows:

- (i) constructing, reconstructing, or extending structures, which falls under any of the following items:
  - (a) installing a sign for forest conservation management, or installing a sign, birdhouse, feeding booth or water supply booth for conservation and breeding of wild birds and animals.
  - (b) installing a sign, pile, alarm unit, rainfall observation facility, water level observation facility, and other structures similar thereto for managing the land designated pursuant to the provisions of Article 2 of the Erosion Control Act, the coastal preservation zone prescribed in Article 3 of the Coast Act, the landslide prevention areas prescribed in Article 3 of the Landslide Prevention Act, the river area prescribed in Article 6, paragraph (1) of the River Act or the steep slope collapse risk area prescribed in Article 3 of the Act on Prevention of Disasters Caused by Steep Slope Collapses.
  - (c) installing a survey marker prescribed in Article 10, paragraph (1) of the Survey Act or a hydrographic survey marker prescribed in Article 5, paragraph (1) of the Act on Services Related to Waterways
  - (d) installing a boundary marker;
  - (e) reconstructing or extending facilities set forth in Article 3, item (i) of the Act on Development of Fishing Ports and Grounds, facilities set forth in the same Article, item (ii), (a), (b), (c), (k), or (l) (excluding parking and

heliports for facilities set forth in the same item (a), and limited to sites for a public facility for facilities set forth in the same item (c)), facilities that have been deemed to be a port facility pursuant to the provisions of Article 40 of the same Act prior to when a special zone was designated or the zone was extended, or facilities that have been deemed to be a port facility pursuant to the provisions of the same Article and that have been installed with permission under Article 25, paragraph (4) of the Act (including those related to consultations under the second paragraph of Article 21, paragraph (1) of the Act as applied mutatis mutandis to Article 30 of the Act).

- (f) installing a sign under the fishing port management rules prescribed in Article 34 of the Act on Development of Fishing Ports and Grounds;
- (g) reconstructing or extending facilities related to the business concerning the improvement of a structure of a shore fishery necessary for carrying out the maintenance and development of the production base of a shore fishery
- (h) reconstructing or extending facilities for propagation and aquaculture related to business based on a coastal marine resource development plan prescribed in Article 7 of the Marine Resources Development Promotion Act
- (i) reconstructing roads (excluding roads prescribed in Article 2, paragraph (1) of the Road Act; limited to pavement, mitigation of a slope, improvement of the linearity and other acts that do not bring about significant change to the current situation of a road)
- (j) reconstructing or extending a traffic signal, protective fence, retaining wall, and other objects for ensuring traffic safety of roads, railroads, tracks or cableways (for a traffic signal, including construction)
- (k) installing objects displaying a station sign, bus stop sign or tariff, transportation agreement or other those equivalents thereto in waiting rooms of railroads, tracks or cableways, or a business office or a waiting room of a passenger transport business by an automobile or vessel
- (l) reconstructing or extending a platform of a railway, track or cableway (including a shelter)
- (m) reconstructing or extending waste oil disposal facilities prescribed in Article 3, item (xiv) of the Act on Prevention of Marine Pollution and Maritime Disaster
- (n) reconstructing or extending navigation aids or other facilities to ensure the safety of navigation of vessels
- (o) constructing temporary structures as an emergency measure to avoid imminent danger faced by vessels or cargos
- (p) reconstructing or extending air navigation facilities prescribed in Article

- 2, paragraph (5) of the civil aeronautics Act
- (q) reconstructing or extending postboxes, collective mailboxes, mailboxes for correspondence delivery, public telephone facilities, or landmarks prescribed in Article 141, paragraph (3) of the Telecommunications Business Act (Act No. 86, 1984)
  - (r) reconstructing or extending electric lines for electricity supply, lines or antenna systems for wire telecommunication (including supports; excluding the reconstruction or extension in the case that the height exceeds 20 meters after reconstruction or extension)
  - (s) reconstructing, or extending structures for observations of meteorological phenomena, terrestrial phenomena, tremors and ground deformations, terrestrial magnetism, terrestrial electricity, or hydrological phenomena
  - (t) laying water pipes, gas pipes, electric lines for electricity supply, lines for wire telecommunication, or other structures similar to them under the road
  - (u) constructing, reconstructing, or extending Shinto shrine archways, lanterns, tombstones or other similar objects in precinct yards or cemeteries
  - (v) reconstructing or extending a watchtower or alarm bell tower used for fire or water defense
  - (w) constructing, reconstructing, or extending structures that fall under any of the following items within a site where a building exists (for the reconstruction or extension of the structures set forth in (a) through (c), or (h), limited to cases where a reconstructed or extended structure set forth in (a) through (c), or (h) would exist after the reconstruction or extension)
    - a. poultry shed or animal quarters with a height of no more than 5 meters and a total floor area of no more than 30 square meters
    - b. antenna system (including supports) or those equivalent thereto whose height is not more than 20 meters
    - c. a drying area whose height does not exceed the height of that building
    - d. flagpoles or those equivalent thereto
    - e. gate, fence, water supply facility or extinguishment facility
    - f. building equipment prescribed in Article 2, item (iii) of the Building Standards Act (Act No. 201 of 1950)
    - g. structures to be installed under ground (excluding a building)
    - h. any other structures whose height is not more than 5 meters (excluding a building)
  - (x) constructing, reconstructing, or extending temporary structures for conducting the acts granted permission under Article 25, paragraph (4) of the Act (including the acts related to the consultations under the second sentence of Article 21, paragraph (1) of the Act as applied mutatis mutandis to Article 30 of the Act), or the acts set forth in each item of this

- Article (excluding accommodations) within a construction site related to the acts
- (y) installing a sign pursuant to the provisions of laws and regulations or for the purpose of safety
  - (z) installing structures for conducting certified programs for the rehabilitation of natural habitats and maintenance of viable populations, etc. prescribed in Article 47, paragraph (1) of the Act on Conservation of Endangered Species of Wild Fauna and Flora (Act No. 75 of 1992) (hereinafter referred as to "certified programs for the rehabilitation of natural habitats and maintenance of viable populations, etc.")
  - (aa) installing cameras and other observation equipment, signs, piles or other similar items for preventing damages to the ecosystem by wild birds and animals
  - (bb) installing cameras, or other observation equipment or signs, or piles or other similar items for the control of designated invasive alien species under Chapter 3 of the Act on the Prevention of Adverse Ecological Impacts Caused by Designated Invasive Alien Species
  - (ii) changing the characteristics of land within a site where a building exists
  - (iii) mining minerals or quarrying soil and stones in cases that fall under any of the following items.
    - (a) mining minerals or quarrying soil and stones within a site where a building exists
    - (b) drilling for the mining of minerals within an area of the land where mining rights prescribed in Article 5 of Mining Act (Act No. 289 of 1950) are set
    - (c) mining minerals or quarrying soil and stones for test and research by a test and research authority of the State or local public body (limited to what has been notified to the Minister of the Environment in advance)
    - (d) mining minerals or quarrying soil and stones for education or academic research in the universities prescribed in Article 1 of the School Education Act (Act No. 26 of 1947) (limited to those activities for which a notice has been given to the Minister of the Environment in advance (for public universities (excluding the universities founded by an incorporated municipal university prescribed in Article 68, paragraph (1) of the Act on Regional Incorporated Administrative Agencies Act (Act No. 118 of 2003); the same applies hereinafter), limited to those activities which have been notified to the Minister of the Environment)
  - (iv) raising or lowering the water level or water volume of a river, lake, pond, etc. which falls under any of the following items:
    - (a) raising or lowering the water level or water volume of a pond or swamp, etc. within a site where a building exists

- (b) raising or lowering the water level or water volume of a pond or swamp, etc. within fields
- (c) raising or lowering the water level or water volume of a river, lake, pond, etc. by operating a structure for which construction, reconstruction, or extension had been already launched when a special zone was designated or that zone was extended.
- (v) felling trees or bamboo in cases which fall under any of the following items:
  - (a) felling trees or bamboo whose height is not more than 10 meters within a site where a building exists
  - (b) conducting selective cutting of trees or bamboo to allocate for private use (limited to the selective cutting of individual trees)
  - (c) weeding, climber cutting, or thinning for nurturing of forests
  - (d) felling dead or damaged trees and bamboo or dangerous trees and bamboo
  - (e) felling trees or bamboo hindering measurements, field investigations, or the maintenance of a facility
  - (f) felling the trees or bamboo related to the permission of the Minister of the Environment under Article 10, paragraph (1) of the Act on Conservation of Endangered Species of Wild Fauna and Flora, which pertain to nationally endangered species of wild fauna and flora prescribed in Article 4, paragraph (3) or temporarily designated endangered species prescribed in Article 5, paragraph (1) of the same Act (including fellings related to the consultations under Article 54, paragraph (2) of the same Act)
  - (g) felling trees or bamboo to conduct certified programs for the rehabilitation of natural habitats and maintenance of viable populations, etc.
  - (h) felling trees or bamboo of invasive alien species related to the prevention under Chapter 3 of the Act on the Prevention of Adverse Ecological Impacts Caused by Designated Invasive Alien Species.
- (vi) reclaiming ponds and swamps, etc. within a site where a building exists
- (vii) damaging trees or bamboo within a zone designated by the Minister of the Environment which falls under any of the following items
  - (a) damaging trees or bamboo within a site where a building exists
  - (b) damaging trees or bamboo to allocate for one's livelihood.
  - (c) damaging trees or bamboo within the extent necessary in order to maintain one's livelihood
  - (d) damaging dead or damaged trees and bamboo or dangerous trees and bamboo
  - (e) damaging trees or bamboo within the extent necessary for controlling pests
  - (f) damaging trees or bamboo within the extent necessary for evacuating from a disaster, disaster recovery efforts or disaster prevention

- (g) damaging trees or bamboo within the extent necessary for conducting maintenance and management of a facility or equipment
- (h) damaging the trees or bamboo regarding the obtained permission of the Minister of the Environment under Article 10, paragraph (1) of the Act on Conservation of Endangered Species of Wild Fauna and Flora, and those related to nationally endangered species of wild fauna and flora prescribed in Article 4, paragraph (3) or temporarily designated endangered species prescribed in Article 5, paragraph (1) of the same Act (including those related to the consultations under Article 54, paragraph (2) of the same Act)
- (i) damaging trees or bamboo to conduct certified programs for the rehabilitation of natural habitats and maintenance of viable populations, etc.
- (j) damaging trees or bamboo within the extent necessary for conducting the environment education prescribed in Article 2, paragraph (3) of the Act on the Promotion of Environmental Conservation Activities through Environmental Education (Act No. 130, 2003)
- (k) damaging trees or bamboo of invasive alien species related to the acts of prevention under Chapter 3 of the Act on the Prevention of Adverse Ecological Impacts Caused by Designated Invasive Alien Species
- (l) damaging trees or bamboo within the extent necessary for maintaining and managing the land related to its ownership or rights by owners of land, trees or bamboos, or those who have rights for the purpose of use and profit (including cases when it is conducted by obtaining the consent of the owner of the land, trees or bamboos, or those who have rights for the purpose of use and profit)
- (m) damaging trees or bamboo within the extent necessary for conducting inspections, researches, or other similar acts thereto under laws and regulations
- (viii) within a zone designated by the Minister of the Environment, planting or sowing of seeds of plants that are not indigenous to that zone and designated by the Minister of the Environment as those with a potential risk to the conservation of the natural environment of that zone and which fall under any of the following items:
  - (a) planting or the sowing of seeds of plants that the Minister of the Environment designates pursuant to the provisions of Article 25, paragraph (4), item (iv) of the Act to promote forest development and conservation (limited to those acts which are conducted within an area designated by the Minister of the Environment in Article 25, paragraph (4), item (iv) of the Act)
- (ix) within a zone designated by the Minister of the Environment, the act of

releasing an animal that is not indigenous to that zone which poses a potential risk to the conservation of the nature environment of that zone and is designated by the Minister of the Environment ( If that designated animal is livestock, the grazing of that livestock is included), which falls under any of the following items:

- (a) releasing a dog (limited to those designated by the Minister of the Environment in Article 25, paragraph (4), item (v) of the Act; the same applies hereinafter in this item) to carry out work related to the rescue of disaster victims (limited to those released within the zones designated by the Minister of the Environment in Article 25, paragraph (4), item (v) of the Act; the same applies hereinafter in this item)
- (b) releasing designated invasive alien species related to the permission of a competent minister under Article 9-2, paragraph (1) of the Act on the Prevention of Adverse Ecological Impacts Caused by Designated Invasive Alien Species.
- (c) releasing a dog to capture animals of designated invasive alien species subject to control under the provisions of Chapter 3 of the Act on the Prevention of Adverse Ecological Impacts Caused by Designated Invasive Alien Species.
- (d) releasing sterilized designated invasive alien species for the purpose of prevention under the provisions of Chapter 3 of the Act on the Prevention of Adverse Ecological Impacts Caused by Designated Invasive Alien Species.
- (e) a dog that harms the life, body, and property of a person and that is not likely to cause problems concerning nature conservation, and one which is referenced in any of the following items:
  - 1. releasing a police dog, a hunting dog, or those which are recognized as equivalents thereto for those purposes
  - 2. releasing a dog for preventing damages to a person, livestock or crops by wild birds and animals
- (x) discharging sewage or waste water into a lake, pond, or wetland designated by the Minister of the Environment or a water area or waterway that flows into the designated lake, pond, or wetland and that is within one kilometer of the designated lake, pond, or wetland by installing a drainage facility, and which falls under any of the following items
  - (a) discharging sewage or wastewater from erosion control facilities prescribed in Article 1 of the Erosion Control Act
  - (b) discharging sewage or wastewater from facilities related to projects concerning security facilities conducted pursuant to the provisions of Article 41, paragraph (1) or (3) of the Forests Act (Act No. 249 of 1951)
  - (c) discharging sewage or wastewater from coastal conservation facilities

- prescribed in Article 2, paragraph (1) of the Coast Act
- (d) discharging sewage or wastewater from landslide prevention facilities prescribed in Article 2, paragraph (3) of the Landslide Prevention Act
  - (e) discharging sewage or wastewater from river management facilities prescribed in Article 3, paragraph (2) of the River Act
  - (f) discharging sewage or wastewater from steep slope collapse prevention facilities prescribed in Article 2, paragraph (2) of the Act on Prevention of Disasters Caused by Steep Slope Collapses
  - (g) discharging sewage or wastewater from port facilities prescribed in Article 3 of the Act on Development of Fishing Ports and Grounds maintained and managed by a fishing port administrator designated pursuant to the provisions of Article 25 of the same Act
  - (h) discharge coolant water from a vessel
  - (i) discharging sewage or wastewater to public sewerage systems prescribed in Article 2, item (iii) of the Sewerage Act, regional sewerage systems prescribed in the same Article, item (iv), or urban storm drainage systems prescribed in the same Article, item (v), or discharging sewage or wastewater from these facilities
  - (j) discharging sewage or wastewater from housing (excluding the discharge of human waste)
  - (k) discharging sewage or wastewater from the waste water treatment tank prescribed in Article 31, paragraph (2) of the Building Standards Act (limited to those having the performance in accordance with the number of personnel to be processed prescribed in Article 32 of the Order for Enforcement of the Building Standards Act)
  - (xi) using a horse, vehicle or motorboat, or landing an aircraft in a zone designated by the Minister of the Environment, other than an area which is a road, open space for public use, rice field, field, pasture, or residential land, as follows:
    - (a) using a horse, vehicle or motorboat, or landing an aircraft to manage or maintain erosion control facilities as prescribed in Article 1 of the Erosion Control Act or to monitor lands designated pursuant to the provisions of Article 2 of the same Act
    - (b) using a horse, vehicle or motorboat, or landing an aircraft to manage coastal preservation zones prescribed in Article 3 of the Coast Act
    - (c) using a horse, vehicle or motorboat, or landing an aircraft to manage the landslide prevention areas prescribed in Article 3, paragraph (1) of the Landslide Prevention Act or to conduct an investigation for the purpose of designating landslide prevention areas under the same paragraph
    - (d) using a horse, vehicle or motorboat, or landing an aircraft for the management of rivers prescribed in Article 3, paragraph (1) of the River

- Act or of other waterways for public use or to conduct an investigation for the purpose of their designation (including those investigations whose purpose is either the designation of a river area prescribed in Article 6, paragraph (1) of the same Act, the designation of a river conservation area under Article 54, paragraph (1) of the same Act, or the designation of a projected river area under Article 56, paragraph (1) of the same Act)
- (e) using a horse, vehicle or motorboat, or landing an aircraft for the management of prevention areas of slope failure prescribed in Article 3, paragraph (1) of the Act on Prevention of Disasters Caused by Steep Slope Collapses or the investigation for the purpose of the designation of a prevention area of slope failure under the same paragraph
- (f) using a horse, vehicle or motorboat, or landing an aircraft for enforcing fishery regulations
- (g) using a horse, vehicle or motorboat, or landing an aircraft to manage land improvement facilities prescribed in Article 2, paragraph (2), item (i) of the Land Improvement Act;
- (h) a person who has received a regular passenger route business license pursuant to the provisions of Article 3 of the Marine Transportation Act (Act No. 187 of 1949), or a person who has given a notification of an irregular passenger route business pursuant to the provisions of Article 20 of the same Act or received permission for an irregular passenger route business pursuant to the provisions of Article 21 of the same Act, using a motorboat to operate that business;
- (i) using a horse, vehicle or motorboat, or landing an aircraft to test and conduct research by a test and research authority of the State or a local public body (limited to those which have been notified to the Minister of the Environment in advance)
- (xii) beyond what is set forth in the preceding items, the acts set forth in the following:
- (a) acts prescribed in each item of Article 34, paragraph (2) of the Forests Act in the case that is applicable to the same paragraph (including the cases as applied mutatis mutandis to Article 44 of the same Act), within areas of a protected forest designated pursuant to the provisions of Article 25, paragraph (1) or (2), or Article 25-2, paragraph (1) or (2), or within a protection facility district designated pursuant to the provisions of Article 41 of the same Act, acts to conduct businesses or constructions prescribed in Article 63, item (i) of the Regulations for Enforcement of the Forests Act (Order of the Ministry of Agriculture and Forestry No. 54 of 1951)
- (b) acts carried out under a management plan of protected water surface prescribed in Article 17, paragraph (1) of Act on the Protection of Fishery Resources (Act No. 313 of 1951)

- (c) acts carried out to run agriculture, forestry, or fishing industry; provided, however, that the following are excluded.
- a. constructing, reconstructing or extending a house or a building (excluding a temporary building) with a height exceeding 5 meters or total floor area exceeding 100 square meters (including reconstruction or extension in cases where the height will exceed 5 meters or the total floor area will exceed 100 square meters after the reconstruction or extension)
  - b. constructing, reconstructing, or extending irrigation or drainage facilities (excluding a waterway with a width of 2 meters or less) or agricultural roads or forest roads exceeding 2 meters in width (including the reconstruction or extension in a case where the width exceeds 2 meters after reconstruction or extension)
  - c. construction of a new dam to for disaster prevention in agricultural lands;
  - d. development of residential land, or cultivation of land;
  - e. reclaiming land from a water area by landfill or drainage;
  - f. felling trees or bamboo in a zone of forest land;
- (d) acts carried out as test and research in a site of a test and research authority of the State or a local public body
- (e) acts carried out as education or academic research in the site of a university prescribed in Article 1 of the School Education Act
- (f) acts for the preservation of important cultural properties designated pursuant to the provisions of Article 27, paragraph (1) of the Cultural Properties Protection Act, buried cultural properties prescribed in Article 92, paragraph (1) of the same Act or natural monument of historic site and place of scenic beauty designated pursuant to the provisions of Article 109, paragraph (1) of the same Act or provisionally designated pursuant to the provisions of Article 110, paragraph of the same Act (excluding the construction of a building)
- (g) in case of installing or managing a park, green area, or cemetery that is recognized as a city planning facility prescribed in Article 4, paragraph (6) of the City Planning Act, or an urban park prescribed in Article 2, paragraph (1) of the Urban Park Act (excluding constructing, reconstructing, or extending a cableway, cable-railway, or monorail; or any equivalent facility that serves the purpose of transportation within a facility listed in Article 5, paragraph (6) of the Order for Enforcement of the Urban Park Act (Cabinet Order No. 290 of 1956; hereinafter referred as to "cableways, etc. that serves the purpose of transportation within a park"), or, pursuant to the provisions of Article 18, paragraph (3) of the City Planning Act (including cases applied mutatis mutandis to Article 21, paragraph (2) of the same Act), a new construction, renovation, or

extension of a workpiece (excluding "cableways, etc. that serves the purpose of transportation within a park") with an area of more than 1,0000 square meters is carried out or in which the height exceeds 13 meters when projected horizontally (including the reconstruction or extension if, after construction or extension, its height exceeds 13 meters or the horizontal projection are exceeds 1,000 square meters), if carried out as the enforcement by the city planning project based on the city planning after consulting with the Minister of Land, Infrastructure, Transport and Tourism).

(h) acts carried out as the performance of obligations under laws and regulations or disposition based on this

(i) acts for repairing structures

(xiii) acts accompanying acts set forth in each preceding item, or acts that are set forth in Article 25, paragraph (4), item (i) or (vi) of the Act, and accompany the acts related to a permission that a person has obtained in Article 34, paragraph (2) of the Act (including any cases that apply mutatis mutandis to Article 44 of the Act) conducts within areas of a protected forest designated pursuant to the provisions of Article 25, paragraph (1) or (2), or Article 25-2, paragraph (1) or (2) of the Forests Act, or within a protected facility district designated pursuant to the provisions of Article 41 of the same Act, or acts referred to in Article 25, paragraph (4), item (ii) of the Act and that accompany acts within the limits specified in the method designated by the Minister of the Environment pursuant to the provisions of the same Article, paragraph (3)

(Acts by the State or a Local Public Body Excluded from being Subject to the Limitation of Capturing Wild Plants and Animals)

Article 20 The acts specified by Order of the Ministry of the Environment under Article 26, paragraph (3), item (v) of the Act are to be set forth in items of Article 18.

(Acts Excluded from being Subject to the Limitation of Capturing Wild Plants and Animals)

Article 21 The acts specified by Order of the Ministry of the Environment under Article 26, paragraph (3), item (vi) of the Act are as follows:

(i) acts set forth in Article 19 item (i), item (v), (b) through (h), or item (xii), (a) through (f), or (h) or (i) (for the same Article item (i) or (xii), (c), excluding constructing of a structure)

(ii) felling trees or bamboo within the limit in a way specified by the Minister of the Environment pursuant to the provisions of Article 25, paragraph (3) of the Act

- (iii) beyond what is set forth in the preceding items, the acts set forth in the following:
- (a) acts to be carried out by a test and research authority of the State or a local public body as a test and research (limited to those which have been notified to the Minister of the Environment in advance).
  - (b) acts to be conducted as education or academic research in the universities prescribed in Article 1 of the School Education Act (limited to those have been notified to the Minister of the Environment in advance (for public universities, those which have notified the Minister of the Environment))
  - (c) reconstructing or extending structures within an urban park prescribed in Article 2, paragraph (1) of the Urban Park Act, or a park, green area, or cemetery that is a city planning facility prescribed in Article 4, paragraph (6) of the City Planning Act
  - (d) acts to be carried out within a site where a building exists
  - (e) acts related to the permission of the Minister of the Environment under Article 10, paragraph (1) of the Act on Conservation of Endangered Species of Wild Fauna and Flora (including acts related to the consultations under Article 54, paragraph (2) of the same Act)
  - (f) acts for conducting certified programs for the rehabilitation of natural habitats and maintenance of viable populations, etc.
- (iv) acts accompanying the acts set forth in the preceding items

(Written Application for Permission of Capturing Wildlife)

Article 22 (1) The provisions of Article 2, paragraph (1) apply *mutatis mutandis* to an application for permission under Article 26, paragraph (3) item (vii) of the Act. In this case, "type of an act" in Article 2, paragraph (1), item (ii) is replaced with "type and quantity of wildlife to be captured, killed, collected, or wounded".

- (2) A position diagram and a drawing that clarifies the range to capture, kill, collect, or damage, and other methods of the acts must be attached to the written application for permission under Article 26, paragraph (3), item (vii) of the Act.

(Standards for Permission of Acts within Marine Special Zone)

Article 23 The standards specified by Order of the Ministry of the Environment under Article 27, paragraph (5) of the Act, in accordance with the categories of the acts set forth in the following items, is to be as specified in those items:

- (i) constructing structures:
  - (a) temporary structures (excluding ones set forth in (c))
    1. the structure of the relevant structure can easily be relocated or removed.

2. the methods of the construction in question and its scale, configuration, and usage of the structure have a low risk of hindering nature conservation in the marine area where construction is implemented and a marine area surrounding its vicinity.

(b) structures to be installed under the seabed (excluding ones referred to in (c))

The methods of the construction in question and its location, scale, and usage of the structure have a low risk of hindering nature conservation in the marine area where the construction is implemented and a marine area surrounding its vicinity.

(c) structures set forth in the following:

the methods of the construction in question and its scale and configuration of the structure in question have a low risk of hindering nature conservation in the marine area where construction is implemented and a marine area surrounding its vicinity.

a. coastal conservation facilities prescribed in Article 2, paragraph (1) of the Coast Act, or other facilities to prevent the intrusion or erosion by seawater

b. port facilities prescribed in Article 3 of the Act on Development of Fishing Ports and Grounds which have been deemed to be a port facility pursuant to the provisions of Article 40 of the same Act

c. facilities that have been deemed to be a port facility pursuant to the provisions of Article 2, paragraph (6) of the Ports and Harbors Act.

d. navigation aids or other facilities to ensure the navigational safety of vessels (including facilities to ensure routes for safe passage)

e. air navigation facilities prescribed in Article 2, paragraph (5) of the Civil Aeronautics Act

f. electric lines for supplying electricity, or underwater cables, water pipes prescribed in Article 140, paragraph (1) of the Telecommunications Business Act or those similar thereto

g. facilities for observing meteorological phenomena, terrestrial phenomena, tremors and ground deformations, terrestrial magnetism, terrestrial electricity, or hydrological phenomena;

h facilities for conducting education or test and research.

(ii) reconstructing structures;

(a) structures to be installed under the seabed

the methods of the reconstruction in question and its usage of the structure after reconstruction have a low risk of hindering nature conservation in the marine area where reconstruction is implemented and a marine area surrounding its vicinity.

(b) other structures:

1. the height of the structures after the reconstruction in question is not to exceed the height of the structures before reconstruction.
  2. the methods of the reconstruction in question and its configuration and usage of the structures after reconstruction have a low risk of hindering nature conservation in the marine area where the reconstruction is implemented and a marine area surrounding its vicinity.
- (iii) extending structures;
- (a) temporary structures;
    1. a structure of the extension in question is one that can easily be relocated or removed.
    2. the methods of the extension in question and the scale, configuration and usage of the structures after extension have a low risk of hindering nature conservation in the marine area where the extension is implemented and the marine area surrounding its vicinity.
  - (b) structures to be installed under the seabed  
 The methods of the extension in question and the scale and usage of the structures after extension have a low risk of hindering nature conservation in the marine area where the extension is implemented and the marine area in that vicinity
  - (c) other structures;  
 The methods of the extension in question and the scale, configuration and usage of the structures after extension have a low risk of hindering nature conservation in the marine area where the extension is implemented and the marine area in that vicinity.
- (iv) changing the characteristics of the seabed;
- The change of the characteristics of the seabed in question are to fall under any of the following, and the methods and scale of the change have a low risk of hindering nature conservation in a zone of the seabed where the change is implemented and the surrounding area.
- (a) changing the characteristics of the seabed in order to ensure the safety of navigation of vessels
  - (b) changing the characteristics of the seabed for education or test and research
  - (c) changing the characteristics of the seabed for the preservation of natural monument of historic site and place of scenic beauty designated pursuant to the provisions of Article 109, paragraph (1) of the Cultural Properties Protection Act, or provisionally designated pursuant to the provisions of Article 110, paragraph (1) of the same Act
- (v) mining minerals or quarrying soil and stones:
- The acts in question are to fall under any of the following, and the methods

and scale of the acts have a low risk of hindering nature conservation in the marine area where the act is implemented and the surrounding area.

(a) mining minerals or quarrying soil and stones for a geological survey to carry out construction, reconstruction, or extension of a structure

(b) quarrying soil and stones in order to ensure the safety of navigation of vessels

(c) quarrying soil and stones for welling up water or hot spring

(d) mining minerals or quarrying soil and stones for education or test and research

(e) mining minerals under the seabed, or quarrying soil and stones

(vi) reclamation of land in or drainage of a marine area:

the risk that the methods and scale of the relevant act will hinder the conservation of the natural environment in the marine area where the act is carried out and in the marine area in that vicinity is small;

(vii) 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;

The acts are to be conducted for education or test and research, and the methods and scale of the acts have a low risk of hindering them in light of the growing conditions of animals and plants in the marine area to conduct an act.

(viii) mooring items:

The kind and application of an item to be moored and the method and scale of the mooring have a low risk of hindering nature conservation in the marine area where the mooring is conducted and a marine area of the vicinity.

(ix) using a motorboat within zones designated by the Minister of the Environment during the period designated for each zone.

The method and scale of the use of the motorboat have a low risk of hindering nature conservation in the marine area where the use is conducted and a marine area of the vicinity.

(x) acts set forth in the following

Regardless of the provision of the preceding items, the act in question has a low risk of hindering nature conservation in the marine area where the act is implemented and a marine area of the vicinity.

(a) acts which are necessary and unavoidable to prevent disasters

(b) installation of a fish bank, or other acts for maintaining or developing fishery production base

(c) acts to be carried out in accordance with a recommendation by an

administrative authority under laws and regulations

(Acts by the State or a Local Public Body Excluded from being Subject to the Limitation of the Acts within Marine Special Zone)

Article 24 The acts specified by Order of the Ministry of the Environment under Article 27, paragraph (9), item (iii) of the Act are as follows:

- (i) reconstruction or extension of coastal conservation facilities prescribed in Article 2, paragraph (1) of the Coast Act
- (ii) reconstruction or extension of facilities that have been deemed to be a port facility pursuant to the provisions of Article 2, paragraph (6) of the Ports and Harbors Act, and that the certification under the same paragraph was made prior to when a marine special zone was designated, or the zone was extended, or that have been installed after the completion of the consultation under the second sentence of Article 21, paragraph (1) of the Act as applied *mutatis mutandis* to Article 30 of the Act.
- (iii) using a motorboat to carry out their duties by Self-Defense Forces
- (iv) using a motorboat so that the State or a local public body can carry out the operations to rescue disaster victims which are prescribed as its duties pursuant to laws and regulations (including any training related to the operations and any operations to deal with extraordinary disasters), to prevent or investigate crimes or to conduct other operations for maintaining public order, to conduct operations for ensuring the traffic safety, or to conduct the services related to waterways or other those equivalent thereto
- (v) acts accompanying the acts set forth in the preceding items

(Acts Not Requiring Permission Within Marine Special Zone)

Article 25 The acts specified by Order of the Ministry of the Environment under Article 27, paragraph (9), item (iv) of the Act are as follows:

- (i) reconstructing or extending facilities set forth in Article 3, item (i) of the Act on Development of Fishing Ports and Grounds, facilities that have been deemed to be a port facility pursuant to the provisions of Article 40 of the same Act prior to when a special zone was designated or the zone was extended, or facilities that have been deemed to be a port facility pursuant to the provisions of the same Article and that have been installed with the permission under Article 27, paragraph (3) of the Act (including those related to the consultations under the second sentence of Article 21, paragraph (1) of the Act as applied *mutatis mutandis* to Article 30 of the Act)
- (ii) reconstructing or extending navigation aids or other facilities to ensure the safety of navigation of vessels (excluding facilities to ensure passages)
- (iii) constructing temporary structures as an emergency measure to avoid the imminent danger of vessels or cargos

- (iv) reconstructing, or extending structures for observations of meteorological phenomena, terrestrial phenomena, tremors, terrestrial magnetism, terrestrial electricity, or hydrological phenomena
- (iv)-2 installing a structure to conduct certified programs for the rehabilitation of natural habitats and maintenance of viable populations, etc.
- (iv)-3 installing cameras, or other observation equipment or signs, or piles or other similar items for the control of designated invasive alien species under Chapter 3 of the Act on the prevention of adverse ecological impacts caused by designated invasive alien species
- (v) excavating from outside of a marine special zone and drilling for the mining of minerals which reach below the seabed of the marine special zone
- (vi) acts set forth in Article 27, paragraph (3), item (v) of the Act to conduct for test and research by a fisheries testing and research institute of the State or a local public body (limited to those which have been notified to the Minister of the Environment in advance)
- (vii) acts set forth in Article 27, paragraph (3), item (v) to be conducted as education or academic research by departments or research institutes related to agriculture and fishery or science and technology in the universities prescribed in Article 1 of the School Education Act (limited to those which have been notified to the Minister of the Environment in advance (for public universities, those which have been informed to the Minister of the Environment))
- (viii) mooring navigation aids, or facilities to ensure the safety of navigation of vessels
- (ix) mooring vessels exclusively used for maritime navigation
- (x) mooring items as an emergency measure to avoid the imminent danger of vessels or cargos
- (xi) mooring facilities for observations of meteorological phenomena, terrestrial phenomena, tremors and ground deformations, terrestrial magnetism, terrestrial electricity, or hydrological phenomena;
- (xii) mooring buoys indicating a location of laying or repairing underwater cables prescribed in Article 140, paragraph (1) of the Electricity Business Act
- (xiii) mooring buoys pursuant to the provisions of laws and regulations or for the purpose of safety
- (xiv) using a motorboat for forest practice
- (xv) using a motorboat to conduct the development of fishing ports and grounds or facilities prescribed in Article 4 of the Act on Development of Fishing Ports and Grounds
- (xvi) using a motorboat for appropriately conducting the maintenance, conservation, and operation of a fishing port, and other maintenance and management of a fishing port by a fishing port administrator pursuant to the

- provisions of Article 26 of the Act on Development of Fishing Ports and Grounds
- (xvii) using a motorboat to conduct recreational fishery boat business prescribed in Article 2, paragraph (1) of the same Act by a person who obtained the registration of a recreational fishery boat business pursuant to the provisions of Article 3, paragraph (1) of the Act on Regulation of Sportfishing Boat Service (Act No. 99 of 1988)
  - (xviii) using a motorboat so that a person who obtained the permission of the general port and harbor transportation business, barge transportation business, or raft transportation business pursuant to the provisions of Article 4 of the Port Transport Business Act (Act No. 161 of 1951) runs the general port and harbor transportation business, barge transportation business, or raft transportation business, respectively
  - (xix) using a motorboat in a port zone prescribed in Article 2, paragraph (3) of the Ports and Harbors Act, an area adjacent to a port area prescribed in Article 37, paragraph (1) of the same Act, or a water area that a prefectural governor has given a public notice pursuant to the provisions of Article 56, paragraph (1) of the same Act
  - (xx) using a motorboat to manage the coastal preservation zone prescribed in Article 3 of the Coast Act
  - (xxi) using a motorboat to collect or transport articles that drift ashore prescribed in Article 2, paragraph (2) of the Act on Promoting the Treatment of Marine Debris Affecting the Conservation of Good Coastal Landscapes and Environments to Protect Natural Beauty and Variety (Act No. 82 of 2009) and waste and other dirty items or discarded articles in a marine area
  - (xxii) using a motorboat as navigation for a right of innocent passage of a foreign vessel as prescribed by Article 19 of the United Nations Convention on the Law of the Sea
  - (xxiii) using a motorboat to avoid the imminent danger of vessels or cargos
  - (xxiv) using a motorboat for collecting, transportation, and delivering postal items
  - (xxv) using a motorboat for test and research by a test and research authority of the State or local public body (limited to those which have been notified to the Minister of the Environment in advance)
  - (xxvi) beyond what is set forth in the preceding items, the acts set forth in the following:
    - (a) acts carried out under a management plan of protected water surface prescribed in Article 17, paragraph (1) of Act on the Protection of Fishery Resources;
    - (b) acts to preserve a natural monument of historic site and place of scenic beauty designated pursuant to the provisions of Article 109, paragraph (1)

- of the Cultural Properties Protection Act, or one that is provisionally designated pursuant to the provisions of Article 110, paragraph (1) of the same Act (excluding the change of the characteristics of the seabed)
- (c) acts carried out as the performance of obligations under laws and regulations or a disposition based on this
- (d) acts for repairing structures
- (xxvii) acts accompanying the acts set forth under the preceding items

(Written Notification for Acts within Ordinary Zone)

- Article 26 (1) Notification under Article 28, paragraph (1) of the Act is to be made by submitting a written notification describing a type, location, implementation methods, scheduled date of start of an act and the matters prescribed in paragraph (3).
- (2) The drawing in each item under Article 2, paragraph (2) must be attached to the written notification referred to in the preceding paragraph.
  - (3) The matters specified by Order of the Ministry of the Environment under Article 28, paragraph (1) of the Act are to be the address and name of an actor (in the case of a corporation, the location and name of the principal office and the name of a representative), the purpose of an act, a situation of a place of an act and its surrounding area, and the scheduled date of completion of an act.

(Standards for Structures)

- Article 27 The standards specified by Order of the Ministry of the Environment under Article 28, paragraph (1), item (i) of the Act, in accordance with the categories of acts set forth in the following items, is to be as specified in those items for each type of structure:
- (i) area other than a marine area
    - (a) buildings: a height of 10 meters, or a total floor area of 200 square meters
    - (b) roads: a width of 2 meters
    - (c) steel towers, chimneys, electric poles, or their equivalents: a height of 30 meters
    - (d) dams: a height of 20 meters
    - (e) water pipes, gas pipes, or their equivalents: a length of 200 meters, or a horizontal projection area of 200 square meters
    - (f) other structures: a height of 10 meters, or a horizontal projection area of 200 square meters
  - (ii) zone of the marine area
    - (a) underwater cables, water pipes, gas pipes, or those equivalents thereto: the length is 100 meters, or the horizontal projection area is 100 square meters
    - (b) other structures: the height is 5 meters, or the horizontal projection area

is 100 square meters

(Acts by the State or a Local Public Body Excluded from being Subject to the Limitation of Acts within an Ordinary Zone)

Article 28 The acts specified by Order of the Ministry of the Environment under Article 28, paragraph (6), item (iv) of the Act are the following:

(Acts Not Requiring Notification Within an Ordinary Zone)

Article 29 The acts specified in Order of the Ministry of the Environment under Article 28, paragraph (6), item (v) of the Act are as follows:

(i) constructing, reconstructing, or extending structures, which falls under any of the following items:

(a) acts set forth in Article 19, item (i) (excluding the acts set forth in the same item, (t), (w), (x));

(b) constructing, reconstructing, or extending a road used mainly for foot traffic or bicycle traffic

(c) laying water pipes, gas pipes, electric lines for electricity supply, lines for wire telecommunication, or similar types of items

(d) constructing, reconstructing, or extending a river or other waterways provided for public use whose width is 4 meters or less (excluding the reconstruction or extension in the case when the width exceeds 4 meters after reconstruction or extension)

(e) acts that the notification under Article 28, paragraph (1) of the Act (including the information under Article 21, paragraph (2) which applies mutatis mutandis to Article 30 of the Act) has been completed (limited to acts that do not violate the orders under Article 28, paragraph (2) of the Act, and that the period of the same Article, paragraph (4) has been passed), acts set forth in each item of this Article, or constructing, reconstructing, or extending a temporary structure (excluding accommodations) within a construction site related to the acts to construct, reconstruct, or extend a structure that does not exceed the standards prescribed in Article 27, item (i) (excluding the reconstruction or extension in cases when it exceeds the standards prescribed in the same item after reconstruction or extension)

(ii) changing the characteristics of land (including seabed. hereinafter the same applies in this article), and which falls under any of the following items:

(a) what is set forth in Article 17, item (iv), (b) through (e)

(b) changing the characteristics of the land within the area of land to conduct the construction, reconstruction, or extension for constructing, reconstructing, or extending a structure that does not exceed the standards prescribed in Article 27, item (i) (excluding the reconstruction or extension

- in cases when it exceeds the standards prescribed in the same item after reconstruction or extension)
- (c) changing the characteristics of the land which area does not exceed 200 square meters (for the seabed, 100 square meters), and what does not involve an earth cut or embankment that has a slope exceeding 2 meters in height
  - (iii) mining minerals or quarrying soil and stones, which falls under any of the following items.
    - (a) what is set forth in Article 17, item (v), (b) through (e)
    - (b) the area of the land that the act is conducted does not exceed 200 square meters (for the seabed, 100 square meters), and what does not involve earth cut or embankment that has a slope exceeding 2 meters height
  - (iv) reclaiming land from a water area by landfill or drainage and which the area does not exceed 200 square meters (for a marine area, 100 square meters)
  - (v) raising or lowering the water level or water volume of a river, lake, pond, etc. within a special zone, and one which falls under any of the following items
    - (a) raising or lowering the water level or water volume of a pond and swamp, etc. of fields within a special zone
    - (b) raising or lowering the water level or water volume of a river, lake, pond, etc. within the special zone by operating a structure whose construction, reconstruction, or extension has been already launched when a special zone was designated or that zone was extended.
  - (vi) beyond what is set forth in the preceding items, the acts set forth in the following:
    - (a) acts carried out under a management plan of a protected water surface prescribed in Article 17, paragraph (1) of Act on the Protection of Fishery Resources;
    - (b) acts carried out to run agriculture, forestry, or fishing industry; provided however, excluding the following acts.
      - a. constructing, reconstructing or extending a housing or a building whose height exceeds 10 meters or total floor area exceeds 500 square meters (excluding a temporary building) (including the reconstruction or extension in the case when the height exceeds 10 meters or the total floor area exceeds 500 square meters after reconstruction or extension)
      - b. constructing, reconstructing, or extending irrigation or drainage facilities (excluding a waterway of 4 meters width or less) or agricultural roads or forest roads whose width exceeds 4 meters (including the reconstruction or extension in the case when the width exceeds 4 meters after reconstruction or extension)

- c. construction of a new dam to prevent a disaster of agricultural lands;
- d. development of residential land;
- e. cultivation of land (excluding a person who engages in agriculture conducts this for the purpose to manage it in an integrated manner close to its cropland or meadow/pastureland related to its management)
- f. reclaiming land from a water area by landfill or drainage (excluding a person who engages in agriculture conducts the reclamation of a pond and swamp, etc. which intervened the land related to the development or improvement of cropland or meadow/pastureland)
- (c) acts to be conducted for the installation of a fish bank, or the maintenance or development of other fishery production bases
- (d) acts set forth in Article 19, item (xii), (d) through (i) (for acts set forth in (f) of the same item, including the construction of a building)
- (e) acts to be carried out within the site that a building exists (excluding construction, reconstruction, or extending of a building)
- (vii) acts accompanying the acts set forth under the preceding items

(Forms of Identification)

Article 30 The identification that the staff carries pursuant to the provisions of Article 29, paragraph (2) of the Act (including cases as applied mutatis mutandis pursuant to Article 35-6, paragraph (2)), or Article 31, paragraph (4) of the Act is to be pursuant to the form 2 or 3.

(Confirmation of an Ecosystem Preservation and Restoration Program)

Article 30-2 When a local public body obtains confirmation of Article 30-3, paragraph (2) of the Act, it is to obtain the confirmation of the Minister of the Environment on the matter which falls under any of the following items

- (i) the ecosystem preservation and restoration program is to be in compliance with the ecosystem preservation and restoration program plan in the nature conservation area
- (ii) the contents of the ecosystem preservation and restoration program to be conducted are to fall under any of the following items.
  - (a) understanding and monitoring the situation of the ecosystem
  - (b) preventing animals and plants that are likely to hinder the maintenance and recovery of the ecosystem
  - (c) maintaining or improving a habitat environment of animals and plants or a growing environment
  - (d) protecting the viable population of animals and plants necessary for the maintenance or restoration of the ecosystem
  - (e) dissemination and awareness-raising to contribute to the maintenance or recovery of the ecosystem

(f) the investigation, etc. necessary for projects set forth in the preceding each item

(Certification of an Ecosystem Preservation and Restoration Project)

Article 30-3 When a person other than a local public body receives certification of Article 30-3, paragraph (3) of the Act, the person is to obtain the confirmation of the Minister of the Environment on the matter which falls under any of the following items

- (i) the person does not fall under any of the following:
  - (a) a person who is unable to appropriately carry out the necessary cognition, judgment and communication in carrying out an ecosystem preservation and restoration program in an appropriate and reliable manner due to a mental impairment.
  - (b) a person who has been penalized pursuant to the provisions of the Act and for whom two years have not passed since the day on which the person finished serving their sentence or to being subject to enforcement;
- (ii) the ecosystem preservation and restoration program is complies with the ecosystem preservation and restoration program plan in the nature conservation area
- (iii) the contents of the ecosystem preservation and restoration program to be conducted are to fall under any of the items (ii), (a) through (f) of the preceding Article.

(Application for Confirmation or Certification of an Ecosystem Preservation and Restoration Program)

Article 30-4 (1) The application for confirmation or certification of an ecosystem preservation and restoration program in Article 30-3, paragraph (4) of the Act is to be conducted in the way of submitting a written document or in the way of using the electronic data processing system.

- (2) The matters specified by Order of the Ministry of the Environment under Article 30-3, paragraph (4), item (iv) of the Act specifies the period that an ecosystem preservation and restoration program is conducted.
- (3) The document specified by Order of the Ministry of the Environment under the provisions of Article 30-3, paragraph (5) of the Act are as follows:
  - (i) a topographical map with a reduced scale of 1/25,000 or more that clarifies the area where an ecosystem preservation and restoration program is to be conducted;
  - (ii) an implementation ecosystem preservation and restoration program plan describing methods, etc. of the ecosystem preservation and restoration program
  - (iii) when a person other than the national government or a local public body

receives certification of Article 30-3, paragraph (3) of the Act, a document explaining that the person does not fall under the provisions of item (i), (a) or (b) of the preceding Article

(4) For the attachment of the document referred to in the preceding paragraph, it is to be pursuant to the provisions of paragraph (1).

(Minor Changes for which Confirmation or Certification of Change is not Required)

Article 30-5 The minor changes specified by the Order of the Ministry of the Environment prescribed in the proviso to Article 30-3, paragraph (6) of the Act are the changes related to the matters set forth in the same Article, paragraph (4), item (i).

(Application for Confirmation or Certification for the Change of Contents of a Ecosystem Preservation and Restoration Program)

Article 30-6 A person who intends to obtain confirmation or certification of the change under Article 30-3, paragraph (6) of the Act is to submit the written application stating the following matters to the Minister of the Environment.

- (i) name, and in the case of a corporation, the name of its representative
- (ii) the contents of the change
- (iii) reasons for the need of change

(Written Claim for Compensation)

Article 31 The claims for compensation under Article 33, paragraph (2) of the Act (including the cases when applies mutatis mutandis to the same Article, paragraph (5)) are to be made by submitting the written claim with a description of the following matters.

- (i) address and name of a requestor (in the case of a corporation, the location and name of the principal office and the name of a representative)
- (ii) reason for claiming compensation
- (iii) the total value of claimed compensation and its breakdown

## **Chapter II-2 Offshore Seabed Nature Conservation Areas**

(Public Notice of the draft of Designation of Offshore Seabed Nature Conservation Areas)

Article 31-2 The provisions of Article 7, paragraph (1) applies mutatis mutandis to the public notice under Article 35-2, paragraph (4) (including as applied mutatis mutandis pursuant to the same Article, paragraph (7)), and the provisions of Article 7, paragraph (2) applies mutatis mutandis to the public notice under Article 35-2, paragraph (4) as applied mutatis mutandis to Article

35-3, paragraph (3), respectively.

(Public Hearings)

Article 31-3 The provisions from Article 8 through Article 14 apply mutatis mutandis to public hearings under Article 35-2, paragraph (6).

Article 31-4 (1) An application for permission under Article 35-4, paragraph (3) of the Act is to be made by submitting a written application stating the following matters:

- (i) the address and name of the applicant (in the case of a corporation, the location and name of the principal office and the name of a representative);
- (ii) the type of the specified act;
- (iii) the purpose of the specified act;
- (iv) the location where the specified act will be carried out;
- (v) the condition of the location where the specified act will be carried out and that vicinity;
- (vi) how the specified act will be carried out;
- (vii) the scheduled start and completion dates for the specified act;
- (viii) the impact of the specified act on the natural environment;
- (ix) a plan concerning the monitoring of the impact of the specified act on the natural environment in the seabed area where the specified act is carried out and in that vicinity (limited to cases where minerals will be mined)

(2) The following drawings must be attached to the written application referred to in the preceding paragraph.

- (i) a map that clarifies the location where the specified act will be carried out;
- (ii) schematic drawings and photographs that clarify the conditions at the location of the specified act and in that vicinity (limited to cases where minerals will be mined)
- (iii) plans, elevations, cross-sections, and structural drawings that clarify how a specified act will be carried out;
- (iv) photographs that clarify the appearance of the vessel to be used for the specified act

(Standards for Permitting Specified Acts within Offshore Seabed Special Zones)

Article 31-5 The standards specified by the Order of the Ministry of the Environment under Article 35-4, paragraph (5) of the Act, pursuant to the categories of specified acts set forth in the following items, are to be as prescribed in those items:

- (i) minerals mining:
  - to be prospecting for minerals, and falls under all of the following:

- (a) it is found that the purpose of the act cannot be achieved in any place other than the place related to the application;
- (b) of the person who will conduct the specified act; to have a plan which is found to enable the implementation of continuous monitoring of the impact of the specified act on the natural environment;
- (c) changes in the characteristics of the seabed associated with the specified act have low risk of hindering the conservation of the natural environment in the seabed area where the act is carried out and that vicinity;
- (ii) exploration for minerals based on methods prescribed by the Minister of the Environment with the consent of the Minister of Economy, Trade and Industry:  
changes in the characteristics of the seabed associated with the specified act have a low risk of hindering the conservation of the natural environment in the seabed area where the act is carried out and that vicinity;
- (iii) capturing or collecting plants or animals inhabiting or growing on the seabed based on methods prescribed by the Minister of the Environment with the consent of the Minister of Agriculture, Forestry and Fisheries:  
it is found that the purpose of the act cannot be achieved in any place other than the place related to the application, and changes in the characteristics of the seabed associated with the specified act have a low risk of hindering the conservation of the natural environment in the seabed area where the act is carried out and that vicinity.

(Specified Acts Not Requiring Permission Within an Offshore Seabed Special Zone)

Article 31-6 The specified acts specified by Order of the Ministry of the Environment under Article 35-4, paragraph (8) of the Act are as follows:

- (i) excavating from outside of an offshore seabed special zone and drilling for the mining of minerals which reach below the seabed of the offshore seabed special zone (provided, however, in the case of the excavation from an area of an offshore seabed special zone which is not included as an offshore seabed nature conservation area, limited to what has been notified based on Article 35-5, paragraph (1) of the Act)
- (ii) acts to be conducted as a resource survey prescribed in Article 9, paragraph (1) of the Fishery Act, and set forth in Article 35-4 paragraph(3) item (iii) (limited to what has been informed to the Minister of the Environment in advance (for a national research and development agency (meaning a national research and development agency prescribed in Article 2, paragraph (3) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999); the same applies hereinafter), what has been notified to the Minister of the Environment))

- (iii) acts to be conducted as part of education set forth in Article 35-4, paragraph (3), item (iii) of the Act at the high schools (hereinafter referred to as "high school") establishing a department related to fishery prescribed in Article 1 of the School Education Act (limited to what has been notified to the Minister of the Environment in advance).
- (iv) specified acts to be carried out by a test and research authority of the State or a local public body for test and research (limited to what has been notified to the Minister of the Environment in advance).
- (v) specified acts to be conducted for examination, research or development (hereinafter referred as to "research and development") by a national research and development agency (limited to a notification which has been filed to the Minister of the Environment in advance)
- (vi) specified acts to be conducted as education or academic research by departments or research institutes related to agriculture and fishery or science and technology in the universities prescribed in Article 1 of the School Education Act (limited to those which a notification has been filed to the Minister of the Environment (for public universities, what has been notified to the Minister of the Environment))
- (vii) acts carried out as the performance of obligations under laws and regulations or a disposition based on this
- (viii) acts accompanying the acts set forth in the preceding items

(Written Notification for Specified Acts Within Areas, not Including in Offshore Seabed Special Zone of the Areas of Offshore Seabed Nature Conservation Areas)

Article 31-7 (1) Notification under Article 35-5, paragraph (1) of the Act is to be made by submitting a written notification describing the type, location, implementation methods, scheduled date of start of a specified act and the matters prescribed in paragraph (3).

(2) The plan set forth in each item under Article 31-4, paragraph (2) must be attached to the written notification referred to in the preceding paragraph.

(3) The matters specified by Order of the Ministry of the Environment under Article 35-5, paragraph (1) of the Act are to be an address and a name of a person who intends to conduct a specified act (in the case of a corporation, the location and name of the principal office and the name of a representative), the purpose of the specified act, the situation of the place of implementation of a specified act and its surrounding area, the scheduled date of completion of a specified act, any influences on natural environment by a specified act (limited to cases where minerals will be mined) and a plan on the monitoring of the influences on the natural environment by the specified act in an area of the seabed where the specified act is conducted and a marine area of the

surrounding area (limited to cases where minerals will be mined).

(Specified Acts Not Requiring Notification Within Areas, not Including Offshore Seabed Special Zone Out of the Areas of Offshore Seabed Nature Conservation Areas)

Article 31-8 The specified acts specified by the Order of the Ministry of the Environment under Article 35-5, paragraph (5), item (i) of the Act are as follows:

- (i) excavating from outside of an area of offshore seabed nature conservation areas and drilling for the mining of minerals which reach below the seabed within an area of the offshore seabed nature conservation area
- (ii) acts to be conducted as a resource survey prescribed in Article 35-49, paragraph (13), item (iii) of the Fishery Act, and set forth in Article 35-4 paragraph (3) item (iii)
- (iii) acts to be conducted as part of education set forth in Article 35-4, paragraph (3), item (iii) of the Act at the high schools establishing a department related to fishery
- (iv) specified acts to be carried out by a test and research authority of the State or a local public body for test and research
- (v) specified acts to be conducted for research and development by a national research and development agency
- (vi) specified acts to be conducted as education or academic research by departments or research institutes related to agriculture and fishery or science and technology in the universities prescribed in Article 1 of the School Education Act
- (vii) acts carried out as the performance of obligations under laws and regulations or a disposition based on this
- (viii) acts accompanying the acts set forth in the preceding items

### **Chapter III Miscellaneous Provision (Punitive Interest)**

Article 32 The punitive interest to be collected by the Minister of the Environment pursuant to the provisions of Article 40, paragraph (2) of the Act is to be the amount calculated by multiplying the ratio of 10.75% per year.

(Written Notification of Acts Conducted as an Emergency Measure for an Extraordinary Disaster)

Article 33 (1) Notification under Article 17, paragraph (3), Article 25, paragraph (7) or (9), or Article 27, paragraph (6) or (8) are to be made by submitting a written notification stating the following matters:

- (i) address and name of an actor (in the case of a corporation, the location and

- name of the principal office and the name of a representative)
  - (ii) type of an act
  - (iii) purpose of an act
  - (iv) location of an act
  - (v) implementation method of an act
  - (vi) completion date or the scheduled date of an act
- (2) The drawing set forth in each item under Article 2, paragraph (2) must be attached to the written notification prescribed in the preceding paragraph. provided, however, for the cases of notification under Article 17, paragraph (3), Article 25, paragraph (7), or Article 27, paragraph (6) of the Act, it is sufficient to attach the drawings set forth in Article 2, paragraph (2), item (i).

(Omission of Attachment for a Memorandum of Consultation, Application or Notification for Permission)

- Article 34 (1) In the cases of request for consultation, application for permission or notification related to the change of the acts under the consultation under Article 16, paragraph (2) or Article 24, paragraph (2) of the Act, or the acts which a permission was granted under the proviso to Article 17, paragraph (1), Article 19, paragraph (3), item (v), Article 25, paragraph (4), Article 26, paragraph (3), item (vii), Article 27, paragraph (3) or Article 35-4, paragraph (3) of the Act, or the acts that notification under Article 28, paragraph (1) or Article 35-5, paragraph (1) of the Act has been completed, it is sufficient to attach those clarifying the matters related to that change among the written documents and drawings (hereinafter referred as to "attachment" in this Article) that must be attached to a memorandum of consultation, written application, or written notification pursuant to the provisions of Article 1, paragraph (2) (including as applied mutatis mutandis pursuant to Article 15), Article 2, paragraph (2) (including as applied mutatis mutandis pursuant to Article 16), Article 6, paragraph (2), Article 22, paragraph (2), Article 26, paragraph (2), Article 31-4, paragraph (2), or Article 31-7, paragraph (2)
- (2) In the cases of request for consultation, application for permission or notification related to the change of the preceding paragraph, a written document describing the intent of the change and reasons must be attached to the memorandum of consultation, written application, or written notification.
- (3) Beyond what falls under paragraph (1), when it is found that it is not necessary to attach the whole of attachment because the acts related to request for consultation under Article 16, paragraph (2) or Article 24, paragraph (2) of the Act, application for permission under the proviso to Article 17, paragraph (1), Article 19, paragraph (3), item (v), Article 25, paragraph (4), Article 26, paragraph (3), item (vii), Article 27, paragraph (3) or Article 35-4, paragraph (3) of the Act, or notification under Article 25, paragraph (9), Article 27,

paragraph (8), Article 28, paragraph (1), Article 35-4, paragraph (7) or Article 35-5, paragraph (1) of the Act are a minor one or other reasons, the part of the attachment can be omitted.

(Written Notification of Mining Minerals To Be Implemented as Education or Academic Research)

Article 35 (1) Notification under Article 19, item (iii)-2 is to be made by submitting a written notification stating the following matters:

- (i) address and name of an actor (in the case of a corporation, the location and name of the principal office and the name of a representative)
- (ii) types and quantities of minerals to be mined and of soil and stones to be quarried
- (iii) purpose of an act
- (iv) location of an act
- (v) a situation of a place of an act and its surrounding area
- (vi) implementation method of an act
- (vii) scheduled date of start and completion of an act

(2) A position diagram, and a drawing that clarifies a range to be mined or collected, and other methods of an act must be attached to the written notification referred to in the preceding paragraph.

(Written Notification of Capturing Animals and Plants To Be Implemented as Education or Academic Research)

Article 36 The provisions of the preceding Article apply mutatis mutandis to notification under Article 21, item (iii), (b) or Article 25, item (vii). In this case, "minerals to be mined and soil and stones to be quarried" in the preceding Article, paragraph (1), item (ii) is replaced with "animals and plants to be captured, killed, collected, or damaged", and "a range to be mined or collected" in the same Article, paragraph (2) is replaced with "a range to capture, kill, collect, or damage".

Article 36-2 The provisions of Article 35 apply mutatis mutandis to notification under Article 31-6, items (v) and (vi). In this case, "types and quantities of minerals to be mined and soil and stones to be quarried" in Article 35, paragraph (1), item (ii) is replaced with "type of a specified act", and "a position diagram, and a drawing that clarifies a range to be mined or collected, and other methods of an act" in the same Article, paragraph (2) is replaced with "a drawing that clarifies an implementation location and implementation method of a specified act".

(Delegation of Authority)

Article 37 The following heads of authority among the heads of authority of the Minister of the Environment prescribed in the Act and this Order of the ministry are delegated to the director of a regional environmental office; provided, however, that this does not preclude the Minister of the Environment from personally exercising the heads of authority set forth in items (ii), (ix), (x) (limited to the portion related to Article 18, paragraph (1) of the Act which applies mutatis mutandis by replacing terms and phrases pursuant to Article 30 of the Act) and item (xiv)-2.

- (i) authority prescribed in Article 17, paragraph (3) of the Act
- (ii) authority prescribed in Article 20 of the Act
- (iii) authority prescribed in Article 21, paragraph (2) of the Act
- (iv) authority prescribed in Article 24, paragraph (2) of the Act
- (v) authority prescribed in Article 25, paragraph (4) of the Act (limited to the portion related to permission prescribed in the same paragraph), Article 17, paragraph (2) as applied mutatis mutandis to Article 25, paragraph (5) Article 25, paragraphs (7) and (9) of the Act
- (vi) authority prescribed in Article 17, paragraph (2) which applies mutatis mutandis to Article 26, paragraph (3), item (vii) and the same Article, paragraph (4) of the Act
- (vii) authority prescribed in Article 27, paragraph (3) (limited to the portion related to permission prescribed in the same paragraph), Article 17, paragraph (2) as applied mutatis mutandis to and Article 27, paragraphs (6) and (8) of the Act and the same Article, paragraph (4)
- (viii) authority prescribed in Article 28, paragraphs (1) through (3), and (5) of the Act
- (ix) authority prescribed in Article 29, paragraph (1) of the Act
- (x) authority prescribed in Article 18, paragraph (1) and Article 21 of the Act as applied mutatis mutandis under Article 30 of the Act
- (xi) authority prescribed in Article 30-3, paragraphs (2), (3), (6), and (9) of the Act
- (xii) authority prescribed in Article 30-4 of the Act
- (xiii) authority prescribed in Article 30-5 of the Act
- (xiv) authority prescribed in Article 31, paragraphs (1) and (2) of the Act
- (xiv)-2 authority prescribed in Article 35-6, paragraph (1) of the Act
- (xv) authority prescribed in Article 43, paragraph (2) of the Act (only limited to the one related to nature conservation area)
- (xvi) authority prescribed in Article 3, item (viii)
- (xvii) authority prescribed in Article 19, item (iii), (c) and (d), and item (xi), (i)
- (xviii) authority prescribed in Article 21, item (iii), (a) and (b)
- (xix) authority prescribed in Article 25, item (vi), item (vii), and item (xxv)

## **Supplementary Provisions [Extract]**

(Effective Date)

Article 1 This Cabinet Office Order comes into effect on the date of the proclamation.

## **Supplementary Provisions [Order of the Ministry of the Environment of No. 12, November 1, 2019]**

(Effective Date)

Article 1 This Ministerial Order comes into effect as of the date on which the Act of Nature Conservation Act is partially amended comes into effect (April 1, 2020). provided, however, that the revised provisions of Article 31-6, item (ii) and Article 31-8, item (ii) are to come into force from the date of promulgation of the Act for Partial Revision of the Acts Related to the Fishery Act (Act No. 95 of 2018) or the date of promulgation of this Order of the Ministry, whichever comes later.

(Transitional Measures Concerning Forms)

Article 2 The Form 1, Form 2, and Form 3 of the Regulations for Enforcement of the Nature Conservation Act prior to the revision by this Order of the Ministry issued prior to the enforcement of this Order of the Ministry are deemed to be the certificate under the Regulations for Enforcement of the Nature Conservation Act after the revision by this Order of the Ministry within the effective period.

Form 1 Omitted

Form 2 Omitted

Form 3 Omitted