

Land Use Coordination Related to Mining and Other Industries

In Japan, a country with a large population on a small amount of land, various industries are operated in adjacent areas, while urban areas, riverheads, parks, and hot springs are located at many places across the country.

In the case of the mining industry, in particular, it is usually the case that mining rights are established on land owned by other persons, which inevitably imposes geographical limits to mining sites. For this reason, it is important to coordinate land use for the mining industry and that for the general public interest or for other industries including agriculture and forestry.

Furthermore, when a request for review is filed with regard to a certification of business or a determination by the Expropriation Commission under the Land Expropriation Act, the Minister of Land, Infrastructure, Transport and Tourism needs to follow a deliberate procedure to make a determination on such request.

To ensure coordination in land use, the Environmental Dispute Coordination Commission performs functions such as designating mining prohibited areas, adjudicating on appeals against administrative dispositions for mining, etc., and giving responses to inquiries concerning a request for review under the Land Expropriation Act.

Designation of Mining Prohibited Areas

It is necessary to establish a mining right on a fixed area of land called a mining site in order to mine and acquire minerals.

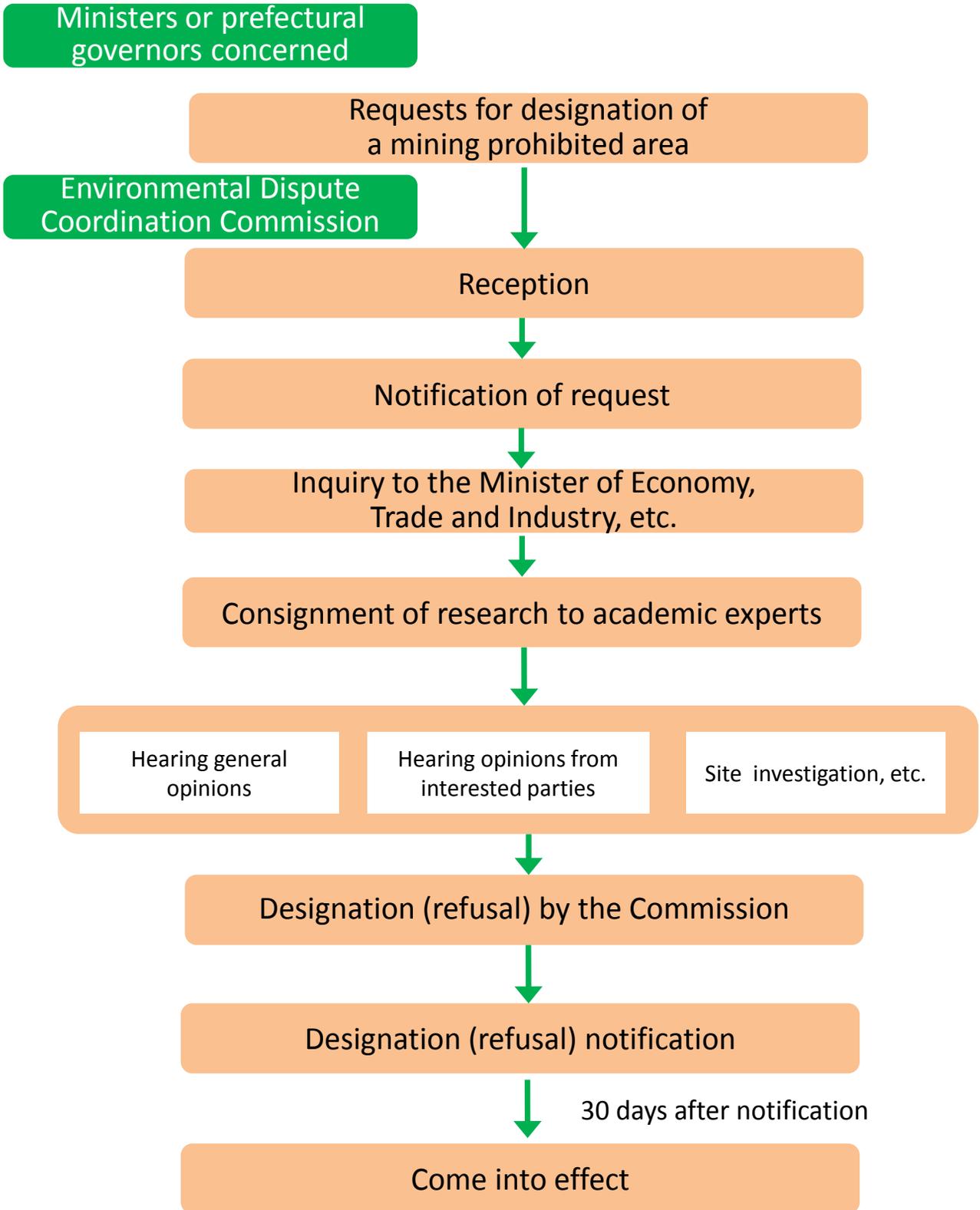
However, mining may be prohibited in areas where protection of public welfare is given more importance than operation of the mining industry, by designating such areas in advance.

To date, a total of 244 locations have been designated as mining prohibited areas (as of March 31, 2016). These include the Kurobe Fourth Dam (for conservation of dams and reservoirs), the site of the Iwami Ginzan Silver Mine and the area around the Kinkakuji Temple (for conservation of historic landscape and protection of scenery), the Dogo Onsen Hot Spring (for protection of hot spring resources), and the Seikan Tunnel (for preservation of the tunnel). The total area of mining prohibited areas is 682,820 hectares.

Number of Sites Designated as Mining Prohibited Areas

Major reasons for designation	Number of sites
Conservation of dams and reservoirs	163
Protection of hot spring resources	32
Protection of scenery	22
Preservation of agricultural water facilities	9
Conservation of historical landscape	7
Preservation of tunnels	4
Other preservation	7
(as of March 31, 2017)	244

Procedures for the Designation of Mining Prohibited Areas



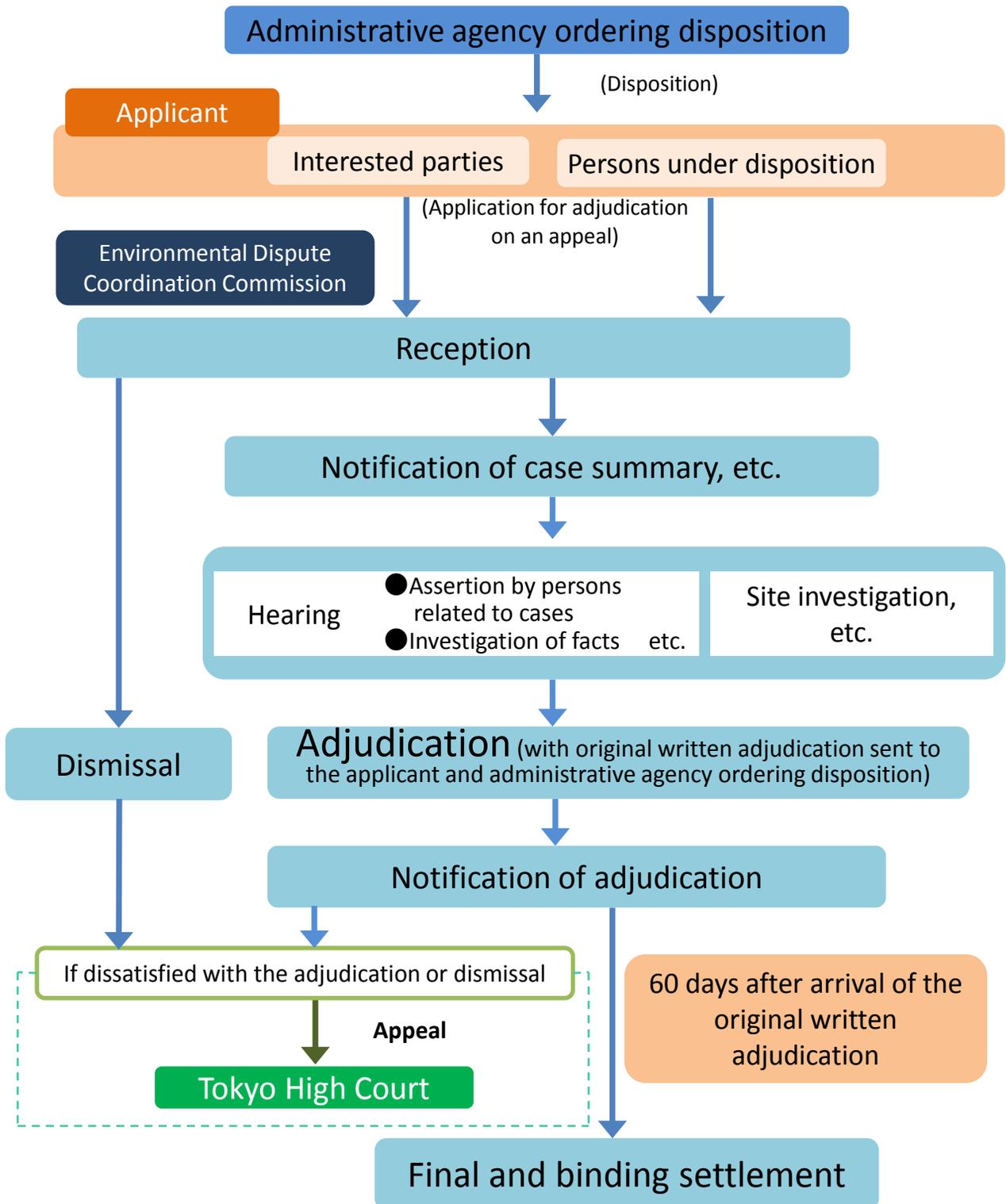
Adjudication on Appeals against Administrative Dispositions for Mining, etc.

When intending to engage in mining, quarrying, or gravel gathering, permission or approval needs to be obtained from the Minister of Economy, Trade and Industry or the relevant Prefectural Governor, etc. A person who is dissatisfied with a disposition concerning such permission or approval may file an application for adjudication with the Environmental Dispute Coordination Commission. Adjudication procedures are undertaken in an equivalent manner to those by the court. If a person is dissatisfied with an adjudication or decision rendered by the Commission, an appeal may be filed with the Tokyo High Court.

Major Dispositions for Which the Commission's Adjudication may be Sought

	Legal basis	Major dispositions
1	Mining Act (Article 133)	Permission for the establishment of mining rights given by the Minister of Economy, Trade and Industry or the Director of the Regional Bureau of Economy, Trade and Industry
2	Quarrying Act (Article 39, paragraph (1))	Approval of a rock quarrying plan given by the Prefectural Governor or the Mayor of the government ordinance-designated city
3	Forest Act (Article 190, paragraph (1))	Permission for quarrying within a protected forest given by the Prefectural Governor
4	Agricultural Land Act (Article 53, paragraph (2))	Permission for diversion of agricultural land given by the Minister of Agriculture, Forestry and Fisheries or the Prefectural Governor
5	Coast Act (Article 39-2, paragraph (1))	Permission for quarrying within a coastal preservation area given by the coast administrator
6	Natural Parks Act (Article 63, paragraph (1) and Article 78)	Permission for mining minerals within a special area in a national park given by the Minister of the Environment
7	Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors (Article 51-32, paragraph (1))	Permission for excavation within a designated waste underground disposal area given by the Nuclear Regulation Authority
8	Landslide, etc. Prevention Act (Article 50, paragraph (1))	Permission for an act that inhibits elimination of ground water within a landslide prevention area given by the Prefectural Governor
9	River Act (Article 97, paragraph (4))	Permission for quarrying within a river area given by the river administrator
10	Gravel Gathering Act (Article 40, paragraph (1))	Approval of a gravel gathering plan given by the Prefectural Governor or the Mayor of the government ordinance-designated city
11	City Planning Act (Article 51, paragraph (1) and Article 58, paragraph (2))	Permission for development activities within a city planning area given by the Prefectural Governor
	Landscape Act (Article 73, paragraph (2) and Article 75, paragraph (3))	Disposition concerning regulations on development activities within a landscape district made by the Municipal Mayor
12	Nature Conservation Act (Article 32, paragraph (1) and Article 46, paragraph (3))	Permission for mining minerals within a special district in a natural environment conservation area given by the Minister of the Environment
13	Urban Green Space Conservation Act (Article 33, paragraph (1))	Prohibition of mining minerals within a green space conservation district imposed by the Prefectural Governor
14	Act on Special Measures concerning Conservation of Lake Water Quality (Article 33, paragraph (1))	Prohibition of mining minerals within a lakeside environment conservation district imposed by the Prefectural Governor
15	Act on Conservation of Endangered Species of Wild Fauna and Flora (Article 43, paragraph (1))	Permission for mining minerals within a managed area in a natural habitat protection area given by the Minister of the Environment
16	Act on the Final Disposal of Designated Radioactive Waste (Article 26, paragraph (1))	Permission for excavation within a final disposal facilities protection area given by the Minister of Economy, Trade and Industry

Procedures for Adjudication on Appeals

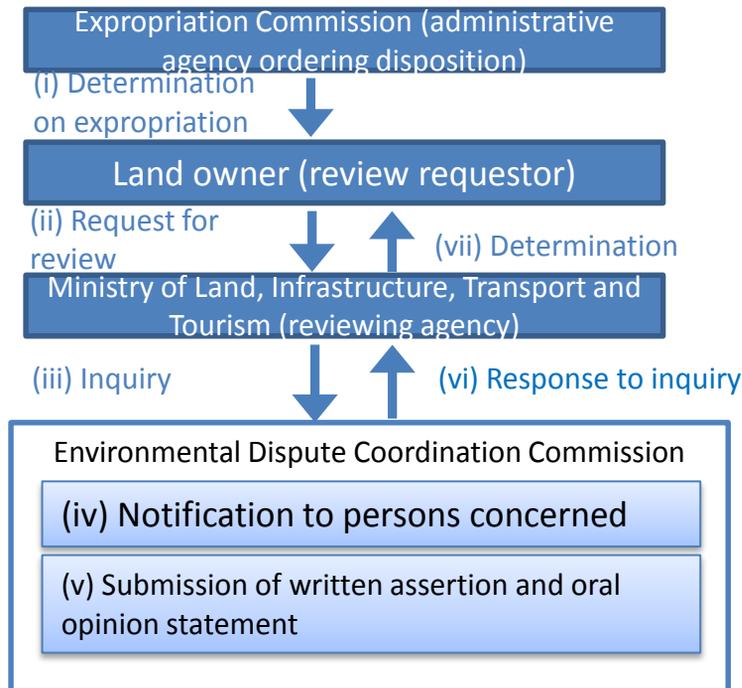


Responses to Inquiries Based on the Land Expropriation Act

In order to ensure that proper administrative dispositions on land use are to be rendered in response to demand for increasingly complicated and diversified land use, the system is put in place under which the Environmental Dispute Coordination Commission provides responses to inquiries or grants approval in advance.

For example, when the Minister of Land, Infrastructure, Transport and Tourism makes a determination on a request for review filed by a land owner with regard to a determination rendered by the Expropriation Commission, the Minister is required to seek opinions of the Environmental Dispute Coordination Commission in advance.

Cases related to the Land Expropriation Act



	Legal basis	Procedures	Major targets
1	Land Expropriation Act (Article 27, paragraph (2) and Article 131, paragraph (1))	Response to inquiry	When the Minister of Land, Infrastructure, Transport and Tourism makes a determination on a request for review with regard to (i) a disposition for an application for certification of business or (ii) a determination by the Expropriation Commission
2	Mining Act (Article 64-2, paragraph (3) and Article 87)	Approval	When the Minister of Economy, Trade and Industry makes a decision in lieu of an approval from the administrator required for mining minerals in the vicinity of a public facility, etc.
3	Quarrying Act (Article 18 and Article 30)	Approval	When the Director of the Regional Bureau of Economy, Trade and Industry makes a decision on the establishment of quarrying rights or the purchase of land as an alternative thereto
4	Act on the Protection of Cultural Properties (Article 159, paragraph (1))	Consultation	When the Commissioner of the Agency for Cultural Affairs makes a determination on a request for review with regard to a disposition for conserving a cultural property which involves the need for coordination with the mining or quarrying industry