

Operation of Municipal Forest planning system

July 25, 1991: 3 Rinya Kei No. 305
To the prefectural governors, from the
Director-General of the Forestry Agency
Final amendment
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Regarding the operation of the Municipal Forest planning system, the following matters should be taken into consideration, in addition to the "Enforcement of the Act for Partial Revision of the Forest Act and the Act on Special Measures Concerning Yield-Sharing Forest (Related to Municipal Forest planning system)" (Oct. 1, 1983: Rinya Kei No. 468: Circular notice issued in the name of the Vice-Minister of Agriculture, Forestry and Fisheries).

With the enforcement of this notice, "Regarding the Operation of the Forest Planning System" (Oct. 1, 1983: Rinya Kei No. 469: Circular notice issued in the name of the Director-General, Forestry Agency) shall be abolished.

Please inform the municipalities under your jurisdiction and other related parties of this.

Details are as follows:

Section 1 Municipal Forest planning system

1 Items to be Planned for the Municipal Forest planning system

Regarding items to be planned, the following points shall be considered, and planning shall be done under the actual conditions of the Municipal.

- (1) In the "basic matters concerning harvesting, afforestation, tending, and other forest management;" set forth in Article 10-5, paragraph (2), item (1) of Forest Act (Act No. 249 of 1951; hereinafter referred to as "the Act"), the basic policy for forest management and the basic policy for the rationalization of forest practices shall be established.

Concerning the basic policy for forest management, it shall aim to maintain and develop sound forest resources to comprehensively and highly demonstrate the multifunctionality (multifunctional roles) of forests, in consideration of the natural and social characteristics of the municipalities, the demand for the fulfillment of the public interest functions of forests, trends in wood demand, and forest composition. The ideal form of forest resources from the viewpoint of the fulfillment of its functions, including headwaters recharge, prevention of forest disasters/soil conservation, formation of a comfortable environment, health and recreation, culture, biodiversity conservation, and timber production, is to be described. The basic concept of forest management, such as harvesting, afforestation, and tending to maintain and enhance these functions, and guide them to the ideal form of forest resources, and the basic ideas of promotion measures for these forest management are to be established.

- (2) In the "standard harvesting age of standing trees, the standard method of harvesting standing trees, and other matters concerning harvesting standing trees and bamboos in the forest (excluding matters concerning thinning.);" set forth in Article 10-5, paragraph (2), item (ii) of the Act, the standard harvesting age of standing trees by tree species, the standard method of harvesting (regeneration harvesting) of standing trees, and other necessary matters are to be specified.

The standard method of harvesting standing trees (regeneration harvesting) shall be separately prescribed for clear cutting (which refers to harvesting other than selective

harvesting; the same applies hereinafter) and selective harvesting (which refers to a method of regeneration harvesting that harvests a part of standing trees that make up forest in a harvesting area. It is carried out in units of single trees, strips, or groups of trees at a generally uniform harvesting rate throughout the harvesting area, and the harvesting rate related to the volume is 30% or less (or 40% or less if afforestation after harvesting is artificial regeneration); the same applies hereinafter.) .

Among the harvesting of standing trees, the regeneration harvesting is accompanied by regeneration, and its method includes clear cutting or selective harvesting.

In the case of clear cutting, retention zones shall be established at least approximately every 20 hectares according to the size of the harvesting area.

Regarding the method of collecting harvested lumber, it shall be stipulated that collecting shall be carried out in accordance with the "Establishment of guidelines for harvesting and timber extraction when regeneration harvesting" (March 16, 2021: 2 Rinya Sei Sei No. 1157: Notice issued in the name of Director-General, Forestry Agency)

- (3) In the "tree species for afforestation, standard methods for afforestation, and other matters concerning afforestation;" set forth in Article 10-5, paragraph (2), item (iii) of the Act, in addition to matters concerning artificial regeneration and natural regeneration, other matters concerning afforestation including standards and locations of forests that are difficult to properly regenerate unless planting, standards for orders to suspend harvesting or carry out afforestation under the provisions of Article 10-9, paragraph (4) of the Act, and other necessary matters are to be specified.

The matters concerning artificial regeneration shall specify the standard method of artificial regeneration, such as tree species subject to artificial regeneration and the number of trees planted by tree species and pruning method, and the period for artificial regeneration of harvested site.

The matters concerning natural regeneration shall be prescribed in relation to tree species subject to natural regeneration, the expected number of trees subject to natural regeneration, standard methods of natural regeneration including standard methods of the supplementary work for natural regeneration (this includes a method for confirming the completion of natural regeneration of harvested site), and the period during which the natural regeneration of harvested site should be carried out. They shall prescribe that natural regeneration shall be completed when the number of tree species subject to natural regeneration is expected to be established in not less than the number obtained by multiplying the expected number of trees established by 3/10.

The tree species subject to natural regeneration shall be limited to tree species of high tree nature as successor trees. The tree species subject to natural regeneration shall be classified and specified by those that can be regenerated by germination from rootstocks.

- (4) In the "standard forest age for thinning, standard methods for thinning and tending, and other standards for thinning and tending" set forth in Article 10-5, paragraph (2), item (iv) of the Act, the standard forest age to be thinned, the standard method of thinning, the standard method by tending type, and other necessary matters are to be specified.

It should be noted that thinning refers to harvesting a part of the target tree species in a forest. It shall be stipulated that the harvesting shall be carried out within a range where the harvesting rate in terms of timber volume is 35% or less and where it is considered certain that the density of the tree canopy will recover to 8/10 or more approximately five years after the first day of following fiscal year of the harvesting of trees.

- (5) In the "matters concerning the forest area for management by public interest function, the method of operations within the forest area for management by public interest function, and other matters concerning the development of the forest area for management by public interest function" set forth in Article 10-5, paragraph (2), item (v) of the Act, the forest area for management by public interest function (which refers to the forest area for management by public interest function as prescribed in Article 5, paragraph (2), item (vi) of the Act; the same applies hereinafter) and the management methods within the area are to be specified separately for forests where forest practices should be promoted to maintain and enhance conservation function of headwaters (hereinafter referred to as "forest for maintaining and enhancing water resource conservation function"), forests where forest practices should be promoted to maintain and enhance the function of preventing land-related disasters and preserving the soil, the function of forming a comfortable environment, or the function of health and culture, and forests other than forest for maintaining and enhancing water resource conservation function. Other necessary matters are also to be specified.

In the forests for maintaining and enhancing water resource conservation function, it shall be stipulated that forest practices aimed at extending final harvesting ages shall be promoted.

In the forests where forest practices should be promoted to maintain and enhance the function of preventing land-related disasters and preserving the soil, the function of forming a comfortable environment, or the function of health and culture, and forests other than forests for maintaining and enhancing water resource conservation function, it is to be stipulated that uneven-aged forest management through selective harvesting is to be promoted for forests that specifically demonstrate these public interest functions, and uneven-aged forest management is to be promoted for other forests. However, a forest that can demonstrate that the public interest functions will be maintained and improved through the appropriate arrangement of the harvesting area even if clear cutting is carried out at a part of the forest will allow clear cutting after long-rotation operation (which refers to forest practices in which regeneration harvesting is carried out at a forest age exceeding approximately twice the standard harvesting age; the same applies hereinafter). In this case, such a forest shall be designated as a forest area where long-rotation operation should be promoted.

It should be noted that, among forests for which forest practices should be promoted to maintain and enhance health and cultural functions, ones where forest practices that cultivate specific species of broad-leaves tree should be promoted to maintain or develop forests with excellent scenery that require the preservation of landscapes unique to the region in particular, shall be stipulated to that effect.

In addition, along with the matters concerning the development of the forest area for management by public interest function, the areas of forests where forest practices should be promoted for maintaining and enhancing the timber production function and the management methods within the areas shall be specified as "other matters necessary for the development of forests" set forth in Article 10-5, paragraph (3), item (iv) of the Act as needed. Concerning forests within the relevant area where particularly efficient forest management can be carried out in consideration of natural and social conditions, the relevant area and the method of forest management within the relevant area shall be specified.

- (6) When determining the matters mentioned in (5) above, based on the Forest Management Act (Act No. 35 of 2018), municipalities are to acquire the business management right (which refers to business management rights prescribed in Article 2, paragraph 4 of said Act; the same shall apply hereinafter.), and to establish a business management implementation right (which refers to business management implementation rights prescribed in paragraph 5 of said Article; the same shall apply hereinafter) for forests

suitable for forestry management to motivated and capable forestry managers. They also shall endeavor to ensure the implementation of forest practices in the forest area for management by public interest function and forests where forest practices should be promoted for the purpose of maintaining and enhancing the timber production function, in consideration of the situation such as the prospect of establishing the business management rights or the business management license through the system under which municipalities manage forests for which it is difficult to establish the business management implementation right or forests prior to the establishment of the right (hereinafter referred to as "forest management system") .

- (7) In the matters concerning the promotion of implementation of forest practices or management under a trust set forth in Article 10-5, paragraph (2), item (vi) of the Act, the policy on the expansion of the scale of forest management through entrusted forest management is to be specified, along with measures to promote said expansion, matters to be noted in implementing entrusted forest management, matters concerning the utilization of the forest management system, and other necessary matters.
- (8) The "matters concerning the promotion of collaborative forest practices" set forth in Article 10-5, paragraph (2), item (vii) of the Act is to specify the policy concerning the promotion of collaborative forest practices, measures to promote collaborative forest practices, such as the conclusion of a management practices implementation agreement, matters to be noted when jointly implementing forest practices, and other necessary matters.

"Collaborative forest practices" refers to the situation where in the promotion of forest management such as thinning and tending, forest owners, etc. (which refer to forest owners, etc. prescribed in Article 10-7 of the Act; the same applies hereinafter) coordinate the implementation timing and methods, and multiple forest owners, etc. realize intensification of their forest practices and implement them efficiently.

- (9) In the "matters concerning the development of working road networks and other facilities necessary for forest development" set forth in Article 10-5, paragraph(2), item (viii) of the Act, matters concerning the level of road network density and working systems (which refer to a vehicle type work system or an overhead wire type work system; the same applies hereinafter) for promoting efficient forest practices, matters concerning areas for promoting efficient forest management along with road network development, matters concerning the development of working road networks, and other necessary matters are to be specified.

The level of road network density and working systems for promoting efficient forest practices shall be determined on the level of road network density according to the slope division of forest land and the working system.

The term "working road network" refers to the core road network and the sub-road network; the term "core road network" refers to the forest road prescribed in the "Forest Road Regulations" (April 1, 1973:48 Rinya Dou No. 107: Notice issued in the name of Director-General, Forestry Agency) and the dedicated forestry road prescribed in the "Establishment of Guidelines for Constructing Dedicated Forestry Roads" (September 24, 2010:22 Rinya Sei Sei No. 602: Notice issued in the name of Director-General, Forestry Agency); and the term "sub-road network" refers to the forestry roads for operation prescribed in the "Establishment of Guidelines for Constructing Forestry Road for Operation" (November 17, 2010:22 Rinya Sei Sei No. 656: Notice issued in the name of the Director-General, Forestry Agency).

In addition, "other facilities necessary for forest development" shall include facilities for practical timber extraction, such as log landing.

- (10) In matters concerning forest areas under protection from wildlife damage and the protection of wildlife damage in said forest area under protection from wildlife damage set forth in Article 10-5, paragraph (2), item (ix) of the Act, forest area under protection from wildlife damage (which refers to forest areas for wildlife damage prevention prescribed in Article 5, paragraph (2), item (ix) of the Act; the same applies hereinafter) and the method of preventing wildlife damage within said area are to be specified separately for wildlife that is targeted in said area (Hereinafter referred to as "target wildlife") Other necessary matters are also to be specified.
- (11) In the "matters concerning extermination and prevention of forest disease and insect pests, fire prevention, and other forest protection (excluding the matters listed in the preceding paragraphs.)" set forth in Article 10-5, paragraph (2), item (10) of the Act, the method of exterminating and preventing forest disease and insect pests, the method of measures against wildlife damage (excluding the matters listed in (10)), the method of preventing forest fires, and other matters concerning the protection of forests, such as points of attention when intentional burn for the extermination of forest disease and insect pests are to be specified.
- (12) Regarding the matters set forth in Article 10-5, paragraph (3) of the Act, efforts shall be made to specify the following matters from A to D respectively:

When planning to specify the area under the provisions of Article 33, Item (1), (b) of the Ordinance for Enforcement of the Forest Act (Ministerial Ordinance of Agriculture and Forestry No. 54 of 1951), such area shall be specified in the "matters concerning the preparation of Forest Management Plan" of "other matters necessary for the development of forests" in (D).

- (A) "Matters concerning training and securing of people engaged in forestry" in item (1) of said paragraph: Policies for training and securing of people engaged in forestry, including measures for training and securing people engaged mainly in forestry and forestry successors, and measures for strengthening the management structure of forestry organizations
- (B) "Matters concerning the promotion of the introduction of machinery necessary for the rationalization of forest practices" in item (2) of said paragraph: The policy concerning the promotion of the introduction of forestry machinery contributing to the advancement of operation systems, such as the target of introduction of forestry machinery mainly consisting of machinery with high performance / efficiency and measures to promote mechanization
- (C) "Matters concerning the development of facilities necessary for the promotion of using forest products" in item (3) of said paragraph: The Policy concerning the development of production facilities, distribution facilities, processing facilities, sales facilities, which are necessary for the promotion of using forest products
- (D) "Other matters necessary for the development of forests" in item (4) of said paragraph: Matters concerning the preparation of Forest Management Plan, matters concerning the improvement of the living environment, matters concerning regional development through forest management, matters concerning the promotion of the comprehensive use of forests, matters concerning the forest management with the participation of residents, matters concerning the projects based on the forest management system, and other necessary matters according to the actual conditions of municipalities
- (13) In addition to the matters specified in (1) through (12), when the head of the Municipal finds it appropriate to promote the health function of forests in light of a regional forest plan and intends to specify the matters concerning the promotion of the health function of forests

based on Article 5-2 of the Act on Special Measures for Improvement of Public Health Function of Forests (Act No. 71 of 1989. Hereinafter referred to as the "Act on Special Measures"), the head is to specify the areas of forests for which the health function should be promoted (Hereinafter referred to as "forest with health functions"), the matters concerning afforestation, tending, harvesting trees, and other management methods in forests within the areas of forests with health functions, the matters concerning the improvement of forest health facilities (which refers to forest health facilities prescribed in Article 2, paragraph 2, item 2 of the Act on Special Measures) within the areas of forests with health functions, and other necessary matters, in consideration of the status of forest resources, natural conditions such as natural landscapes, trends in forest recreation in the vicinity, and social and economic conditions such as the status of forest practices, and the intentions of forest owners.

- (14) In specifying the matters from (7) to (12) (excluding the matters listed in (D) of (12)), the contents of the consultation of the Council for Revitalizing Watershed Forests and Forestry under the 2nd section of "Promotion of Watershed-based Forest Management System" (October 16, 1992: 4 Rinya Kei No. 501: Notice issued in the name of the Director-General, Forestry Agency) shall be reflected.

2 Establishment and Revision of the Municipal Forest Plan

- (1) The Municipal Forest Plan is to be established by preparing a written municipal forest development plan in accordance with the appended form.
- (2) The term "When it is found that the Municipal Forest Plan no longer conforms to the Regional Forest Plan due to the change of the Regional Forest Plan" set forth in Article 10-6, paragraph (1) of the Act means those that fall under the following cases:
 - (A) Cases where a certain restriction on forest management has been imposed due to the designation of protection forests or the designation of nature parks under the Natural Parks Act (Act No. 161 of 1957), and the Regional Forest Plan has been modified, and the content of harvesting, afforestation, thinning, or tending, etc. prescribed in the Municipal Forest Plan no longer conforms to this
 - (B) Cases where it becomes extremely difficult to achieve a plan about working road networks, implementation of forest practices or management under a trust, or a plan concerning the promotion of collaborative forest practices in the Municipal Forest Plan due to a change in matters concerning the plan about establishing and expanding forest roads, the implementation of forest practices or management under a trust, or the rationalization of forest practices including collaborative forest practices in the Regional Forest Plan
- (3) Revision of the Municipal Forest Plan based on the provisions of Article 10-6, paragraph (2) of the Act is to be made within 60 days from the day on which the notification set forth in paragraph (1) of said Article is received.
- (4) The term "when finding it necessary due to changes in the present state of forests, etc." set forth in Article 10-6, paragraph (3) of the Act means the following cases:
 - (A) Cases where significant changes have occurred in the current state of forests due to damage by fires of forest land and grazing land, and their development, and it is found necessary to change the contents of the Municipal Forest Plan
 - (B) When it is deemed necessary to change the content of the plan due to changes in the economic and social conditions of the Municipal

- (5) When the Municipal Forest Plan is to be established, its brief summary is to be prepared, and when the Plan is to be changed, it is to be revised as necessary.

3 Hearing opinions from persons with relevant knowledge and experience

Hearing opinions from persons with relevant knowledge and experience under the provisions of Article 10-5, paragraph (6) of the Act is established from the viewpoint of obtaining their professional and technical knowledge necessary for the preparation of the Municipal Forest Plan as its content, which is the basis for the certification of the Forest Management Plan, needs to be enhanced.

As for the method of hearing opinions, a council consisting of forest owners who are familiar with the local forest, forestry and timber industries, representatives of forest owners' cooperative associations and other organizations related to forestry and timber industries, forestry extension advisors (including forest general supervisors), the chief of the forest administration office, and other persons with knowledge and experience concerning forest and forestry is to be held, and opinions are to be heard from any of these persons.

4 Public notice and public inspection of the Municipal Forest Plans

- (1) The provision for public inspection of the draft of the Municipal Forest Plan under Article 6, paragraph (1) of the Act, as applied mutatis mutandis under Article 10-5, paragraph (7) of the Act (including the case where it is applied mutatis mutandis under Article 10-6, paragraph (4) of the Act), has been established from the perspective of reflecting a wide range of opinions in Municipal Forest Plan to promote forest management with the understanding and cooperation of local residents and other parties concerned.
- (2) The public inspection of the draft of the Municipal Forest Plan mentioned in (1) shall be based on posting said draft on the website of the Municipal, and the head of the Municipal shall endeavor to make the draft of the plan available for public inspection as widely as possible.

5 Hearing opinions from the Director General of the Forest Management Bureau

- (1) The hearing of opinions from the Director General of the Forest Management Bureau under Article 10-5, paragraph (8) of the Act has been established from the perspective of providing an opportunity to obtain advice from the Director General of the Forest Management Bureau to promote forest management through collaboration between private forests and national forests. Thus, it is to be conducted as necessary in consideration of the volume of distribution of national forests within the area of the Municipal and the relationship with national forests in promoting the Municipal Forest Plan.
- (2) When the head of a Municipal intends to conduct the hearing opinions in (1), the head is to submit the draft of the Municipal Forest Plan via the chief of the forest administration office of the national forest within the area of the Municipal.

6 Consultation with Prefectural Governors

- (1) The consultation set forth in Article 10-5, paragraph (9) of the Act is established from the viewpoint of ensuring the conformity of the Municipal Forest Plan with the Regional Forest Plan.
- (2) When holding the consultation set forth in (1), the head of the Municipal is to liaise and coordinate regarding the content of the Municipal Forest Plan in advance.

- (3) When a prefectural governor finds the Municipal Forest Plan inappropriate in light of the following matters, the prefectural governor is to provide advice or guidance to municipalities to make said content of the relevant matters appropriate:
- (A) The content of the matters of the plan set forth in Article 10-5 paragraph (2), items (ii) through (v) of the Act shall be appropriate in light of the content of the Regional Forest Plan corresponding to each matter. As for a forest in which the harvesting of standing trees is restricted by laws and regulations, it shall not violate the operation method of the restricted forest specified in the Regional Forest Plan.
 - (B) The content of the matters of the plan set forth in Article 10-5, paragraph (2), items (vi) and (vii) of the Act, and if the matters of the plan set forth in paragraph (3), items (i) through (iii) of the same Article are included, their contents shall be appropriate in light of the contents of the "matters concerning the implementation of forest practices or management under a trust, and the rationalization of forest practices including collaborative forest practices" of the Regional Forest Plan.
 - (C) The content of the matters of the plan set forth in Article 10-5 paragraph (2), item (viii) of the Act shall be consistent with the contents of "the plan about establishment and improvement of forest roads, the location of forests for which the method of timber extraction needs to be specified, the method of timber extraction, and other matters concerning the extraction of forest products" and "matters concerning the implementation of forest practices or management under a trust, and the rationalization of forest practices including collaborative forest practices" of the Regional Forest Plan.
 - (D) The content of the matters of the plan set forth in Article 10-5, paragraph (2), item (ix) of the Act shall be appropriate in light of the contents of the "standards for forest areas where measures to prevent wildlife damage should be implemented, and other matters concerning the prevention of wildlife damage" of the Regional Forest Plan.
 - (E) The content of the matters of the plan set forth in Article 10-5, paragraph (2), item (10) of the Act shall be appropriate in light of the contents of the "matters concerning extermination and prevention of forest disease and insect pests, and other forest protection (excluding the matters listed in the preceding paragraphs.)" of the Regional Forest Plan.
 - (F) If the matters of the plan set forth in Article 10-5, paragraph (3), item (4) of the Act specify an area under the provisions of Article 33, item (1), (b) of the Ordinance for Enforcement of the Forest Act, said area shall be appropriate as an area where afforestation, tending, harvesting trees, and the timber extraction can be efficiently implemented in an integrated manner in light of the status of the road network and other actual conditions of the area.
 - (G) It shall be found to be appropriate in light of the content of the Regional Forest Plan and not to impose an extremely excessive burden on forest owners and other relevant persons.

7 Coordination with related measures

- (1) When a Municipal intends to establish or change its Municipal Forest Plan pertaining to a forest that is included in an urbanization promotion area based on the City Planning Act (Act No. 100 of 1968), or a designated use area within a city planning area where the division between urbanization promotion areas and urbanization control areas has not yet been determined (hereinafter referred to as "urbanization promotion areas, etc."), the department in charge of forestry of the relevant Municipal is to present a draft of the

Municipal Forest Plan to the department in charge of city planning in advance, and discuss areas related to urbanization promotion areas, etc.

When the head of a Municipal has consulted on the Municipal Forest Plan, the prefectural governor is to consult with the department in charge of forestry and the department in charge of city planning on the part of the plan that relates to urbanization promotion areas, etc.

- (2) When a Municipal intends to establish or change its Municipal Forest Plan pertaining to a forest that is included in a sand erosion control designated land under the Erosion Control Act (Act No. 29 of 1897) and a landslide prevention zone under the Landslide Prevention Act (Act No. 30 of 1958), or a steep slope failure hazard area (hereinafter referred to as the "sand erosion control designated land, etc.") under the Act on Prevention of Landslide (Act No. 57 of 1969), the department in charge of forestry in the Municipal is to present a draft of the Municipal Forest Plan to the prefectural department in charge of sand erosion control in advance, and discuss areas related to the sand erosion control designated land, etc.

When the head of a Municipal has consulted on the Municipal Forest Plan, the prefectural governor is to consult with the department in charge of forestry and the department in charge of sand erosion control on the part of the plan that relates to the sand erosion control designated land, etc.

8 Publication of the Municipal Forest Plan

- (1) Publication of the Municipal Forest Plan pursuant to the provisions of Article 10-5, paragraph (10) of the Act (including the case where it is applied mutatis mutandis under Article 10-6, paragraph (4) of the Act) and a summary of opinions filed during the public inspection period and the results of the addressing those opinions is basically to post them on the website of the Municipal.
- (2) A copy of the Municipal Forest Plan is to be sent to the prefectural governor pursuant to the provisions of the same paragraph within 30 days from the day on which the Municipal Forest Plan is established.

Section 2 Guidance and Recommendations on the Municipal Forest Plan

1 Guidance on forest practices and protection under the Municipal Forest Plan

The head of a Municipal is to provide guidance as follows so that forest owners, etc. comply with the Municipal Forest Plan and implement forest practices and protection:

- (1) When the head of a Municipal has established or changed the Municipal Forest Plan, the head is to endeavor to provide guidance on the contents of said plan through holding explanatory meetings, etc. or public relations activities, etc.

In particular, in addition to forests that are difficult to properly regenerate without planting, among forest area for management by public interest function other than forest for maintaining and enhancing water resource conservation function to which the standards for the implementation of forest practices by public interest functions prescribed in Article 39, paragraph 2 of the Ordinance for Enforcement of the Forest Act apply, the following forests shall be publicized by notifying forest owners, etc. of the relevant forests.

- (A) Forests in which long-rotation operation should be promoted

- (B) Forests in which uneven-aged forest management should be promoted (including forests where uneven-aged forest management through selective harvesting should be promoted.)
 - (C) Forests in which forest practices to cultivate specific species of broad-leaves trees should be promoted
- (2) During the planning period of the Municipal Forest Plan, guidance shall be provided to understand the contents of the plan and to implement proper forest practices by taking advantage of opportunities, such as upon submission of a written notice on tree harvesting and afforestation after harvesting.
 - (3) A prefectural governor is to endeavor to provide technical assistance, guidance, and other necessary cooperation by forestry extension advisors, etc., in response to a request for cooperation from a Municipal under Article 10-12 of the Act.

2 Recommendations on forest practices

Recommendations on forest practices set forth in Article 10-10, paragraph (1) of the Act (hereinafter simply referred to as the "Recommendations") are to be made when forest owners, etc. are found to have failed to follow the standards for forest practices specified in the Municipal Forest Plan, to have carried out operations counter to the standards, or to have not carried out operations that should have been carried out despite adequate guidance on the implementation of appropriate forest practices, and it is obvious that the implementation of the Municipal Forest Plan will be hindered. The head of the Municipal is to make recommendations to the forest owners, etc., as follows:

Forests that are designated as forests requiring improvement in the Regional Forest Plan under the provisions of Article 39-4 of the Act are not subject to recommendations pursuant to the provisions of Article 39-6 of the Act.

- (1) Recommendations are to be made in the following cases. However, forests for which it is found obvious that the land will be used for purposes other than growing trees and bamboo shall not be subject to the recommendations except in the case set forth in (E).
 - (A) Cases where someone harvests trees or intends to do so by a method other than the method of harvesting trees specified in the Municipal Forest Plan in a forest specified as a forest in which uneven-aged forest management through selective harvesting should be promoted under section 1-1-(5)
 - (B) Cases where trees are harvested or are intended to be harvested by a method significantly different from the standard method of harvesting standing trees specified in the Municipal Forest Plan (In the case of a forest in the forest area for management by public interest function, the method of harvesting standing trees specified in Section 1-1-(5) with respect to said forest)
 - (C) Cases where, regarding harvested site at the time of establishment of the Municipal Forest Plan and the sites where trees were harvested during the period of the plan, the harvested site has not been regenerated after the regeneration period specified in the Municipal Forest Plan has passed
 - (D) Cases where a person who is obliged to submit a written notice on tree harvesting and afforestation after harvesting has harvested standing trees without submitting a written notice on tree harvesting and afforestation after harvesting, and has not carried out afforestation after harvesting at the harvested site

- (E) Cases in which standing trees have not been harvested in forests where tree-harvesting should be promoted due to being damaged by diseases and insect injury specified as matters concerning forest protection in the Municipal Forest Plan, and where it is necessary to promote tree-harvesting
- (2) The following matters shall be taken into consideration when making recommendations.
- (A) When making recommendations, the matters to be recommended shall be thoroughly examined in advance, and an on-site investigation shall be conducted as necessary.
 - (B) When making recommendations, the state of forests owned by forest owners and their economic circumstances shall be fully considered, and objective circumstances such as market trends shall be taken into consideration.

Section 3 Management Practices Implementation Agreement System

1 Nature of the Management Practices Implementation Agreement System

A Management Practices Implementation Agreement (Hereinafter referred to as "the Agreement") is concluded by forest owners, forest land owners, or corporations engaging in specified non-profit activities on a voluntary basis, and is regarded as a contract under private law in terms of its legal nature. However, it should be noted that an agreement differs from a contract under private law in that the approval of the head of the Municipal, as a supplementary requirement, confers a certain civil legal effect on the agreement.

2 Subjects to the Agreement

(1) Target forest

(A) Agreement prescribed in Article 10-11, paragraph (1) of the Act

A "group of private forests" as set forth in Article 10-11, paragraph (1) of the Act, is, in principle, a group of private forests that have a contiguous mass. However, when enabling them to conduct forest practices in an integrated and efficient manner, such as when the forests are located within an area where a single forest road route is used, the forests are considered to be a group of private forests.

In addition, the term "forests that are deemed appropriate to be developed as an integrated manner" in Item (2) of the same paragraph refers to forests where forest practices can be implemented in an integrated and efficient manner given natural conditions such as topography and the status of development of forest roads and other forestry production infrastructure.

(B) Agreement prescribed in Article 10-11, paragraph (2) of the Act

Forests subject to the agreement prescribed in Article 10-11, paragraph (2) of the Act (Hereinafter referred to as "Paragraph 2 Agreement") are forest areas for management by public interest function that are the subject to the Regional Forest Plan, with no particular restrictions on having a contiguous mass.

(2) Those who conclude the agreement

"Forest owners, etc." are "forest owners or those who use or profit from standing trees and bamboo in forests under their titles" as stipulated in Article 10-7 of the Act.

In addition, the term "forest land owner" refers to a person who simply owns forest land other than a forest owner. The purpose of designating such a person as the person who concludes the agreement is to ensure that the establishment, maintenance, and working road networks and other facilities are properly implemented.

A "corporation engaging in specified non-profit activities, etc." means any of the following entities established for the purpose of forest development and conservation. In this case, it is sufficient that the term "established for the purpose of forest development and conservation" is stated in the purpose in the articles of incorporation of a specified non-profit organization.

- (A) Corporations engaging in specified non-profit activities prescribed in Article 2, Paragraph 2 of the Act on Promotion of Specified Non-profit Activities (Act No. 7 of 1998)
- (B) General incorporated associations, General incorporated foundations
- (C) Not-for-profit juridical person other than (A) and (B)
- (D) An Organization is not a not-for-profit juridical person and meets the criteria (as set forth in the announcement of the Ministry of Agriculture, Forestry and Fisheries No. 885 of April 1, 2004), which includes that it does not unduly restrict the qualifications of its members, entry, and withdrawal, that it has a constitution which meets the requirements such as the clarified procedures for appointing a representative, and that it has continuity in its activities.

3 Matters to be concluded in an agreement

When agreeing, guidance shall be provided to give due consideration to the following matters listed for each of the matters to be concluded in the agreement:

- (1) The "forest area subject to the Management Practices Implementation Agreement" set forth in Article 10-11, paragraph (3), item (1) of the Act shall be an area where management practices are jointly implemented, or where corporations engaging in specified non-profit activities, etc. implement management practices, and an area where working road networks and other facilities necessary for the implementation of said management practices are established, maintained, and operated. The area shall be clearly defined by districts, parcel numbers, compartments, and subcompartments, and shall not exceed the scope of the Municipal.

In addition, regarding the maintenance and operation of the working road network and other facilities, their positions shall be clearly indicated, especially with maps.

- (2) Concerning the matters related to the implementation of forest practices prescribed in Article 10-11, paragraph (3), item (2) of the Act:
 - (A) Forest practices shall include afforestation, tending, and harvesting trees, and their types shall not be limited. However, in principle, they shall be categorized into afforestation, tending, and harvesting trees. In addition, afforestation, tending, and harvesting trees shall be subdivided into planting and natural regeneration, vine harvesting and cleaning cutting, and regeneration harvesting and thinning, respectively.
 - (B) The method to implement forest practices shall be the form of collaborative forest practices (divided or mutual provision of labor, Joint trust to forestry organizations, etc.) in the case of the agreement prescribed in Article 10-11, paragraph(1) of the Act (hereinafter referred to as "Paragraph 1 Agreement"), and the form of management practices conducted by corporations engaging in specified non-profit activities (including method of skill guidance by an expert, and composition of business executives) in the case of the Paragraph 2 Agreement.

- (C) The period during which the forest practices are implemented shall be shown by month and year for each forest practice category referred to in (A).
 - (D) "Other matters" shall indicate the area and tree species for each subdivision of the management practices in (A).
- (3) Regarding "establishment, maintenance, and operation of working road network and other facilities" prescribed in Article 10-11, paragraph (3), item (3) of the Act:
- (A) The working road network shall be the work road network set forth in Section 1,1,(8). Other facilities shall include log landing and work areas, which are necessary for the implementation of forest practices.
 - (B) The working road network and other facilities shall be required for the implementation of forest practices.
 - (C) "Maintenance and operation" refers to the matters necessary to keep the facilities of the working road network in a usable condition, and the contents and methods of maintenance and operation such as repair, graveling, mowing, patrols, and others, and the method of sharing expenses required for maintenance and operation shall be stipulated as necessary.
- (4) Regarding the "effective period of the agreement" set forth in Article 10-11 paragraph (2) item (4) of the Act,
- (A) The effective period shall not exceed 10 years (Article 10-11 paragraph (5) of the Act), but such period shall not be too short to ensure the stable joint implementation of forest practices.
 - (B) It is acceptable to stipulate automatic updates in the content of the agreement; however, if the agreement is expected to exceed 10 years as a result, an application for approval of the agreement must be submitted at the time.
 - (C) An agreement that does not stipulate an effective period of the agreement shall not be subject to approval.
- (5) The "measures to be taken in case of violation of the Management Practices Implementation Agreement" set forth in Article 10-11, paragraph (2), item (5) of the Act shall specify the following matters, for example, within a reasonable scope that does not excessively restrict the private rights of the person who has violated the agreement.
- (A) Matters concerning payment of penalties
 - (B) Matters concerning injunction on violations
 - (C) Matters concerning recovery of the original state

4 Application procedures for approval of the agreement

Regarding application procedures for approval of the agreement, guidance shall be provided to give due consideration to the following matters:

- (1) The application procedure for approval of the agreement shall be carried out in the joint names of all parties who have concluded the agreement, including forest owners, etc., forest land owners, and corporations engaging in specified non-profit activities, etc. (hereinafter referred to as "agreement participants"), or if a representative has been

appointed, the name of the representative. The documents specified in Article 24 of the Ordinance for Enforcement of the Forest Act shall be attached to the written application.

- (2) "Interested persons" prescribed in Article 10-11-3, paragraph (1) of the Act shall include national administrative organs, prefectural governors, and municipal heads who have an interest in the content of the agreement.
- (3) When a written opinion has been submitted by an interested person pursuant to the provisions of Article 10-11-3, paragraph (1) of the Act, the head of the Municipal shall investigate the facts, etc. related to the content of the written opinion, and if it is found to be appropriate, notify the forest owner, etc. who applied for approval of the content of the written opinion, and request the forest owner, etc. to reconsider the content of the agreement if necessary.

5 Approval criteria of the agreement

Approval of the agreement shall be carefully examined by taking into consideration the content and validity of the written opinion pursuant to the provisions of Article 10-11-3, paragraph (2) of the Act. The appropriateness of the agreement for which an application for approval has been filed shall be determined by inspecting whether or not it meets all of the approval criteria listed in items of Article 10-11-4, paragraph (1) of the Act. The specific decision shall be made by judging the following matters, etc.

- (1) Article 10-11-4, paragraph (1) item (1) of the Act
 - (A) Mutual consent shall be properly obtained from all participants in the agreement.
 - (B) The target forest area of the agreement shall be established within the forest subject to the Regional Forest in the case of a Paragraph 1 Agreement, and it shall be deemed appropriate to develop said forest as a whole. It shall be established within the forest area for management by public interest function covered by the Regional Forest Plan in the case of a Paragraph 2 Agreement.
- (2) Article 10-11-4, paragraph (1) item (2) of the Act
The facilities related to the agreement (such as log landing and dumping sites for soil) shall not be established in the existing facilities, such as work roads and their surroundings, and their utilization shall not be unduly restricted.
- (3) Article 10-11-4, paragraph (1) item (3) of the Act
 - (A) In the case of the Paragraph 1 Agreement, the "joint implementation of forest practices" stipulated in the agreement shall contribute to "the promotion of collaborative forest practices provided for in the Municipal Forest Plan.
 - (B) In the case of the Paragraph 2 Agreement, the corporation engaging in specified non-profit activities that conducts the management practices shall conform to the following standards, and the implementation of management practices by the corporation shall contribute to the "development of the forest area for management by public interest function" stipulated in the Municipal Forest Plan:
 - (a) The corporation is to have technical specialists related to forest practices, or otherwise to have the technical basis to be able to properly and reliably implement the content of the agreement, such as receiving constant technical guidance from forest owners' cooperative association.

- (b) The corporation is to achieve sufficient results and have sufficient personnel and financial resources to properly and reliably implement the contents of the agreement.

6 Change of the agreement

The application procedures and approval standards to modify agreements shall be applied under the provisions of 4 and 5.

7 Effect of approval of the agreement

If the forest owners, etc., of the forest land subject to the agreement change, those who newly become the forest owners, etc., or the owner of the forest land shall also be obliged to comply with the matters specified in the agreement under the provisions of Article 10-11-6 of the Act.

As described above, the effect of the agreement is extended to those who become the forest owners, etc., or the owner of the forest land of the relevant forest after concluding the agreement through transferring the forest. Therefore, when guiding and extending the agreement, attention shall be paid to gain sufficient understanding of the purposes and contents of the agreement, not only from the forest owner, etc., but also from a wide range of people concerned with the forest and forestry.

8 Abrogation of the agreement

- (1) Under the provisions of Article 10-11-7 of the Act, abrogation of the agreement shall require the agreement of a majority of the agreement participants. This is because the foundation for continuing the agreement, in which a majority of the parties do not want to continue, is considered to have been lost.
- (2) The "majority" set forth in Article 10-11-7 of the Act means the majority of forest owners, etc., forest land owners, and corporations engaging in specified non-profit activities, etc. subject to the agreement at the time of applying for authorization to abolish the agreement. If the same person holds the rights to multiple forests, the majority is to be calculated as one person.
- (3) When approving the abrogation of the agreement, inspection shall be fully examined to determine whether the reasons for applying for permission for the abrogation of the agreement are adequate and whether the procedures for the abrogation are appropriate.

9 Rescission of approval of the agreement

- (1) Under the provisions of Article 10-11-8 of the Act, if the content of the agreement is found not to satisfy the requirements listed in each item of Article 10-11-4, paragraph (1) of the Act, the head of the Municipal is to rescind the approval of the agreement. Specifically, the following cases are applicable:
 - (A) Cases where, after the approval, a defect has been found in the formation of mutual consent among all agreement participants
 - (B) Cases where the implementation of forest practices or the establishment of facilities under the agreement has become impossible because the current state of the forest subject to the agreement has become significantly different from that at the time of conclusion of the agreement, due to disasters, etc.
 - (C) Cases where the purpose of the agreement has not been achieved even after the effective period of the agreement has passed considerably, and it is not expected to be achieved in the future

- (2) When the head of the Municipal rescinds the approval of an agreement, the head is to clearly indicate to the agreement participants the reason for the rescission of approval of the agreement.
- (3) In cases where the head of a Municipal has rescinded the approval of the agreement, the head is to notify the relevant agreement participants or their representatives to that effect and take measures such as promptly removing the notice indicating that the forest is subject to the agreement under Article 10-11-4, paragraph (2) of the Act.

10 Guidance and extension of the agreement system

Guidance and extension of the agreement system are to be conducted in light of the purpose of the agreement system, with due consideration given to the following matters:

- (1) Agreements are to be concluded based on voluntary discussions among forest owners, forest land owners, and corporations engaging in specified non-profit activities, etc.

In doing so, in the case of the Paragraph 1 Agreement, due attention shall be paid to the joint management practices regulation system prescribed in Article 25-2 of the Forest Owners' Cooperative Associations Act.

- (2) It is desirable that the contents of the agreement are in line with the actual conditions of the region and reflect the originality and ingenuity of the forest owners, etc. Also, the content should not be uniform.
- (3) Due consideration shall be given so that the rights and freedoms of individuals will not be unduly restricted as a result of concluding the agreement.

Section 4 Guidance promotion system

- (1) The head of a Municipal shall develop an operation system for the Municipal Forest Plan, and shall extend, provide advice, and give guidance necessary for the promotion of the plan in close cooperation with relevant administrative organs such as the prefectural government and forest management bureaus, and forestry related organizations, while obtaining technical assistance from forest general supervisors as necessary.
- (2) To contribute to the smooth operation of the Municipal Forest planning system, prefectural governors are to endeavor to provide technical assistance, guidance, and other necessary cooperation by utilizing forestry extension programs mainly by forest general supervisors, etc., in cooperation with the Director General of the Forest Management Bureau, in response to a request for cooperation from municipalities under Article 10-12 of the Act.
- (3) When implementing the Municipal Forest Plan, the head of a Municipal is to utilize the 2nd Council for the Revitalization of Watershed Forests and Forestry under "Promotion of watershed-based Forest Management System," promote the development of various conditions for forest management on a basin-by-basin basis, and endeavor to ensure the effectiveness of the Municipal Forest Plan.

Section 5 Measures to achieve the plan

The promotion of the Municipal Forest Plan is to be carried out by giving appropriate advice and guidance to forest owners, etc., providing information necessary for the entrustment or trust of forest management, and facilitating the appropriate operations including the notification of new ownership of forest land, the notification of harvesting and afforestation after harvesting, the report of forest conditions related to harvesting and afforestation after harvesting, the

recommendations on forest practices, Forest Management Plan System, forest management system, etc. Also, based on the content of the Municipal Forest Plan, various forest and forestry measures, such as the effective implementation of subsidized projects, including forest management projects that facilitate afforestation, thinning, management of forest roads, and independent local projects, are to be promoted comprehensively and systematically.