

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಚೇರಿOffice of
Principal Chief Conservator of
Forests
(Head of Forest Force)ಅರಣ್ಯ ಭವನ, 18 ನೇ ಅಡ್ಡ ರಸ್ತೆ
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Old File No. A5(2) K/GFL.CR-02/2018-19

E-72712

E-office File No. KFD/HOFF/A52K(GFL)/18/2019-FC

Date 02-09-2021

Encl.

To,

The Additional Chief Secretary to Government
Forest, Ecology and Environment Department
M.S. Building, Bengaluru – 560 001

Sir,

Sub: Re-diversion of 2.469 hectare in Hattikere village F.Sy No. 10A1A1A, Belekeri Hobli, Ankola Taluk, Uttar Kannada District (Karwar Forest Division) for establishing Toll Plaza with amenities (shifting from existing location at CH. 117+900 to CH. 131+200) in Goa- Karnataka Border-Kundapur Section of NH-66 from Project Sea Bird [Primary User Agency] in favour of Project Director, National Highway Authority of India (NHAI), Project Implementation Unit (PIU), Mangaluru [Secondary User Agency]
Proposal No. FP/KA/ROAD/33150/2018 [FORM-A]

- Ref:**
1. This office letter of even number dated 19-03-2020 [Stage-I proposal] and 06-11-2020 [communication of GOI EDS Query]
 2. Government of Karnataka letter No. FEE 41 FLL 2020 (e) dated 05-06-2020 [Stage-I proposal] and 28-09-2020 [online communication dated 04-09-2020 of the GOI EDS query]
 3. Government of India, Ministry of Environment, Forests & Climate Change, Regional Office (Southern Zone), Bengaluru letter F.No. F(C)A/11.1/17/KAR/525 dated 04-09-2020 [EDS query]
 4. Project Director, National Highway Authority of India (NHAI), Project Implementation Unit (PIU), Mangaluru letter No. 12014/1/2011/PIU (Mnglr)/1153 dated 12-01-2021 [online reply dated 12-01-2021 to GOI EDS Query]
 5. Deputy Conservator of Forests, Karwar Division letter No. B4/GFL/FCA/SR-11/2011-12 dated 21-05-2021 [online reply dated 25-05-2021 to GOI EDS Query]
 6. Chief Conservator of Forests, Kanara Circle letter No. B2/GFL/Nh-66/CR-14/2019-20 dated 07-06-2021 [online reply dated

09-06-2021 to GOI EDS Query]

With reference to the above proposal seeking Stage-I approval submitted by this office letter dated 19-03-2020 vide Ref (1) and by the Government of Karnataka letter dated 05-06-2020 vide Ref (2), the Government of India vide Ref (3) had raised the EDS Query seeking certain additional information. The same was communicated by the Government of Karnataka letter dated 28-09-2020 vide Ref (2) to this office. Accordingly, this office letter dated 06-11-2020 vide Ref (1) has forwarded the same to the field officers and further to User Agency.

In response, the User Agency vide Ref (4) has submitted the information sought by the Government of India, that has been forwarded to this office through FC web portal by the field officers vide Ref (5) & (6).

Based on the reply furnished by the User Agency and the information available in the proposal, the following reply is submitted to the query raised by Government of India.

Government of India Query dated 04-09-2020	Reply
1 The State Government should clarify whether the proposed area for diversion is 2.469 ha or 1.449 ha.	The proposed forest area for re-diversion is 2.469 Ha.
2 The State Government may submit the complete KML file of the proposed area for diversion	The KML file of the proposed area of diversion is attached in Form-A C(ii)(a).
3 The State Government may submit the complete KML file where CA has been raised over 426.20 ha of forest land in shimoga, yellapur and Karwar Forest Divisions and 55.50 ha of non-forest land in Shimoga Division with respect to earlier diversion.	CD containing KML file is attached.
4 As reported by DCF, violation has been taken place, in this regard the State Government is requested to kindly provide the action	The construction of toll plaza was carried out as per the working permission issued by the National Highway Authority of India and Project Seabird authority. The forest area was earlier diverted to Project Seabird.

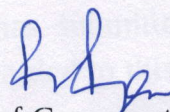
	report, if any.	<p>During construction, field officers informed that, the proposed area of 2.469 ha. of forest land is diverted to Project Seabird. By the time inadvertently the construction was started. The mistake was not intentional and it was taken up as per the alignment. Due to the unavailability of non-forest land or private land, the work has started in the diverted forest area in favour of Project Seabird. Hence, the Forest Department informed the National Highway Authority of India to submit a re-diversion proposal in Parivesh Web Portal.</p>
5	The State Government shall provide the copy of the lease transfer from Ministry of Defence to NHAI.	The MOU between Ministry of Defence (<i>Primary User Agency</i>) and National Highway Authority of India (<i>Secondary User Agency</i>) dated 10-11-2017 is enclosed.
6	Since the proposed proposal is a part of 2259 Ha of forest land diverted earlier, the State Government is requested to kindly provide a complete compliance report of the same.	The compliance report submitted by Project Seabird is enclosed.
7	The proper chronology of events for consideration of the proposal for re-diversion under Section (2) of the Forest (Conservation) Act, 1980.	Attached as Annexure-I
8	In order to bring clarity and better perspective to the issue details regarding date of diversion / re-division, details of Stage-I and Stage-II approval letters, extent of diversion of violation, violation attribute to action initiated etc., shall be	Attached as Annexure-II

provided in a table as well as in a chronological order.	
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It is requested to forward the above information to the Government of India in response to the EDS query dated 04-05-2020 for further needful.

Above information is also being uploaded online.

Yours Faithfully



Principal Chief Conservator of Forests
(Forest Conservation) and Nodal Officer (FCA)

Copy to the:

1. Chief Conservator of Forests, Kanara Circle Sirsi for information.
2. Deputy Conservator of Forests, Karwar Division for information.
3. Project Director, National Highway Authority of India (NHAI), Project Implementation Unit (PIU), Door No.3-29, 'Bethel', Tharethota, Near Pump Well, NH-66, Mangaluru for information

Annexure-I

Year	User Agency	Stage-I No.& date	Stage-II No.& date	Land diverted extent (in ha.)	Remarks
1986	Project Seabird	-	GOI No.8-472/ 83-FRY (CONS) dated: 31-10-1986 GOK No. FFD 47 FGL 84 Bangalore dated: 4-12-1986	2259.00	
2014	NHAI	F.No.8-878-2013-FC dated: 6-5-2014	F.No. 4-KRA 973/2013-BAN/1660 dated: 6-3-2020 GOK No. FEE 67 FLL 2013 Bangalore dated: 17-6-2020	163.283	Stage-I = 159.80 ha. Stage-II= 163.283 ha. (Including mangrove 3.483 ha.)
2020	NHAI	F.No.4-KRA 973/2013BAN/ 698 dated: 7-10-2020	-	0.051	Re-diversion
2020	NHAI			28.218	Proposal pending at Regional Office.
2021	NHAI			2.469	Proposal is under progress.

Annexure-II

Date of Diversion	06-05-2014
Date of Re-diversion	06-05-2014 (6.68 ha.)
Details of stage-I Approval	GOI No: F.No.8-78/ 2013-FC dated: 06-05-2014 PCCF (HOFF) Bangalore's circular No: A5(2)/GFL/CR-52/2014-15 dated:22-09-2014
Details of Stage-II Approval	GOI No: F.No.4-KRA-973/2013-BAN/1660 dated:06-03-2020 GOK No: FEE:67: FLL: 2013 Bangalore dated:17-06-2020
Extent of Diversion (in ha.)	89.95 Ha Karwar division (Total 159.80 Ha)
Extent of Re-diversion (in ha.)	6.68 ha.
Approving Authority	Ministry of Environment, Forest & Climate Change.
Name of User Agency	Project Director, National Highway Authority of India, Project Implementation, Mangalore.
Extent of violation (in ha.)	2.469 ha.
Violation attributable to action	The forest area was diverted to Project Seabird which was intern used for construction of Toll Plaza. It was within the Project Seabird area; forest officials could not identify the violation. Later National Highway Authority of India was informed to submit a re-diversion proposal to Ministry of Environment, Forest and Climate Change, Government of India.
Action initiated	As the User Agency had applied for re-diversion proposal to Ministry of Environment, Forest and Climate Change, the use of forest land prevailing diverted to Project Seabird was not intentional and they used the land as per the MOU between Project Seabird and National Highway Authority of India. Hence, Forest Department directed the National Highway Authority of India to move the re-diversion proposal.