



Karnataka Forest Department

No: B2/GFL/CR-324/1983-84

Office of the
Chief Conservator of Forests,
Kanara Circle,
Sirsi, dated: 28-06-2023.

To,

The Principal Chief Conservator of Forests,
(Forest Conservation)
Aranya Bhavan, Malleshwaram 18th cross,
Bangalore-560003

Sir,

SUB: Re-diversion of 2.469 ha. Forest land in Hattikeri Village Sy. No:10/A1A1A Belekeri Hobali, Ankola Taluk Uttar Kannada District, Karwar Division for establishing Toll plaza with amenities (shifting from existing location at CH.117+900 to CH.131+200) in Goa-Karnataka Border and Kundapur Section of NH-66 Project Seabird (Primary User Agency) in favour of Project Director, National Highways Authority of India (NHAI) project Implementation Unit (PIU), Mangalore (Secondary User Agency)-reg.

- REF:1) Govt. of India letter No: F.No. 4 KRB 1249/2020-BAN/780 dated:07-10-2022 and 4 KRB 1249/2020-BAN/267 dated:02-05-2023
- 2) Principal Chief Conservator of Forests, (Forest Conservation) & Nodal Officer,(FCA) Bangalore's letter No:KFD/HOFF/A52K (GFL) /18/2019-FC, E-72712 dated:21-04-2022, 26-12-2022 and 08-05-2023
- 3) Deputy Director General, (PI), Project Seabird, Karwar's letter No: SB/K/NH-66/Toll Plaza dated: 17-05-2023
- 4) Letter No.B4/GFL/FCA/SR-11/2011-12, dt:13-06-2023 of Deputy Conservator of Forests, Karwar Division, Karwar
- 5) This office letter Dated:14-03-2023.

With reference to above, this office has submitted the name of the official involved in violation of Forest Conservation Act, 1980 and constructed Toll Plaza in Seabird leased forest area as per reported by Project Director, National Highways Authority of India, PIU, Mangalore vide this office letter dated: 14-03-2023 cited at reference (5).

But the Ministry of Environment, Forest and Climate Change, Bangalore is informed vide letter cited at reference (1), that the information furnished is incomplete. Accordingly Deputy Conservator of Forests, Karwar Division has sought the name of the official involved in the violation of 2.469 ha. of forest Land which was diverted forest land to Deputy Director General, (PI), Project Seabird, Karwar violating Forest Conservation Act, 1980.

In this regard, the Deputy Director General, (PI), Project Seabird, Karwar has submitted report on the issue of re-diversion of 2.469 Ha. of forest land at Hattikeri village F.Sy. 10/A1A1A1 to NHAI for construction of Toll Plaza vide cited at reference (4).

As per DDG (PI), Project Seabird, Karwar,

"The information received from DCF, Karwar vide letter para 1(a) ~~ibid~~ wrt violation of 1980 on re-diversion of 2.469 ha forest land to NHAI and the submission of the information sought by GoI/MoEF & CC vide letter F no. 4-KRB 1249/2020 BAN 780 dated 7 October 2022 does not suffice to understand the matter since action taken report on the violation was submitted by the state government, which was not addressed to DC office and the case for re-diversion of forest land being proceed by NHAI. However not with standing the above, background of re-diversion of 9.136 ha forest land to NHAI is elaborated in succeeding paragraph.

The requirement of land transferred/ re-diversion had emerged due to expansion of NH66 and a stretch of road passing through the core area of Naval base, Karwar. HQ Project Seabird had issued a conveying order to constitute a Board of Officers for Transfer of land under position of project sea bird to NHAI and vice-versa on 29 Jan 13 as NHAI had proposed for expansion of Nh-66 from two lane to four lane. Accordingly, Board of Officers ascertained the Naval land ND Forest land to be re-diverted for expansion of NH66 four lane project and as per the proceedings of Board 6.6761 ha of forest land was envisaged to be re-diverted to NHAI from Forest land leased to project sea bird/ Indian Navy by GoK vide order No. FFD47 FGL84 Bengaluru Dated: 4 Dec 1968 further, considering the strategic importance of Naval basis and after extensive deliberation between project seabird and NHAI, the toll plaza was determined to shift from chendiya to Hattikeri village. Accordingly another board of officers was constituted for ascertaining the requirement of land re-diversion/ transferred to NHAI on 21 April 14. Further, Board of officers had determined and recommended that an area of 2.46 ha forest land would required to NHAI in addition to 6.676 ha. Forest land for establishment of toll plaza at Hattikeri village. The copies of Board proceedings is enclosed for reference. Further, the case for re-diversion of total 9.136 ha forest land and transfer of Naval land was taken up with competent authority for obtaining sanction for transfer of land.

GoI/MoD(N) vide letter No. SB/8(I)/1051/PC/320/D(N-III) dated 28 October 14 had given sanction for working permission to NHAI for widening of NH66 at Karwar. As per the Sanction order at para 1(b) an area of 9.136 ha of forest land leased with MoD to be transferred to NHAI without any financial effect and NHAI shall take up cases with forest department to obtain statutory approval for re-diversion of forest land.

On enquiry of Forest Clearance during formulation of MoU between Project seabird and MoD(N) and NHAI in 2017, it was intimated by NHAI that MoEF and CC has recorded in-principle approval of 6.68 ha of area for re-diversion. Further, HQ Project seabird vide letter para 1(e) had

ed CGM/NHAI to take up with forest department of GoK for re-diversion of 2.46 ha land on perpetual lease with navy to NHAI and matter was persistently followed up with NHAI sinking status of approval. Further, NHAI has intimated that MoEF and CC vide letter F(C)/11 1/17/KAR/525 dated 4 sep 20 has sought compliance report wrt 2259 ha of forest land diverted to MoD/ Project seabird since 2.469 ha also part of 2259 ha. Further, Compliance report of 2259 ha forest land leased to navy has been submitted to DCF Karwar on 27 Nov 20 for onwards submission to MoEF & CC. Further, this office had taken up case with forest department for deduction of area of Forest land from the account of Project Seabird/ MoD(N) which has already re-diverted to KRCL and NHAI vide letter SB/K/Land/Forest dated 04 Aug 21.

To summarize, as per the GoI Order on working permission and MoU established between MoD(N) and NHAI, seeing of all statutory permission required for re-diversion of forest land rests with NHAI and the requirement of extent of forest land was know in 2014. Project seabird has permitted to utilize defense land as well as forest land complying with the instruction of GoI Order issued on 28 oct 2014 and as per the MoU. Hence it is deemed inappropriate to allege violation of F(C) act 1980 by project sea bird since all legal procedure/ directive have been proactively followed for re-diversion of forest land with NHAI and Keeping forest department under intimation".

The copy of the same is enclosed herewith for information and needful action.

Again it is submitted that, the 9.20 ha of forest land which was diverted to project seabird was re-diverted to NHAI for four laning of National highway-66. The MoU was signed by officials of NHAI and project seabird on 10.11.2017. In the present case the toll plaza was constructed in part of forest land which was earlier diverted to Project seabird. Inadvertently the NHAI concessioner started construction of toll plaza thinking that this was part of 9.20 ha forest land re-diverted from seabird to NHAI. When Forest Department informed the excess use of land by NHAI, then immediately NHAI submitted a re-diversion proposal for 2.469 ha on 27.04.2018. Then the nodal officer (FC) admitted the proposal and submitted to MoEF & CC, Government of India for diversion of forest land.

Here, there is no intentional violation on part of NHAI/Project seabird. The secondary User Agency is pursuing the proposal since 27.04.2018. for re-diversion of forest land.

This is for your kind perusal and further needful action.

Yours faithfully,

Wedy
o/c Conservator of Forests, 28.06.23
Kanara Circle, Sirsi.

Copy submitted to Deputy Conservator of Forests, Karwar Division Karwar for kind information.

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