

ಕರ್ನಾಟಕ ಸರ್ಕಾರ
GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಚೇರಿ
Office of
Principal Chief Conservator of Forests
(Head of Forest Force)



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡ ರಸ್ತೆ,
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560003
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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 18-08-2022

Encl: 4 pages

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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 21-04-2022 [*communication of GOI EDS Query*]
 2. Government of Karnataka letter No. FEE 41 FLL 2020 (e) dated 05-06-2020 [*Stage-I proposal*] and 19-04-2022 [*communication dated 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/1613 dated 21-03-2022 [*EDS query*]
 4. The Project Director, NHAI, Mangaluru letter No. 12014/1/2011/PIU (Mnglr)/207 dated 27-06-2022 [*reply to GOI EDS Query*]
 5. Deputy Conservator of Forests, Karwar Division letter No. B4/GFL/FCA/SR-11/2011-12 dated 20-07-2022 [*reply to GOI EDS Query*]
 6. Conservator of Forests, Kanara Circle letter No. B2/GFL/CR-324/1983-84 dated 26-07-2022 [*reply to GOI EDS Query*]

With reference to the above proposal seeking Stage-I approval submitted by this office letter, the Government of India vide Ref (3) has raised an EDS Query seeking certain additional information. The same has been communicated by the Government of Karnataka vide Ref (2) letter dated 19-04-2022 to this office. Accordingly, this office letter dated 21-04-2022 vide Ref (1) has forwarded the same to the field officers and further to User Agency.

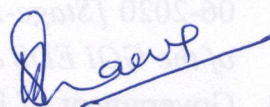
In response, the User Agency vide Ref (4) has submitted the information sought by the Government of India, that has been forwarded to this office through FC web portal by the field officers vide Ref (5) & (6)

Based on the reply furnished by the field officers, the following reply is submitted to the query raised by Government of India.

Government of India Query dated 21-03-2022	Reply
The work has been undertaken without prior approval under F(C) Act, 1980. In may clarified that under what circumstances the said work has been carried out without approval under F(C) Act, 1980.	<p>The User Agency vide Ref (4) letter (Copy enclosed) has stated that, the construction of toll plaza was carried out as per the working permission issued by Project Seabird Authority in the forest area which was earlier diverted to Project Seabird.</p> <p>During construction of toll plaza, field officers of forest department informed that the said 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.</p>

It is requested to forward the above information to the Government of India in response to the EDS query for further needful.

Yours Faithfully



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

Copy to the:

1. 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 – 575002 for information



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन एवं राजमार्ग मंत्रालय, भारत सरकार)

National Highways Authority of India

(Ministry of Road Transport & Highways, Government of India)

परियोजना कार्यान्वयन इकाई - मंगलूर Project Implementation Unit - Mangalore

संयोजक जयंत

डोर नं. 3-29, बेथेल, थारेथोटा, पंपवेल के पास (NH-66), मंगलूर - 575002

Door No. 3-29, Bethel, Tharethota, Near Pumpwell (NH 66) Mangalore - 575002



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No.12014/1/2011/PIU (Mnglr)/207

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08.06.2022

Proposal No. : FP/KA/ROAD/33150/2018

To,
The Deputy Conservator of Forests,
Karwar Division
Karwar
Uttara Kannada Dist

Sub: 4/6 laning of Goa Karnataka Border - Kundapur Section of NH-66 (formerly NH-17) (Km. 93.700 to Km. 283.300) (NHAI/DBFOII/DPR/01) to be executed as BOT (Toll) Project on DBFO Pattern under NHDP- **Diversion of 2.469 ha of forest land in Sy.No.10/A1 of Hattikere Village, Ankola Taluk U.K District, Karwar Division - reg.**

- Ref: 1) Your office letter no B4/GFL/FCA/SR-11/2011-12 dated 06.05.2022
2) PCCF(FC)/ Nodal Officer letter no. KDF/HOFF/ A52K(GFL) /18 /2019-FC dated 21.04.2022.
3) ACS, FE&E dept. letter no APG 41 FLL 2020(E) dated 19.04.2022.
4) MoEF&CC letter no F.No.F(C) A/11.1/17/KAR/1613 dated 21.03.2022.
5) ACS, FE&E dept. letter no APG 41 FLL 2020(E) dated 18.09.2021.
6) PCCF(FC)/ Nodal Officer letter no. KDF/HOFF/ A52K(GFL) /18 /2019-FC dated 02.09.2021.
7) CCF, Canara Circle Sirsi letter no B2/GFL/NH-66/CR-14/2019-20/570 dated 09.06.2021.
8) DCF, Karwar letter no B4/GFL/FCA/SR-11/2011-12 dated 21.05.2021.
9) This office letter no 12014/2014/1/2011/PIU(Mnglr) 1153 dated 12.01.2021.
10) DCF, Karwar letter no B4/GFL/FCA/SR-11/2011-12 dated 05.10.2020.
11) PCCF(FC)/ Nodal Officer letter no. KDF/HOFF/ A52K(GFL) /18 /2019-FC dated 06.11.2020.
12) ACS, FE&E dept. letter no APG 41 FLL 2020(E) dated 30.09.2020.
13) MoEF&CC letter no F.No.F(C) A/11.1/17/KAR/525 dated 04.10.2020.

Sir,

This has reference with your letter cited (1) vide which forwarded the observations/essential details sought by MoEF & CC which are as under

- NHAI has not provided the proper justification for carrying out the work without approval under Forest (Conservation) Act, 1980. As per the working permission issued by the Ministry of Defense vide its letter dated 28.10.2014 and MoU signed between and Project Sea Bird and NHAI on 10.11.2017, NHAI has to take up the case with Forest Department for transfer of forest land. However, the work has been undertaken without prior approval under F(C) Act, 1980.
- In view of the above, it may be clarified that under what circumstances the said work has been carried out without approval under F(C) Act, 1980. The action taken by the State Forest Department against the NHAI officials for illegal construction of toll plaza in forest land may also be furnished for further consideration of the proposal.

2. In this regard following facts in brief are brought out:

- NHAI initially initiated the proposal for diversion of forest land for 4 Laning project of Goa Karnataka Border to Kundapur section of NH66 and accordingly obtained Stage I clearance for 159.80 Ha (Including 6.68 ha of area which falls in Sea bird naval base project) on 06th May 2014. Further diversion applied for additional land of 3.483 Ha and obtained combined Stage I approval [159.80 ha (Including 6.68 ha of area which falls in Sea bird naval base project) + 3.463 ha] on 9th October 2015.
- Meanwhile the total 9.136 Ha of forest land is transferred from Ministry of defense to NHAI on 28th October 2014, stating Grant of working permission regarding transfer of defense land to NHAI for four laning project of Goa Karnataka Border to Kundapur section of NH66. By the time of obtaining Stage I clearance for 159.80 Ha only 6.68 ha of area has been included/considered out of 9.136 Ha transferred from MoD and excluded 2.469 Ha which falls in Sea Bird naval base project) on 06th May 2014. Stage II clearance obtained on 06.03.2020.
- However, while submitting diversion of 159.80 Ha proposal, re-diversion of 6.680 Ha forest land diverted to navy was included. 2.469 Ha of forest land was not considered for re-diversion and which was noticed later.
- In this connection, please refer to above letters cited under reference wherein submitted the clarification regarding work carried out without approval (re-diversion of 2.469 ha) under F(C)A, 1980 by NHAI, DCF Karwar, CCF Canara Circle Sirsi and PCCF (FC)/Nodal Officer. The same are retroverted below:

SI No.	MoEF observation	Compliance submitted by	Compliance submitted
1	As reported by DCF Karwar violation has been taken place, in this regard the State Government has requested to kindly provide the action taken, if any	NHAI (User Agency)	<p>The construction of toll plaza was carried out as per the working permission issued by Project Seabird Authority the National Highway Authority of India and. The forest area was earlier diverted to Project Seabird.</p> <p>During construction, forest field officials, informed that, this was 2.469 ha. of forest land 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 non-identification of forest land, private land and Project Seabird area the construction work was started.</p> <p>Hence, as per the direction of forest officers the re-diversion proposal is submitted for getting approval.</p>

Sl No.	MoEF observation	Compliance submitted by	Compliance submitted
2		DCF, Karwar	<p>The construction of Toll Plaza was carried out as per the permission issued by NHAI and Project Sea Bird Authority. The forest area was earlier diverted to Project Seabird.</p> <p>During construction, forest field officials, informed that, this was 2.469 ha. of forest land 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 non-identification of forest land, private land and Project Seabird area the construction work was started. Hence, as per the direction of forest officers the re-diversion proposal is submitted for getting approval.</p>
3		CCF Canara Circle Sirsi	<p>The construction of Toll Plaza was carried out as per the permission issued by NHAI and Project Sea Bird Authority. The forest area was earlier diverted to Project Seabird.</p> <p>During construction, forest field officials, informed that, this was 2.469 ha. of forest land 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 non-identification of forest land, private land and Project Seabird area the construction work was started. Hence, Forest Department informed NHAI to submit a re-diversion proposal to Ministry of Environment, Forest and Climate Change.</p>
4		PCCF (FC)/Nodal Officer	<p>The construction of Toll Plaza was carried out as per the working permission issued by NHAI and Project Sea Bird Authority. The forest area was earlier diverted to Project Seabird.</p> <p>During construction, forest field officials, informed that, this was 2.469 ha. of forest land 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 the non-forest land or private land, the work was started in the diverted forest area in favour of Project Seabird. Hence, the Forest Department informed NHAI to submit a re-diversion proposal in Parivesh Web Portal.</p>

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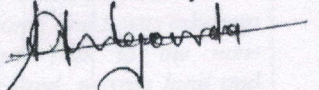
SI No.	MoEF observation	Compliance submitted by	Compliance submitted
5		Additional Chief Secretary to Government Forest, Ecology and Environment Department	Forwarded the above mentioned compliance to MoEF & CCF vide letter dated 18.09.2021

- Further it is to submit that the toll plaza is a part of 4 Laning of Goa Karnataka Border to Kundapur section of NH66 project has been constructed considering the national interest being Project Sea bird (Navy) granted working permission for construction of toll plaza at chainage 131+200.

3. In view of above facts, it is requested once again to consider the above clarification in the larger interest of public and forward the same along with your recommendation to MoEF & CC for according Stage I approval under F(C) A 1980 for balance extent of 2.469 ha.

Thanking you,

Yours faithfully



H.S. Lingegowda
DGM(T)& Project Director

- Copy to: 1) Regional Officer, MoEF & CC, Integrated Regional office (South Zone Bangalore) - For information please
 2) The PCCF (FC) and Nodal officer FCA Arayana Bhavan Bangalore- For information please
 3) The CCF, Canara Circle, Sirsi, - For information please
 4) Regional Officer, NHAI, Bengaluru - for information please
 5) The Project Manager, M/s. IRBWTP, Kumta - for information and n/a
 6) The, M/s. Theme Engineering Services Pvt Ltd. Bhatkal - for information