

## Examination of the implementations of taking out of forest boundaries in Istanbul in terms of forestry policy

Murat Köse<sup>1\*</sup>

<sup>1</sup> Marmara Forestry Research Institute, 34485, Istanbul, Turkey

\* Corresponding author e-mail (İletişim yazarı e-posta): [murat\\_aykose@hotmail.com](mailto:murat_aykose@hotmail.com)

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**Abstract:** In Turkey, forest protection and development and protection of forest villagers are among national forestry policy's primary aims. To realize these aims, forestry policy instruments are legal regulations related to forestry, forest ownership, and public relations. In this context, this study's main aims are as follows: (1) to analyze cadastral work conducted on processes of technically excluding land from forest boundaries, (2) to inspect these works' compliance with legislation's purposes, (3) to determine these works' problems from the point of view of cadaster teams, forest administrations, and forest villagers, and (4) to discuss results that might arise from implementations of excluding land from forest boundaries in terms of national forestry. For these purposes, the city of Istanbul has been selected as the area of study. However, because in terms of time and practicality, evaluating all areas removed from forest boundaries in Istanbul was not feasible, selecting a sample area on a local scale has been deemed appropriate. Therefore, in Istanbul City, Şile District, the villages of Ahmetli, İmrendere, Karamendere, Korucuköy, and Ovacık were selected for 2/B implementations, and all parcels in the sample areas were included. From study results, when different 2/B implementations with laws numbered 1744, 2896, and 3302 were evaluated with implementations of the final and definite Law numbered 5831, it was determined that significant technical errors occurred during placement of boundary stones on the area of study and also in plotting maps. Furthermore, some lands not subject to implementations did not lose their forest characteristics in technical and scientific terms and did not comply with the relevant legislation's criteria. Significant portions of areas subject to 2/B were already non-forest, privately registered, and owned lands. These lands were being used as farmland even when the forest cadaster was conducted. Moreover, even these privately registered lands were included within forest restriction boundaries, and as no objection was raised within the prescribed time, this situation became definite. It has been determined that such lands are being removed from forest boundaries with 2/B implementation, and improper transactions are thus being corrected.

**Keywords:** Forest cadaster, 2/B implementation, lawmaker, object of study, forest policy

## İstanbul'da orman sınırları dışına çıkarma uygulamalarının ormancılık politikası yönünden irdelenmesi

**Özet:** Ormanların korunması ve geliştirilmesi, orman köylülerinin korunması ulusal ormancılık politikasının öncelikli amaçları arasındadır. Ormancılık politikası açısından bu amaçları gerçekleştirebilmek için, ormancılık politikası araçları; ormancılıkla ilgili yasal düzenlemeler, orman mülkiyeti ve halkla ilişkiler şeklinde belirlenmektedir. Bu bağlamda bu çalışmanın başlıca amaçları; (1) Orman sınırları dışına çıkarma işlemlerine yönelik olarak gerçekleştirilen kadastro çalışmalarını teknik yönden analiz etmek, (2) Bu çalışmaların mevzuat bakımından öngörülen amaçlara uygunluğunu denetlemek, (3) Kadastro ekipleri, orman idareleri ve orman köylülerinin bakışıyla bu çalışmalara yönelik sorunları belirlemek ve (4) Orman sınırları dışına çıkarma uygulamalarının ülkemiz ormancılığı açısından doğurabileceği sonuçları tartışmaktır. Bu amaçlar çerçevesinde İstanbul İli araştırma alanı olarak seçilmiştir. Ancak zaman ve çalışabilirlik açısından İstanbul'daki bütün orman sınırları dışına çıkarılan alanların tek tek ele alınıp değerlendirilmesi olanaklı olmayacağından, yöresel ölçekte bir örnek alanında seçilmesi uygun görülmüştür. İstanbul İli Şile İlçesi'nde Ahmetli, İmrendere, Karamendere, Korucuköy ve Ovacık Köyleri 2/B uygulamaları açısından örnek alanlar olarak seçilmiştir. Araştırma alanında seçilen örnek alanlarda parsellerin tamamı çalışmaya konu edilmiştir. Araştırma sonucunda 1744, 2896 ve 3302 Sayılı Yasalarla değişik 2B uygulamalarının, son yapılan ve kesin olan 5831 Sayılı Yasa uygulamalarıyla değerlendirildiğinde; araştırma alanında sınır taşlarının araziye tesisi ve haritaya tersimi sırasında önemli teknik hataların oluştuğu, uygulamalara konu edilen arazilerin bir kısmının bilim ve fen bakımından orman niteliklerini kaybetmedikleri ve ilgili mevzuatta öngörülen ölçütlere uymadığı belirlenmiştir. 2/B' ye konu olmuş sahalardan önemli bir kısmı ise; eskiden beri sahipli olan orman dışı tapulu araziler olduğu, orman kadastrasının yapıldığı yıllarda bile tarım arazisi olarak kullanılan, hatta tapulu olan bu arazilerin orman tahdit sınırları içine alınmış ve süresi içinde itiraz edilmediğinden dolayı kesinleşmiş olduğu anlaşılmıştır. Böyle yerler 2/B Madde uygulaması ile orman sınırları dışına çıkarılarak, eski tahditte yapılmış olan hatalı işlemlerin bu şekilde düzeltilmekte olduğu belirlenmiştir.

**Anahtar Kelimeler:** Orman Kadastrası, 2/B uygulamaları, kanun koyucu, araştırma objesi, ormancılık politikası



## 1. INTRODUCTION

According to Gümüş (2000), the matters contained in Articles 169 and 170 of our Constitution can be considered as the objectives of national forest policy. Accordingly, the primary objectives of the national forestry policy are briefly evaluated as follows: The protection and development of forests, the protection of forest villagers. When the objectives of this study are determined, we can put forward the sub-objectives of forestry policy; The protection of forest areas and borders, the development of existing forests, the expansion of forest areas, the improvement of living conditions of forest villagers and the reduction of poverty have been taken into consideration. In terms of forestry policy, these objectives are forestry policy instruments; legal regulations related to forestry, forest ownership and relations with the people. The aim of this study in this direction is; To analyze the cadastral works carried out for the removal of forest boundaries from the technical side and to check the compliance of these studies with the purposes foreseen by the legislation and to determine problems related to these studies with the view of cadastral forces, forest administrations and forest villagers and to put forward the conclusions that the practices of taking out of the forest boundaries may cause from our country forestry.

Since 1937, when the Forestry Law No. 3116, which is accepted as the starting point of scientific and technical forestry in our country, has been started, studies for the forest cadastre have been going on. The forest cadastre has not been completed, although this law has been planned to complete the forest boundary determination within 10 years. When we look at the legal regulations regarding the applications of forest removal, the changes made from 1956 to the day are briefly as follows.

From 1956 onwards, the practices of taking out of the forest boundaries have been made with the changes made in Constitutional and Forest Laws in different dates, and about 3% of the national forests have been taken out of the forest boundaries. According to the first case of 1956, when Article 2 of the Act entered into force, the powers of the Council of Ministers are very broad. While it is possible to make forests become agricultural land, it is also possible to release the owned forests, that is to be taken out of the forest regime, or to be attached to a special way of administration and cutting Prior to the 1960 Revolution, the Council of Ministers decided to exclude thousands of decade forests from the forestry regime by using the powers that the law gave them, but it was later decided to abolish the decisions of the Ministers on 28.09.1960 on the writing of the Ministry of Agriculture (Ulukut, 1963).

Law No. 6831 was amended by Law No. 1744 in 1973 for the first time. The removal of the forest boundary with the change was regarded as an administrative boundary correction. (Unal, 2003). The provisions of Article 2 of Law No. 1744 have been abolished from the enforcement of this Law by Law No. 2896, even though the process of deportation is enforced within 10 years from the date of entry into force of 1973. In other words, the process of getting out of forest boundaries is not limited so long. Parallel to Law No. 6831, Law No. 2924 on Supporting the Development of Forest Villages in 1983 was enacted. The purpose of Act 2924 is to support the development of forest villages by the placement of in-forest villagers decided to move and the evaluation of the places to be removed and will remove from the forest borders. According to Gümüş (2000), even though it was envisaged in Article 13 of the Forest Law No. 6831 and Law No. 2924, it has not been transferred anywhere other than where the forest village is located.

The Forest Law No. 6831 was amended by Law No. 3302 on 5 June 1986. With the Law No. 3302, amendments were made to the Forestry Law 2. 7. 8. 9. 10. 10. and 11. With the second article of the Law, the principles for the removal of forest borders and for whom to remove them have been redefined and the institutions of the forest cadastral commissions have been changed and the working, form and objection procedures regarding the forest cadastre have been rearranged. This law was taken from the hands of the forest management directorates to actively sue. In addition, the "cadastre of forgotten forests" duty, which is stipulated in the Law numbered 2896, conditional on restriction has also been taken from the commissions.

With the amendment made with the Law no. 3302, these conditions have been abolished while the condition of not damaging the water and soil regime and disturbing the integrity of the forest is sought in the

agricultural lands to be excluded from the forest by Law No. 1744 and land used in animal husbandry. Pine nuts were also included in the pistachio nuts counted in the agricultural areas in this Law (Usluođlu, 1987).

Subsequently, Law No. 3373, which entered into force on 28.05.1987, amended paragraphs F and G of Article 1 of Law No. 6831. In the same Article, the word "has been excluded from the boundaries of the forest for any reason", which is in the first paragraph of Article 7 and caused public misconceptions, has been removed from the decision text, and Article 11 paragraph 1 has been amended to apply to the cadastral courts of the forest cadastre cases, in places where it is not available, such courts with the duty to look after the case (Kızılay, 1991).

In the meantime, some of the provisions of the Forest Law No. 6831 have been amended by Law No. 4999 dated 05.11.2005. What they bring to this law is; The technical responsibility of the forest maps will now be undertaken by a map and cadastre engineer; Technical errors such as measurement, inversion and calculation can be corrected by administrative means. Also; "The forgotten forests can be restricted by the forest cadastral commissions" is included in the reforestation legislation.

Again, since Article 11 of the Law No. 2924, which contains provisions for the sale of 2 / B properties, requires the sale of these closely followed public lands to those who are not forest villagers, this arrangement was annulled on the grounds that it violated Article 170 of the Constitution with the decision of the Constitutional Court dated 30/3/1993 E: 1992/48, K: 1993/14. Upon this cancellation decision, the definition of forest villager was introduced in Article 11 of Law No. 2924 by Law No. 4127, and sales started in July / 1997 in accordance with the principles of the regulations issued by the Council of Ministers, and 536 villages were sold and sold to 6701-hectare forest villagers.

On the grounds that the Ministry of Finance has issued these places on behalf of the Treasury and therefore the sale should be made by the Ministries, the Law on the Amendment of the Law No. 4706 on the Evaluation of Immovable Properties in the Treasury and Value Added Tax Law was issued and enacted. After this Act came into force, all sorts of savings powers related to the sale of the 2 / B fields passed to the Ministry of Finance (RG, 2001).

With the Law No. 2924, the Ministry of Forestry is authorized in the applications to be made in the places that are taken out of the forest border on behalf of the Treasury, while the Ministry of Finance is authorized in sales transactions with the Law No. 4706, The condition of being removed from the condition of being a forest villager; To direct users to municipalities and land offices. 2924 in the sale of places out of the forest border, was found to be in violation of the Constitution and was canceled by decision of the Constitutional Court No. 2001/382 dated 23.01.2002.

As can be seen from the explanations made above regarding the sale of 2 / B fields; It is not possible to make sales of these areas, which are excluded from the forest on behalf of the treasury, without the necessary amendment in Article 170 of the Constitution. On this basis, Law No. 4841 dated 04.04.2003 regarding the amendment of Articles 169 and 170 of our Constitution was accepted in the TBMM. However, the law was restored to be discussed in the Turkish Grand National Assembly on the grounds that "the forest would be destroyed and plundered". Returned Law No. 170 of the Constitution was amended by Law No. 4960 on 29.07.2003 in the Turkish Grand National Assembly. However; Law No. 4960 was examined by the Presidency and sent back on 15.08.2003 to the Grand National Assembly for further discussion.

Subsequently, the Law on the Amendment of the Title Deed and Some Laws, numbered 5831, which came into effect by publishing in the Official Newspaper dated 27.01.2009 and numbered 27123, bringing the regulation on the areas which are brought out of the forest borders, the regulations of the Forest Law No 6831 and the Cadastre Law No. 3402. Made changes in the 7<sup>th</sup>, 9<sup>th</sup> and 45<sup>th</sup> items of the Forest Law No. 6831; Attachments 1 and 4 of the Law also apply to the Forest Law. The appendix 4 of the Law No. 5831 and the evaluation of the fields 2 / B were arranged.

With the Law no. 5831, temporary Article 7 of the CL was amended and the use cadastre of the areas removed from the forest by adding the provisional Article 8 and the arrangements related to the submission and dissemination of these areas were made. The purpose of the said regulations is to ensure the alignment between the forest cadastre and the general cadastre, the registration of the cadastral forests, the use of the cadastre of the lands taken out of the forest, the registration of the title and the prohibition of the extraordinary prescription and removal of the properties, and the immovables belonging to the public or private persons (Anonymous, 2009).

The Court concludes that private forests are considered "state forests" without paying any compensation to their owners after the judicial process, as a result of the provisions of the ECHR "a violation of the right to property". Following this decision, Law No. 5841, which amended Article 12 of the Cadastre Law No. 3402 by the Grand National Assembly of Turkey (TBMM) on 25.02.2009, was adopted. (Ayaz, 2010). On the grounds of the accepted Law No. 5841, the 10-year rights-abatement law, which was enacted in 1987 and enacted in 1987, is regulated in such a way as to cover the immovable properties of the state, whether or not it is private property, irrespective of the nature of the immovable property. It is stated that this situation is explained. Nevertheless, it has been accepted that the Decree of the Supreme Court of Appeals General Assembly shall not be treated as a ten-year deficit-paying employee due to the immovables claimed to be in the state's discretion and discretion, and to be always subject to trial even after 10 years.

It is necessary to investigate whether the forest cadastre and 2 / B applications are carried out in accordance with the forest cadastre method and the forest laws in accordance with the above-mentioned reasons, to discuss the consequences of the efforts to move out of the forest boundaries in terms of country forestry and the strategies and policies (especially sustainable forest management) was found to be useful. As a matter of fact, it is clear that the literature has not adequately addressed the technical, economic and social aspects of the forest cadastre and 2B applications, and that this is not adequately addressed on the basis of the local scale and concrete indicators. Taking all these situations into consideration, this research was carried out in a four-stage process. In the first phase, relevant literature and documents related to the research were obtained and evaluated. In the second phase, Forest Law 6831 and other Laws that amend the Law were taken separately in terms of their history in terms of the process of removing forest borders in the field of research. According to these laws, the areas excluded from the forest by Article 2 and Article 2 / B practices were evaluated in Istanbul on the basis of the provincial directorates of forests. In terms of time and operability, it is considered appropriate to select a sample area at the regional scale since it is not possible to evaluate the areas outside of all forest borders in Istanbul individually. In the third stage, all of the parcels are selected to work in selected sample areas in the research area; within this scope, 8 parcels were created in the Şile District of Ahmetli Village in Istanbul, 7 in İmrendere Village, 4 in Karamandere Village, 9 in Korucu Village and 8 in Ovacık Village. Thus, technical problems related to 2 / B applications have been tried to be revealed. In the fourth stage, 2 / B land users and forest organization employees were surveyed in order to learn about their views on 2 / B applications. In this way, it has been tried to show how 2 / B applications are evaluated in terms of two-sided viewpoints. The data obtained in the field were evaluated in the office and the research text was created by discussing it with the related literature.

## **2. MATERIALS AND METHOD**

### **2.1. Material**

Documents related to forest cadastre obtained from forest administrations, files and maps, records and documents; datas with forest boundary point detected in the field; Forest cadastral commissions, Survey with forest administration and forest villagers and all the Data obtained with interviews Constitutes the main material used in the research. In addition, Technical measurement and Computers for evaluation purposes, Precision GPS, theodolite, compass, tape measure, clinometer, photo camera, Digitizer, Analyzer of Geographic Information System software and Intermediate programs were also used as materials for technical measurement and evaluation in the research.

### 2.1.1 Introduction of Research Area

Regarding the protection of forest and flora, the first step of precautions has to be made in Istanbul. There are many reasons for this. Rapid population growth and unhealthy urbanization are at the forefront of these causes. Istanbul is the biggest city of Turkey in terms of population size. according to the address-based population registry announced in 2012, the population in Istanbul was 1,166,477 in 1950, in 2000 it was 10,018,735 and in 2012 - 13,624,240 million (DİE, 2012) (Figure / Şekil 1).

Population data in Istanbul is above the average of Turkey. Therefore, the population density in Istanbul (persons / km<sup>2</sup>) was 204 in 1950, 529 in 1970, while it exceeded 20 times of Turkey average in 2000 and reached 1753. As of 2012 this number has been 2385 people / 1 km<sup>2</sup>. (DİE, 2012). Due to fast population growth in Istanbul and migration from rural areas to urban areas, forests and agricultural land are under great pressure. 48% of Istanbul (258,767 Ha) is covered with forests. 42%. Of the forest areas (107,990 Ha) are located in Anatolia and 58% (150,777 Ha) are located in Europe (İ.OBM, 2012). As can be seen in Table / Tablo 1, the forest areas on both sides of Istanbul are gathered to the north of the city. After large population increase after 1950 in Istanbul and the internal migration forests are under threat.



Figure 1. The situation of research area and villages selected as sample field  
Şekil 1. Araştırma alanının ve örnek alan olarak seçilen köylerin durumu

Table 1. The distribution of forest areas according to forestry operation directorates (Ha)  
Tablo 1. Orman İşletme Müdürlüklerine Göre Orman Alanları Dağılımı (Ha)

Forestry operation directorate	Forest areas according to cadastre (Ha)	No forested land (Ha)	Total area (Ha)	(%)
Bahçeköy	11.575	4.737	16.312	71
Çatalca	111.469	147.591	259.060	43
İstanbul	27.733	57.275	85.008	33
Kanlıca	45.320	58.713	104.033	44
Şile	62.670	15.651	78.321	80
Total	258.767	283.967	542.734	48

## 2.2. Method

The method of research; Data collection, measurement and evaluation for numerical data, as well as the preparation, application and evaluation of questionnaires are presented under three headings.

### 2.2.1. Data Collection Method

The Directorate of Cadastral Branch, which is the unit related with the cadastral works of the Istanbul Regional Directorate of Forestry, and five forest administrations in Istanbul (Bahçeköy, Çatalca, Kanlıca,

İstanbul, Şile Forest Management Directorates Information and documents on the field of research from the cadastral services and litigation services (Related files, maps, aerial photographs, court decisions, etc.) Existing studies on forest cadastre and 2B applications have been provided. with the help of the records for Date of construction of cadastre, finalization status, Where it ends completely, In which part of the parcels are cadastral objections and the case is opened. The status of the files transferred to the court, from which side the court was opened, whether 2B applications are finalized or not, What is the origin of the problem in applications that have been transferred to the court an information system has been established. In this context, with the help of the information system, 2B parcels that intensify the work in the field have been determined. In order to assess the extent to which decisions made during the cadastre and 2B application have reached the actual situation and to present the assessment differences caused by technical problems, 2010 aerial photographs of the locality have been provided It has been checked whether or not the line shown in the aerial photo matches the line shown in the aerial photograph, because the boundaries of the forest area during the cadastral or 2B application in the aerial photographs were not established or the line passed during the cadastral and 2B application was the latest application of Law No. 5831 and the registration of the parcels. In this way, the old 2/B applications on the 2010 aerial photographs and the latest Law No. 5831 applications, has been tried to determine the area differences that occur in slides and corrections in 2B parcels.

### **2.2.2. Measurement and Evaluation Method**

With the work of the offices previously mentioned in the data collection section, determination of what will be the basis for field work and after that stepping into the field studies. With different brands and specifications GPS and compass, have been used local measurement methods by way of angle measurement. In addition, the village headman and cadastre disputes were first interviewed people some of the data obtained from the field studies have been transferred to the digital medium in the field and some in the office. In the study, geographic data, location dependent data and attribute data are collected and stored in geographic information systems. For processing of data, Information derivation, interrogation etc. manipulations CAD based (Netcad) program is used; For control purposes we also benefited from the Arcview program. The findings obtained from the interviews and observations were combined with this evaluation to determine the problems that may or may not have occurred in the forest cadastre and related 2B application areas and to determine the factors that affect them. The findings were evaluated in the light of the current literature and solution suggestions were developed in the direction of the achieved results.

### **2.2.3. Preparation, Application and Evaluation of Survey Forms**

The questionnaire is used to observe the questionnaire, which will be read and answered directly by the people who will be consulted, and it is the most frequently used observation technique in social science researches (Sencer, 1989). In this respect, especially the opinions of the resource managers and those who use the resource are of great importance in the land based studies. In order to reflect the opinions of the forestry organization on the issue of getting out of the forest boundaries; Questionnaires were applied to the forest management chiefs, manager and assistant managers in the study area, cadastral property branch manager, engineers working in the forest cadastral commission, permission easement branch managers and technical staff. At this stage, the selection of the employees of the forestry organization was considered important in terms of evaluating the forestry policies for the removal of the managers from the forest boundaries. It was also noteworthy that the opinions of the users of the mentioned areas were of importance for the participatory approach in solving the problem. Based on the questionnaire survey, the above-mentioned forestry workers' evaluations were taken into consideration regarding the points of view of the out-of-bounds process of the forestry outbreaks, the problems they encountered and the problems to be encountered in the future. These assessments have contributed to the study and facilitate the analysis of the current situation Again, those who have taken out of forest boundaries will be assessed in terms of their use in the current situation and their future use. The content of the questions included in the questionnaire application has been determined and it has not been determined until February 2012, when the study started, and until May 2012, when the questionnaires were started to be implemented. The interviews and observations made in the forestry faculty, as well as in the forestry organization, have been effective.

Arrangement of the forms to be answered by the workers of the forestry organization and landowners, The fact that the survey questions are in one whole-attention has been paid to helping to identify issues related to the subject. In addition, the preparation of the questions was made from various sources (Yılmaz, 1992; Özdemir, 2008; Gençay, 2012). In this sense, Sencer (1989) emphasizes that while the questionnaire is prepared, the questions are related to the main problem and that an internal integrity is required among the questions. In addition, care has been taken to ensure that the respondent has an interest, does not include personal information, has a pass from simple questions to complex questions, and is systematic from one subject to another.

After the questionnaires were collected, the evaluation was carried out in three stages. In the first step, the coding process was performed to allow the collected information to be transferred to the computer medium. Then, these coded data were transferred to the computer medium by using SPSS (Statistical Package of Social Science) program and finally statistical analyzes were made. Statistical evaluation of the data was performed using frequency distributions. So, there is a collective information on the situation of many units, which can be grasped at first glance. Yıldırım (2005) used the frequency distribution tables in evaluations made in terms of the situation determination. From this point of view, it has been understood that frequency distributions have also been used in the generalization of the data collected in experimental and screening studies and this evaluation has been used in the study.

### 3. RESULTS AND DISCUSSION

Removal of forest boundaries The Law on Forests No 6831 and the other Laws that amend the Law were taken separately according to the date order and the areas excluded from the forests by Article 2 and 2/B applications were laid out in Istanbul on the basis of provincial lands and forestry directorates. Later, 2 / B applications in the villages selected as a sample area were analyzed from the technical side. Finally, 2/B users and the engineers working in the forest organization conducted a questionnaire survey about forest removal applications. It has been attempted to demonstrate that these procedures are in accordance with the frame drawn in the relevant laws and serve the stated purposes.

#### 3.1. Findings Regarding Areas outside Forest Borders According To Legal Regulations

It is important to investigate by which law the process of determining the place of removal of the place taken out of the forest boundaries during the application of Article 2/B of the Forestry Law is carried out in terms of better understanding of the subject. For this reason, The Forestry Law no. 6831 in terms of the process of removing the forest boundaries in the field of research, and The Other Laws that have changed in the Law have been handled separately by date order.

##### 3.1.1. Removal of Forest Boundaries According to the First Act of Law No. 6831.

In Çatalca and Silivri Provinces in Istanbul, the application was made according to the first form of Article 2 of Law No. 6831, but there was no area left out of the forest (Table / Tablo 2).

Table 2. The application based on counties according to the first situation of the 2. code of the Law No. 6831.  
Tablo 2. 6831 Sayılı Yasanın 2. Maddesinin İlk Haline Göre İlçeler Bazında Yapılan Uygulama

Provinces	Forest Area (Ha)	Area Taken out of Forest (Ha)
Çatalca	19337,18	0
Silivri	3794,95	0
General Total	23132,13	0

OGM Records, 2011

##### 3.1.2. Removal of Forest Boundaries by Laws 1744, 2896, 3302 Amending the Law No. 6831

According to the application of Article 2 of Law No. 6831 amended by Law No. 1744, In Umraniye District 726,91 Ha, In Beykoz District, 420,94 Ha and in Gaziosmanpaşa District 428,06 Ha, areas has been taken out of the forest boundaries, and it is seen that these cities leads. According to Article 2/B of Law No. 6831

amended by Law No. 2896, 973.46 hectares in total in Istanbul were excluded from the forest borders. According to Article 2/B of the related law in the district of Çatalca, Silivri and Şile, there is no area taken outside the forest boundaries. Within the scope of this law, area 283,67 ha in Tuzla District, 277,37 ha in Beykoz District has been taken out of the forest boundaries, it is understood that the areas subject to 2 / B application are within these boundaries under the related law (Table / Tablo 3).

According to the results of the study within the scope of Act No. 3302, 1/5 (2594,38 Ha) of the areas out of forest in Istanbul is in the county of Beykoz which is described as one of the city's lungs. Beykoz is followed by 1935,46 Ha in Silivri, 1817,09 Ha in Çatalca, 1413,59 Ha in Şile Districts. The destruction of forests in Istanbul is mostly concentrated in the northern part. The fact that the construction of the second Bosphorus Bridge (Fatih Sultan Mehmet Bridge) and the announcement of the reliable region in terms of the ground of the northern part of Istanbul after Marmara Earthquake, had an accelerating effect on this.

Table 3. Applications according to the Law No. 1744, 2896, 3302 amending the Law No. 6831  
Tablo 3. 6831 Sayılı kanunda değişiklik yapan 1744, 2896, 3302 sayılı kanunlara göre yapılan uygulamalar

Provinces	1744 S.K.		2896 S.K.		3302 S.K.	
	Forest Area (ha)	With Article 2 Forest Area (ha)	Forest Area (ha)	2B Area (ha)	Forest Area (ha)	2B Area (ha)
Adalar	635,4	0,08	633,4	0	590,34	43,06
Bakırköy	-	-	-	-	52,74	0
Beykoz	17973,11	420,94	21005,02	277,37	20924,45	2.594,38
Büyükkçekmece	-	-	-	-	44,75	0
Çatalca	1305,05	73,83	-	-	69481,71	1.817,09
Eyüp	7241,13	18,29	2192,14	0	17371,74	423,73
Gaziosmanpaşa	9913,82	428,06	9844,95	66,88	11505,43	191,19
Kadıköy	-	-	-	-	59,23	0
Kağıthane	148,6	0	150,46	0	133,2	15,4
Kartal	2186,46	0	2829,72	50,16	3078,57	210,96
Küçükçekmece	-	-	-	-	45671,53	0,00
Maltepe	-	-	-	-	49,71	10,91
Pendik	5793,07	374,66	5638,23	115,6	5339,41	499,24
Sarıyer	7274,08	65,85	8319,43	0	8094,21	193,72
Silivri	-	-	-	-	26811,8	1.935,46
Sultanbeyli	1039,71	319,65	720,05	105,19	583,1	132,29
Şile	24865,17	164,61	-	-	62293,66	1.413,59
Şişli	1774,73	78,23	1772,43	0	1751,46	20,97
Tuzla	161,05	0	2005,8	283,67	1202,14	801,04
Ümraniye	13183,84	726,91	11723,21	27,52	11966,9	1.136,19
Üsküdar	1378,52	0	1078,69	47,46	873,34	0,00
General Total	94873,74	2671,11	67913,53	973,46	287879,42	11.439,22

OGM Records, 2011

### 3.1.3. Removal of Forest Boundaries by Law No. 6831 Amended by Law No. 2924

According to the application of Law no. 6831 amended by Law no. 2924, 399 ha in total were sold in Istanbul. There is no area for sale in Istanbul Forestry Directorate regarding this law (Table / Tablo 4). Since the procedures for the identification and registration of places where sales are made within the scope of Law No. 2924 have already been made, these places have not been subject to the work done within the scope of the latest Law No. 5831.



Table 4. Application According to Forestry Operation Directorates within the Scope of the Law No. 2924  
 Tablo 4. 2924 Sayılı yasa kapsamında orman işletme müdürlüklerine göre yapılan uygulama

Forestry Operation Directorate	2/B Area (Ha)	Area Sold with 2924 (Ha)
Bahçeköy	320	1
Çatalca	4.706	64
İstanbul	1.155	-
Kanlıca	9.628	200
Şile	1.974	134
<b>Total</b>	<b>17.783</b>	<b>399</b>

OGM Records, 2011

### 3.1.4. The Studies Made within the Scope of Law No. 5831

Regarding the studies made within the scope of Law No. 5831, the records of five forest management directorates were scanned in Istanbul and the following tables were created (Table / Tablo 5). Work has been completed and finalized within the scope of Law No. 5831 at all forest management directorates in Istanbul. So, all the places in Istanbul were identified and registered with this law and the 2/B areas ready for sale were sent to the Directorates of National Real Estate by the Forest Operations Directorates.

Accordingly, the sum of 2/B areas and 5831 subject to update is 8,214 ha. The total number of areas that are not covered by Law 5831 in Istanbul is 8,838 ha. Actual and defendant 2/B area-this is within the 2/B fields and 5831 subject to this update - is 1,156 ha. The total number of problem-free areas ready for sale is 7,057 ha. So, the total of 2/B in Istanbul, which is the sum of these three, is 17,051 ha (Table / Tablo 5).

As areas that are not studied in Istanbul; areas that were previously forested with a court decision 2.273 ha, areas in which the case is ongoing 1.717 ha, areas sold by Law 2924, areas inspected by the inspectors of the year 2002 and areas required by the National Property 3,232 ha, roads, streams, parks, and the other areas were 1,217 ha, which was not subject to Law No. 5831, which totaled 8,838 hectares (Table / Tablo 5).

By the commission implementing the Law No. 5831, Maps and reports of the active forest areas determined by inspector reports are provided along with Maps and measured the internal cadastre of the 2/B areas so it has been ensured that the allocated plots of the allocated and plots or the plots of the places which have not yet been requested for allocation are included in the map with the separate plots number. The inspectors are provided with a separate parcel number and places on the map, which are determined as active forests with the reports and which are not in the forest status. (İ.OBM Records, 2012).

It is ensured that the active forest areas, which are not identified in the inspector's reports but are seen and detected during the measurement of the internal cadastre of the 2/B areas, are included in the map with separate parcel number. In this way, the active forest area determined during the work of Law No. 5831 in Istanbul is 949 ha. Inspector reports and the number of active forest areas identified during the work of Law No. 5831 are 4,181 ha. (Table / Tablo 5). Accordingly, the ratio of total active forest area to 2/B area in Istanbul is about 25%. This shows that approximately 25% of the places where the forest cadastral commissions concerned have been found to have lost their forests in terms of knowledge and science have not been used as agriculture, animal husbandry and settlement areas and have been converted back into the forest area.

There are 2/B areas which are in the state where the employee is actually forested and which are no longer carrying 2/B properties and which are subject to legal proceedings when they are excluded from the areas subject to Law No. 5831. The sum of these areas in Istanbul is 7,057 ha. The total area of 2/B in Istanbul is 17.051 ha, which is 41% of the 2 / B area compared to the 2 / B area in harsh sellable condition (Table / Tablo 6). Indeed, this shows that the 2 / B area in the salable state is a small number next to the total 2/B area.

Regarding the protection of forest and flora, first step in our country has to be made in Istanbul. There are many reasons for this. Rapid population growth and unhealthy urbanization are at the forefront of these causes. Istanbul is the biggest city of Turkey in terms of population size. The total forest area of the city of Istanbul is 258,767 ha. And constitute about 48% of the general area. The areas out of the forest are 17,051 ha according to the work within the scope of Law No. 5831 and constitute about 7% of the total forest area.

Table 5. The Law No. 5831 study results in Istanbul province-1.

Tablo 5. İstanbul İli 5831 sayılı yasa çalışması sonuçları-1

Forestry Operation Directorates	Areas Not Working (ha)							Update and 2 / B Area Subject to 5831 (Ha)	Activated and Defendant 2/B Area (ha)			Trouble- Free Area (Ha)(8-11)
	2/B Area (Ha)	Forest Area with Court Decision	Area Sold with 2924	Allocation Required Field from National Estate with Inspector Report	Area without 5831 Work and Court Case Ongoing Area	Road, Creek, Park, Area Registered in The Name of Citizens and Other Area	Total (2+3+4+5+6)		Determined Active Forest Area	Litigated Parcel Area to Occupant	Total (9+10)	
	1	2	3	4	5	6	7		8	9	10	
	Ha	Ha	Ha	Ha	Ha	Ha	Ha	Ha	Ha	Ha	Ha	Ha
Bahçeköy	320	15	1	86	8	52	162	158	57	7	63	94
Çatalca	3.976	281	64	306	1	695	1.347	2.629	132	1	132	2.497
İstanbul	1.155	178	-	64	418	142	802	353	145	5	150	203
Kanlıca	9.628	1.760	200	2.658	908	328	5.854	3.773	207	124	331	3.442
Şile	1.974	39	134	118	382	-	673	1.301	408	72	480	821
<b>Total</b>	<b>17.051</b>	<b>2.273</b>	<b>399</b>	<b>3.232</b>	<b>1.717</b>	<b>1.217</b>	<b>8.838</b>	<b>8.214</b>	<b>949</b>	<b>209</b>	<b>1.156</b>	<b>7.057</b>

İ.O.B.M. Records, 2012

Table 6. The Law No. 5831 study results in Istanbul province-2

Tablo 6. İstanbul İli 5831 Sayılı Yasa Çalışması Sonuçları-2

Areas Not Working (Ha)	Activated and Defendant 2/B Area (Ha)	Trouble- Free Area (Ha)	Total 2/B Area (Ha)
8.838	1.156	7.057	17.051

### 3.2. Findings Related to 2/B Applications in Research Area

In the villages considered as a sample area, focusing on the applications of Law No. 5831 on the grounds that the last situation has been put forward in the 2B areas and also the registration has been made. All of the parcels in the study area were studied. Within this scope, 8 parcels were created in the Şile District of Ahmetli Village, 8 in İmrendere Village, 7 in Karamandere Village, 9 in Korucu Village and 8 in Ovacık Village.

#### 3.2.1. Findings Related to 2/B Applications in Ahmetli Village.

There are 8 2/B plots in Ahmetli Village. In the examination of the forest cadastral records, the forest cadastre was completed by the forest cadastral commission in accordance with the Law No. 3116 in Ahmedli Village in 1939 (Ş.O.İ.M. Registers, 1939a) and in 1959 the land cadastre works were made with the classical method (Ş. KM Records, 1959a), it was determined that there was no dispute. Furthermore, in accordance with Law No. 3302 of Law No. 6831, the applications of 2B are announced and confirmed on 13.12.1989 (Ş.O.İ.M. records, 1989), Law No. 5831 was also announced and finalized on 19.06.2010 (Ş.O.İ.M. records, 2010a).

According to Annex 4 of the Law on Cadastre No. 3402, which is added by Law No. 5831, The area of 2 / B parcels numbered P.I in Istanbul province, District of Şile, Ahmetli village was recalculated and the area in the forest cadastre file was 1,900.00 m<sup>2</sup>, corrected to 1.848,74 m<sup>2</sup> with the correction made; The area of 2 / B parcels numbered P.II is 6.800,00 m<sup>2</sup> in the forest cadastre file and it is corrected to 6.488,25 m<sup>2</sup> with the correction made; The area of 2 / B parcels numbered P.III in the forest cadastre file is 3.900,00 m<sup>2</sup>, corrected to 3.227.95 m<sup>2</sup> with the correction made; The area of 5.300,00 m<sup>2</sup> in the forest cadastre file of 2 / B parcels numbered P.IV is corrected to 5.227,36 m<sup>2</sup> with the correction made; The area of 28.900,00 m<sup>2</sup> in the forest cadastre file of 2 / B parcels numbered P.V has been corrected to 29,234,73 m<sup>2</sup> with the correction made; The area of 129,700,00 m<sup>2</sup> in the forest cadastre file of the parcel 2 / B numbered P.VI was corrected to 131,738,77 m<sup>2</sup> with the correction made; The area of 2.700.00 m<sup>2</sup> in the forest cadastre file of the parcel 2 / B numbered P.VII is corrected to 2.585,28 m<sup>2</sup> with the correction made; It was determined that the area of 2.300,00 m<sup>2</sup> in the forest cadastre file of the 2 / B parcel number PVIII was corrected to 2.032,90 m<sup>2</sup> with the correction (Figure/Şekil 2) (Ş.O.İ.M. Records, 2010a).

It has been determined that the land slope used by the user of the parcel 2 / B number P.I as at least for the last 10 years as a minefield stock area is around 5% and that there is no internal parcel in the parcel ending. In the past years, no evidence has been obtained about the use of land for agricultural purposes.

The item 2/B lot number P.II has been used by the users for at least the last 40 years, the land slope was around 5%, There was 7 users of the relevant parcel in the research done in the village and It has been determined that land has been used for agriculture in the past years. It can be said that the application made in terms of relevant legislation is appropriate.

The P.III plot consists of three internal plots and has three different users. The land slope is around 30%. According to the land use ability classes, the parcel is a Class V land. This land was excluded from the forest on the grounds that agricultural use for the purposes of agriculture would be more beneficial than forest conservation with the Law No. 3302, and inclination is also suitable for agriculture purposes. It is now used as a fruit garden. Similar characteristics also have neighboring forests in terms of land type and soil structure. There is oak and beech on it which is protected the lower part is surrounded by forest areas, with the settlement area being a village. It is considered to be beneficial to be preserved as a forest in terms of the legislation in force.

It has been determined that the area of 2 / B numbered P.IV has been used by the users for at least the last 40 years, the land slope is around 5%, and the land has been used for agricultural purposes in the past years. Parcels according to land use ability classes II. Class is a land. The relevant parcel is not on the main road side, in a position to disrupt forest integrity. It can be said that the application made in terms of relevant legislation is appropriate.

It has been understood at the conclusion of the research and interviews with the users of the village council and the parcel that the PV of the 2 / B parcel has been used at least for the last 40 years. The land slope is around 10%. The parcel is composed of 6 different internal plots and has 6 users. Parcels according to land use ability classes III. Class is a land. In the past years it has been determined that land is used for agricultural purposes. The adjoining forest area of the relevant parcels is also protected wood beech oak mixed woodland. Ahmetli Village - Şile road passes through the middle of the parcel. The forest is not in a position to ruin its integrity. In short, it is thought that the application made in terms of the relevant legislation is appropriate.

It has been determined that 2/B parcel number P.VI is used by the users at least for the last 40 years and that the land slope is about 15%. In the research done in the village, the parcel concerned consists of 6 different internal plots and 6 different users. Parcels according to land use ability classes III. Class is a land. In the past years it has been determined that land is used for agricultural purposes. An important part is the meadow already. A part of the area remaining in the parcel is forest land. A stone quarry is built in the forest part, which forms a distorted forest form. Ahmetli Village - Şile road passes by the relevant parcel. It is evaluated that the implementation made in terms of relevant legislation is appropriate.

It has been understood on the basis of the researches and interviews made with the users of the village council and the parcel that the land parcel 2/B numbered P.VII has been used by the users at least for the last 40 years as agricultural land. The land slope is around 5%. There is no other inner parcel in the relevant parcel. According to the land use ability classes, the parcel is a class I land. Soil depth is over 50 cm. In the past years it has been determined that land is used for agricultural purposes. Ahmetli Village - Şile road passes by the parcel. It is evaluated that the implementation made in terms of relevant legislation is appropriate.

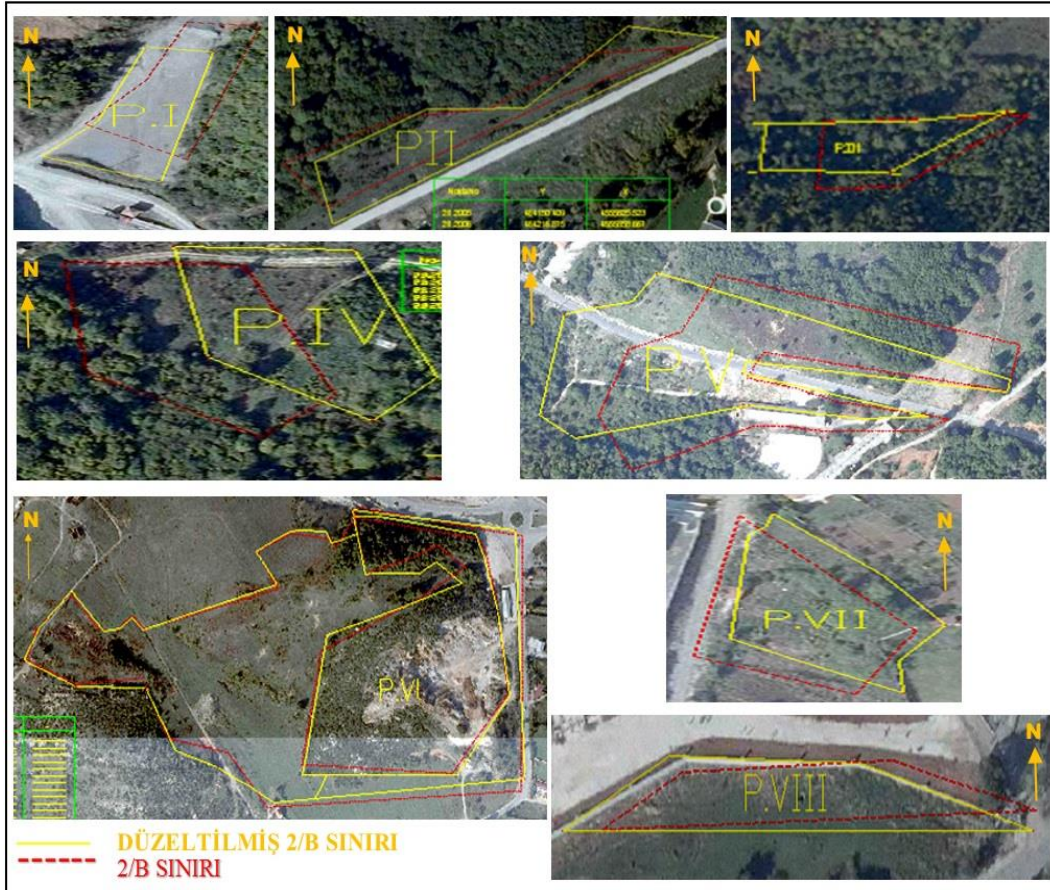


Figure 2. The final situation of Ahmetli Village P.I, P.II, P.III, P.IV, P.V, P.VI, P.VII, P.VIII 2/B parcels corrected according to Law numbered 5831 and thrown on satellite photograph the year of 2011.

Şekil 2. Ahmetli Köyü P.I, P.II, P.III, P.IV, P.V, P.VI, P.VII, P.VIII Nolu 2/B parsellerinin 5831 sayılı yasaya göre düzeltilmiş ve 2011 yılı uydu fotoğrafı üzerine atılmış son durumu

It has been determined that the item 2/B lot number P.VIII has been used by the users for at least the past 40 years. The land slope is around 5%. Parcels according to land use ability classes III. Ahmetli Village - Şile highway passes through the eastern corner of the relevant parcel. The other edges are the residential areas private-registered land. There is no link to the forest, and the forest is not in a position to ruin its integrity. It is considered that the implementation made in terms of relevant legislation is appropriate.

### 3.2.2. Findings Related to 2/B Applications in İmrendere Village

There are 7 2/B plots in İmrendere Village. In the examination of the forest cadastral records, in the village of İmrendere in 1939, according to the law no. 3116, the forest imposed by the forestation commission of 10 was finalized (Ş.O.İ.M. Registers, 1939b) and in 1959 the land cadastre studies were made with the classical method (Ş. KM Records, 1959b), it has been determined that there is no dispute Furthermore, it has been determined that the application of Law No. 5831 was announced and finalized on 19.06.2010

(Ş.O.İ.M. Registers, 1992a), which was announced and finalized on March 2, 1992 by the Law No. 6831 under different Law No. 3302 (Ş.O.İ.M. Records, 2010b).

According to Annex 4, added to Law No. 3402 on Cadastre Law No. 5831, area of 2 / B parcel number P.I in the forest cadastre file area of 6.100.00 m<sup>2</sup> was corrected to 6.441.84 m<sup>2</sup> with the correction made; The area of 2 / B parcels numbered P.II was 5.500,00 m<sup>2</sup> in the forest cadastre file and it was corrected to 5.408,97 m<sup>2</sup> with the correction made; The area of the 2 / B parcel number P.III in the forest cadastre file is 54.300,00 m<sup>2</sup>, it is corrected as 51,050,59 m<sup>2</sup> with the correction made; The area of 4,700,00 m<sup>2</sup> in the forest cadastre file of the parcel 2 / B numbered P.IV was corrected to 4.558,98 m<sup>2</sup> with the correction made; The area of 7,700,00 m<sup>2</sup> in the forest cadastre file of the parcel 2 / B numbered P.V was corrected to 6.650,65 m<sup>2</sup> with the correction made; The area of 1.500,00 m<sup>2</sup> in the forest cadastre file of the parcel 2 / B numbered P.VI was corrected to 1.422,17 m<sup>2</sup> with the correction made; It has been determined that the area of 1.600,00 m<sup>2</sup> in the forest cadastre file of the parcel 2 / B numbered P.VII has been corrected to 1.389.70 m<sup>2</sup> with the correction made (Figure/Şekil 3) (Ş.O.İ.M. Records, 2010b).

İmrendere Village has been understood as a result of the researches and negotiations conducted by the users of PI section 2/B lot for at least the last 30 years. Land slope is around 5%, in the research done in the village, the relevant parcel consists of 2 internal plots and there are 2 users. In the past years it has been determined that land is used for agricultural purposes. Since all the forests belonging to the Şile forest management are banned after 2002, the forest area adjoined to the relevant parcel is also a protected mixed beech oak wooded. Parcels according to land use ability classes III. Class is a land. The southern and western sides of the relevant plot are forests, and the other side is the agriculture land. Imrendere village road passes through parcel. The forest is not in a position to ruin its integrity. It can be said that the application made in terms of relevant legislation is appropriate.

İmrendere Village The land slope of the 2/B parcel number P.II is around 5%. In the research done in the village, the relevant parcel consists of 2 internal plots and there are 2 users. The adjoining forest area is protected mixed beech oak wooded. Parcel according to land use ability classes III. Class is a land. The actual status of the relevant parcel is meadow. In the past years the land has been used for agricultural purposes and the users have been using it for at least the last 30 years. It can be said that the application made in terms of relevant legislation is appropriate.

İmrendere Village consists of 5 inner parcels with 2/B matter plots numbered P.III and has 5 users. The adjoining forest area is seen to be covered with weak bonito and oak, beech trees. Likewise, reforestation will be achieved with afforestation works. The slope is around 35%. There is some erosion effect in the area. Parcel according to land use ability classes VII. Class is a land. This land was excluded from the forest on the grounds that agricultural use for the purposes of agriculture would be more beneficial than forest conservation with the Law No. 3302, and inclination is also suitable for agriculture purposes. However, it is observed that 35% of the land slope, erosion exists in some places, and in terms of classification of land use abilities. Such classes are not even offered for meadow and pasture rehabilitation work. In addition, these lands used until 10-15 years ago can not be used for this purpose at this moment and they are also abandoned, indicating that these lands can not be used for agricultural purposes economically. It is thought that the application made in terms of the relevant legislation is not appropriate, as it is thought to be beneficial in conservation as a forest.

The land slope of the 2/B material parcel number P.IV in İmrendere Village is around 15%. There is no other inner parcel in the related parcel in the research done in the village. The adjoining forest area is protected mixed beech oak wooded. Parcels according to land use ability classes III. Class is a land. The actual status of the relevant parcel is meadow. In the past years, it has been understood that the land has been used for agriculture at least for the last 40 years, and the interviews with the users of the parcel and the village council and have been concluded. It can be said that the application made in terms of relevant legislation is appropriate.

The land slope of the 2/B parcel with the number of PV in İmrendere Village is around 15%. There is no other inner parcel in the related parcel in the research done in the village. The adjoining forest area is

protected mixed beech oak wooded. Parcels according to land use ability classes IV. Class is a land. The actual status of the relevant parcel is meadow. In the past years, it has been understood that the land has been used for agricultural purposes and that it has been used by the users at least for the last 40 years. It can be said that the application made in terms of relevant legislation is appropriate.

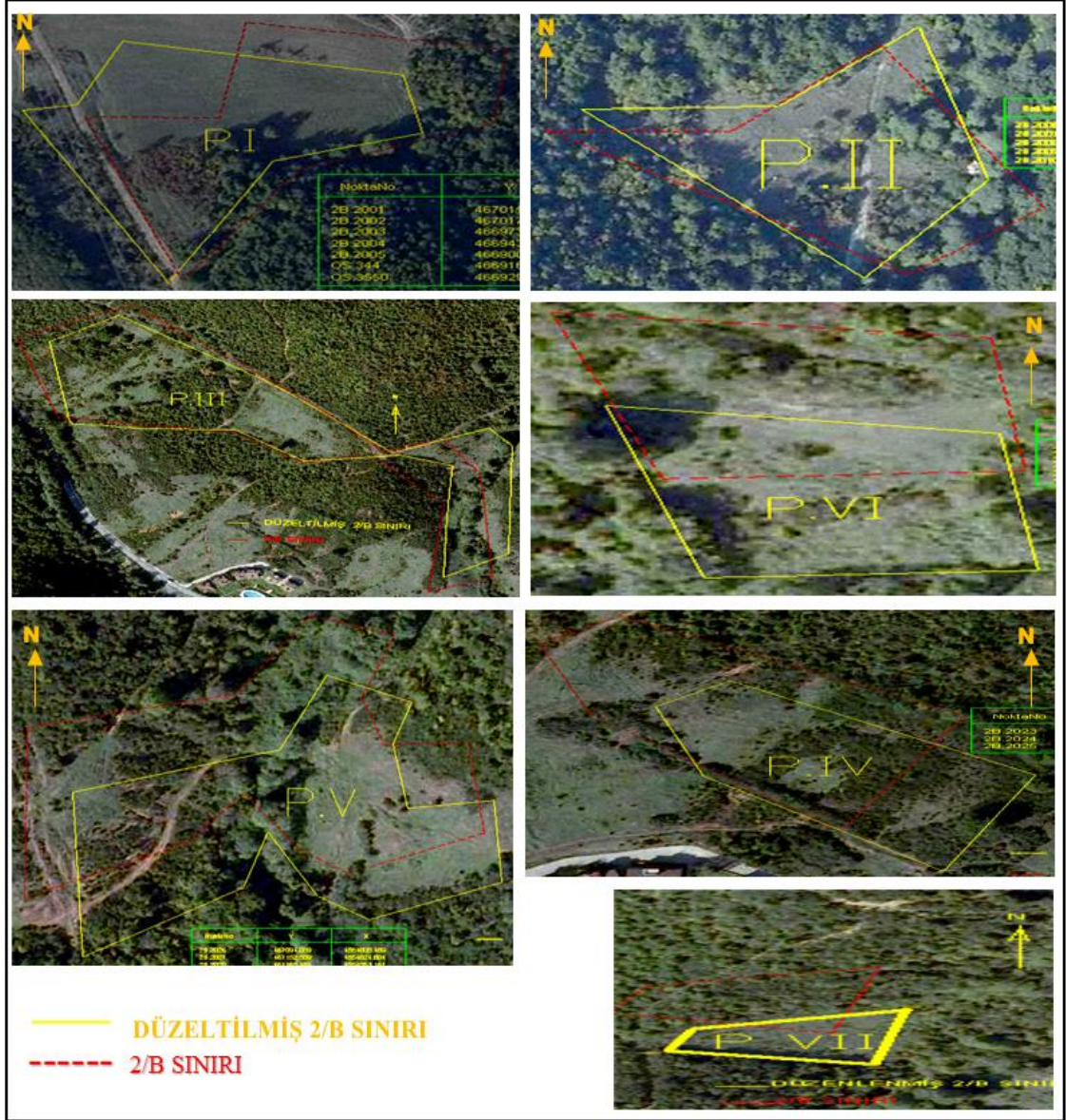


Figure 3. The final situation of İmrendere Village P.I, P.II, P.III, P.IV, P.V, P.VI, P.VII 2/B parcels corrected according to Law Numbered 5831 and thrown on satellite photograph the year of 2011.

Şekil 3. İmrendere Köyü P.I, P.II, P.III, P.IV, P.V, P.VI, P.VII Nolu 2/B parsellerinin 5831 sayılı yasaya göre düzeltilmiş ve 2011 yılı uydu fotoğrafı üzerine atılmış son durumu

It has been understood in the light of the researches and interviews made in İmrendere village the item 2/B lot number P.VI has been used by the users for at least the last 30 years. The land slope is around 10%. There are no other parcels in the parcel related to the research done in the village. In the past years it has been determined that land is used for agricultural purposes. All the forests belonging to the Şile forest management are the mixed forests of beech oak surrounded by forests adjacent to the relevant parcels after

the year 2002 when they are turned into forests. Parcels according to land use ability classes IV. Class is a land. It is considered that the implementation made in terms of relevant legislation is appropriate.

**Imrendere Village** It is seen that the adjoining forest area of parcel 2 / B numbered P.VII is covered with weak bonito and oak, beech trees. Likewise, reforestation will be achieved with afforestation works. The slope is around 30%. There is some erosion effect in the area. Parcel according to land use ability classes VII. Class is a land. This land was excluded from the forest on the grounds that agricultural use would be more beneficial than forest conservation with the Law No. 3302, and inclination is also suitable for agriculture purposes. Moreover, the fact that these agricultural lands used for 10-15 years ago are not used for this purpose at this moment and that they are abandoned also point out that these lands cannot be used for agricultural purposes economically. It is thought that the application made in terms of the relevant legislation is not appropriate, as it is thought to be beneficial in conservation as a forest.

### **3.2.3. Findings Related to 2/B Applications in Karamandere Village**

There are four 2/B plots in Karamandere Village. According to the examination of the forest cadastral records, in this village, in 1939, by means of the 10<sup>th</sup> installment commission, the forest was decided according to the Law No. 3116 (Ş.O.İ.M. Registers, 1939c) (Ş.K.M, 1964) and applied to the forest floor in 1939 as the basis for the determination of worship, and it is determined that there is no disagreement. Furthermore, it has been determined that the application of Law No. 6831 under Law No. 3302 was announced and finalized on 02.03.1992 (Ş.O.İ.M. Registers, 1992b), and the application of Law No. 5831 was announced and finalized on 19.06.2010.

According to Annex 4, which is added to the Cadastre Law No. 3402 with the Law No. 5831, the area of the parcel 2 / B number P.I in the forest cadastre file is 520 m<sup>2</sup> and corrected to 579,69 m<sup>2</sup> with the correction made; The area of 2.500 m<sup>2</sup> in the forest cadastre file of the parcel 2 / B numbered P.II was corrected to 1.020,12 m<sup>2</sup> with the correction made; The area of the 2 / B parcel number P.III in the forest cadastre file is 19.700 m<sup>2</sup> and corrected to 19.946.06 m<sup>2</sup> with the correction made; The area of 2 / B parcel number P.IV in the forest cadastre file has been determined to be 2.250 m<sup>2</sup> and corrected to 2.268,38 m<sup>2</sup> (Figure / Şekil 4) (Ş.O.İ.M. Records, 2010c).

Karamandere Village has agreed on the results of the research and interviews with the users of the parcel and village council of which the PI number 2 / B parcel has been used by the users for at least the last 30 years. The land slope is around 5%. In the research done in the village, the related parcel consists of 4 internal plots and there are 4 users. In the past years it has been determined that land is used for agricultural purposes. All the forests belonging to the Şile forest management are the mixed forests of beech oak surrounded by forests adjacent to the relevant parcels after the year 2002 when they are turned into forests. Parcels according to land use ability classes III. Class is a land. The south and east sides of the relevant plot are forests, and the other side is the agriculture land. The forest is not in a position to ruin its integrity. It can be said that the application made in terms of relevant legislation is appropriate.

Karamandere Village has been understood on the basis of the researches and interviews made with the users of the parcel and village council used by the users of the item 2/B numbered P.II at least for the last 40 years. The land slope is around 3-4%. The relevant parcel consists of 2 internal plots and has 2 users. In the past years it has been determined that land is used for agricultural purposes. The land is actually used as a farming field. The adjoining forest area of the relevant parcels is a mixed beech oak wooded. Parcels according to land use ability classes II. Class is a land and it is in the village. The forest is not in a position to ruin its integrity. It can be said that the application made in terms of relevant legislation is appropriate.

The adjoining forest area of the 2 / B parcel number P.III was found to be covered with weak bonito and oak, beech trees. Likewise, reforestation will be achieved with afforestation works. The slope is around 30%. There is some erosion effect in the area. Parcel according to land use ability classes VI. Class is a land. This land was removed out of the forest on the grounds that the use of agriculture as a forest would be more beneficial than conservation as a forest with the Law numbered 3302 and that it was suitable for agricultural use in terms of inclination In addition, agricultural land used until 10-15 years ago, is not used

for this purpose at this time and is abandoned. Indicating that these lands can not be used for agricultural purposes economically. It seems that the integrity of the forest will deteriorate when this land is taken out of the forest. It is thought that the application made in terms of the relevant legislation is not appropriate, as it is thought to be beneficial in conservation as a forest.

It has been understood on the basis of the researches and interviews made with village council and the users of the parcel, Karamandere village 2/B parcel number P.IV has been used by the users at least for the last 40 years. The land slope is around 3-4%. In the research carried out in the village, the relevant parcel does not form another inner parcel. In the past years it has been determined that land is used for agricultural purposes. The adjoining forest area of the relevant parcels is mixed woodland with beech and oak separated to the forest area. Parcels according to land use ability classes III. Class is a land. It passes through the village road. The forest is not in a position to ruin its integrity. It can be said that the application made in terms of relevant legislation is appropriate.



Figure 4. The final situation of Karamandere Village P.I, P.II, P.III, P.IV 2/B parcels corrected according to Law numbered 5831 and thrown on satellite photograph the year of 2011.

Şekil 4. Karamandere Köyü P.I, P.II, P.III, P.IV Nolu 2/B parsellerinin 5831 sayılı yasaya göre düzeltilmiş ve 2011 yılı uydu fotorafi üzerine atılmış son durumu

### 3.2.4. Findings Related to 2/B Applications in Korucu Village

There are 9 2 / B plots in Korucuköy Village. It was determined from the examination of the forest cadastral records belonging to this pioneer that in 1939 the forest commission of 10 was finalized according to the Law no. 3116 (Ş.O.İ.M. Registers, 1939d). The documents obtained from the Directorate of Watershed Management of Şile, indicating the existence of a complete overlap of the boundaries of the land owned by the land in 1939 and the boundaries of the land owned by the land in 1939 as a result of the examination of the plans and maps of the land, and the application of the forestry plan in 1939, It was determined that the forest boundary line and the measurement of 2/B points, which were made by land survey, were made with the land method and plotted against the measurement values. In addition, the 2B applications of Law No. 6831 under the different Law No. 3302 were announced and finalized on 17.03.1987 (Ş.O.İ.M. Registers, 1987a). Law No. 5831 applications was announced and finalized on 15.06.2010 (Ş.O.İ.M. Registers, 2010d).

In accordance with Annex 4 of Law No. 3402 on Cadastre Law No. 5831, the area of 2 / B parcels with PI number in the province of Istanbul, Şile District, Korucu Village is 600,00 m<sup>2</sup> and corrected to 2.883,93 m<sup>2</sup>. Area of 497,00 m<sup>2</sup> in the forest cadastre file of the parcels 2/B numbered P.II and 980,00 m<sup>2</sup> in the



village registry records of Korucu village was corrected to 952,94 m<sup>2</sup>. The area indicated as 7.810,00 m<sup>2</sup> in the forest cadastre file of the parcel 2/B numbered P.III and 7.960 m<sup>2</sup> in the Korucu village land registry records has been corrected to 7,892,57 m<sup>2</sup> with the amendment made; the area of 2 / B parcel number PVIII was determined as 935,00 m<sup>2</sup> in the area of the forest cadastre file and 1.920 m<sup>2</sup> in Korucuköy Village land registry register, corrected to 2.026,46 m<sup>2</sup> with the correction made; PX number 2 / B parcel in the cadastral file and 3800.00 m<sup>2</sup> in the cadastral file and 10000 m<sup>2</sup> in the Korucu Village title deed registry are corrected to be 1.025,86 m<sup>2</sup>; The area of 2/B number P.XI numbered 106,00 m<sup>2</sup> in the forest cadastre file and the name of Korucuköy Village in the land registry records was 1.406 m<sup>2</sup>. The face measurement was corrected to 1.410,65 m<sup>2</sup>; The area of 2 / B parcel number P.XII in the forest cadastre file is 9.700,00 m<sup>2</sup>, the area of the written area does not change and it is again 9,700,00 m<sup>2</sup>; The area of 2/B parcel number P.XIII in the forest cadastre file is 9.000,00 m<sup>2</sup>, the area written is unchanged and it is still 9.000,00 m<sup>2</sup>; It has been determined that the area of 2/B number P.XIV in the forest cadastre file area of 16,400,00 m<sup>2</sup> does not change and is again 16,400,00 m<sup>2</sup> (Figure / Şekil 5) (Ş.O.İ.M. Records, 2010d).

It has been understood on the basis of the researches and interviews made with village council and the users of the parcel, Korucuk village 2/B parcel number P.I has been used by the users at least for the last 40 years. The land slope is around 3-4%. In the research done in the village, the related parcel consists of 5 internal plots and there are 5 users. In the past years it has been determined that land is used for agricultural purposes. Vegetables and fruit farming is practiced in the field. The adjoining forest area of the relevant parcels is mixed woodland with beech and oak separated to the wooded area. Parcels according to land use ability classes II. Class is a land and it is in the village. The forest is not in a position to ruin its integrity. It can be said that the application made in terms of relevant legislation is appropriate.

Korucuköy Village The land slope of 2/B parcel number P.II is around 3-4%. There is no other inner parcel in the relevant parcel. In the past years it has been determined that land is used for agricultural purposes. It has been used by users for at least the past 40 years. The adjoining forest area of the relevant parcels is mixed woodland with beech and oak separated to the wooded area. Parcels according to land use ability classes III. Class is a land. It is considered that the implementation made in terms of relevant legislation is appropriate.

It has been understood on the basis of the researches and interviews made with village council and the users of the parcel, Korucuk village 2/B parcel number P.III has been used by the users at least for the last 40 years. The land slope is around 3-4%. There is no other inner parcel in the relevant parcel. In the past years it has been determined that land is used for agricultural purposes. Vegetables and fruit farming is practiced in the field. The adjoining forest area of the relevant parcels is mixed woodland with beech and oak separated to the wooded area. Parcels according to land use ability classes II. Class is a land and it is in the village. The forest is not in a position to ruin its integrity. It can be said that the application made in terms of relevant legislation is appropriate.

Korucuk Village The land slope of 2 / B parcel number P.VIII is around 3-4%. There is no other inner parcel in the parcel related to the research done in the village. It has been understood on the basis of the researches and interviews made with village council and the users of the parcel, Korucuk village 2/B parcel number P.VIII has been used by the users at least for the last 40 years. In the past years it has been determined that land is used for agricultural purposes. Parcels according to land use ability classes IV. Class is a land. There are forests in the east, waterside in the other side, and village road in the north. The forest is not in a position to ruin its integrity. It can be said that the application made in terms of relevant legislation is appropriate.

It has been understood on the basis of the researches and interviews made with village council and the users of the parcel, Korucuk village 2/B parcel number P.X has been used by the users at least for the last 40 years. The land slope is around 3-4%. There is no other inner parcel in the relevant parcel. In the past years it has been determined that land is used for agricultural purposes. Vegetables and fruit farming is practiced in the field. The adjoining forest area of the relevant parcels is mixed woodland with beech and oak separated to the wooded area. Parcels according to land use ability classes II. Class is a land and it is in the

village. The forest is not in a position to ruin its integrity. It can be said that the application made in terms of relevant legislation is appropriate.

It has been understood on the basis of the researches and interviews made with village council and the users of the parcel, Korucuk village 2/B parcel number P.XI has been used by the users at least for the last 40 years. Vegetables and fruit farming is practiced in the field. The land slope is around 10%. There is no other inner parcel in the relevant parcel. The adjoining forest area of the parcel is a grove of mixed beech oak that is protected. Parcels according to land use ability classes III. Class is a land and it is in the village. The forest is not in a position to ruin its integrity. It is considered that the implementation made in terms of relevant legislation is appropriate.

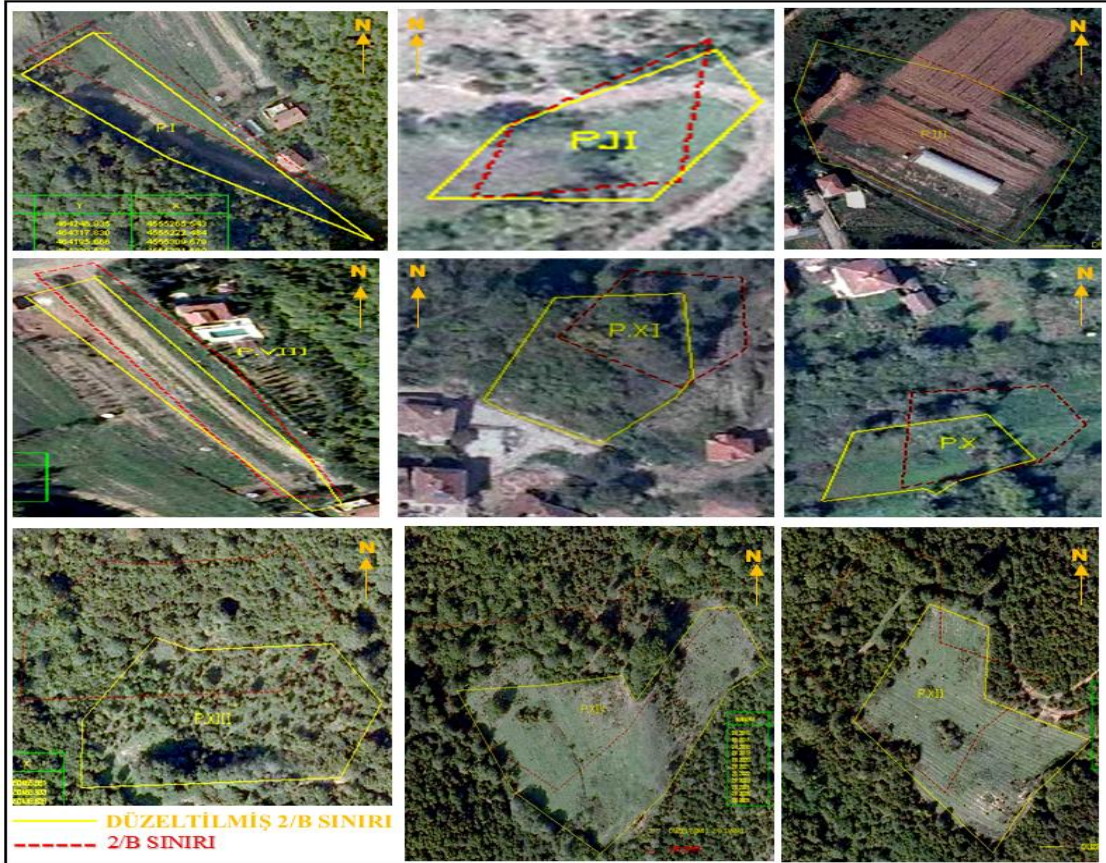


Figure 5. The final situation of Korucuköy Village P.I, P.II, P.III, P.VIII, P.X, P.XI, P.XII, P.XIII, P.XIV 2/B parcels.

Şekil 5. Korucuköy Köyü P.I, P.II, P.III, P.VIII, P.X, P.XI, P.XII, P.XIII, P.XIV Nolu 2/B parsellerinin 5831 sayılı yasaya göre düzeltilmiş ve 2011 yılı uydu fotorafları üzerine atılmış son durumu

It has been understood on the basis of the researches and interviews made with village council and the users of the parcel, Korucuk village 2/B parcel number P.XII has been used by the users at least for the last 40 years and there is no other inner parcel in the parcel. The land slope is around 15%. The adjoining forest area of the relevant parcels is mixed woodland with beech and oak separated to the wooded area. It can be said that the application made in terms of relevant legislation is appropriate.

The adjoining forest area of P.XIII number 2 / B parcels was found to be covered with weak bonito and oak, beech trees. Likewise, reforestation will be achieved with afforestation works. The slope is around 30%. Parcel according to land use ability classes VI. Class is a land. This land was removed out of the forest on the grounds that the use of agriculture as a forest would be more beneficial than conservation as a forest with the Law numbered 3302 and that it was suitable for agricultural use in terms of inclination. In

addition, agricultural land used until 10-15 years ago, is not used for this purpose at this time and is abandoned. Indicating that these lands cannot be used for agricultural purposes economically. It's all about the forest. The interior of the parcel is similar to that of the surrounding area. It is seen that it is covered with beech trees and weak bonitette and oak. It seems that the integrity of the forest will deteriorate when this land is taken out of the forest. It is thought that the application made in terms of the relevant legislation is not appropriate, as it is thought to be beneficial in conservation as a forest.

It has been understood on the basis of the researches and interviews made with village council and the users of the parcel, Korucuk village 2/B parcel number P.IV has been used by the users at least for the last 40 years. The land slope is around 15%. The adjoining forest area of the relevant parcels is mixed woodland with beech and oak separated to the wooded area. Parcels according to land use ability classes IV. Class is a land. It can be said that the application made in terms of relevant legislation is appropriate.

### 3.2.5. Findings Related to 2/B Applications in Ovacık Village

There are 12 2/B plots in Ovacık Village. It was determined from the examination of the forest cadastral records belonging to Ovacık Village that the forest commission was finalized in 1939 according to the Law No. 3116 by the Restriction commission of 10 (Ş.O.İ.M. Registers, 1939e). Determining that the documents obtained from the Deployment Directorate of Şile had a complete overlap between the boundaries of the land owned by the land and the land bounded by the land in 1939 as a result of the examination of the maps and the maps of the lands and the plans of the lands, the appraisal in 1939, It was determined that the forest boundary line and the measurement of 2 / B points were made by using the local method and written together with the measurement values. In addition, it was observed that the application of Law No. 5831 was announced and finalized on 21.06.2010 (Ş.O.İ.M. Registers, 1992c), where the Law No. 6831 was published and finalized on March 2, 1992 (Law No. 3302). M.M. Records, 2010e).

In accordance with Annex 4 of Law No. 3402 on Cadastre Law No. 5831, the area of the 2/B parcel number P.IX in the province of Istanbul, Şile District, Ovacık village was corrected to 15,691.91 m<sup>2</sup> with the correction made in the forest cadastre file. The area of 2 / B parcel number P.VIII in the forest cadastre file is 12,500,00 m<sup>2</sup> and the correction is made to 10,088,82 m<sup>2</sup> with the correction; The area of 12,600,00 m<sup>2</sup> in the forest cadastre file of the P/N number 2/B parcel has been corrected to 12,393,26 m<sup>2</sup> with the correction made; The area of 4.200.00 m<sup>2</sup> in the forest cadastre file of 2/B parcels numbered P.XI was corrected to 40.66,58 m<sup>2</sup> with the correction made; The area of 2.300,00 m<sup>2</sup> in the forest cadastre file of the parcel 2/B numbered P.XII has been corrected to be 1,239,44 m<sup>2</sup> with the correction made; The area of the 2/B parcel number P.XIII in the forest cadastre file is 3.300,00 m<sup>2</sup> and it is corrected to 2.857,68 m<sup>2</sup> with the correction made; The area of the 2/B parcels numbered P.XIV in the forest cadastre file is 1.400,00 m<sup>2</sup> and corrected to 1.405,28 m<sup>2</sup> with the correction. The area in the forest cadastre file of P.XIX numbered 2 / B parcels area is 2.960,00 m<sup>2</sup> and corrected to 3.036,68 m<sup>2</sup> with the correction made; The area of the 2/B parcels numbered P.XV in the forest cadastre file is 9200,00 m<sup>2</sup> and it is corrected to 8115,81 m<sup>2</sup> with the correction. The area of the 2/B parcels numbered P.XVI in the forest cadastre file is 32,900,00 m<sup>2</sup> and corrected to 27,353,93 m<sup>2</sup> with the correction. The area of 2/B parcels numbered P.XVII in the forest cadastre file was corrected to 9,447,45 m<sup>2</sup> with a correction of 9,700,00 m<sup>2</sup>. It has been determined that the area of 2/B P.XVIII in the forest cadastre file is 12.300,00 m<sup>2</sup> and it is corrected to 9,420,29 m<sup>2</sup> with the correction (Figure / Şekil 6) (Ş.O.İ.M. Registers, 2010e).

Ovacık Village The land slope of the 2/B parcel number P.VIII is around 15%. The adjoining forest area of the relevant parcels is mixed woodland with beech and oak separated to the wooded area. Parcels according to land use ability classes IV. Class is a land. There is no other inner parcel in the relevant parcel. In the past years it has been determined that land is used for agricultural purposes. Considering that it has been used by the users of the parcel at least for the last 40 years, it can be said that the application made in terms of the relevant legislation is appropriate.

The land slope of Ovacık Village P.IX number 2 / B lot is around 15%. There is no other inner parcel in the relevant parcel. In the past years it has been determined that land is used for agricultural purposes. The parcel has been used at least for the past 40 years. This situation has been clarified on the basis of the

research and interviews with the village council and the users of the parcel. The adjoining forest area of the relevant parcels is mixed woodland with beech and oak separated to the wooded area. Parcels according to land use ability classes IV. Class is a land. It can be said that the application made in terms of relevant legislation is appropriate.

The adjoining forest area of Ovacık Village PX 2/B lot is covered with weak bonitette and oak, beech trees. Likewise, reforestation will be achieved with afforestation works. The inclination is about 30% in one part and about 15% in another part. Parcel according to land use ability classes VI. Class is a land. This land was removed out of the forest on the grounds that the use of agriculture as a forest would be more beneficial than conservation as a forest with the Law numbered 3302 and that it was suitable for agricultural use in terms of inclination. In addition, these area used until 10-15 years ago cannot be used for this purpose at this moment and they are also abandoned, indicating that these lands cannot be used for agricultural purposes economically. In the research done in the village, the relevant parcel consists of 2 internal plots. The lower part of the slope is relatively livestocked by the users. Erosion effects are seen in places where the slope of the land is high. This part of the land is considered to be useful for preservation as a forest and it has been concluded that the implementation in terms of the relevant legislation is not appropriate.

The terrain of 2/B parcels numbered P.XI is about 30% in the southern part of the parcel and 15% in the north part. Agricultural activities are partly continued in the areas where the slope is low. The vegetation covers where the agricultural activity is not continued shows a similar structure with the adjacent forest area, the weak bonitette and the oak of bad quality are covered with beech trees. Likewise, reforestation will be achieved with afforestation works. Parcel according to land use ability classes VI. Class is a land. This land was removed out of the forest on the grounds that the use of agriculture as a forest would be more beneficial than conservation as a forest with the Law numbered 3302 and that it was suitable for agricultural use in terms of inclination. Moreover, at least some of these land used for agricultural purposes up to 10-15 years ago and cannot be used for this purpose now and they have been abandoned that also point out that these lands cannot be used for agricultural purposes economically. In the research done in the village, the relevant parcel consists of 2 internal plots. It is considered that the land slope is around 30% and that the parts showing similar structure with the adjoining forest area should be separated and kept as a forest and therefore the application made in terms of the related legislation is not appropriate.

It has been determined that the adjacent forest area of P.XII number 2/B parcels is covered with weak bonito and oak, beech trees, and the inside of parcel shows similar features. Likewise, reforestation will be achieved with afforestation works. The slope is around 20%. There is no other inner parcel in the parcel related to the research done in the village. Parcel according to land use ability classes VI. Class is a land. This land was removed out of the forest on the grounds that the use of agriculture as a forest would be more beneficial than conservation as a forest with the Law numbered 3302 and that it was suitable for agricultural use in terms of inclination. In addition, these area used until 10-15 years ago can not be used for this purpose at this moment and they are also abandoned, indicating that these lands can not be used for agricultural purposes economically. It's all about the forest. It seems that the integrity of the forest will deteriorate when this land is taken out of the forest. It is thought that the application made in terms of the relevant legislation is not appropriate, as it is thought to be beneficial in conservation as a forest.

The adjoining forest area of parcels 2/B numbered P.XIII is mixed woodland with beech and oak separated to the wooded area. Parcels according to land use ability classes IV. class is a land. The land slope of the relevant plot is around 15%. In the past years it has been determined that land is used for agricultural purposes. It has been understood on the basis of the researches and interviews made with village council and the users of the parcel, it was used by the users at least for the last 40 years. It is considered that the implementation made in terms of relevant legislation is appropriate.

Ovacık Village The land slope of the 2 / B parcel number P. XIV is around 15%. In the past years it has been determined that the land has been used for agricultural purposes and there is a building within the parcel. There is no other inner parcel in the relevant parcel. The adjoining forest area is protected mixed beech oak wooden. Parcels according to land use ability classes III. class is a land. At the conclusion of the research and interviews made with the users of the parcel and village council that the parcel was used by

the users at least for the last 40 years. It is seen that the relevant parcel is the village road to the north, the land to the west side is the land outside the lands, and the forest to the east and south. It can be said that the implementation made in terms of the relevant legislation is appropriate considering the fact that the forest is not deteriorated by removing the plot from the forest.



Figure 6. The final situation of Ovacık Village P.VIII, P.IX, P.X, P.XI, P.XII, P.XIII, P.XIV, P.XV, P.XVI, P.XVII, P.XVIII, P.XIX 2/B parcels corrected according to Law numbered 5831 and thrown on satellite photograph the year of 2011.  
 Şekil 6. Ovacık Köyü P.VIII, P.IX, P.X, P.XI, P.XII, P.XIII, P.XIV, P.XV, P.XVI, P.XVII, P.XVIII, P.XIX Nolu 2/B parsellerinin 5831 sayılı yasaya göre düzeltilmiş ve 2011 yılı uydu fotorafı üzerine atılmış son durumu

It has been determined that the adjacent forest area of Ovacık Village P. XV numbered 2/B parcels is covered with weak bonitette and oak, beech trees, and the inside of parcel shows similar characteristics. Likewise, reforestation will be achieved with afforestation works. The slope is around 30%. Parcel according to land use ability classes VII. class is a land. This land was removed out of the forest on the grounds that the use of agriculture as a forest would be more beneficial than conservation as a forest with the Law numbered 3302 and that it was suitable for agricultural use in terms of inclination. In addition, these area used until 10-15 years ago that can not be used for this purpose at this moment and they are also

abandoned, indicating that these lands can not be used for agricultural purposes economically. It's all about the forest. It seems that the integrity of the forest will deteriorate when this land is taken out of the forest. It is thought that the application made in terms of the relevant legislation is not appropriate, as it is thought to be beneficial in conservation as a forest.

Ovacık Village The land slope of 2 / B parcels numbered P. XVI is around 15%. In the past years it has been determined that land is used for agricultural purposes. The adjoining forest area of the relevant parcels is mixed woodland with beech and oak separated to the wooded area. Parcels according to land use ability classes IV class is a land. At the conclusion of the research and interviews made with the users of the parcel and the village council that the parcel was used by the users at least for the last 40 years. It can be said that the application made in terms of relevant legislation is appropriate.

Ovacık Village The land slope of 2/B parcel number P. XVII is around 20%. In the past years it has been determined that land is used for agricultural purposes. At the conclusion of the research and interviews made with the users of the parcel and the village council that the parcel was used by the users at least for the last 40 years. The adjoining forest area of the relevant parcels is mixed woodland with beech and oak separated to the wooded area. Parcels according to land use ability classes IV class is a land. Considering that agricultural activities are still being used by users at least for the last 40 years, it can be said that the application made in terms of relevant legislation is appropriate.

Ovacık Village The land slope of 2/B parcels numbered P. XVIII is around 30%. Somewhere in the earth erosion is seen. Parcel according to land use ability classes VII class is a land. It has been determined that the adjacent forest area is covered with weak bonito and oak, beech trees, and the inside of the parcel shows similar features. Likewise, reforestation will be achieved with afforestation works. This land was removed out of the forest on the grounds that the use of agriculture as a forest would be more beneficial than conservation as a forest with the Law numbered 3302 and that it was suitable for agricultural use in terms of inclination. In addition, these areas used until 10-15 years ago for the agricultural purpose and that cannot be used for this purpose at this moment and they are also abandoned, indicating that these lands cannot be used for agricultural purposes economically. It's all about the forest. It seems that the integrity of the forest will deteriorate when this land is taken out of the forest. It is thought that the application made in terms of the relevant legislation is not appropriate, as it is thought to be beneficial in conservation as a forest.

The land slope of 2/B parcels numbered P.XIX in Ovacık Village is around 15%. In the past years it has been determined that land is used for agricultural purposes. The adjoining forest area of the relevant parcels is mixed woodland with beech and oak separated to the wooded area. Parcels according to land use ability classes IV class is a land. At the conclusion of the research and interviews made with the users of the parcel and the village council that the parcel was used by the users at least for the last 40 years. The western side of the relevant plot is seen as a deed excluding and private-registered land, with eastern forest. It can be said that the implementation made in terms of the relevant legislation is appropriate considering the fact that the forest is not deteriorated by removing the plot from the forest.

### **3.3. Findings Related to Surveys and Interview on the Exclusion of Forest Boundaries**

It was aimed to investigate the process of removing the forest boundaries from the two-sided viewpoint through questionnaires conducted with the land users and the engineers working in the forest organization in the villages of Şile District and selected as the sample area.

#### **3.3.1. Socio - Economic Findings Related to Land Users**

Survey studies were conducted with all the land users who were excluded from the forest borders in selected villages. Numerical and percentage distributions of the questions related to the socio-economic findings in the questionnaire forms that were determined for the questionnaire survey were analyzed. According to this, the rates that stand out among the respondents are listed below.

- When the number of participating villagers that participated in the survey is examined; Ahmetli 20, Ovacık 10, Korucuköy 8, Karamandere 8 and İmrendere 6 people.
- When the household population is examined, families with 4-6 persons stand out by 61.5%.
- When the householders of age groups are examined, 26.9% of them are in the age group of 31-40 years.
- 67.3 of the respondents are primary school graduates.
- When the annual income of the householders is taken into consideration, those who have an income between 5,000 TL and 10,000 TL stand out with 55.8% while the share of householders with income between 0-10,000 TL is 46.2%.
- When we look at the income sources of the respondents, it is seen that 38.5% point out the other income source but do not explain it.
- In the case of land ownership only 9 out of the 52 participants indicated that they inherited ownership from their grandfather and the other participants did not respond. A similar result is also seen in the question of determining the amount of land.
- 98.1% of the participants admit that they are getting their field through inheritance. 96.2% of the participants indicate that the ownership period of the land is over 41 years and more.
- Considering the purposes of use of the land, it is understood that 88.5% is used for agricultural purposes.
- Regarding the yield status of the land, 78.8% of the participants say that the yield has not changed.
- In the case of sales of areas outside the forest borders, 88.5% of the participants indicate that they can buy land.
- Looking at the question of what purpose to use in the event of the purchase of the land outside the forest borders, it is said that 84.6% of the participants will continue to use it for the purpose currently used.
- 90.4% of the participants indicate that the land belongs to them and they will file an objection case if the land outside the forest boundaries is sold to another person.

### 3.3.2. Ownership Status of Land Users and Opinion on Applications for Removing Forest Boundaries

The opinions of those surveyed about the sale of areas outside the forest boundaries are of importance for the evaluation of the results of these studies. The conclusions regarding the sales of these land by those with the promised land are given in Table / Tablo 7.

Table 7. the thoughts of land users concerning selling of areas taken out of forest boundary  
Tablo 7. Arazi kullanıcılarının orman sınırları dışına çıkarılan alanların satışı ile ilgili düşünceleri

Villages	n	What do you think about the sale of the areas taken out of the forest borders?						
		It is a Political Movement		It's a Social Solution		It's a Legalization of Rights of Ownership		Ratio in Total (%)
		f	%	f	%	f	%	
Ahmetli	20	1	5.0	1	5.0	18	90.0	38.5
Korucuköy	8	0	0.0	2	25.0	6	75.0	15.4
İmrendere	6	1	16.7	0	0.0	5	83.3	11.5
Karamandere	8	0	0.0	0	0.0	8	100.0	15.4
Ovacık	10	0	0.0	4	40.0	6	60.0	19.2
<b>TOTAL</b>	<b>52</b>	<b>2</b>	<b>3.8</b>	<b>7</b>	<b>13.5</b>	<b>43</b>	<b>82.7</b>	<b>100.0</b>

According to the results in Table / Tablo 7, 82.7% of the respondents considers removal of forest boundaries as legalization of rights they possess. The ratio of those who see it as a social solution is 13.5% while the ratio of those who regard it as a political movement is 3.8%. While all of the land in Karamandere Village was considered as the legalization of the rights, the lowest participation came from Ovacık Village (60%).

### 3.3.3. Findings Related to Employees of Forest Organization

Engineers working in the Şile Forest Management Directorate, where the study was conducted, and engineers working in the cadastral property branch of the Istanbul Forestry Directorate have been evaluated in a way that covers the views of the forest organization on the application of forestry out-of-bounds. In this sense, 33 people participated in the questionnaire - Şile Forest Management Directorate and engineers working in Istanbul Forest District Directorate. Participants were asked to list the reasons for the implementation of the removal of forest boundaries, from 1 to 4, starting from the most important. When the results were examined, it was determined that the most important reason was "to obtain political rent", while the reason that was determined to be the least important was "Attempting to increase non-purposeful use of forests with various laws". The frequency distributions for the priority order of the listed causes are shown in Table / Tablo 8.

Table 8. The ranging of primary causes concerning taking out of forest boundary  
Tablo 8. Orman sınırları dışına çıkarmayla ilgili olarak öncelikli nedenlerin sıralanması

Causes	First		Second		Third		Fourth	
	f	%	f	%	f	%	f	%
Improvement of Forest Villagers	5	15.2	9	27.3	7	21.2	12	36.4
Obtaining political rent	13	39.4	7	21.2	8	24.2	5	15.2
Trying to regulation of forest-community relations	12	36.4	8	24.2	10	30.4	3	9.0
Trying to increase non-purposeful uses of forests with various laws	3	9.0	9	27.3	8	24.2	13	39.4
<b>TOTAL</b>	<b>33</b>	<b>100.0</b>	<b>33</b>	<b>100.0</b>	<b>33</b>	<b>100.0</b>	<b>33</b>	<b>100.0</b>

As Table / Tablo 8 shows, participants who represent the forest organization think that politics is at the core of the practice of removing forest boundaries. Nevertheless, it seems that the main purpose of the implementation is not to be the first place for the purpose of "development of forest villagers", but also a fourth reason.

In connection with the question posed above, the participants pointed out that 12 participants thought that they would lead to the emergence of new problems in the question, "What is your view towards going out of the forest boundaries?" However, 10 participants see it as a solution to a major problem. However, 11 participants indicate that both thinkers will be judges.

The view of the forest organization and participants on the practice of taking out of forest boundaries have been tried to be revealed with various questions. In this sense, to participants; questions were asked about the effects of the applications of the removal of forest boundaries to the forests of Istanbul, the thoughts about the areas which were taken out of the forest boundaries, the sale of the promised areas and the applications of forest cadastre. According to this, the greatest impact on Istanbul forests has come to be thought that new forest areas will also be occupied (f=18). Regarding the places that are taken out of the forest borders, it is suggested that "forest should be taken back (f=16)". It is believed that 16 of them will have a positive impact on the forest cadastre, and that many cases will end up selling land outside the forest borders. In order to sell to those who have lost forest cover, 19 people agree that "the purpose of the forestry policy is to defend and develop the existence of the forest". Frequency distributions of the responses to the relevant thought effects are given in Table / Tablo 9.

Given the results in Table / Tablo 9, it is understood that the majority of participants have considerations that forests should be protected. Nevertheless, a positive thought may be mentioned that areas removed outside the boundaries of the forest by law will solve the problems today. It is also understood that the forestry organization maintains a warm opinion at practices that regulate forest-people relations but that will not lead to the loss of forest areas.



Table 9. The implementations of taking out of forest boundary and overview of forestry organization to the issue  
 Tablo 9. Orman sınırları dışına çıkarma uygulamaları ve ormancılık teşkilatının konuya bakışı

<b>A- Effects on Istanbul forests</b>	<b>f</b>	<b>%</b>
Reducing the oppression and forest crime on forests	3	9.1
Leading more destruction of forests today and in the future	8	24.2
Encouraging occupation of new forest areas	18	54.5
There is no effect	4	12.1
<b>TOTAL</b>	<b>33</b>	<b>100.0</b>
<b>B- Areas taken out of forest borders</b>	<b>f</b>	<b>%</b>
These are suitable areas in terms of making of non-forestry applications	9	27.3
It should be taken back as forest	16	48.5
As a practitioner, there is no study on these areas	6	18.2
Other	2	6.0
<b>TOTAL</b>	<b>33</b>	<b>100.0</b>
<b>C- View of the forest cadastre of the sale of the areas taken out of the forest boundaries</b>	<b>f</b>	<b>%</b>
It makes effect on the positive direction, many cases end	16	48.5
It makes effect on the negative direction, new cases become	14	42.4
There is no effect	2	6.1
Other	1	3.0
<b>TOTAL</b>	<b>33</b>	<b>100.0</b>
<b>D- Selling of areas lost forest cover to their users</b>	<b>f</b>	<b>%</b>
It will pose a threat in terms of the forest-people relationship	3	9.1
It is in contradiction with the aim of preserving and developing the existence of forests from the purposes of forestry policy	19	57.6
Cases related to the subject will reduce or terminate completely	8	24.2
No idea	3	9.1
<b>TOTAL</b>	<b>33</b>	<b>100.0</b>

#### 4. CONCLUSIONS

The protection and development of forests and the protection of forest villagers are among the primary objectives of the national forestry policy. When the objectives of this study are determined, we can put forward the sub-objectives of forestry policy; The protection of forest areas and borders, the development of existing forests, the expansion of forest areas, the improvement of living conditions of forest villagers and the reduction of poverty have been taken into consideration. Forestry policy tools to achieve these objectives in terms of forestry policy; legal regulations related to forestry, forest ownership and relations with the public. In this direction, the study of the forest cadastral problems focused on 2/B focuses on the process of taking the forest out of the boundaries and tried to show whether these treatments fit the frame drawn in the related laws and serve the stated purposes. For this purpose, 2/B applications, which were made up to this time in Istanbul, were taken up first. Later, 2/B applications in selected villages were analyzed from the technical side. Lastly, 2/B users and engineers working in the forest organization have been surveyed about forest removal applications. When the outputs of all these studies are evaluated, the results can be summarized as follows:

It is known that there are some bottlenecks, the sale of the areas removed out of the forest boundaries to the users. At the beginning of these, cadastre completed areas, the registration of title cannot be done. When we look at the opinions of the forest organization in this respect, it turns out that the most important reason is that "registry of forest and land cadastral works are too late". Moreover, "social and political pressures" seem to be one of the obstacles to the conduct of business and operations. On the other hand, the fact that "frequent changes of members of the forest cadastral commission" is not considered as a reason is a meaningful conclusion. It is also meaningless that "the length of the finalization of the forest cadastre is long" as a reason.

Despite the fact that so many land converted out of the forest borders is the lawful owner of the Treasury of Finance, others are using it. Moreover, these persons are not charged with the real estate tax, they are not legally proprietors and they are in the case of the occupiers, even though the places they use are actually their owners. Briefly, with the 2/B applications, thousands of acres of land, which have been taken out of the forest borders for years, remain in the void. 2/B application in our country is carried out by the forest cadastral commissions established according to Article 7 of the Forest Law. These commissions are made up of four members, a president of a forest engineer, a forest engineer, or a forestry technician woodsman, an agricultural engineer or an agricultural technician agriculturist member, a local agriculture chamber representative, and a village or town representative. It is decided by these established commissions that a place has lost its forest quality in terms of knowledge and science and has to be taken out of the forest boundaries. Since the forest cadastral commissions have to make a determination in 2/B applications as of December 31, 1981, it is practically impossible to find technical findings, administrative documents and legal documents retrospectively. For that reason, decisions are often made based on current situations or on abstract and subjective insights, rather than on concrete and scientific determinations.

48% of Istanbul (258,767 ha) is covered with forests. Of the forest areas, 42% (107,990 ha) are located in Anatolia, and 58% (150,777 ha) are located in Europe. Forest areas on both sides of Istanbul are gathered to the north of the city. The population, which has increased greatly in Istanbul since the 1950s, has become threatened by forests with internal migration. As the pressure on the forests continued, parallel to the growing population, housing and settlement problems could not be resolved. As a result, 8% (183.3 km<sup>2</sup>) of the forests in Istanbul were occupied by slums and illegal structures and moved out of the forest borders (ITO, 2001). Due to the fact that this process cannot be stopped, forestry, plant cover and natural environment have been threatened with extinction in Istanbul. The fact that the forests in Istanbul are limited and cannot be registered in the land register also increases the existing problems. For many years, some of the fields that weren't deemed and unowned, and were first taken into the borders of the forest. Later, in order to compensate for the mistakes made, these fields were taken out of the forest borders by 2/B law. This has led to more problems than solving them. It is important for the State to ensure the rights of the citizen of the people and the state, to prevent the operation of the state by the institution of the province and to be ignored by another institution of the State. The active forest area identified during the work of Law No. 5831 in Istanbul is 949 ha. Inspector reports and the number of active forest areas identified during the work of Law No. 5831 are 4,181 ha (Table / Tablo 5). Accordingly, the ratio of total active forest area to 2/B area in Istanbul is about 25%. This shows that about 25% of the places where the forest cadastral commissions concerned have been found to have completely lost forest and in terms of knowledge and science, have not been used as agricultural, animal husbandry and residential areas, but have turned into forests again. Border rectification of only 2/B polygons in the forest cadastre maps, as similar errors are also present in the remaining forest boundaries, the integrity of the map is deteriorated, and a part of the corrected maps are erroneous. This makes the border checks made by the operation chiefs extremely difficult and the correction can lead to almost impossible results.

Up to this time, approximately 6% (17,051 hectares) of the Istanbul forests have been excluded from the forest due to the fact that the forest law has been "forested in terms of science and knowledge" in Article 2B. Regarding this, it raises questions about the extent to which the application of Article 2B of the forest law is based on scientific criteria and how important it is in terms of our country. The forest borders were changed at all times and the different areas were excluded from the forest boundaries with the changes made in the Forest Law (1744 SK, 2896 SK, 2924 SK, 3302 SK). The development of criteria based on more concrete and scientific indicators that are unchanged from one person to another in the 2/B applications made by the forest cadastral commissions established in accordance with Article 7 of the Forest Law is decided from the point of view of the future of our forests. In this sense, it is important to secure the constitutional guarantee that the meaning of the 169<sup>th</sup> and 170<sup>th</sup> articles of the Constitution will be removed from the software form and that no further reduction will be made with the date of 31.12.1981. Thus, new and forward-looking anticipations based on the date changes in the process of going out of the forest boundaries will be lifted and a more permanent application will be made by ensuring the integrity of the forests. Law No. 5831, which are being implemented in accordance with Annex 4, especially the 2/B areas, the forests in relation to 2/B areas adjacent to the forest boundary line, Border correction procedures in

cadastral maps are pending and it is controversial whether the forest can be applied to the boundary of the border line. Therefore, it is necessary to make a legal regulation for the forest areas that are continuing 2/B areas and put them into practice as soon as possible. Minutes, maps and ground mismatches in forest cadastral maps or registry maps are mostly used in the position coordinate system or graphical method of land cadastre based on various scale folio maps and forest cadastre is operated without cadastral technical and legal information to make cadastre in 1970s Hand scale 1 / 10.000 scale maps based on the method of photo piercing - in which all the villages of Sile have worked with this method. Moreover, these works have been done in places where the estate is precious. For this reason, forest cadastre maps and registration maps in many villages have record, layout and ground mismatches. In Istanbul, cadastre of 99% of the total 258.767 ha of forest area has been completed, only 9% of them have been registered. A total of 9,460 ha (55%) of the total 17.051 ha 2/B area could be registered. Due to the fact that they are not suitable to the cadastre technique, forests that cannot be registered in the title deed registry must be registered with the forest cadastre.

The execution of the land cadastre, forest cadastre and land register under the same law framework is likely to remove many of the problems that have been going on for decades and make them practical in practice. Although the new legislation allows the work of land cadastre and forest cadastre to be carried out together, the problems that have been experienced cannot be completely removed. For this reason, all cadastral works should be sought under the same roof as in the developed countries It is important to make legal and administrative arrangements to comply with the forest cadastral borders in all kinds of land use planning, especially zoning applications.

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