



Validity expires on 16-6-2016

***Proceedings of the State Environment Impact Assessment Authority
Kerala***

*Present: Prof. (Dr.) K.P. Joy, Chairman, Dr. J. Subhashini, Member and Sri. P. Mara Pandiyan I.A.S
Member Secretary.*

**Sub: SEIAA- Environmental Clearance for river sand mining in Valapattanam river (from
Parassinikadavu bridge to Valapattanam bridge) in Kannur District- Granted – Orders Issued**

STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY

No. 571/SEIAA/KL/4230/2014

Dated 17-12-2015

- Read: 1. E.C. No. 1/2015 dated 20-4-2015.
2. Application dated 27-6-2015 from the District Collector, Kannur.
3. Judgment dated 12-5-2015 of the Hon. NGT (SZ) in Application No. 440/2013 (SZ)
(THC)
4. Minutes of the 44th meeting of SEAC held on 12/13-8-2015
5. Letter No. L6-22174/15 dated 26-11-2015 from the District Collector, Kannur.
6. Minutes of the 45th meeting of SEIAA held on 4-12-2015.*

ENVIRONMENTAL CLEARANCE NO. 107 /2015

As per the reference 1st cited the State Environment Impact Assessment Authority (SEIAA) has based on the sand audit report of Centre for Environment and Development, Thiruvananthapuram, granted Environmental Clearance (E.C) for removal of river sand from from Valapattanam, Anjarakandy, Thalassery, Mahe, Perumba and Kuppam rivers @ 50% of the quantity of sand as assessed for each river from each approved Kadavu subject to the following conditions:

- 1) As per the Supreme Court judgement in Deepak Kumar's case on mining of miner minerals, depth of sand mining shall be restricted to 3 m / water level, whichever is less. Therefore the same condition will be applicable. District Collector, Kannur may issue

kadavu wise sand extraction permits limiting the total quantity of river sand to be extracted from each kadavu as sanctioned above.

- 2) Pillars should be erected on the banks of the kadavu to prevent the entry of lorries or carriage vehicles to the kadavus for transporting sand.
- 3) The maximum limit of sand extraction per day should not exceed that specified above.
- 4) Mining of sand in the Coastal Regulation Zone shall be as per the guidelines stipulated by the KCZMA.
- 5) Summer water level must be fixed with reference to a permanent point (bench mark) by levelling and should be recorded for future reference. At least two such points must exist in each Panchayath.
- 6) Stretch wise mining should be in tune with the sand audit report and District Collector, Kannur should monitor its compliance
- 7) The following conditions under Para I (iii) (a) to (e) stipulated in the O.M. dated 24th December 2013 of MoEF for river sand mining should be complied with. Conditions under Chapter 3 of the Kerala Protection of River Bank and Regulation of Removal of Sand Act 2001 should be followed, unless repugnant with the conditions in the O.M. dated 24th December 2013.
- 8) The sand removal areas (Kadavu) shall not be in any of the Ecologically Sensitive Area (ESA) where mining is banned as per O.M No. S.1-4/2012-RE (Pt) dated 13-11-2013 of the MOEF, Govt. of India.
 - a) The mining activity shall be done manually.
 - b) The depth of mining shall be restricted to 3 m/water level, whichever is less.
 - c) For carrying out mining in proximity to any bridge and/or embankment, appropriate safety zone shall be worked out on case to case basis to the satisfaction of SEAC/SEIAA, taking into account the structural parameters, locational aspects, flow rate, etc, and no mining shall be carried out in the safety zone so worked out.
 - d) No in stream mining shall be allowed.
 - e) The mining plan approved by the authorized agency of the State Government shall inter-alia include study to show that the annual replenishment of sand in the mining lease area is sufficient to sustain the mining operations at levels prescribed

in the mining plan and that the transport infrastructure is adequate to transport the mined material. In case of transportation by road, the transport vehicles will be covered with tarpaulin to minimize dust/sand particle emissions.

- 9) On line e-management system should only be resorted for sand distribution.
- 10) While issuing permit to each Panchayath, the specific quantity of sand to be removed as sanctioned herein and the period of extraction should be specified by the District Collector.
- 11) All the other statutory clearances as is required should be obtained.
- 12) Subsequent sand mining shall be regulated as per current sand audit report to be submitted by the District Collector, Kannur for appraisal by SEAC/SEIAA.
- 13) Copies of proceedings/directions being issued in pursuance of this clearance shall be furnished to the Member Secretary, SEIAA.

The quantity permitted was on the basis of the recommendation of the 33rd meeting of SEAC that the quantity of sand projected in the sand audit report is 2m below the summer water level and hence the proponent has to recompute the sand quantity above summer water level and provide the legally admissible quantity of sand as per OM. of MoEF dated 24.12.2012 issued by MoEF on the basis of the Hon'ble Supreme Court verdict, in Deepak Kumar Vs. State of Haryana.

2. Sri. P. Balakiran IAS, District Collector, Kannur, vide his application dated 27-6-2015, has sought Environmental Clearance for sand mining in remaining portions (from Parassinikadavu bridge to Valapatanam bridge) of Valapattanam river in Kannur District. Vide G.O. (M.S.) No. 23/14/Rev. dated 10.01.2014, concerned District Collectors are authorized to apply for Environmental Clearance for their district of jurisdiction. *The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 (since it is below 50 hectares) and as per O.M. No. L-11011/47/2011-IA.II(M) dated 18th May 2012 of Ministry of Environment and Forests. It is further categorized as Category B2 as per the O.M. No. J-13012/12/2013-IA-II (I) dated 24.12.2013 of Ministry of Environment and Forests, since the area of the project is below 25 hectares.* The proponent has submitted an Application in Form 1 along with the Kadavu wise list and sand audit report by CED, Thiruvananthapuram for the Environmental Clearance for sand mining in remaining portions (from Parassinikadavu bridge to

Valapattanam bridge) of Valapattanam river in Kannur District. As stated by the proponent, there is no litigation pending against the lease area / applicant of the lease area in any court of law. Manual dredging is done for removal of sand and sand lifting process is strictly based on the Kerala river bank protection and regulation of removal of rivers and act, 2001, Rules 2002 and Amendment Act, 2013. The proponent stated that during rainy season sand mining will be banned and natural restoration of sand will be done in the proposed site. *Pampuruthy Island* is located in the proposed site.

3. The list of Kadavus in Valapattanam river (from Parassinikadavu bridge to Valapattanam bridge) in Kannur district are given below:

| Sl.No | Kadavu Name | Daily lifting (Ton) | Panchayat/ Municipality Name | Village | Taluk |
|-------|-----------------|---------------------|------------------------------|--------------|-------------|
| 1 | Kakkathuruthi | 125 | Narath | Narath | Kannur |
| 2 | Kummaya Kadavu | 75 | | | |
| 3 | Parakkal | 200 | Pappinissery | Pappinissery | Kannur |
| 4 | Kalluri | 200 | | | |
| 5 | Mangadavu | 170 | | | |
| 6 | Valluvan kadavu | 120 | Chirakkal | Chirakkal | Kannur |
| 7 | Kambil | 100 | Thalipramba | Andoor | Thalipramba |
| 8 | Thundiyl | 100 | | | |
| 9 | Nanicheri | 70 | | | |
| 10 | Kambil kadavu | 60 | Kolachery | Kolachery | Thalipramba |
| 11 | Keelath kadavu | 50 | | | |
| 12 | Panniyam kandi | 69 | | | |

4. The proposal was placed in the 44th meeting of SEAC held on 12/13-8-2015. The Committee found that the sand audit report prepared by CED for Valapattanam River has not been approved by the Government. The District Collector informed that SEIAA has issued E.C. for removal of sand at the 50% of the quantity as mentioned in the sand audit report of CED. In this proposal there are 14 kadavus falling in 5 Panchayats. The stretch of Valapattanam River from which EC is requested for sand mining falls under CRZ area.

The Committee decided to defer the item for submitting the following.

1. Approved sand audit report by the Government for the stretch.
2. Remarks from KCZMA, since the proposed area falls under CRZ.

As per the clarification sought by 45th SEAC, Secretary, Kolachery Grama panchayat submitted document regarding the CRZ notification. It states that CRZ clearance is not applicable to Kolachery Panchayat. The quantity of daily lifting of river sand (in ton) in each kadavu from Parassinikadavu bridge to Valapattanam bridge is given in table above.

5. Sand audit report approved by the State Government is not required, for the SEIAA to decide on the application for E.C. If any of the stretch for which the sand audit is conducted and proposed for sand removal falls in CRZ areas, CRZ restrictions and guidelines for sand mining in CRZ areas shall be applicable. As in the previous E.C, the quantity reckoned is 2 m below the water level which is already disapproved and instructed to be recomputed. There is also an NGT (SZ) order prohibiting sand removal from Valapattanam River, below water level. On that account it is recommended that 58,042 lorry loads of sand may be mined from 6 local body areas. As was done earlier, here also the quantity need to be recomputed and admissible quantity above summer water level (3 m of water level whichever is less) reported. The SEIAA in its 45th meeting held on 4-12-2015 resolved to grant E.C. for removal of 50% of the Kadavu wise quantity estimated subject to the condition stipulated by Supreme Court in Deepak Kumar's case (3 m of water level whichever is less) and agreed to by local bodies before the NGT (SZ) in O/A. No. 440/2013. The E.C. will also be subject to all the 13 specific conditions mentioned in para 1 above and the judgment of the Hon. NGT (SZ) read above. The District Collector, Kannur shall also comply with the following conditions for further consideration of proposals for sand removal:

- a) Stretch wise mining should be in tune with the sand audit report and District Collector should monitor its compliance.
- b) The conditions under Para 1 (iii) (a) to (e) stipulated in the O.M. dated 24th December 2013 of MoEF for river sand mining should be complied with.
- c) All the other statutory clearance as is required should be obtained.

6. Validity of the E.C. will be up to 16-6-2016.

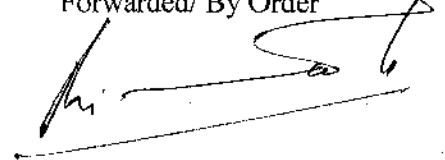
Sd/-

P. Mara Pandiyan. I.A.S.,
Member Secretary
& Addl. Chief Secretary,
Environment & Forests.

To,

1. The District Collector, Kannur.
2. MoEF Regional Office, South Zone, Kendriya Sadan, 4th floor, E&F Wing, II Block, Koramangala, Bangalore-560034.
3. Principal Secretary to Government, Environment Department, Government of Kerala.
4. Director, Department of Environment & Climate Change, Government of Kerala.
5. Member Secretary, Kerala Coastal Zone Management Authority, Sasthra Bhavan, Pattom, Thiruvananthapuram-4.
6. Chairman, SEIAA, Kerala
7. Website
8. Stock file
- ✓ 9. O/C.

Forwarded/ By Order



Administrator,
SEIAA

