

Proceedings of the State Environmental Impact Assessment Authority, Kerala

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

Sub: SEIAA- Environmental Clearance for river sand mining in Kannur District- Issued

STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY

No. 571/SEIAA/KL/4230/2014

Dated 20-4-2015

- Read:*
- 1. Application dated 29-01-2014 from the District Collector, Kannur.*
 - 2. Minutes of the 27th meeting of SEIAA held on 11-3-2014.*
 - 3 Minutes of the 30th meeting of SEIAA held on 9-5-2014.*
 - 4. Minutes of the 33rd meeting of SEIAA held on 24-9-2014.*
 - 5. Minutes of the 35th meeting of SEIAA held on 9-4-2014.*

ENVIRONMENTAL CLEARANCE NO. 1/2015

The District Collector, Kannur, vide application received on 30-01-2014, has sought Environmental Clearance under EIA Notification, 2006 for river sand mining in Kannur District. Vide G.O. (M.S.) No. 23/14/Rev. dt. 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) dt. 24.12.2013 of Ministry of Environment and Forests, if the area of the project is below 25 hectares.*

2. The lifted sand distribution process is done in Kannur district through the project named 'Nirman' which is an e-mode project. The removal of river sand in Kannur district is permitted based on the study report of CWRDM conducted in 2011-'12. Normally, such sand audit reports are prepared once in every three years and hence mining could be permitted for the financial year 2013-'14 based on the said report. As stated by the proponent, there is no litigation pending against the mining 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 River sand Act-2001, Amendment Act-2013 and Rules 2002 and also based on the report of CWRDM.

3. Following the orders from the Honourable National Green Tribunal, the entire sand mining activity was prohibited in Kannur district from 21st December 2013. The proponent has submitted the Application in Form 1.

4. The proposal was considered as agenda item no. 24.03 in the 24th SEAC meeting held on 5th February 2014. It was found that the quantity of sand is limited in the Valapatanam and Anjarakkandy river basins and recent reports on the river mapping is essential to estimate the sand available with these river basins. SEAC found that the proponent has submitted the sand audit report prepared by CWRDM, is valid up to May 2014.

5. Considering the CWRDM report which is valid till May 2014 submitted by the proponent and the environmental protection measures being adopted so far, the Committee *recommended* the project for Environmental Clearance which shall be valid up to 31st May 2014.

6. The SEIAA, after due consideration of the relevant documents and in view of the recommendations of SEAC, approved for grant of Environmental Clearance for the project mentioned above at its 27th meeting held on 11th March 2014 up to a period of 31st May 2014 specifying the following conditions:

- a) Stretch wise mining should be in tune with the CWRDM report and District Collector should monitor its compliance.
- b) The conditions under Para 1 (iii) (a) to (e) stipulated in the O.M. dt. 24th December 2013 of MoEF for river sand mining should be complied with.
- c) Sand auditing of all the rivers in the district should be completed before 31st May 2014 as is being done now and subsequent sand mining shall be regulated as per that report to be assessed by SEAC/SEIAA.
- d) All the other statutory clearance as is required should be obtained.

7. Further, SEIAA, in its 30th meeting under agenda item no. 30.43.01 ratified the validity of Environmental Clearance for river sand mining in Kannur district since for river sand mining in Kannur, Thrissur, Kozhikode, Ernakulam and Malappuram districts, EC was approved for issue up to a period of 31st May 2014. Due to the election processes, the EC could not be issued soon after the SEIAA decisions. In the EC issued on 7th May 2014, the validity was therefore given up to 30th June 2014.

8. The proponent vide letter dt. 21.07.2014 has submitted copies of Government orders authorizing various agencies to conduct sand auditing of various rivers in the state. As per the said orders, Centre for Environment and Development, Thiruvananthapuram and Uralungal Labour Contract Co-operative Society have been assigned to conduct River Bank Mapping and Sand Auditing for Valapattanam River and Anjarakandy River respectively. It is further stated by the proponent that they have entrusted Centre for Environment and Development, Thiruvananthapuram for conducting sand audit of Thalassery, Mahe, Perumba and Kuppam rivers and has requested to take necessary steps to issue Environmental Clearance for river sand mining in Kannur district from Valapattanam, Anjarakandy, Thalassery, Mahe, Perumba and Kuppam rivers based on the report of Centre for Environment and Development, Thiruvananthapuram. The proponent has also submitted two volumes of project report of sand audit of rivers in Kannur district done by Centre for Environment and Development, Thiruvananthapuram. Hence it was placed in 33rd SEAC for appropriate decisions.

9. 33rd SEAC noted that the quantity of sand projected in the report is 2m below the summer water level. Hence the proponent has to recompute the sand quantity above summer water level and provide the quantity of sand. As per the clause in OM. of MoEF dated 24.12.2012 issued on the basis of the Hon'ble Supreme Court verdict, permission can be given to take sand above summer level. The committee recommended taking 50% of the quantity of sand assessed by CED for a period of four months from September to December.

10. The above recommendations of SEAC were considered by the SEIAA in its 35th meeting held on 9-4-2015. The Authority examined the matter in detail w.r. t the reports and decided to issue environmental clearance to take 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 1 (iii) (a) to (e) stipulated in the O.M. dt. 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. dt. 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.
- 14) Validity of this EC will be only up to 19-10-2015.

Member Secretary, SEIAA

To,

1. The District Collector, Kannur.
2. MoEF Regional Office, South Zone, Kendrita 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. Director of Mining & Geology, Government of Kerala, Thiruvananthapuram-4.
6. Chairman, SEIAA, Kerala
7. Website
8. Stock file
9. O/C.

