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Government of India

Ministry of Environment, Forest & Climate Change

J&K ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

(at) DEPARTMENT OF ECOLOGY, ENVIRONMENT AND REMOTE SENSING

S.D.A. Colony, Bemina, Srinagar-190018 (May-Oct) / Parvathan Bhanran, Transport Nagar, Galdni, Jammu-180006 (Nov-Apr)

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**MINUTES OF THE 85th MEETING OF JK ENVIRONMENT
IMPACT ASSESSMENT AUTHORITY HELD ON 01st AUGUST, 2022
THROUGH VIDEO CONFERENCING**

In pursuance to the Minutes of the 97th and 98th Meeting of the JK Expert Appraisal Committee held on 02nd July, 2022 and 04th July, 2022 respectively through video Conferencing issued vide No. No. EAC/JK/22/14144-14156 dated 12-07-2022, and No.EAC/JK/22/14229-14241 dated 15-07-2022, the 85th Meeting of the JK Environment Impact Assessment Authority was held on 1st August 2022 at 1100 Hrs. through video conferencing:

The following attended the meeting:-

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|---|--------------------------|
| 1. Mr. Lal Chand, IFS(Retd.) | Chairman, JKEIAA |
| 2. Er. Nazir Ahmad(Chief Engineer, Retd.) | Member, JKEIAA |
| 3. Shri Rakesh Kumar, IFS,
Director, EE&RS, J&K. | Member-Secretary, JKEIAA |

Following are the deliberations & decisions of the meeting: -

Agenda Item No.01.

Grant of Environment Clearance in favour of Shri Jagdish Singh S/O Shri Vijay Singh R/O Malakpur, District Pathankot Punjab for Riverbed Mining Project of Minor Mineral Block 02, ANG/SA/02 Mehmoodabad Bridge Upstream Sandran Nalla, District-Anantnag, JK UT, Revised Area 0.29 ha. (ADS). under proposal No.SIA/JK/MIN/241681/2021 & SIA/JK/MIN/59441/2020.

Brief Summary: The case pertains to grant of Environment clearance under B2 category for Riverbed Mining Project of Minor Mineral Block 02, ANG/SA/02 Mehmoodabad Bridge Upstream Sandran Nalla, District-Anantnag, JK UT, Revised Area 0.29 ha. (ADS).

LOI has been issued on 21-07-2020, which was extended on 01-04-2022 and its validity was up to 30-06-2022. Mining plan has been approved on 02-11-2020. The case was earlier discussed by the JKEAC on 09-01-2021/22-01-2022 and area of the project has been reduced by the Geology & Mining Department on 21-08-2021/25-06-2022.

As per summary of appraisal report, District Survey Report has not been formulated as per guidelines and needs to be revised for including replenishment data etc., Status of NOCs shows that stakeholder departments have issued NOCs (conditionally) in favour of the project.

DELIBERATIONS/SPECIFIC OBSERVATIONS OF JKEAC:

- a) The case had earlier been discussed by JKEAC in the 23rd meeting held on 09/01/2021 during which the Committee recommended Terms of Reference to the project subject to

- condition that the mining block is reduced in size so as to maintain a safe distance of 500mts from the bridge.
- b) The project proponent had applied to JKEIAA for grant of EC under B2 category after resizing the mining block from 3.27 Ha to 1.10 Ha to maintain a safe distance of 500m to the nearby bridge.
 - c) Subsequently, the case had come under discussion before the JKEAC in the 83rd meeting held on 22/01/2022 during which the committee did not recommend the case for grant of environmental clearance and desired PP to submit compliance to following observations:
 - i. Heavy illegal mining activity was detected in the mining block as per features on Google image of Nov, 2020 for which clarification shall be obtained from the Multi-Department District Level Task Force Cell (MDDLTF) for fixing responsibility and to indicate whether the PP is involved in the said mining activity.
 - ii. The Committee further observed that mining reserves have greatly depleted due to heavy illegal mining and hardly any reserves of minor minerals are available which can be extracted without damaging the environmental setting of the nalla. Therefore, the Committee desired that the PP should obtain a 'fit for mining certificate' from the G&M Dept. to the effect that adequate replenishment has taken place and there is sufficient material to be exploited without endangering the ecological and hydrological regime of the nallah.
 - iii. Features indicative of one irrigation offtake point in immediate vicinity of the block was observed on Google image of Nov, 2020. Therefore, the Committee desired project proponent to obtain field verification of the observations by the concerned Xen Irrigation Dept. In case, it is found that such irrigation facilities are not actually existing, same needs to be recorded by the concerned hydraulic engineer with consent of local PRI, with seal and signature, certifying therein that there are no irrigation off-take points within 200m of the mining block boundary, preferably on the back side of Colour Google image of the area depicting the mining block boundary and Kuhls/canals off-take points.
 - iv. Active water channel detected in the mining block which needs to be excluded while calculating the revised targeted mineral production.
 - v. Project cost has been underestimated by the consultant as it does not include cost of EMP, CER and therefore needs to be revised.
 - vi. EMP budget needs to be revised with appropriate budget.
 - vii. Revision of the mining plan with mine closure plan, revised mining depth, targeted mineral production and replenishment and its denovo approval by the competent authority.
 - d) During deliberations in the instant 97th meeting, the consultant while presenting compliances to the observations made by JKEAC in the previous meeting informed that:
 - i. With respect to item i, Supra, the PP has submitted the report from Multi Dept. District level task Force (MDLTF) cell dated 31/03/2022 stating that the PP is not involved in any kind of illegal mining activity in and around the mining block No. 02.
 - ii. With respect to item ii, Supra the PP has submitted 'Fit for mining Certificate' issued by Junior officials of the G&M dept. and endorsed by Mineral Officer (K), G&M Dept. Sgr. vide letter No. MSK.DGM/SGR/F-267/8077-78 dated 10/03/2022. In respect of above, the JKEAC is of the opinion that such reports are extremely important documents and need to be issued / endorsed by the Joint Director / Director, G&M Dept.

- iii. With respect to item iii, Supra, the PP has submitted the field verification issued by the Executive Engineer, (Irrigation Division) Anantnag, Vide letter No. IDA/1871-72 dated 17/06/2022 which states that an irrigation channel on left side of the Nallah runs along the said minor mineral block with variable distance of 18-70 m and as such the minor mineral block be resized in such a way that it does not affect the irrigation channel. In view of the above communication from Executive Engineer, Irrigation Dept., the PP has once again got the mineral block resized from 1.10 Ha to 0.29 Ha by the G&M Dept. to maintain safe distance to the irrigation channel. The same was verified using KML /KMZ file of the resized mining block of 0.29Ha submitted by the consultant on live Google Image.
- iv. Notwithstanding the clarifications and compliances made and depicted as above, JKEAC feels that drastic reduction of the mining block size from 3.27 Ha to 0.29 Ha may imping the economic viability of the mining operations and may, under the garb of EC lead to overexploitation of the mineral resources which already stand grossly depleted due to illegal mining observed on the Google image. However, the Consultant tried to justify the same by presenting the terms and conditions of the e-tender document but the Committee did not entertain it and desired that the case should be rejected for grant of EC.

RECOMMENDATIONS OF THE COMMITTEE:

In view of the above deliberations and insight gained during the above cited appraisal process, the Committee rejected the mining block for grant of Environmental clearance.

Decisions of the JKEIAA:

The Authority deliberated on the observations made by JKEAC in its 97th meeting and agreed with the recommendations of Committee to reject the case for grant of EC.

Agenda Item No.02 & 03.

Grant of Environmental Clearance (EC) for river bed mining projects under cluster situation:

- i. **Minor Mineral Block No. 25 (revised Area 1.62 ha.), located at Sheikhpora Trenz Bridge, Downstream Nallah Rambiar, Village- Sheikhpora, Tehsil- Chitragam & Dist.- Shopian, UT- J&K (ADS) under proposal No.SIA/JK/MIN/253697/2022 & SIA/JK/MIN/55339/2022.**
- ii. **Minor Mineral Block No. 26, (revised area 2.60 ha.), located at Sheikhpora Downstream Nallah Rambiar Village, Sheikhpora, Tehsil- Chitragam & Dist.- Shopian U.T of J&K (ADS) SIA/JK/MIN/253617/2022, SIA/JK/MIN/226458/2021 & SIA/JK/MIN/55378/2020.**

in favour of:-

Shri Bashir Ahmad Wani S/O Shri Jalal Ud Din Wani R/O Ladhoo, Khrew District- Pulwama, JK UT.

Brief Summary of Block No.25: The case pertains to grant of Environment clearance under B2 category for Minor Mineral Block No. 25 (revised Area 1.62 ha.), located at Sheikhpora

Trenz Bridge, Downstream Nallah Rambiar, Village- Sheikhpura, Tehsil- Chitragam & Dist.- Shopian, UT- J&K (ADS)

LOI has been issued on 01-04-2020, which was extended on 01-04-2022 and its validity was up to 30-06-2022. Mining plan has been approved on 09-06-2020. The case was earlier discussed by the JKEAC on 16-09-2020/28-03/2022 and area of the project has been reduced by the Geology & Mining Department on 15-01-2022.

As per summary of appraisal report, District Survey Report has not been formulated as per guidelines and needs to be revised for including replenishment data etc., Status of NOC's shows that Stakeholder departments have issued NOCs (conditionally) in favour of the project.

Brief Summary of Block No.26. The case pertains to grant of Environment clearance under B2 category for Minor Mineral Block No. 26, (revised area 2.60 ha.), located at Sheikhpura Downstream Nallah Rambiar Village, Sheikhpura, Tehsil- Chitragam & Dist.- Shopian U.T of J&K (ADS)

LOI has been issued on 02-04-2020, which was extended on 01-04-2022 and its validity was upto 30-06-2022. Mining plan has been approved on 09-06-2020. The Terms of Reference were issued to the project on 05-11-2020 and public hearing of the project was conducted on 05-05-2021. The case was earlier discussed by the JKEAC on 03-10-2020/28-03-2022 and area of the project has been reduced by the Geology & Mining Department on 15-01-2022.

As per summary of appraisal report, District Survey Report was not formulated as per guidelines and needs to be revised for including replenishment data etc., Status of NOC's shows that Stakeholder departments have issued NOCs (conditionally) in favour of the project.

DELIBERATIONS/SPECIFIC OBSERVATIONS OF JKEAC:

- a) The cases for grant of Terms of Reference for miner mineral block No. Block 25 and 26 had earlier been discussed by JKEAC in the 14th and 16th meetings held on 16.09.2020 and 03/10/2020 respectively during which the committee had recommended the cases for grant of Terms of Reference subject to condition that the G&M Dept. relocates /resizes the mining block No.25 by maintaining a safe distance of 500 m from the Rambiar Bridge.
- b) Subsequently, the cases had been listed in the 91st meeting of JKEAC held on 28/03/2022 under agenda item 3 and 4. During deliberations, the Committee had observed as under:

Minor Mineral Block No. 25.

- i. Although, the mining block 25 forms a cluster with mining block 26 and 27, the PP has submitted the case for grant of EC under B2 category, while not taking into account the proximity of the existing cluster of mining blocks to mining block No.27. Therefore, the Committee desired that the PP must apply under B1 category before proceeding further with the appraisal process.
- ii. Heavy illegal mining activity detected in & around the mining block as per features on Google image of Dec, 2021 which needs clarification from the Multi Dept. District level Task Force (MDDLTF) Cell, stating whether the PP is involved or not in illegal mining activity.

- iii. The NOC issued by the Irrigation Dept. is in a generalized format but indicates that the Saller Kuhl main water conductor falls in the vicinity of the mining block. Therefore, the PP must obtain explicit clarification from the Xen, Irrigation indicating that the main water conductor of Salar Kuhl falls at a distance of more than 200m from the resized mining block.
- iv. The Committee stipulates that in view of poor prospects of availability of the material due to heavy illegal mining in the area, the PP shall obtain 'fit for mining certificate' from G&M Dept. also stating therein that adequate replenishment has taken place and there is enough material available in the proposed mining block that can be excavated without endangering ecological and hydrological regime of the area.
- v. Revision of the mining plan with mine closure plan, revised mining depth, surface plan, revised area, revised targeted mineral production and replenishment and its denovo approval by the competent authority.

Minor Mineral Block No.26.

- i. Taking cognizance of the strong opposition against mining activity in the block as expressed in the public hearing, the Committee is of the opinion that the Dy. Commissioner concerned should constitute a committee of stakeholder departments to assess the grievances of the locals and propose mitigation measures to set at rest the apprehensions as regards the adverse impact of mining on the means of their livelihood. The same committee may also examine and certify that sufficient replenishment has taken place in the block and there is adequate material available to be extracted without any adverse impact on the hydrological regime of the nallah.
- ii. The NOC issued by the Irrigation Dept. is in a generalized format but indicates that the Saller Kuhl main water conductor falls in the vicinity of the mining block. Therefore, the PP must obtain explicit clarification from the Xen, Irrigation Dept. indicating that the main water conductor of Salar Kuhl falls at a distance of more than 200m from the resized mining block.
- iii. Heavy illegal mining activity detected in & around the mining block as per features on Google image of Dec, 2021 which needs clarification from the Multi Dept. District level Task Force (MDDLTF) Cell, stating whether the PP is involved or not in illegal mining activity.
- iv. Compliance to specific ToR condition relating to photographs of display screen of Air Quality Monitoring Station displaying the dates of collection of baseline data needs to be submitted.
- v. Mining depth of 2 m & bulk density of 2.3 mentioned in mining plan not agreed by the Committee. Mining depth be restricted to max. 1m in aggregate and bulk density be restricted to 2 in absence of actual field measurements.
- c) During deliberations in the 97th instant meeting, The Secretary informed the Committee that the project proponent has filed a writ petition before the Hon'ble High Court of J&K &L where under the JKEAC has been made a party. In the said writ petition, recommendation made by JKEAC for considering the mining block 25 under B1 category has also been challenged. Therefore, RQP of the mining blocks 25 was asked to justify consideration of the mining block 25 of the cluster under B2 category so that appropriate decision is taken on merits of the case.
- d) The RQP informed that the PP has submitted the cluster certificate issued by J.D (K), G&M Dept. vide letter No. MSK/DGM/SGR/F-02SPN/B-25/7032 dated 19/01/2022

- which states that no other minor mineral block except e-auctioned minor mineral block No. 26 (area 2.60 Ha) of district Shopian falls within a distance of 500 m of the e-auctioned minor mineral block No. 25 of district Shopian (Revised area 1.62 Ha).
- e) JKEAC examined the claim in the light of records and found that Environmental Clearance has been rejected to the mining block 27 which otherwise was thought to form cluster with block 25 and 26.
 - f) The Committee observed that the consultant of block 26 on the one hand has got the mining block resized to 2.60 Ha but on the other hand he has still been applying under B1 category, despite the cluster area being less than 5Ha.
 - g) However, the Committee asked project proponent and the consultant of mining block 26 to justify resizing of the block 26 from 9.50Ha to 2.60 Ha. The Consultant informed that the block was resized to maintain safe distance to the irrigation system in the area. To justify his claim, he presented copy of the NOC from DDC and Sarpanch concerned wherein it has been mentioned that after resizing of the block 26, the Salar kuhl is now at a distance of more than 200m. However, JKEAC desired that the Joint Director (K), G&M Dept. should issue a clarification to the letter No. MSK/DGM/SGR/F-25/B-26SPN/7000-02 dated 15/01/2022 justifying / giving reasons for resizing the mining block 26 from 9.50 Ha to 2.60 Ha.
 - h) The Committee recalled the deliberations made in the 91st meeting when JKEAC had taken cognizance of the apprehensions of the locals expressed during public hearing and had made recommendations to assess grievances of locals against mining activity in original block 26 as detailed herein above. JKEAC noted that the consultant has not submitted any compliance on this count.
 - i) Therefore, notwithstanding the fact that the cluster could be considered under B2 category, yet the apprehensions expressed by locals during public hearing prior to resizing of the block 26, cannot be ignored, the committee opined. Therefore, JKEAC reiterated that the Dy. Commissioner concerned should constitute a committee of stakeholder departments to assess grievances of the locals registered during the public hearing and propose mitigation measures to set at rest the apprehensions as regards the adverse impact of mining on their livelihood, besides, other issues raised during the public hearing.
 - j) With respect to report of Multi Dept. District level task Force (MDDLTF) cell on Illegal Mining activity in the cluster, the PP has submitted the report which states that the PP is not involved in any kind of illegal mining activity in and around the mining blocks.
 - k) With respect to clarification from the concerned Executive Engineer, Irrigation Department, the PP has submitted fresh NOC issued by the Executive Engineer (Irrigation Division) Shopian, vide letter No. 2428-32 dated 24/06/2022 (Block 25) and letter No. 2423-27 dated 25/06/2022 (Block26) respectively, which was again found to be ambiguous and not clearly mentioning the distance of main water conductor of Salar Kuhl from the two resized mining blocks. Therefore, the Committee desired that the PP should submit fresh NOCs from the Irrigation Dept. as per format to be downloaded from the website of the Department of Ecology, Environment & Remote Sensing at www.jkdears.com.
 - l) The Committee observed that the PP has submitted 'fit for mining certificate' issued by the Mineral Officer (K), G & M Dept. Sgr. Vide letter No. MSK/DGM/SGR/F-15/B-25/1111-1112 dated 24/06/2022 for minor mineral block No. 25 and 26. However, JKEAC did not entertain the same and desired that the fit for mining certificate should

be issued / endorsed by the concerned Joint Director/Director, G&M dept. in view of the fact that the mineral resources appear to be highly depleted in the area.

- m) The PP has not submitted the revised mining plan for the cluster. Mining plan needs to be updated for mine closure plan, revised area, revised mining depth, targeted mineral production and replenishment and its denovo approval by the competent authority.
- n) EMP cost has been underestimated & the same needs to be revised with appropriate budget.
- o) Mining depth of 2m and bulk density 2.3 in the existing mining plans was not agreed and the Committee desired mining depth be restricted to max. 1m and bulk density of 2 be adopted in absence of replenishment study and actual field measurements.

RECOMMENDATIONS OF THE COMMITTEE:

In view of the above deliberations and insight gained during the above cited appraisal process, the Committee did not agree to recommend the cases for grant of EC pending compliance/ resolution of observations made as above.

PP may again approach JKEIAA for grant of EC after ensuring requisite compliances/ clarifications sought as above.

Decisions of the JKEIAA:

The Authority deliberated on the observations made by JKEAC and agreed to reject the cases for grant of Environment clearance pending compliances/resolution of observations made by JKEAC.

However, PP, may approach JKEIAA again for grant of EC after revalidation of LOI and after requisite clarifications sought by JKEAC are complied with.

Agenda Item No. 04.

Grant of Environment Clearance in favour of M/S J&K Minerals Ltd. (A J&K Govt. Undertaking) R/O- Sanat Ghar, Bemina District - Srinagar JK UT for Minor Mineral Block No- MN07, Dandkadal Bridge Upstream Nallah Mawar Village – Tulwari & Langate Tehsil – Handwara District – Kupwara JK UT (Area – 2.95 Ha) under proposal No.SIA/JK/MIN/277473/2022

Brief Summary: The case pertains to grant of Environment clearance under B2 category for Minor Mineral Block No- MN07, Dandkadal Bridge Upstream Nallah Mawar Village – Tulwari & Langate Tehsil – Handwara District – Kupwara JK UT (Area – 2.95 ha.)

The Government has allotted the mining block vide Allotment Order No.25 MNG dated 31-08-2021. The cluster certificate has been issued on 09-06-2022 and mining plan has been approved on 26-02-2022.

As per summary of appraisal report, District Survey Report has not been formulated as per guidelines and needs to be revised for including replenishment data etc.,

Status of NOC's shows that stakeholder departments have issued NOCs (conditionally) in favour of the project.

The NOC issued by the Tehsildar (Langate) states that the proposed mineral blocks include the proprietary land of the local residents of village Langate falling under Khasra No.404, 405, 409, 426, 427, 853, 834/1, 834/2 which has been eroded by the floods and are presently situated in Nallah Mawar.

DELIBERATIONS/SPECIFIC OBSERVATIONS OF JKEAC:

- a) The consultant gave a detailed PowerPoint presentation and informed that it is a fresh case relating to grant of EC in favour of M/S J&K Minerals Limited for mining block 07 allotted by J&K Govt. vide G.O No. 25MNG of 2021 dated 31/08/2021 with an area of 2.95ha. ha falling under B2 category.
- b) The PP has submitted the cluster certificate issued by J.D (K), G&M Dept. vide letter No. MSN/JDK/DGM/Sgr/JKML/Kup/899 dated 09/06/2022. which states that no minor mineral block falls within a distance of 500 m of the minor mineral block No. 07 covering an area of 2.95 ha.
- c) The title verification of the land issued by the Tehsildar Langate vide letter dated 01/12/202, reveals that the site proposed for the mining includes proprietary land of the local residents of Langate, eroded by the floods presently situated in Nallah Mawar. The Committee expressed its inability to proceed further with the appraisal process unless and until the proprietary land is excluded from the mining block which be got resized by a committee comprising of ACR Revenue, District Mineral officer, Xen Irrigation & Flood Control and AD, Fisheries Dept. in presence of concerned land owners and local PRI. Fresh title verification be obtained as per format available on the website of the dept. of Ecology, Environment & Remote Sensing at www.jkdears.com. Legal consent of all the land holders, in case, they are willing to do so, be obtained and be included in the documentation for grant of EC.
- d) The committee further observed on Google image of Nov, 2018 features indicative of one irrigation offtake point in immediate vicinity of the block. Therefore, the Committee desired project proponent to obtain NOC from the Irrigation Dept. as per format available on the website of the dept. of Ecology, Environment & Remote Sensing at www.jkdears.com.
- e) The NOCs issued by the other stake holder depts. are also on a generalized format and need to be obtained as per NOC formats available on the website of the dept. of Environment at www.jkdears.com
- f) The mining plan approved by JD(K), G&M Dept. came under discussion. The consultant was asked to explain as to how two different mining methodologies have been described based on annual mining depth of 0.6m and 1.0m in table 3 and table 4 respectively for calculation of minable reserves while misquoting the JKEIAA. The Committee did not approve the mining depth proposed under the two tables and desired that the mining plan be revised with mining depth of 1.0 m in aggregate in view of non-availability of replenishment data in the District Survey Report formulated by G&M Dept.
- g) The features on the Google image appear to indicate ditches filled with water due to excessive mining. Since, replenishment data is not available in the District Survey Report (DSR) formulated by the G&M Dept., the Committee feels it necessary for PP to seek 'fit for mining certificate' from the Director/Joint Director, G&M Dept. to the effect that there is adequate material available in the block and proposed mining activity would not invite any adverse impact on the hydrological and ecological regime of the nallah.
- h) The EMP should be revised with appropriate budget keeping sufficient provision for haulage route maintenance, laying of hume pipes to maintain flow in water creeks and stabilization of the stream banks using engineering methods.

RECOMMENDATIONS OF THE COMMITTEE:

In view of the above deliberations and insight gained during the above cited appraisal process, the Committee did not agree to recommend the case for grant of EC in the present form.

However, the PP if he so desires, may again approach JKEIAA for reconsideration of the case after submitting compliance to observations listed here-in-above.

Decisions of the JKEIAA:

The Authority deliberated on the observations made by JKEAC and agreed to reject the cases for grant of Environment clearance pending compliances/resolution of observations made by JKEAC.

However, PP, may approach JKEIAA again for grant of EC after revalidation of LOI and after requisite clarifications sought by JKEAC are complied with.

Agenda Item No.05.

Grant of Terms of Reference in favour of M/S Airport Authority of India. Mr. Sanjeev Kumar Garg, Airport Director, Civil Airport Jammu, JK UT for Expansion for civil enclave at Jammu Airport with an area of 40000 m² proposed by Airports Authority of India. under proposal No.SIA/JK/MIS/77099/2022.

Brief Summary: The case pertains to grant of Terms of Reference under B1/F(a) category for Expansion for civil enclave at Jammu Airport with an area of 40000 m² proposed by Airports Authority of India. The total cost of the project is 731.47 crores.

Status of NOC's shows that Irrigation Department has issued conditional NOC in favour of the project dated 25-10-2021 mentions therein that the existing carrying capacity is not sufficient to accommodate storm water of airport. The Central Ground Water Board & Fire & Emergency Services had also issued in favour of the project. The land for the project has already been allotted by the Revenue Department. The NOC's of other Stakeholder department will be submitted with E.C. application.

DELIBERATIONS/SPECIFIC OBSERVATIONS OF JKEAC:

1. The Consultant while presenting the case informed that this is an expansion project and the PP has applied for grant of ToRs for preparation of EIA/EMP for the new civil enclave at Jammu Airport with an area of 40,000 m² over a land area measuring 122 acres by Airport Authority of India.
2. He further informed that the Govt. vide G.O No. 66-JK(Rev) of 2021 dated 08/10/2021 has transferred state land measuring 974 kanals and 2 Marla at Village Rakh Raipur tehsil Jammu in accordance with Rule, 310 of General Financial Rules, 2017 for establishment/ Expansion of Jammu Airport to the Airport Authority of India (AAI) free of Cost in terms of National Civil Aviation Policy, 2016 with following terms and conditions:
 - i. The Departments shall be provided requisite budgetary support for their activities or compensated with equal land elsewhere.
 - ii. Condition that the Land shall be used only for the purpose for which the sanction of transfer has been accorded and construction shall take place only after obtaining all necessary permissions as may be required from the competent authority.
3. NOC from the chief Engineer Jal Shakti (I&FC) Department Jammu vide letter dated 25/10/2021 mentions that the existing carrying capacity is not sufficient to accommodate storm water of airport. JKEAC observes contradiction between the subject matter and the information provided in the body of letter conveying the NOC. In the subject, Chief Engineer, I&FC mentions canal and in the body of the letter, reference is made to an

escape channel. To resolve the confusion, CE, I&FC may look in the matter and provide the clarification and enclose a detailed map showing the I&FC assets that shall be impacted due to expansion of the airport in the documentation for grant of EC.

4. JKEAC desired that the project proponent should carry out detailed traffic study and obtain a comfort letter from Traffic Department. Traffic studies may account for additional traffic as shall be generated on the roads leading to airport.
5. Further, comfort letters should also be obtained from the other concerned stakeholder departments.

RECOMMENDATIONS OF THE COMMITTEE:

In view of the above deliberations / observations made by the Committee here-in-above, the Expert Appraisal Committee recommended the project for grant of following Terms of Reference as per Annexure-G to these minutes to enable the project proponent to formulate the EIA/EMP and to undertake other statutory formalities.

Decisions of the JKEIAA:

The Authority deliberated on the observations made by JKEAC and agreed to grant Terms of Reference to the project as per Annexure-G to the minutes of the 97th Meeting of JKEAC to enable the project proponent to formulate the EIA/EMP. Authority also directs PP to address concern raised by the JKEAC in respect of storm water while formulating EIA/EMP.

Agenda Item No.06.

Grant of Environment Clearance in favour of Shri Karanvir Singh S/O Shri Surinder Singh 01, Lane No.3, Shaheed Udham Singh Nagar Pathankot, Punjab, for Minor Mineral Block-1, A- Lassipora SIDCO Bridge, Downstream Nallah Rambiar, District-Pulwama, JK UT, (Revised area 2.63 ha.)(ADS). under proposal No.SIA/JK/MIN/61204/2021.

Brief Summary: The case pertains to grant of Environment clearance under B1 category for Minor Mineral Block-1, A- Lassipora SIDCO Bridge, Downstream Nallah Rambiar, District-Pulwama, JK UT, (Revised area 2.63 ha.) (ADS).

LOI has been issued on 18-09-2020, which was extended on 01-04-2022 and its validity was up to 30-06-2022. Mining plan has been approved on 12-01-2021. The Terms of Reference were issued to then project on 01-04-2021. and public hearing of the project was conducted on 05-08-2021. The case was earlier discussed by the JKEAC on 26-03-2021/21-10-2021 and area of the project has been reduced by the Geology & Mining Department on 27-06-2022.

As per summary of appraisal report, District Survey Report has not been formulated as per guidelines and needs to be revised for including replenishment data etc.,

Status of NOC's shows that Stakeholder departments had issued NOCs (conditionally) in favour of the project.

Dy. Commissioner, Pulwama vide reference No. DCP/Esstt/SM/Noc/408- 420 dated 03-05-2021 has conveyed NOCs of stake holders. The NOC from Revenue Department indicate presence of Milkiat land and Shamlat land in the designated mining block. The PP has submitted copy of a corrigendum issued by the addl. Deputy Commissioner, Pulwama dated:21/12/2021 which was examined by the Committee with the earlier title verification issued by Adl. Dy. Commissioner, Pulwama dated 03/05/2021 and mentions the Mineral Block under khasra No 453 as state Land.

DELIBERATIONS/SPECIFIC OBSERVATIONS OF JKEAC:

- a) The case had been discussed by the Expert Appraisal Committee earlier during the 30th Meeting held on 20/03/2021 during which ToRs had been issued to the project subject to condition that the report of Multi-departmental Committee on illegal mining activity mentioning categorically that the PP is not involved in it, be submitted.
- b) The case had come for discussion in the 66th meeting held on 21/10/2021 during which Expert Appraisal Committee did not agree to recommend the case for grant of EC and had desired following prior compliances: -
 - i) Submission of an explicit report from the Multi Dept. District Level Task Force Cell to the effect that the PP is not involved in the illegal mining activity.
 - ii) Getting the area falling under Shamlat and Milkiat excluded from the designated mining block or obtain prior consent of the concerned rightful owners and stakeholders as the case may be duly attested by the Competent Authority to enable consideration of the proposal.
 - iii) The area has many flood protection works to safeguard the Lassipora industrial area. Since, the safety of the industrial area/buildings is of paramount importance, the existing flood protection works need to be strengthened. The project proponent would get the area inspected by Flood Control authorities to estimate the cost of such strengthening and provide the same in EMP budget estimates to enable taking up of the strengthening works if and when required.
 - iv) Revision of the mining plan with mine closure plan, revised mining depth, revised mining block area, revised surface plan, targeted mineral production and replenishment and its denovo approval by the competent authority.
 - v) EMP Budget needs to be revised
 - vi) Budget for surveillance equipment has not been provided and the Committee has accordingly recommended it as per budget in identical projects.
 - vii) Mining depth be restricted to max.1m in aggregate in view of non- availability of replenishment data in the DSRs formulated by the G&M Department.
 - viii) The ToR condition relating to submission of photographs of display screen of the air quality monitoring station showing data with date of collection of the baseline data has not been submitted in the EIA report and the same needs to be complied in letter and spirit.
- c) In the instant 97th meeting, it was observed that the PP has again approached JKEIAA for reconsideration of the case for grant of EC after getting the block resized from 4.62 ha. to 2.63 ha. from Joint Director(K), Geology and Mining Department vide letter dated 27/06/2022 in pursuance to application dated 27/06/2022 filed by the project proponent to keep a minimum distance of 50 m from the existing Flood protection works as per advice of the concerned Executive Engineer, I&FC. Power point presentation was made by the Consultant to present compliances to the observations made in the 66th meeting. During deliberations, JKEAC made following observations:
 - i. In compliance to point no i) supra, relating to the report on illegal mining and fixing of responsibility thereof, the consultant presented the report of the Multi-Departmental District Level Task Force Cell (MDDLTF) dated 29/03/2022. The Committee while examining the report observed that the MDDLTF Cell in its report has mentioned that though there is no evidence of direct involvement of the PP in illegal mining activity, yet as per Lol, the PP, was bound neither to carry an extraction nor to allow any extraction, till the grant of mining lease. Further, the MDDLTF Cell in its report

mentions that a team of subject experts should visit the sites so that their recommendations are taken into account to avoid any further devastation in and around these mining blocks. In view of the facts in the said report, JKEAC is of the considered view that the block is not fit for mining and it should be given rest at least for three years or till full replenishment is certified by the stakeholders, specifically the Chief Engineer, Irrigation and Flood Control Department, Kashmir and Director, G&M under their own hand, whichever is later.

- ii. With respect to point no ii), the PP has submitted copy of a corrigendum issued by the addl. Deputy Commissioner, Pulwama dated 21/12/2021 which was examined by the Committee with the earlier title verification issued by Adl. Dy. Commissioner, Pulwama dated 03/05/2021.
- iii. With respect to point no iii), supra regarding inspection of the site by Flood Control Dept. to estimate the cost of strengthening the flood protection works and to provide the same in EMP budget estimates, the PP has failed to submit compliance.
- iv. Compliance to item iv) regarding revision of mining plan has not been submitted.
- v. The compliance to specific ToR condition relating to photographs of display screen displaying the dates of collection of baseline data is missing in EIA report.

RECOMMENDATIONS OF THE COMMITTEE:

In view of the above deliberations / observations made by the Committee here-in-above, the Expert Appraisal Committee rejected the case for grant of EC and recommended that the mining block be given rest at least for three years or till full replenishment is certified by the stakeholders specifically the Chief Engineer, Irrigation and Flood Control Department, Kashmir and Director, G&M under their own hand, whichever is later.

Decisions of the JKEIAA:

The Authority deliberated on the observations made by JKEAC and agreed to reject the case for grant of EC. The Authority also agreed with the recommendations to allow rest for three years or replenishment of mining block to be certified by the stakeholders especially the Chief Engineer, Irrigation and Flood Control Department, Kashmir and Director, G&M, whichever is later. The Member Secretary shall inform the concerned department(s) accordingly.

Agenda Item No.07.

Grant of Environment Clearance in favour of Shri Jugesh Agarwal S/O Shri Ram Chand R/O H.No.179, Anandpur, District- Pathankot, for Riverbed Mining Project in Block No.12, ANG/BR/12, Larkipora Bridge Downstream Bringi Nallah, District-Anantnag, JK UT (Revised area 4.10 ha.) under proposal No.SIA/JK/MIN/59681/2021.

Brief Summary: The case pertains to grant of Environment clearance under B1 category for Riverbed Mining Project in Block No.12, ANG/BR/12, Larkipora Bridge Downstream Bringi Nallah, District-Anantnag, JK UT (Revised area 4.10 ha.)

LOI has been issued on 24-07-2020, which has been extended on 01-04-2022 and its validity was upto 30-06-2022. Mining plan has been approved on 22-02-2021. The Terms of Reference were issued to then project on 20-01-2021. and public hearing of the project was conducted on 17-03-2021. The case was earlier discussed by the JKEAC on 19-01-2021/03-01-2022 and area of the project has been reduced by the Geology & Mining Department on 26-08-2021.

As per summary of appraisal report, District Survey Report was not formulated as per guidelines and needs to be revised for including replenishment data etc., Status of NOCs shows that Stakeholder departments had issued NOCs (conditionally) in favour of the project. NOC from irrigation department mentions that supply channel of Barthu is located in the area and extraction of bed material shall adversely affect smooth irrigation facilities to the beneficiaries. Since the Barthu being the zamindari kuhl, NOC from the concerned Tehsildar may also be sought. One more irrigation channel on right side of Brangi nallah runs along the said Mineral block within 150 m.

DELIBERATIONS/SPECIFIC OBSERVATIONS OF JKEAC:

- a) The case had been discussed by the Expert Appraisal Committee earlier during the 24th Meeting held on 19/01/2021 during which the Committee had recommended TORs to the project of area 9.34 Ha subject to: -
 - i. Resizing of Mining block to maintain a safe distance of 500 mts from the bridge.
 - ii. Obtaining of a certificate from Dy. Commissioner, Anantnag District w.r.t title verification of the land with geographical coordinates proposed under the mining block.
- b) However, the JKEIAA had desired the PP to get the mining block resized and obtain prior title verification before granting ToRs.
- c) Accordingly, the project proponent again approached JKEIAA after submitting prior compliance to the observations made by the Committee in the 24th JKEAC w.r.t resizing of the block and its title verification.
- d) The case had come for discussion in the 81st JKEAC meeting held on 03/01/2022 during which the Expert Appraisal Committee again recommended the project for grant of ToRs with compliance to following observations:
 - i) The communication from irrigation department mentions that supply channel of Barthu is located in the area and extraction of any bed material from the block shall adversely affect smooth irrigation facilities to the beneficiaries and it further mentions that NOC for the kuhl is required from the Tehsildar concerned as Barthu is a zamindari kuhl.
 - ii) Submission of an explicit report from the Multi Dept. District Level Task Force Cell, to the effect that the PP is not involved in the illegal mining activity.
 - iii) The PP needs to obtain 'fit for mining certificate' from the G&M Dept. to the effect that adequate replenishment has taken place in the block and there is sufficient material available to extract material without endangering the ecology and hydrological regime of the nallah.
 - iv) Presence of an off-take point of irrigation kuhls in the vicinity of the mining block and desired project proponent to obtain field verification of same by the concerned Xen Irrigation Dept.
 - v) Active water channel needs to be excluded from the mining block while calculating the targeting mineral production.
 - vi) Revision of the mining plan with mine closure plan, revised mining depth, revised surface plan, targeted mineral production and replenishment and its denovo approval by the competent authority
 - vii) Mining depth of 2.00m and Bulk density of 2.3 m adopted in the instant mining plan were not agreed by the committee. Mining depth be restricted to max. 1m in aggregate and bulk density be based on actual ground measurements.

- e) In the instant 97th meeting, the PP has approached JKEIAA for consideration of the case with revised area of 4.10 Ha comprising of two sub-blocks for grant of EC after submitting the Final EIA and Public Hearing Report.
- f) The Consultant gave a detailed PowerPoint presentation on the project and discussed the project cost, EMP, haulage route, CSR/ CER, revised surface plan and public hearing report etc.
- g) The Committee observed as under:-
 - i. The PP has got the mining block resized from 7.32 Ha to 4.10 Ha comprising of sub-block No.1 measuring 2.8 Ha and Sub-block No.2 measuring 1.3 ha to maintain a safe distance from the Fathepur Ladi irrigation offtake point lying in the close vicinity of the mining block prior to its resizing, as informed by the consultant.
 - ii. The Consultant presented a fresh clarification from the Executive Engineer, Irrigation Div. Anantnag dated 17/06/2022 supported with hardcopy colour Google Image of the area depicting the resized mining block boundary and the location of kuhl offtake points viz. Fathpur Ladi and Larkipora Ladi. The two sub-blocks of the resized mining block were examined on the live Google Image using the fresh KML file submitted by the consultant. It was found that though the Larkipora Ladi and Fathpur Ladi are beyond 200m from the two sub-mining blocks, yet the Sub-block No.2 comprising of 1.3 Ha lies at a distance of approx. 60m from another offtake point lying on the right side of the mining block, much less than the prescribed minimum buffer of 200m as per mining guidelines.
 - iii. Although, the PP has submitted a 'fit for mining certificate' from ineral officer Geology and Mining Department Srinagar vide letter dated 10/03/2022 it was not entertained by JKEAC in the light of observations made on the latest available Google Image of October 2021 which depicted features indicative of huge ditches and renches filled with water due to heavy illegal mining in the area which appears to have greatly affected regulation of water to the irrigation offtake points when compared with previous Google images of the area. Further, JKEAC desired that a communication should go to the Director, G&M Dept. requesting therein that the officials certifying replenishment should apply their mind and conscience while issuing the fit for mining certificates in future.
 - iv. Therefore, keeping in view the national mining guidelines, the Committee did not feel it proper to consider even the resized mining block for grant of EC as any mining activity in the block may prove disastrous for regulating the irrigation facility to the surrounding cropland.
 - v. The PP has failed to submit NOC from the concerned Tehsildar w.r.t impact on Barthu Zamandari Kuhl.
 - vi. The PP has submitted the report from the Multi-Departmental District Level Task Force Cell (MDDLTFC) dated 10/03/2022 wherein it has been reported that the project proponent of the mining block is not involved in any sort of illegal mining activity.
 - vii. Notwithstanding the compliances, though made partially by PP in respect of the observations of the previous meeting, JKEAC is of the considered view that the block is not practically fit for mining and it should be given rest at least for three years or till full replenishment is certified by the stakeholders, specifically the Chief Engineer, Irrigation and Flood Control Department, Kashmir and Director, G&M under their own hand, whichever is later.

RECOMMENDATIONS OF THE COMMITTEE:

In view of the above deliberations/observations made by the Committee here-in-above, the Expert Appraisal Committee rejected the case for grant of EC and recommended that the mining block be given rest at least for three years or till full replenishment is certified by the stakeholders specifically the Chief Engineer, Irrigation and Flood Control Department, Kashmir and Director, G&M under their own hand, whichever is later.

Decisions of the JKEIAA:

The Authority deliberated on the observations made by JKEAC and agreed to reject the case for grant of EC. The Authority also agreed with the recommendations to allow rest for three years or replenishment of mining block to be certified by the stakeholders especially the Chief Engineer, Irrigation and Flood Control Department, Kashmir and Director, G&M, whichever is later. The Member Secretary shall inform the concerned department(s) accordingly.

Agenda Item No.08.

To continue discussion on the report titled, 'Minor Mineral Resource Estimation, Hydrology, Hydrogeology and replenishment Studies of Nallah Doodganga and Nallah Shaliganga, District Badgam, UT of J&K' formulated by G&M Dept. forwarded by JKEIAA.

DELIBERATIONS/SPECIFIC OBSERVATIONS OF JKEAC:

The above-mentioned report formulated by G&M Dept. was forwarded by JKEIAA for examination. JKEAC discussed the report threadbare and observed as under:

1. The report is absolutely general in nature and the data reported/generated therein is not at all actionable/ helpful in the task of identification of sedimentation/ aggradations zones which in turn could have provided the Geology & Mining Department the objective basis for carving out of mining blocks.
2. Long sections of the two nallahs viz. Doodganga and Shaliganga which are absolutely necessary for study of flow dynamics and theoretical forecasting of the location of potential zones of aggradations have not been made part of the report.
3. For working out the replenishment rate and the mineable reserves, the Cross Sections of the two nallahs at the zones of accumulation ought to have been taken before and after monsoons or major spell of rains and plotted on the same graph which also has not been included in the report.
4. Notwithstanding the fact that the author of the report, based on certain theoretical formulae, has worked out the mean rates of sedimentation of suspended bed load carried by the flood flows, this mean rate of sedimentation cannot be termed, used or be used as a substitute for rate of replenishment. The suspended bed load carried by flood water does not get deposited on the nallah bed in uniform depth and thus it can no way be used for estimating mineable reserves.
5. The mean sedimentation rates quoted in the report have no relation whatsoever to minable reserves. The determination of mineable reserves would require physical investigations and measurements at site.
6. Even though the report works out the bulk quantities of RBM that would be generated from the natural weathering of hills in upper reaches, it fails to bring out the zones of aggradation / accumulation, as elucidated above.

7. Without giving details and results of survey like; sites of aggradation and deposition, sites of collection of the field measurements, seasons of collection of the field data, its analysis, quantification and interpretation of the results, the authors have led to the conclusion that the sediment yield of Doodganga Nallah is about 4.3 Lac Tons per annum and that of Shaliganga Nallah is about 3.1lac tons per annum. Therefore, the report needs to be updated with details on measurement of aggradation/deposition of mineral annually replenished, its quantification and correlation with the sites/mining blocks already auctioned and those to be auction in future so that the same is integrated as a chapter in the District Survey Report (DSR) to be updated subsequently.
8. The Committee took cognizance of the recent videos circulated on the social media depicting violation of the EC conditions by project proponent of Block 1, 2 and 4 of Shaliganga Nallah, Badgam and videos that showed that the contractor had diverted the course of the Nallah thereby causing heavy damage to the cropland and horticulture in the vicinity. The JKEAC desired that the JKEIAA may take suo-moto cognizance of the videos and issue a show cause notice to the project proponent viz. M/S NKC Projects Ltd. and to put the ECs issued in favour of the PP on hold till a fact-finding report is received from the enforcement agencies. It was further recommended that in case, the concerned project proponent is found to be guilty of having violated the EC conditions, the ECs be withdrawn and a Committee be constituted to assess the ecological damages done to the local cropland /horticulture to impose penalty on the project proponent.

RECOMMENDATIONS OF THE COMMITTEE:

In view of the above deliberations, JKEAC recommended that the G&M Dept. be asked to update the report titled, 'Minor Mineral Resource Estimation, Hydrology, Hydrogeology and Replenishment Studies of Nallah Doodganga and Nallah Shaliganga, District Badgam, UT of J&K' with details on sites of aggradation/deposition, measurement of aggradation/deposition of mineral annually replenished (supported with field photographs) and its correlation with the sites/mining blocks already auctioned and those to be auctioned in future. The report should be technically vetted by senior officers of the G&M Dept. before forwarding to JKEIAA.

Further, w.r.t recent videos circulated on the social media, JKEIAA should:

- i. Put the ECs granted in favour of project proponent of Block 1, 2 and 4 of Shaliganga Nallah Badgam on hold till report regarding violation of EC conditions is got verified.
- ii. Seek Action Taken Report from the enforcement agencies w.r.t the videos circulated on social media regarding use of heavy machinery resulting in diversion of Nallah and damage to the local cropland /horticulture.
- iii. Meanwhile to issue a show cause notice to the PP viz. M/S NKC Projects Ltd. in this regard.
- iv. In case, the concerned project proponent is found to be guilty of having violated the EC conditions, the ECs be withdrawn and appropriate action be initiated as per Law.

Decisions of the JKEIAA:

After due deliberations, the JKEIAA upheld the recommendations of the JKEAC that the G&M Dept. be asked to update the report titled, 'Minor Mineral Resource Estimation, Hydrology, Hydrogeology and Replenishment Studies of Nallah Doodganga and Nallah Shaliganga, District Badgam, UT of J&K' with details on sites of aggradation/deposition, measurement of aggradation/deposition of mineral annually replenished (supported with field photographs) as

per the "Enforcement and Monitoring Guidelines for Sand Mining 2020". The report should be technically vetted by senior officers of the G&M Dept. before forwarding to JKEIAA.

The Authority further decided that in respect of social-media based information referred by the Committee, based on appreciation of facts, the Authority shall take up the issue with the concerned enforcement agencies for verification and further action.

Agenda Item No.09.

Grant of Environment Clearance in favour of Shri Imtiyaz Ahmad Bhat S/O Shri Ghulam Mohiuddinn Bhat R/O Kandikoot sagam Booch, District, Anantnag JK UT for Minor Mineral block No 08, ANG/BR/08 Soaf Shali Bridge, Bringi Nallah Downstream, District Anantnag, JK UT Area 7.87 ha. (ADS) under proposal No.SIA/JK/MIN/59136/2020, SIA/JK/MIN/226110/2021 & SIA/JK/MIN/240202/2021.

Brief Summary: The case pertains to grant of Environment clearance under B1 category for Minor Mineral block No 08, ANG/BR/08 Soaf Shali Bridge, Bringi Nallah Downstream, District Anantnag, JK UT Area 7.87 ha. (ADS)

LOI has been issued on 21-07-2020, which was extended on 01-04-2022 and its validity was up to 30-06-2022. Mining plan has been approved on 19-09-2020. The Terms of Reference were issued to the project on 01-04-2021 and public hearing of the project was conducted on 01-07-2021. The case was earlier discussed by the JKEAC on 01-04-2021/08-01-2022 and 17-03-2022.

As per summary of appraisal report, District Survey Report has not been formulated as per guidelines and needs to be revised for including replenishment data etc.,

Status of NOC's shows that stakeholder departments had issued NOCs (conditionally) in favour of the project. Notwithstanding the fact that Google image shows cropland inside the mining block, ACR Revenue, Anantnag has issued clarification on title verification now as 'state land'.

DELIBERATIONS/SPECIFIC OBSERVATIONS OF JKEAC:

- a) The case had been discussed by the Expert Appraisal Committee earlier during the 32nd Meeting held on 01/04/2021 during which the Committee recommended the project for Grant of Terms of Reference subject to title verification in view of presence of cropland within the identified mining block.
- b) The case was forwarded again by JKEIAA for appraisal for grant of EC under B2 category as the project proponent had got the mining block resized from 7.87 Ha to 2.0 Ha vide G&M Dept's. letter No. MSK/DGM/Sgr/F-14/B-08Ang/6041-43 dated 18/11/2021 with a cluster certificate issued under No. MSK/DGM/Sgr/F-14/B-08Ang / 6072 dated 22/11/2021. The case was discussed in the 82nd JKEAC Meeting when the Committee questioned the wisdom of resizing the mining block without any reason and desired prior compliance to following points for further consideration of the project:
 - i. Justification for resizing the mining block from 7.87 Ha to 2 Ha obtained from the competent authority of G&M Dept.
 - ii. The PP should submit clarification from the concerned Xen Irrigation Dept. stating that off-take points exist within the original mining block (7.87Ha) boundary but not within 200m upstream and downstream of the resized mining block (2 Ha).

- iii. Title verification of the resized mining block be obtained from the concerned competent revenue authority.
- c) Instead of submitting compliance to the above mentioned points raised during the 82nd JKEAC, the PP had subsequently approached JKEIAA for appraisal of the mining block with original area of 7.87Ha under B1 category and had got the earlier letter of resizing issued by JD(K), G&M Dept. issued vide No. MSK/ DGM/SGR/F-14/B-8-Ant/6041-43 dated 18/11/2021 revoked by Director, G&M Dept. vide letter No. 890 / MCC /DGM / B-8/Ant /20/2083-84 dated 11/02/2022.
- d) The case had subsequently been discussed in the 89th JKEAC meeting during which the Committee had observed that the PP had produced NOC from the Executive Engineer, Irrigation Division, Anantnag vide letter No. IDA/5306-07 dated 16/02/2022 where under, it had been mentioned that there was no irrigation off-take point within 200m of the resized mining block of 2Ha. The Committee had questioned the motive of PP in first getting the mining block resized from 7.87 Ha to 2 Ha and then seeking clearance for the original mining block with size of 7.87 Ha based on the Irrigation Depts. NOC for the resized block of 2 Ha. The Committee had sought explanation from the PP on this count. Therefore, the consultant /PP had been asked to:
 - i. Obtain fresh clarification from the Executive Engineer, Irrigation Division, Anantnag mentioning therein that no off-take points of any irrigation canal/kuhl or zamandari kuhl lies either within the mining block or within 200m from the periphery of the mining block of original area 7.87 Ha to proceed further with the appraisal process.
 - ii. The Committee had also observed a contradiction in title verification of the said block area as depicted in the two letters issued by Tehsildar concerned vide letter No. 844/MM/Ang dated 29/12/2021 and letter No.1487/MM/Ang dated 14/03/2022, whereby the first letter had categorised the area under mining block as shamlat and the second letter had defined it as state land. The Committee had therefore, desired the PP to obtain clarification from the concerned Assistant Commissioner (Revenue), mentioning the actual classification of the land under the mining block, especially in view of the observation of the Committee based on Google Earth Image about the existence of cropland within the mining block.
 - iii. The ToR condition relating to submission of photographs of display screen of the air quality monitoring station showing data with dates of collection of the baseline data had also not been submitted in the EIA report.
- e) The PP has again approached JKEIAA for reconsideration of the case for grant of EC and the case came up for discussions in the 96th JKEAC Meeting. But the case had to be deferred due to inability of the PP and his consultant to join the proceedings.
- f) Subsequently, the case has now been listed under agenda 2 of the instant 98th JKEAC meeting. The consultant gave a detailed presentation on the observations of the Committee made in the previous meeting. After discussions, JKEAC made the following observations:
 - i. With respect to Point No. i) supra, the PP has submitted a fresh NOC from the Executive Engineer, Irrigation Division, Anantnag vide letter No. IDA/344-45 dated 15/04/2022 where-under, it has been mentioned that there is no irrigation off-take point of any irrigating canal within 200m U/S and D/S of the mining area of 7.87 ha. The Committee however, observed that the NOC has given information with respect to off-take points of canal/(s) only and no information regarding any offtake point of

Zamandari kuhls within the area of interest. The Committee examined the mining block again on the Google Earth and found clear cut features indicative of a number of irrigation offtake points of kuhls/Zamandari kuhls within 200mts from the boundary of the mining block of 7.87 Ha which corroborates the assertion made by the PP during the 82nd JKEAC Meeting and views expressed during public hearing. The Committee expressed its displeasure the way Concerned Executive Engineer has tried to conceal facts by remaining silent about presence of offtake points of zamandari kuhls in close vicinity of the mining block, in his latest NOC. The Committee also observed a small footbridge within the mining block. The Committee asked the PP to present video of the mining block for the sites where the Google image is showing offtake points of the irrigation kuhls. The PP through his representative in field tried to present a live video of the mining block but the same could not help in this regard. The Committee observes that due diligence has not been shown by G&M Dept. while carving out the mining block as the same includes a number of cropped enclaves, active channels and visible shoals which should have been included in the mining block but lie outside the mining block as visible on the Google Image of the area in conjunction with the KML file of block boundary provided by the consultant. The Committee desired that the mining block be resized by excluding the cropped areas and active water channels from the block. Also, safe distance from the offtake points of the Kuhls/zamandari khuls and other assets from the block boundaries needs to be maintained as per prescribed norms. Accordingly, fresh NOC from I&FC Dept. for the resized mining block as per format available on the website of the Dept. of Ecology, Environment & Remote Sensing at www.jkdears.com be obtained.

- ii. In compliance to point no ii), the PP has submitted clarification from the concerned Assistant Commissioner (Revenue) Anantnag vide letter dated 25/04/2022 which mentions that the land proposed for the Minor block 08 Soaf Shalli is Gair Mumkin Arad, the title of which is state land and not shamilat as recorded in khasra No 850/712, khasra no 990.
- iii. With respect to Point no iii), the PP has failed to submit any photographic evidence in compliance to TOR condition relating to photographs of display screen of Air quality monitoring station depicting the dates of collection of the baseline data in field.
- iv. Mining depth of 2.5 m & bulk density of 2.3 adopted in the instant mining plan were not agreed by the committee.

RECOMMENDATIONS OF THE COMMITTEE:

In view of the above deliberations / observations made by the Committee here-in-above, the Expert Appraisal Committee rejected the case for grant of EC in the present form. However, if the PP so desires, he may again approach JKEIAA after submitting compliance to the observations made by JKEAC under deliberations herein above.

Decisions of the JKEIAA:

The Authority deliberated on the observations made by JKEAC and agreed to reject the cases for grant of Environment clearance pending compliances/resolution of observations made by JKEAC.

However, the PP, may again approach JKEIAA for grant of EC after revalidation of LOI and ensuring requisite compliances/clarifications sought by JKEAC.

Agenda Item No.10.

Grant of Environment Clearance in favour of Shri Brinder Singh S/O Shri Kimat Lal R/O. Raipur Satwari, Jammu JK UT for RBM (River Bed Mineral) Minor Mineral Block Mining Project, At Poonch River Downstream Kalai (Khanetra Area) District-Poonch Block-23 Revised Area- 2.74 Hectare. under proposal No.SIA/JK/MIN/280721/2022 & SIA/JK/MIN/59306/2020.

Brief Summary: The case pertains to grant of Environment clearance under B2 category for RBM (River Bed Mineral) Minor Mineral Block Mining Project, At Poonch River Downstream Kalai (Khanetra Area) District-Poonch Block-23 Revised Area- 2.74 Hectare.

LOI has been issued on 21-07-2020, which has been extended on 01-04-2022 and its validity was upto 30-06-2022. Mining plan has been approved on 15-12-2020. The case was earlier discussed by the JKEAC on 19-01-2021 and 25-06--2022.

As per summary of appraisal report, District Survey Report was not formulated as per guidelines and needs to be revised for including replenishment data etc.,

Status of NOC's shows that Stakeholder departments had issued NOC's(conditionally) in favour of the project. The NOC from Revenue Department is ambiguous.

The NOC have been issued under Single window system. However, the same does not mention the block No. while issuing the same. The NOC issued by the Tehsildar concerned states that the Block No. 23 is situated partially in state land and partially in private land

DELIBERATIONS/SPECIFIC OBSERVATIONS OF JKEAC:

- a) The case had earlier been discussed by the JKEAC in the 24th meeting held on 19/01/2021 for grant of Terms of Reference. However, the Committee did not recommended the case for ToRs and asked for prior NOC from the Irrigation & Flood Control Department in view of an irrigation channel moving parallel to the boundary inside the mining block from South-East to North-West and entering a cropland to irrigate it.
- b) During the instant 98th meeting the committee observed that the PP has now applied under B2 category while resizing the mining block from its original size of 7.17 Ha to 2.74 Ha citing reason for the same, in the resizing letter, as to overcome the cluster situation of the block No. 23 with block No. 24 which is unacceptable as the PP has got the mining block resized to avoid cluster situation and change the category to avoid public hearing and other important formalities required under B1 category, the committee opined. It was noted that the EC to block 24 of size 9.11 Ha stands already recommended under B1 category in the 68th meeting.
- c) The PP has submitted the cluster certificate issued by J.D (J), G&M Dept. vide letter No. DGM/J-D/RMP/P/22-23/27-29 dated 25/06/2022. The Committee did not entertain the cluster certificate for reasons cited above.
- d) The NOC issued by the Tehsildar concerned under Single window system states that land under the mining block No. 23 is situated partially under state land & partially under proprietary land. The Khasra Nos (297,435,438,439,443 falls under state land) while as the Khasra Nos (422,423,436,437,440 falls under proprietary land). It further states that the issue needs to be settled by the parties at their own. Therefore, the Committee opined that the case cannot be considered unless the proprietary land is excluded from the mining block or the legal consent of rightful owners of the proprietary land is obtained and forms part of the documentation. A fresh title verification be obtained in case the proprietary land is required to be excluded from the mining block which be supported by

a map of the resultant mining block duly certified by competent revenue authority. In case the resultant area of the resized block is within 500m from the block 24, then the PP shall have to apply under B1 category for grant of ToRs.

- e) The NOCs issued under the single window system are ambiguous in nature without mentioning specific details of the block. Therefore, the committee desired that the PP should obtain fresh NOCs from the concerned stakeholder Dept. for the area free of encumbrances, as per format available on the website of the Dept. of Ecology, Environment & remote Sensing at www.jkdears.com.
- f) The committee while observing the mining block on Google image of Dec, 2021 observed features indicative of Heavy illegal mining activity in & around the mining block for which clarification shall be obtained from the Multi Dept. District level Task Force (MDLTF) Cell for fixing responsibility and to indicate whether the PP is involved in it or not.
- g) To obtain 'fit for mining certificate' from G&M Dept. in view of lack of replenishment details in the DSR.
- h) Mining depth of 3.0 m and bulk density of 2.25 adopted in the instant mining plan was not agreed by the committee. Mining depth of max. 1 m in aggregate and bulk density as per actual field measurements be used to update the mining plan/ PFR.
- i) Appropriate budget shall have to be provided for EMP/CSR/CER and for the surveillance system.
- j) The documentation shall have to be revised as per the above deliberations.

RECOMMENDATIONS OF THE COMMITTEE:

In view of the above deliberations and insight gained during the above cited appraisal process, the Committee did not recommend the case for the grant of environmental clearance in its present form. However, the PP, if he so desires, may again approach JKEIAA after submitting following compliances:

1. To get the proprietary land excluded from the mining block or to obtain legal consent of rightful owners of such land with fresh title verification as per deliberations recorded here-in-above.
2. To get the mining block resized after maintaining minimum 200m safe distance to offtake points of irrigation kuhls/canals.
3. In case the resultant area of the resized block is within 500m from the block 24 and forms a cluster, then the PP shall have to apply for ToRs under B1 category.
4. To obtain fresh NOCs from all the stakeholder departments as per format available on the website of the Dept. of Ecology, Environment & Remote Sensing at www.jkdears.com.
5. To obtain non-involvement in illegal mining activity certificate from the MDDLTF Cell.
6. To revise the mining plan/PFR etc. as per revised area, revised mining depth, actual bulk density, revised surface plan and replenishment details and its denovo approval by competent authority.
7. Compliance to all other observations made herein above under deliberations.

Decisions of the JKEIAA:

The Authority deliberated on the observations made by JKEAC and agreed to reject the cases for grant of Environment clearance pending compliances/resolution of observations made by JKEAC.

However, the PP, may again approach JKEIAA for grant of EC after revalidation of LOI and ensuring requisite compliances/clarifications sought by JKEAC.

Agenda Item No.11.

Grant of Environment Clearance in favour of M/S J&K Minerals Limited R/o- Sanat Ghar, Bemina District - Srinagar JK UT for Nallah Bed Mining Project Area 4.82 ha. of M/S J&K Minerals Ltd. located at Minor Mineral Block No. 06, under Construction Batagund Bridge Upstream Nallah Mawar, Village- Tulwari & Shutgund Payeen, Tehsil- Handwara & Dist.- Kupwara, JK UT under proposal No. SIA/JK/MIN/279857/2022.

Brief Summary: The case pertains to grant of Environment clearance under B1 category for Nallah Bed Mining Project Area 4.82 ha. of M/S J&K Minerals Ltd. located at Minor Mineral Block No. 06, under Construction Batagund Bridge Upstream Nallah Mawar, Village- Tulwari & Shutgund Payeen, Tehsil- Handwara & Dist.- Kupwara, JK UT

The Mining block has been allotted vide No.25MNG of 2021 dated 31-08-2021 and cluster certificate has been issued on 17-06-2022. Mining plan has been approved on 26-02-2022.

As per summary of appraisal report, District Survey Report has not been formulated as per guidelines and needs to be revised for including replenishment data etc.,

Status of NOCs shows that Stakeholder departments have issued NOCs (conditionally) in favour of the project. The Revenue Department has mentioned the land as periphery land.

The NOC issued by the Tehsildar (Langate) states that the proposed mineral blocks include the proprietary land of the local residents of village Langate falling under Khasra No. 404, 405, 409, 426, 427, 853, 834/1, 834/2 which has been eroded by the floods and are presently situated in Nallah Mawar.

DELIBERATIONS/SPECIFIC OBSERVATIONS OF JKEAC:

- a) The consultant gave a detailed PowerPoint presentation and informed that it is a fresh case relating to grant of EC in favour of M/S J&K Minerals Limited for mining block allotted by J&K Govt. vide GO No. 25MNG of 2021 dated 31/08/2021 with an area of 4.82 ha.
- b) The PP has submitted the cluster certificate issued by J.D (K), G&M Dept. vide letter No. MSK/DGM/Sgr/JKML/Kup/1018 dated 17/06/2022 which states that the minor mineral block No. 05 with description Nallah Mawar Batgund Bridge Downstream District Kupwara covering an area of 9.97 Ha (unauctioned till date) falls within a distance of 500 m of the minor mineral block No. 06 covering an area of 4.82 Ha. Therefore, the Committee opined that even though the block 05 measuring 9.97 Ha has not been auctioned, it cannot be ignored even at this stage and therefore, keeping in view the circumstances, JKEAC desired that the mining block shall be treated under B1 category and the PP shall have to apply for ToRs.
- c) The features on the Google image appear to indicate ditches filled with water due to excessive mining. Since, replenishment data is not available in the DSR formulated by the G&M Dept., the Committee feels it necessary for PP to seek 'fit for mining certificate' from the Director, G&M Dept. to the effect that enough replenishment has taken place as on date and there is adequate material available in the block and proposed mining activity would not cause any adverse impact on the hydrological and ecological regime of the nallah.

- d) The Title verification of the land issued by the Tehsildar Langate vide letter dated 01/12/202, reveals that mining block includes proprietary land of the local residents of Langate, which has got eroded due to flood flows and now forms part of bed of Nallah Mawar.
- e) The Committee expressed its inability to proceed further with the appraisal process unless and until the entire proprietary land is excluded from the mining block through a Committee comprising of ACR Revenue, District Mineral officer, Xen Irrigation & Flood Control, AD, Fisheries Dept. in presence of concerned land owners and local PRI. or legal consent of land holders is obtained and made part of documentation.
- f) Fresh title verification be obtained as per format available on the website of the dept. of Ecology, Environment & Remote Sensing at www.jkdears.com.
- g) The committee further observed on Google image of Nov, 2018 features indicative of one irrigation offtake point in immediate vicinity of the block. Therefore, the Committee desired project proponent to obtain NOC from the Irrigation Dept. as per format available on the website of the dept. of Ecology, Environment & Remote Sensing at www.jkdears.com.
- h) The NOCs issued by the other stake holder depts. are also on a generalized format and need to be obtained as per NOC formats available on the website of the dept. of Environment at www.jkdears.com
- i) The mining plan approved by JD(K), G&M Dept. came under discussion. The consultant was asked to explain as to how two different mining methodologies have been described based on annual mining depth of 0.6m and 1.0m in table 3 and table 4 respectively for calculation of minable reserves while misquoting the JKEIAA.
- j) The Committee did not approve the mining depth proposed under the two tables and desired that the mining plan be revised with mining depth of 1.0 m in aggregate in view of non- availability of replenishment data in the District Survey Report formulated by G&M Dept.
- k) The EMP should be revised with appropriate budget keeping sufficient provision for haulage route maintenance, laying of hume pipes to maintain flow in water creeks and stabilization of the stream banks using engineering methods.

RECOMMENDATIONS OF THE COMMITTEE:

In view of the above deliberations / observations made by the Committee herein above, the Expert Appraisal Committee did not agree to recommend the case for grant of EC in the present form.

However, if the PP, so desires, he may approach JKEIAA after addressing the concerns of JKEAC as depicted under deliberations herein above.

Decisions of the JKEIAA:

The Authority deliberated on the observations made by JKEAC and agreed to reject the cases for grant of Environment clearance pending compliances/resolution of observations made by JKEAC.

However, the PP, may again approach JKEIAA for grant of EC after ensuring requisite compliances/clarifications sought by JKEAC.

Agenda Item No.12.

Grant of Environment Clearance in favour of M/S J&K Minerals Limited R/o- Sanat Ghar, Bemina District - Srinagar JK UT for Nallah Bed Mining Project Area – 4.17 ha. of M/S J&K Minerals LTD. at Minor Mineral Block No.04, Batagund Bridge Upstream Nallah Mawar, Village – Batagund & Muqam Rajwar, Tehsil- Handwara & Dist.- Kupwara, JK UT, under proposal No. SIA/JK/MIN/280294/2022.

Brief Summary: The case pertains to grant of Environment clearance under B1 category for Nallah Bed Mining Project Area – 4.17 ha. of M/S J&K Minerals LTD. at Minor Mineral Block No.04, Batagund Bridge Upstream Nallah Mawar, Village – Batagund & Muqam Rajwar, Tehsil- Handwara & Dist.- Kupwara, JK UT.

The Mining block has been allotted vide No.25MNG of 2021 dated 31-08-2021 and cluster certificate has been issued on 17-06-2022. Mining plan has been approved on 26-02-2022.

As per summary of appraisal report, District Survey Report has not been formulated as per guidelines and needs to be revised for including replenishment data etc.,

Status of NOCs shows that Stakeholder departments have issued NOCs (conditionally) in favour of the project. The Revenue Department has mentioned the land as periphery land. The NOC from Revenue indicate presence of Propriety land of the local residents of the village Langate.

DELIBERATIONS/SPECIFIC OBSERVATIONS OF JKEAC:

- a) The consultant gave a detailed PowerPoint presentation and informed that it is a fresh case relating to grant of EC in favour of M/S J&K Minerals Limited for mining block allotted by J&K Govt. with an area of 4.17 ha.
- b) The PP has submitted the cluster certificate issued by J.D (K), G&M Dept. vide letter No. MSK/DGM/Sgr/JKML/Kup/1019 dated 17/06/2022 which states that the minor mineral block No. 02 with description Nallah Mawar Kalamabad Bridge Downstream District Kupwara covering an area of 3.26 Ha (unauctioned till date) falls within a distance of 500 m of the minor mineral block No. 04 covering an area of 4.17 Ha. Therefore, the Committee opined that even though the block 02 measuring 3.26 Ha has not been auctioned, it cannot be ignored even at this stage and therefore, keeping in view the circumstances, JKEAC desired that the mining block shall be treated under B1 category and the PP shall have to apply for ToRs.
- c) The features on the Google image appear to indicate ditches filled with water due to excessive mining. Since, replenishment data is not available in the DSR formulated by the G&M Dept., the Committee feels it necessary for PP to seek 'fit for mining certificate' from the Director, G&M Dept. to the effect that enough replenishment has taken place as on date and there is adequate material available in the block and proposed mining activity would not cause any adverse impact on the hydrological and ecological regime of the nallah.
- d) The Title verification of the land issued by the Tehsildar Langate vide letter dated 01/12/202, reveals that mining block includes proprietary land of the local residents of Langate, which has got eroded due to flood flows and now form part of bed of Nallah Mawar.
- e) The Committee expressed its inability to proceed further with the appraisal process unless and until the entire proprietary land is excluded from the mining block through a Committee comprising of ACR Revenue, District Mineral officer, Xen Irrigation & Flood

- Control, AD, Fisheries Dept. in presence of concerned land owners and local PRI. or legal consent of land holders is obtained and made part of documentation.
- f) Fresh title verification be obtained as per format available on the website of the dept. of Ecology, Environment & Remote Sensing at www.jkdears.com.
 - g) The committee further observed on Google image of Nov, 2018 features indicative of irrigation offtake points in immediate vicinity of the block. Therefore, the Committee desired project proponent to obtain NOC from the Irrigation Dept. as per format available on the website of the dept. of Ecology, Environment & Remote Sensing at www.jkdears.com.
 - h) The NOCs issued by the other stake holder depts. are also on a generalized format and need to be obtained as per NOC formats available on the website of the dept. of Environment at www.jkdears.com.
 - i) The mining plan approved by JD(K), G&M Dept. came under discussion. The consultant was asked to explain as to how two different mining methodologies have been described based on annual mining depth of 0.6m and 1.0m in table 3 and table 4 respectively for calculation of minable reserves while misquoting the JKEIAA.
 - j) The Committee did not approve the mining depth proposed under the two tables and desired that the mining plan be revised with mining depth of 1.0 m in aggregate in view of non-availability of replenishment data in the District Survey Report formulated by G&M Dept.
 - k) The EMP should be revised with appropriate budget keeping sufficient provision for haulage route maintenance, laying of hume pipes to maintain flow in water creeks and stabilization of the stream banks using engineering methods.

RECOMMENDATIONS OF THE COMMITTEE:

In view of the above deliberations / observations made by the Committee herein above, the Expert Appraisal Committee did not agree to recommend the case for grant of EC in the present form. However, if the PP so desires, he may approach JKEIAA after addressing the concerns of JKEAC as depicted under deliberations here-in-above.

Decisions of the JKEIAA:

The Authority deliberated on the observations made by JKEAC to reject the cases for grant of Environment clearance pending compliances/resolution of observations made by JKEAC. However, the PP, may again approach JKEIAA for grant of EC after ensuring requisite compliances/clarifications sought by JKEAC.

The meeting ended with the vote of thanks to the Chair,

Sd/-
S. Rakesh Kumar, IFS, Director,
Member Secretary, JKEIAA, EE&RS

Sd/-
Nazir Ahmad (Rtd. Chief Engineer)
Member, JKEIAA

Sd/-
Lal Chand, IFS (Rtd.)
Chairman, JKEIAA

No: JKEIAA/2016/02/VIII/ ^{IX} 7636 - 55

Dated: 01-08-2022

Copy by email to:

1. Mr. Lal Chand, IFS (Rtd.), Hon'ble Chairman, JKEIAA, for information.
2. Er. Nazir Ahmad (Rtd. Chief Engineer), Hon'ble Member, JKEIAA, for information.
3. Principal Secretary to Government, Mining Department, J&K Government for favour of information.
4. Commissioner/Secretary to Government, Forest, Ecology & Environment Department, J&K Government, Civil Secretariat, Jammu for favour of kind information.
5. Director, EE&RS, Member Secretary, JKEIAA, for information
6. Director, Geology & Mining Department, J&K Government, Jammu for information and necessary action.
7. Deputy Commissioner, Anantnag, Shopian, Kupwara, Jammu, Pulwama, Budgam & Poonch, for information.
8. Chief Engineer, PDD, Jammu/Kashmir for information and n/a.
9. Chief Engineer, Irrigation & Flood Control Department, Jammu/Srinagar for information and n/a.
10. Chief Engineer, PHE, Jal Shakti, Jammu/Srinagar for information and n/a.
11. The Secretary, JK Expert Appraisal Committee for information.
12. Website(s)


01/08/2022
(Staff Officer)

Director EERS/Member Secretary JKEIAA