



191-2474553/0194-2490602

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)/ Paryavaran Bhawan, Transport Nagar, Gladni, Jammu-180006 (Nov-Apr)

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### **MINUTES OF THE 35<sup>TH</sup> MEETING OF JK ENVIRONMENT IMPACT ASSESSMENT AUTHORITY HELD ON 29-04-2021 AT 1400 Hrs. THROUGH VIDEO CONFERENCING**

In pursuance to the Minutes of the 36th Meeting of JK Expert Appraisal Committee held on 15<sup>th</sup> April, 2021 conveyed vide endorsement No.EAC/JK/20/6893-905 dated 27.04.2021, the 35<sup>th</sup> Meeting of JK Environment Impact Assessment Authority was held on 29-04-2021 through video conferencing.

The following attended the meeting:-

- |   |                          |
|---|--------------------------|
| 1. Mr. Lal Chand, IFS(Retd.)                        | Chairman, JKEIAAA        |
| 2. Er. Nazir Ahmad (Retd. Chief Engineer)           | Member, JKEIAA           |
| 3. Dr. Neelu Gera, IFS, Pr.CCF/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 Paramjit Singh Address-R/O 197, Jarai, P.O.I.E.Kathua, District Kathua JK UT for Minor Mineral Block located in Ujh River at Village Jogain Tehsi Nagri Parole District Kathua JK UT over an area 9.85 ha. under proposal No.SIA/JK/MIN/52028/2020.

#### **AGENDA ITEM NO.02.**

Grant of Environment clearance in favour of Shri Paramjit Singh Address-R/O 197, Jarai, P.O.I.E. Kathua, District Kathua JK UT for Minor Mineral Block located in Ujh River at Village Jogain Tehsil Nagri Parole District Kathua over an area of 9.65 ha. under proposal No.SIA/JK/MIN/52027/2020.

#### **AGENDA ITEM NO. 03.**

Grant of Environment clearance in favour of Shri Paramjit Singh Address R/O 197-Jarai, P.O.I.E. Kathua, District Kathua for River Bed Material Extraction from Minor Mineral Block located in Ujh River at Village, Jogain Tehsil Nagri Parole & District Kathua over an area of 8.00 ha. under proposal No.SIA/JK/MIN/51865/2020.

#### **Deliberations:**

The Agenda Item 1,2 and 3 have been discussed and appraised by the JKEAC. The consultant has given a detailed presentation and informed the committee that projects are located in close vicinity of each other, hence separate ToRs were issued and related documents uploaded separately, yet the EIA study has been undertaken for the entire cluster area of 27.5 ha. The

consultant further informed that the proposed projects are for mining of Riverbed Material from Khasra no. 233, 235, 237, 258, 258/1, 258/2 (site 1), 264, 265 (site 2), 233, 237, 258 & 258/1 (site 3) pertaining to private land on Ujh River at Village-Jogain, Tehsil-Nagri Parole, District-Kathua, Jammu & Kashmir. He further informed that Lol has been issued and then extended by Department of Geology & Mining for site 1 under No.326/MCC/DGM/ML/19/3832-38 dated:11.08.2020, for site 2 under No.425/MCC/DGM/ML/19-20/3825-31 dated: 11.08.2020, and for site 3 under No. 426/MCC/DGM/ML/19-20/3839-44 dated: 11.08.2020. He also informed that the size mining block are 9.85 ha, 9.65 ha and 8.0 ha respectively, and the total project cost is 240 lakhs. Public hearing was conducted on 15/01/2021, in pursuance to ToRs issued by JKEIAA on 05/11/2020. The Consultant invited the attention of JKEAC members towards deliberations held during the 13<sup>th</sup> and 16<sup>th</sup> JKEAC meeting for grant of ToRs, in which the JKEAC had sought title verifications/ authorization by the original owners of the land in favour of Shri Paramjeet Singh to execute the mining lease. The Consultant presented copy of letter from the Dy. Commissioner, Kathua vide No. DCK/SQ/2020-21/795-96 dated 18/09/2020 w.r.t title verification of the site. The Consultant also presented the copy of irrevocable power of attorney executed by the owners of the land proposed for mining activity in favour of Shri. Paramjeet Singh wherein he has been permitted to execute even the mining lease. The Committee observed that the Lols presented by the consultant have been extended upto 22/10/2020 and therefore, already expired with no further extension as on date. The Committee also observed that the Dy. Commissioner concerned has vide letter Nos.DCK/SQ/2020-21/661-62 dated 22/08/2020, No. DCK/SQ/2020-21/663-64 dated 22/08/2020 and DCK/SQ/2020-21/665-66 dated 22/08/2020 has given a categorical title verification of the land as private land and the owners of the said private land have executed an irrevocable special power of attorney in favour of the project proponent, wherein he has been authorized to extract minor mineral from the area declared as 'Gair Mumkin Darya' in the title verification. The members also examined the letter No. FC-LS/Misc-288 -2020 dated 22/10/2020 from the office of Financial Commissioner, Revenue addressed to Divisional Commissioner, Jammu/Kashmir presented by Secretary, JKEAC and opined that prior clarification on implication of the policy decision reflected in the said communication on the instant cases may be sought from office of Financial Commissioner, Revenue by project proponent. The consultant presented the public hearing reports before the members and informed that the public concerns shall be addressed in accordance with the deliberations held there under. The Consultant informed that though approved mining plan had prescribed a mining depth of 3m, yet, in accordance with Terms of Reference issued by the JKEIAA, the targeted mineral production has been calculated at only 1m mining depth in absence of replenishment data. The haulage routes of the three mining sites also came under discussion and it was noticed that total haulage route of three mining sites comes to 5.72 km. Therefore, the Committee opined that the EMP budget under haulage route maintenance needs to be increased and revised version of EMP submitted prior to grant of formal Environmental Clearance. The consultant informed that an amount of Rs 1.60 lakh has been earmarked for each mining site under CER and a capital cost of 24.50 lakh with recurring cost of 4.50 lakh has been earmarked for mining site 1, capital cost of 19.12 lakh with recurring cost of 4.50 lakh has been earmarked for mining site 2 and capital cost of 27.87 lakh with recurring cost of 4.50 lakh has been earmarked for mining site 3. With respect to compliance

of ToR condition No.21 relating to revision of mining plan and its denovo approval, it was observed that JKEIAA vide MoM issued under No. JKEIAA/2016/I2/IV/2020-205-09 dated 11/02/2021, has provided a grace period of 3 months to the PPs for submission of the revised mining plan. The detailed Compliance of the ToRs was presented by the consultant during which the NOCs issued by the various stake holder departments were also presented. **However, it was observed that the consultant has not submitted compliance to following Terms of Reference issued by the JK Environment Impact Assessment Authority vide letter No. JKEIAA/2020/235/1214-17 dated 05/11/2020: -**

**ToR condition No. 17:** The Consultant while presenting field data in the EIA report, should ensure that the site-specific date-wise datasheets duly attested by the local panchayat head with his name, signatures and stamp and attested by District Mineral Officer with seal and signature are included in the EIA report.

**ToR condition No.19:** The data displayed on air quality monitoring stations should be captured with digital camera displaying the date on the photograph so captured and same should be submitted in support of the date-wise data sheets. These digital photographs should be submitted in soft form as well as hard copy appended with the EIA report.

Therefore, the consultant was asked to submit same prior to grant of formal EC. The mining sites were examined on the Google Earth platform using the KML/KMZ file emailed by the consultant and the Committee found the mining sites qualify for grant of EC after considering the local environmental setting of the area. The video recording of the mining sites was also played during the deliberations for appraisal by the Committee.

In view of the above deliberations, JKEAC recommended grant of Environmental Clearance to the three mining sites proposed under agenda item No.1,2 and 3 herein above, subject to following conditions: -

1. Submission of compliance to ToR condition No.17, where under the consultant was supposed to submit site-specific date-wise datasheets duly attested by the local panchayat head with his name, signatures and stamp and attested by District Mineral Officer with seal and signature to be included in the EIA report, **updated version of which be submitted prior to grant of formal EC.**
2. Submission of compliance to ToR condition No.19 where under the consultant was supposed to submit digital photographs depicting the data captured on the air quality monitoring stations in support of date-wise data sheets as well as including these photographs in the EIA document, **updated version of which be submitted prior to grant of formal EC.**
3. Submission of revalidation /extension of the Letter of Intent from the Geology & Mining Department in favour of the three mining sites **prior** to grant of formal Environmental Clearance.
4. Submission of the revised mining plan duly approved by the competent authority *denovo* within 3 months allowed by JKEIAA or upto 30<sup>th</sup> of June 2021 whichever is earlier.

5. Clarification / NOC from the office of Financial Commissioner, Revenue with respect to implications of FCR letter No. FC-LS/Misc-288-2020 dated 22/10/2020 on the instant case, by the project proponent, prior to grant of formal EC.
6. The EMP shall be revised in accordance with deliberations providing additional budget for maintenance of the haulage routes of the three mining sites, revised version of EMP be submitted prior to grant of formal EC.
7. The project proponent implements all the conditions mentioned in the NOCs granted by the concerned stake holder departments which be submitted by PP in the office of JKEIAA and JKEAC prior to issuance of formal EC, as per approved checklist.
8. The EC letter must mention the geographical coordinates of the three mining sites as per Letter of Intent.

**Decision:**

The JKEIAA, after thorough deliberations, upheld recommendation of JKEAC for grant of EC to all the 3 blocks subject to fulfillment of conditions at Serial No's.1-8 of deliberations here-in-above as.

**AGENDA ITEM NO.04.**

Grant of Environment clearance in favour Shri Bhanu Pratap Singh R/o Kathua, Tehsil & District Kathua JK UT for River Bed Material Mine at Village Taraf Tajwal Tehsil & District Kathua over an area of 9.98 ha under proposal No.**SIA/JK/MIN/51825/2020.**

**Deliberations:**

The subject case has been discussed/appraised by the JKEAC. The consultant has given a detailed presentation and informed that area of mining site is 9.98 ha. The consultant further informed that the proposed project is for mining of sand (Riverbed Material) from the bed of Ravi River from private land under Khasra No. 2254/1938 in village- Taraf Tajwal, Tehsil & District- Kathua, Jammu & Kashmir. He further informed that LOI had been issued and further extended by Department of Geology & Mining for vide letter No.283/MCC/DGM/ML/19-20/3812-17 dated 11.08.2020. He also informed that public hearing was conducted on 18/01/2021 and ToRs were issued by JKEIAA on 05/11/2020. The Consultant invited the attention of the JKEAC members towards the deliberations held during the 13<sup>th</sup> JKEAC meeting for grant of ToRs in which the JKEAC had sought title verifications/ authorization by the original owners of the land in favour of Shri Bhanu Pratap Singh to execute the mining lease. The Consultant presented copy of letter from the Dy.Commissioner, Kathua vide No. DCK/SQ/2020-21/795-96 dated 18/09/2020 w.r.t title verification of the site and presented the copy of irrevocable power of attorney executed by the owners of the land proposed for mining activity in favour of Shri Bhanu Pratap Singh, wherein he has been permitted to execute even the mining lease. The Committee observed that Lol presented by the consultant has been extended upto 02/09/2020 only and **therefore already expired with no further extension as on date.** The Committee also observed that the Dy. Commissioner concerned has vide letter No. DCK/SQ/2020-21/659-60 dated 22/08/2020 given a categorical title verification of the land as private land and the owners of said private land have executed an irrevocable power of attorney in favour of project proponent wherein he has been authorized to extract minor mineral from the area declared as 'Gair Mumkin Darya' in the title verification. The members

also examined the letter No. FCLS/Misc-288 -2020 dated 22/10/2020 from the office of Financial Commissioner, Revenue addressed to Divisional Commissioner, Jammu/Kashmir presented by the Secretary. JKEAC observed that prior clarification on implications of policy decision reflected in the said communication on the instant cases may be obtained from the office of Financial Commissioner, Revenue by the project proponent. The consultant also presented the public hearing report before the members and informed that the public concerns shall be addressed in accordance with the deliberations held there under. The Consultant also informed that though the approved mining plan had prescribed a mining depth of 3 m yet, in accordance with Terms of Reference issued by the JKEIAA, the targeted mineral production has been calculated at only 1m mining depth in absence of replenishment data. The Committee opined that EMP budget under haulage route maintenance needs to be increased and revised version of the EMP submitted prior to grant of formal Environmental Clearance. The consultant informed that an amount of Rs 1.60 lakh has been earmarked for the mining site under CER and a capital cost of 6.45 lakh with recurring cost of 4.60 lakh has been earmarked under EMP budget. With respect to compliance of ToR condition No.21 relating to revision of mining plan and its denovo approval, it was observed that the JKEIAA vide MoM issued under No. JKEIAA/2016/12/IV/2020-205-09 dated 11/02/2021, has provided a grace period of 3 months to the PPs for submission of the revised mining plan. The detailed Compliance of oRs was presented by consultant during which NOCs issued by the various stake holder departments were also presented. **However, it was observed that the consultant has not submitted compliance to following Terms of Reference issued by the JK Environment Impact Assessment Authority vide letter No. JKEIAA/2020/232/1202-05 dated 05/11/2020:-**

**ToR condition No. 17:** The Consultant while presenting field data in the EIA report, should ensure that the site-specific date-wise datasheets duly attested by the local panchayat head with his name, signatures and stamp and attested by District Mineral Officer with seal and signature are included in the EIA report.

**ToR condition No.19:** The data displayed on air quality monitoring stations should be captured with digital camera displaying the date on the photograph so captured and same should be submitted in support of the date-wise data sheets. These digital photographs should be submitted in soft as well as hard copy appended with the EIA report.

Therefore, the consultant was asked to submit same prior to grant of formal EC. The mining sites were examined on the Google Earth platform using the KML/KMZ file emailed by the consultant and the Committee observed Riverbed material stacked in the designated mining site boundaries. The Committee was informed that during the 13<sup>th</sup>& 16<sup>th</sup> JKEAC meetings, the issue had been discussed in detail and the project proponent had informed that the local miscreants deposit the illegally mined out material in his private land and it was beyond his capacity to control it. The project proponent also informed that he had already filed an affidavit before the JKEIAA in this regard. He was asked whether he had filed any FIR in this regard. He responded by saying that he had filed a complaint before the concerned DMO as under the MMDR Act, the DMO concerned was responsible for action in this regard. The project

proponent/consultant presented the copy of letter No.DMO/K/Complaint/2020-21/843 dated 15-02-2021 where under the DMO had asserted that no illegal extraction of Riverbed material is taking place and the complaint is devoid of any merits. The Committee observed that since the Google Satellite images shows lot of Riverbed material stacked on the said private land with number of stone crushers in the vicinity, the matter needs appropriate action by the local administration and the enforcing agencies and may be separately recommended for action by concerned authorities.

In view of the above deliberations, the Committee recommended grant of Environmental Clearance to the private mining project subject to following conditions: -

1. **1.The Geology & Mining Department constitutes an interdepartmental Committee comprising of officers from the Irrigation & Flood Control Dept., Soil Conservation Dept., Geology & Mining Dept. and Senior Superintendent of Police concerned to fix responsibility for illegal mining in the area for appropriate action under rules, after recording statements of the local panchayat representatives.**
2. Submission of compliance to ToR condition No.17 where under the consultant was supposed to submit site-specific date-wise datasheets duly attested by the local panchayat head with his name, signatures and stamp and attested by District Mineral Officer with seal and signature to be included in the EIA report, **updated version of which be submitted prior to grant of formal EC.**
3. Submission of compliance to ToR condition No.19 where under the consultant was supposed to submit digital photographs depicting the data captured on the air quality monitoring stations in support of date-wise data sheets as well as including these photographs in the EIA document, **updated version of which be submitted prior to grant of formal EC.**
4. Submission of revalidation /extension of the Letter of Intent from Geology & Mining Department in favour of the mining site prior to grant of formal Environmental Clearance.
5. Submission of the revised mining plan duly approved by the competent authority denovo within 3 months or allowed by JKEIAA upto 30th of June 2021, whichever is earlier.
6. Clarification / NOC from the office of Financial Commissioner, Revenue with respect to implications of FCR letter No. FC-LS/Misc-288 -2020 dated 22/10/2020 on the instant case, by the project proponent prior to grant of formal EC.
7. The EMP shall be revised in accordance with deliberations providing additional budget for maintenance of the haulage route of the mining site, revised version of EMP be submitted prior to grant of formal EC.
8. The project proponent implements all the conditions mentioned in the NOCs if any, granted by the concerned stake holder departments which be submitted by PP in the office of JKEIAA and JKEAC prior to issuance of formal EC, as per approved checklist.
9. The EC letter must mention the geographical coordinates of the mining site as per Letter of intent.

**Decision:**

The JKEIAA, after thorough deliberation on issues flagged by the JKEAC upheld recommendation of JKEAC for grant of EC to all the 3 blocks subject to fulfillment of conditions at Serial No's.1-9 of deliberations here-in-above as recommended by JKEAC.

**AGENDA ITEM NO.05.**

To re-examine the recommendation w.r.t Mining Block No.2/4 Basantar River previously deliberated under Agenda Item No.2 of 27<sup>th</sup> JKEAC meeting held on 24<sup>th</sup>/25<sup>th</sup> February, 2021 and in the meeting of JKEIAA held on 18<sup>th</sup> March, 2021 as Agenda Item No.2.

**Deliberations:**

The case has been discussed/appraised by the JKEAC. The Secretary informed the Committee that the case had been listed under agenda item No.2 in the 27<sup>th</sup> JKEAC meeting held on 24<sup>th</sup>-25<sup>th</sup> of February, 2021. During deliberations, the Committee had observed a bridge at a distance of 460mts. from the mining block.

Accordingly, the consultant had been asked to reduce the mining block to keep safe distance of 500mts from the bridge. The JKEIAA vide its letter No. JKEIAA/2021/447/888 dated 10/04/2021 has desired to re-examine the recommendation in favour of the mining block in view of the presence of bridge at a distance of 460mts. The minutes of meeting of the 27<sup>th</sup> JKEAC were displayed on the screen for perusal of the Committee members and it was observed that while recommending the case for grant of EC, the targeted mineral production had been recommended for the entire area of 9.59 ha. at serial No.3 under specific conditions due to human error without reducing the area after maintaining safe distance to the bridge from the mining block. Therefore, the Committee recalculated the targeted mineral production after reducing the area for maintaining safe distance from mining block to existing bridge. The area of mining block after reduction of block area for maintaining safe distance of 500m from bridge, when calculated on Google Image, came to be 8.65 ha and therefore, the Committee recommended that only 8.65 ha be considered for targeted mineral production per annum instead of 9.59 ha.

In view of the above deliberations and in supersession to targeted RBM production calculated at serial No.3 of Specific Conditions under agenda item No.2 of 27<sup>th</sup> JKEAC, the Committee recommended following correction with respect to the serial No.3 of the specific conditions under agenda item No.2 of the 27<sup>th</sup> JKEAC minutes of meeting issued vide No. EAC/JK/20/5498-5510 dated 15.03.2021:

**Condition Number 3 of Specific Conditions:**

The maximum exploitation of the RBM site shall be as per fresh mining plan to be approved by competent authority *denovo* within the prescribed area and depth recommended by the JK Expert Appraisal Committee with maximum targeted extraction at 124560 metric tons per annum {86500-10% (buffer)-10% (Active water channel) x 1.8 (Bulk density) x1 (depth)}. Mining depth above 1m, if mentioned anywhere in any of the submitted documents whether by mistake or otherwise, shall be treated as omitted.

**Decision:**

The JKEIAA upheld the recommendations of the Committee in respect of revised area and targeted mineral production w.r.t **Condition Number 3 of Specific Conditions** as above.

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

Sd/-  
Dr. Neelu Gera, IFS PCCF/Director,  
Member Secretary, JKEIAA, EE&RS

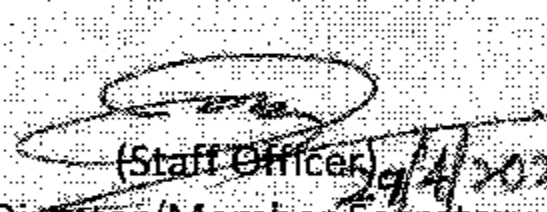
Sd/-  
Nazir Ahmad (Rtd. Chief Engineer)  
Member, JKEIAA

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

No: JKEIAA/2016/02/4/1134-37  
Copy by email to:

Dated: 29/ 4 /2021

1. Mr. Lal Chand, IFS (Rtd.), Chairman, JKEIAA, for information.
2. Er. Nazir Ahmad (Rtd. Chief Engineer), Member, JKEIAA, for information.
3. Dr. Neelu Gera, IFS PCCF/Director, EE&RS, Member Secretary, JKEIAA, for information.
4. The Secretary, JK Expert Appraisal Committee for information.
5. Website(s)

  
(Staff Officer)  
to PCCF/Director/Member Secretary JKEIAA  
Ecology, Environment & Remote Sensing, J&K