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

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MINUTES OF THE MEETING

In pursuance to the Minutes of the 111th Meeting of the JK Expert Appraisal Committee held on 19th June, 2023 through video conferencing issued vide No.EAC/JK/23/15024-15037 Dated 01-07-2023, the 93rd Meeting of the JK Environment Impact Assessment Authority was held on 04th of July, 2023 at 12:30 Hrs. through offline as well as online mode:

The following attended the meeting:

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

Following are the deliberations & decisions of the meeting:

AGENDA ITEM NO.1.

Grant of Environment Clearance for Minor Mineral (Stone Quarry) block, Area 1.14 ha. at Magnipora (Turkpora) Tehsil Aloosa, District Bandipora, JK UT in favour of M/s Shri Namdar Gojar Awan under proposal No. **SIA/JK/MIN/425736/2023**

Brief Summary:

The case pertains to Grant of Environment clearance under B2 category for Minor Mineral (Stone Quarry) lock, Area: 1.14 ha. at Magnipora (Turkpora) Tehsil Aloosa, District Bandipora, JK UT in favour of M/s Shri Namdar Gojar Awan under proposal No. **SIA/JK/MIN/425736/2023**.

The letter of intent of the project has been issued on 01-09-2022 and mining plan approved on 24-01-2023. The status of NOC's shows that Stakeholder departments have issued NOC's (conditional) in favour of the project. However, as per NOC issued by the Revenue Dept. the land under the quarry block is partly propriety land (Kh. Nos. 508,504,505,507,509) & partly shamlat (Kh. Nos. 511,503,403)

Deliberations/specific observations of the JKEAC:

The Minor Mineral Stone Quarry project has been submitted by the project proponent under B2 category with an area of 1.14 ha. After the Power Point presentation was made by the consultant, the JKEAC observed as:

- As per the NOC issued by the Revenue Dept. the land under the quarry block falls under Proprietary & Shamlat category. Therefore, the Committee desired that the PP should obtain an NOC from the Local village community head/ PRI and also provide funds under EMP/CSR for the villages around the site.
- The PP shall obtain a clear title verification in respect of land under quarry indicating the ownership of land.
- As per features on Multi-date Google image of Sept, 2016 and October, 2022, illegal stone quarrying has been observed in operation within and outside the designated site. This needs

clarification from the Multi Dept. District level Task Force (MDLTF) Cell headed by the concerned Dy. Commissioner to fix responsibility.

- d) As per the documents submitted by PP, the quarry operations will involve drilling & blasting and this was not agreed by the JKEAC. Therefore, the committee desired that the PP should get the mining plan revised afresh, specifically in respect of methodology of mining.
- e) Feature indicating a dug well on Google image appears to be at a distance of 78m. This needs to be clarified by consultant with photographs /video of the same.
- f) A valid District Survey Report (DSR) is not part of the documentation which is mandatory for appraisal.

Recommendations of the JKEAC:

In view of the above-mentioned observations, the Committee unanimously desired to return the case to JKEIAA as not fit for appraisal. Compliance to above observations shall be made part of the documentation for initiating the appraisal process.

Decisions of the JKEIAA:

After due deliberations, the JKEIAA upheld the recommendations of the JKEAC and decided to return the case to the project proponent. The project proponent shall comply with the observations made by JKEAC for initiating the appraisal process afresh.

AGENDA ITEM NO.02.

Grant of Environmental Clearance (EC) for Riverbed mining project of minor mineral area 9.75 ha. Block No. 23, Ziarat (RA) Adura upstream, Nallah Rambiarra village Adur Keegam District: Shopian, JK UT in favour of Shri Mohammad Irfan Ullah S/O Shri Mohammad Shabir Ahmad Shah under proposal No. **SIA/JK/MIN/57750/2020 & SIA/JK/MIN/227186/2021**

Brief Summary:

The case pertains to Grant of Environment clearance under B 1 category for Riverbed mining project of minor mineral area 9.75 ha. Block No. 23, Ziarat (RA) Adura upstream, Nallah Rambiarra village Adur Keegam District: Shopian, JK UT in favour of Shri Mohammad Irfan Ullah S/O Shri Mohammad Shabir Ahmad Shah under proposal No. **SIA/JK/MIN/57750/2020 & SIA/JK/MIN/227186/2021.**

The letter of intent to the project issued on 18-07-2020 has been subsequently revalidated twice on 10-10-2022 and again on 31-12-2022. Mining plan approved on 03-10-2020. The terms of reference were issued to the project on 23-12-2020. The public hearing of the project was conducted on 29-06-2021. The status of No Objection Certificates shows that Irrigation & Flood Control Department has issued NOC conditionally in favour of the project. However, the NOCs of other stakeholder departments were not as per prescribed format.

Deliberations/specific observations of the JKEAC:

- a) The case had earlier been discussed by JKEAC in the 21st meeting held on 05/12/2020 during which the committee recommended the project for grant of ToRs subject to clarification from G&M Dept. w.r.t actual size of the mining block on ground.
- b) During deliberations in the instant meeting, the Committee made following observations:
 - i. The PP has submitted a letter issued by Joint Director (G&M Dept.) vide No. MSK/DGM/F-31/B-23-SPN/562-63 dated 12//04/2023 stating that the area under the e-auctioned minor mineral block No. 23, district Shopian is 9.75 Ha which is exclusive of the area covered by a non-mineral zone (0.46 Ha) observed at the time of preparation of the mineral block. JKEAC is of considered opinion that maintaining a non-mineral zone of 0.46Ha surrounded by a mining zone of 9.75 ha. will be practically impossible and hard to enforce on ground.

- ii. Features indicative of two HT Electric Transmission Towers within the mining block were observed on the Google image. But, PP has not submitted the necessary NOC from the concerned dept.
- iii. The NOC issued by AEE and JE of irrigation dept. and the fresh NOC recently issued by the Executive Engineer, Irrigation & Flood Control Dept. are contradictory.
- iv. Features indicative of heavy illegal mining inside the mining block call for report from the Multidept. District level task force cell to fix responsibility for such devastation of the nallah bed under the block which is yet to be leased out and which lies between already leased out block 22 and 24.
- v. Poor mining reserves due to heavy illegal mining qualify the block for rest for at least 3 years to save local hydrological regime from further degradation.
- vi. Also, a valid DSR is not on record.

Recommendations of then JKEAC:

In view of the above deliberations, the Committee unanimously recommended the case to JKEIAA for its rejection. Further, JKEIAA may ask the Multi-departmental District Level Task Force Cell to fix responsibility for heavy illegal mining in the block.

Decisions of the JKEIAA:

After due deliberations, the JKEIAA upheld the recommendations of the JKEAC to reject the case. The Member Secretary, JKEIAA shall seek a report from Multi-departmental District Level Task Force Cell to ascertain heavy illegal mining in the block as observed by the JKEAC on Google Images and take necessary action under intimation to the JKIEAA.

AGENDA ITEM NO.03.

Extension of validity of EC for MINOR MINERAL (River Bed Material) Project at Block No. 4/3, (Area-9.90 ha.), Bein River Upstream NH1A Bridge, Samba Village- Tapyal, Tehsil- Ghagwal, District- Samba. in favour of M/S Balvinder Singh S/o Shri Kimat Lal R/O Raipur Satwari, District- Jammu, JK UT under proposal No. **SIA/JK/MIN/299982/2023.**

AGENDA ITEM NO.4.

Extension of validity of EC for MINOR MINERAL (River Bed Material) Project at Block No. 1/5, (Area-9.51 ha.), Devak River Upstream Railway Bridge, Samba Village- Guraslathia, Tehsil-Vijaypur, District Samba in favour of M/S Kimat Lal S/o Shri Koula Ram R/O Raipur Satwari, Jammu under proposal No. **SIA/JK/MIN/299975/2023.**

AGENDA ITEM NO.5.

Extension of validity of EC for Proposed Bein River Upstream NH-1A Bridge (River Bed Material) Project Village- Rei, Tehsil- Ghagwal, District- Samba, Block No. 4/2, (Area-9.57 ha.) State – J&K in favour of M/S Mangal Singh S/o Om Parkash R/O Village, Saidgarh, Tehsil- Bishnah, Distt. Jammu. 2020 under proposal No. **SIA JK/MIN/299970/2023.**

AGENDA ITEM NO.6.

Extension of validity of EC for MINOR MINERAL (River Bed Material) Project at Block No. 4/4, (Area-9.64 ha.), Bein River Upstream NH1A Bridge, Samba Village- Chak Raghu, Tehsil- Ghagwal, District Samba. in favour of M/S Sahil Choudhary S/o Shri Desh Raj Choudhary R/O Raipur Satwari, District- Jammu, JK UT under proposal No. **SIA/JK/MIN/299985/2023.**

AGENDA ITEM NO.7.

Extension of validity of EC for Devak River Downstream NH1A Bridge (River Bed Material) Mining Project, Block No. 1/11, Village- Thalori Brahmna, Tehsil- Vijaypur & District- Samba, J&K (Area-9.66 ha.) in favour of M/S Brinder Singh S/o Shri Kimat Lal R/o Raipur satwati, Jammu, JK UT under proposal No. **SIA/JK/MIN/299967/2023.**

Deliberations/specific observations of the JKEAC:

- a) The consultant Ms Anjali informed that earlier the above cited mining blocks were granted ECs in terms of G.O 76JK-FST of 2020 dated 29/07/2020 implemented by JKEIAA as per its decision translated in the MoM issued vide No. JKEIAA/2016/02/II/631-633 dated 8/8/2020 and in pursuance to Corrigendum issued by JKEIAA vide No. JKEIAA/2018/IV/106/1342-54 dated: 29/05/2021 whereunder, the validity of the ECs had been restricted to only 2 years during which period the PP had to undertake fresh Public Hearing of the cases for grant of further extension beyond two years.
- b) She further informed that the PPs have applied for extension to validity of 2 years for which the public hearing has been conducted by the JK Pollution Control Committee and the report thereof stands uploaded on the Parivesh portal in each case.
- c) JKEAC opined that the cases submitted under form 6 for extension of validity of the EC do not require to go through fresh appraisal process. But there is a need to ensure that PPs have undertaken mining activity strictly as per the conditions of the EC granted earlier and that there is sufficient material available for extraction. Therefore, JKEAC desired that the JKEIAA may consider granting extension on case to case basis subject to following conditions as also indicated in circular instructions issued by JKEIAA in this regard:
 - i. That, compliance of all the EC conditions has been made by the PP during existing validity period of EC.
 - ii. That, the extension request is supported by replenishment report of the pertinent mining blocks duly accepted by JKEIAA.
 - iii. That, the fresh public hearing is in support of continuation of mining activity in the pertinent blocks.
 - iv. That PP has not indulged in illegal mining activity beyond the allowed depth, quantity and limits of designated mining block.
 - v. That, the PP has not indulged in mining activity beyond the validity period of the EC.
 - vi. That the PP has implemented the EMP / CER / CSR during the validity period of the EC.
 - vii. That, the stakeholder departments have no objection to continuance of mining activity in the pertinent mining blocks.
 - viii. That, the mining depth prescribed in the revised mining plan is in line with EC conditions.
- d) JKEAC further observed that in the instant cases listed under agenda 3 to 7, most of the essential documents as sought under the above-mentioned circular instructions of JKEIAA issued vide No. JKEIAA/2018/IV/106/7619-21 dated 29/07/2022 have not been submitted by the PPs. Therefore, the same may be uploaded on Parivesh portal in response to an EDS request by JKEIAA office.
- e) During discussions, the consultant informed that the certified compliance report of IRO, MoEF&CC was required for expansion of productivity and not for extension of validity. She presented a copy of letter No. 13- 03/2020(ENV)/518 dt. 31/08/2020 issued by Dy. Director, Northern Regional office, MoEF&CC addressed to Secretary, SEAC Punjab informing that there was no requirement of certified compliance report for extension of validity of the EC. Accordingly, JKEAC recommended that JKEIAA may drop the same from the checklist in the circular dated 29/07/2022.
- f) JKEAC also observed that some major stakeholder departments like Irrigation, Flood Control Dept., Fisheries Dept. etc. were not part of the site visit and its eventual report dated 10/05/2023

uploaded on the portal. Therefore, NOCs from stake holder depts. as per prescribed format could cover this aspect, JKEAC opined.

- g) The Public Hearing report indicates that the local public is not aware of implementation of any work under CER/CSR in the area. Therefore, JKEAC desired that JKEIAA may include submission of financial statement audited by a registered CA supported by proof by way of photographic evidence duly attested by local PRI in the check list of essential documents to be submitted by the PPs in all such cases.
- h) As per the endorsement of EC letter made to Chairman, JKPCC, the Pollution Control Committee was required to forward quarterly monitoring reports of the compliance of EC conditions on ground without which the EC was to be treated as Null and Void. No such report has been found to be on record by JKEAC. JKEIAA may ascertain from its record whether any such monitoring report has been forwarded by JKPCC in this regard.
- i) JKEAC opined that the 2 years validity of the existing EC shall have to be reckoned from the date in accordance with rules on the subject and necessary documentation may accordingly be obtained from the PPs concerned in all such cases.
- j) Further, DMO concerned while certifying the date of commencement of mining operations shall also have to intimate whether mining activity in the block is currently in operation or suspended. If suspended, the date from which it stands suspended with reasons thereof shall also have to be conveyed, it was opined.

Recommendations of the JKEAC:

- a) In view of the above deliberations, JKEAC recommended that all the above five cases under 3 to 7 may be considered by JKEIAA for extension beyond 2 years validity of the EC by a further period as decided by JKEIAA, subject to submission of following documents and examination thereof by JKEIAA:
 - 1. Pending documents as per circular instructions of JKEIAA and as indicated above under, 'Status of Documentation' with exception to certified compliance report from IRO, Jammu which may be dropped from the checklist of the circular dt. 29/07/22 in view of instructions from MoEF&CC in this behalf.
 - 2. Certificate from concerned DMO indicating date of commencement of mining operations and intimation whether mining activity in the blocks is currently in operation or suspended. If suspended, the date from which it stands suspended with reasons thereof. This may be included in the checklist of the circular dt. 29/07/22
 - 3. Proof of implementation of EMP, CER, CSR during validity of earlier EC by way of audited financial statement from registered Chartered Accountant supported by photographic evidence of executed works duly attested by local PRI and concerned stakeholder depts. with seal and signature. This may be included in the checklist of the circular dt. 29/07/22.
- b) JKEIAA may dispose-off all such cases of extension to validity on the basis of submission of documents as per its updated checklist and only such cases where PP is found to have violated the EC conditions or indulged in illegal mining activity as reported by Multi-dept. District level task force cell may be forwarded to JKEAC for further examination and recommendation of action.

Decisions of the JKEIAA:

After due deliberations, the JKEIAA upheld the recommendations of the JKEAC in all the five cases under Agenda 3 to 7 for extension of validity of the EC by the period of one year subject to submission of following documents to JKEIAA:

- 1. Documents as per circular instructions issued by JKEIAA vide dt. 29/07/22. However, as recommended by JKEAC, compliance report from IRO, Jammu was decided to be dropped from

the checklist of the above-mentioned circular, in view of instructions from MoEF&CC in this regard.

2. Current status of mining operations from the concerned DMO detailing date of commencement of mining operations, period of suspension, if any, and reasons thereof. This item shall be part of checklist of the circular dt. 29/07/22.
3. Proof of implementation of EMP, CER, CSR during validity of earlier EC by way of audited financial statement from registered Chartered Accountant supported by photographic evidence of executed works duly attested by local PRI and concerned stakeholder depts with seal and signature.

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/IX/8177-92

Dated: 04-07-2023

Copy by email to:

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


(Staff Officer)
Director EERS/Member Secretary JKEIAA