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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 93<sup>rd</sup> Meeting of the JK Expert Appraisal Committee held on 18<sup>th</sup> April, 2022 through video Conferencing issued vide No.EAC/JK/22/13605-13617 dated 25-04-2022 the 81<sup>st</sup> Meeting of the JK Environment Impact Assessment Authority was held on 2<sup>nd</sup> May 2022 at 1100 Hrs. through video conferencing:

The following attended the meeting:

- |  |                          |
|--|--------------------------|
| 1. Mr. Lal Chand, IFS (Retd.)                      | Chairman, JKEIAA         |
| 2. Er. Nazir Ahmad(Chief Engineer, Retd.)          | Member, JKEIAA           |
| 3. Sh. Rakesh Kumar, IFS,<br>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 M/S Aggarwal Mines R/o 328 Defence Colony Chhatwal, Tehsil & District- Pathankot, Punjab for Riverbed Mining Project of Minor Mineral in in Block No.17, Mendhar River Upstream Chajjla Bridge Part-1 with an area of 4.44ha. District Poonch JK UT under proposal No.SIA/JK/MIN/59967/2021.**

**Brief Summary:** This case pertains to grant of Environment Clearance under B1 category for Riverbed Mining Project of Minor Mineral in in Block No.17, Mendhar River Upstream Chajjla Bridge Part-1 with an area of 4.44ha. LOI has been issued on 09-09-2020, which has been extended on 29-12--2021 and was valid upto 31-03-2022. Mining plan has been approved on 15-12-2020. The Terms of Reference were issued to the project on 30-03-2021 and public hearing of the project was conducted on 03-07-2021. The case was earlier discussed by the JKEAC on 13-03-2021 and area of the project has been reduced by the Geology & Mining Department on 24-03-2022. 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 NOCs shows that Stakeholder departments have issued NOCs (conditionally) in favour of the project. The NOC from Revenue Department is ambiguous.

As per the fresh NOC issued by I&FC Dept. Vide No. IFCP/1196 dated: 25/11/2021 there is no point around 200m periphery of the block. As per the NOC of DC, Poonch Vide letter no. DCP/PA/1328-39 dated: 22/05/2021, the land under the block is partly state land & partly private land. irrigation canal head.

#### **Deliberations/specific observations of JKEAC:**

- a) The case had earlier been discussed by JKEAC in the 29<sup>th</sup> meeting held on 13/03/2021 in which the committee unanimously recommended the project for grant of following ToRs subject to:
  - i) Report from Multi Dept. District level Task Force (MDLTF) cell to ascertain and fix responsibility for illegal mining in the block.

- ii) Title verification of the mining block by the concerned revenue authority and subject to exclusion of the private land if any involved due to change of nallah course.
  - iii) Revision of project cost.
  - iv) Exclusion of the active water channel.
- b) During deliberations in the instant meeting, the Committee observed as under: -
- i) The PP has submitted the report from Multi Dept. District level Task Force (MDLTF) cell which states that the PP is not involved in any kind of illegal mining activity in & around the mining block.
  - ii) The PP has submitted fresh NOC issued by Deputy Commissioner, Poonch vide letter No. DCP/PA/1328-39 dated: 22/05/2021 which states that the block 17 is located partially under state land & partially under private land (Khasra No. 392,393 of village Dharana) for which negotiation with the owners of the land is required.
  - iii) During presentation, the consultant informed that PP has got the mining block resized to 4.44 Ha from the original area of 6.57 Ha while excluding the private land under the mining block & has applied under B1 category due to cluster situation.
  - iv) The Committee asked the consultant whether the PP has obtained fresh title verification for the resized mining block. He presented a slide showing Google image duly signed by DMO but without seal wherein the state land is shown to be demarcated and supported by an ambiguous and illegible handwritten calculation. Therefore, the committee desired that PP should obtain fresh title verification from the concerned Tehsildar clearly mentioning therein that the land under the revised mining block consists of state land only.
  - v) The PP has submitted the revised project cost.
  - vi) The Committee while examining the mining block on Google Image platform, observed that major portion of the resized mining block falls under active water channel which has not been excluded from the mining block as per the surface plan presented by the consultant. The same needs to be excluded and the block further resized to approx. 2.40 Ha with a revised surface plan duly attested by Joint Director, G&M dept., Jammu.
  - vii) The Committee further examined the haulage route presented by the Consultant on Google image and desired that the same should also be revised in the PFR/EIA report. Since, the length of new haulage route would almost be doubled, the consultant was asked to revise the EMP budget under haulage route maintenance, as well.
  - viii) It was further observed that during public hearing, the locals had opposed the project for various reasons including the one that the mining block should have been demarcated on ground prior to conduct of public hearing to enable the local people to properly identify their concerns. The Committee desired that the JKEIAA should take up the matter with JK Pollution Control Committee to properly sensitize the officers conducting public hearing in future so that mining blocks are demarcated on ground at the time of public hearing to enable the locals to properly identify and raise their genuine concerns. Besides, it is recommended that the presiding officer of the Public Hearing Committee should assess the genuine concerns of the locals and make specific recommendations in this regard. In the instant case, the Committee desired that the Dy. Commissioner, Poonch should examine and address the genuine concerns of local people raised during public hearing, especially the issue of non- replenishment of the nallah, after taking on board all the stakeholders including panchayat representatives of the area.
  - ix) It was also observed that the letter dated 28/06/2021 issued by Dy. Commissioner, Poonch also mentions that replenishment has not taken place in most of the blocks. Therefore, the Committee desired that the PP must obtain a fit for mining certificate from the G&M Dept. to the effect that enough replenishment has taken place as on date and there is adequate RBM available in the resized mining block that can be mined without endangering the ecological and hydrological regime of the nallah.

- c) The NOCs issued individually by the concerned Depts. were examined and it was found that the Irrigation & Flood Control Dept. has reported that there is no off-take point around 200m periphery of the mining block. However, the Committee opined that the NOC is ambiguous and desired that the PP should obtain fresh clarification mentioning therein that no offtake point falls within the block or area within 200m from the periphery of the mining block.
- d) Compliance to specific ToR condition relating to photographs of display screen of Air Quality Monitoring Station displaying the dates of collection of baseline data has not been submitted and same needs to be submitted.
- e) EMP budget has been under estimated & the same needs to be revised with appropriate budget.
- f) Revision of the mining plan with mine closure plan, revised mining depth, revised area, surface plan, bulk density, revised targeted mineral production and replenishment and its denovo approval by the competent authority.
- g) Mining depth of 3 m & bulk density of 2.25 mentioned in mining plan was not agreed by the Committee.

### **Recommendations of the JKEAC:**

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. However, the PP, if he so desires, may approach the JKEIAA again after complying with the requirements/observations made here-in- above under deliberations.

### **Decisions of JKEIAA:**

After due deliberations, the JKEIAA upheld the recommendations of the JKEAC to reject the case for grant of Environment clearance. However, the PP, if he so desires, may approach the JKEIAA again after complying with the requirements/observations made by the JKEAC under deliberations of the Meeting.

The Member Secretary shall write to JK Pollution Control Committee to properly sensitize the officers conducting public hearing in future so that mining blocks are demarcated on ground at the time of public hearing to enable the locals to properly identify and raise their genuine concerns and recommend that the presiding officer of the Public Hearing Committee should assess the genuine concerns of the locals and make specific recommendations.

Besides, the Member Secretary shall also write to the Dy. Commissioner, Poonch for examining and addressing the genuine concerns of local people raised during public hearing, especially the issue of non-replenishment of the nallah, after taking on board all the stakeholders including panchayat representatives of the area.

### **Agenda Item No: 02.**

**Grant of Environment Clearance in favour of Shri Jagdish Singh S/O Shri Vijay Singh R/O Malakpur District Pathankot, Punjab for Minor Minerals (RBM) Mining Project at Block -3, Arch to Bardala Downstream Sindh River with an area of 9.93 Ha, Teshil & District Ganderbal. JK UT under proposal No. SIA/JK/MIN/61357/2021.**

**Brief Summary:** This case pertains to grant of Environment Clearance under B1 category for Minor Minerals (RBM) Mining Project at Block -3, Arch to Bardala Downstream Sindh River with an area of 9.93 Ha, Teshil & District Ganderbal. JK UT.

LOI has been issued on 05-08-2020, which has been extended on 29-12--2021 and was valid upto 31-03-2022. Mining plan has been approved on 22-02-2021. The Terms of Reference were issued to the project on 27-12-2021 and public hearing of the project was conducted on 17-03-2022. The case was earlier discussed by the JKEAC on 27-12-2021.

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. Certificate from Revenue dept.d is ambiguous and does not indicate the title of the land under the said block.

**Deliberations/specific observations of JKEAC:**

- a) The case had been discussed by the Expert Appraisal Committee earlier in the 79<sup>th</sup> Meeting held on 27/12/2021 for grant of ToR during which the Committee had recommended Terms of Reference to the project subject to: -
  - i) Submission of Illegal Mining report from MDDLTF Cell.
  - ii) Submission of Fit for Mining certificate from G&M Dept.
  - iii) Field verification report on presence or absence of irrigation kuhl/canal within 200m of the mining block boundary from concerned hydraulic engineer with consent of local PRI with seal and signature preferably on the back side of Colour Google image of the area depicting the mining block boundary and Kuhl offtake point.
  - iv) Active water channel needs to be excluded from the mining block while calculating the targeting mineral production.
  - v) 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.
  - vi) Specific NOCs be obtained from all the stakeholder departments.
- b) Now, the PP has applied for grant of EC and has submitted the Final EIA and Public hearing reports with following compliance to the conditions under which ToRs were granted:-
  - i. In compliance to point No i), the PP has submitted a report on illegal mining from the MDDLTF cell vide letter dated 18/03/2022 which mentions that the PP is not involved in any illegal mining activity.
  - ii. In compliance to point no ii), the PP has submitted a 'fit for mining certificate' from the Mineral officer G&M dept. vide letter dated 01/02/2022 mentioning therein, that there is enough potential for extraction of minor minerals and the block is feasible for mining.
  - iii. With respect to point No. iii), the PP has submitted NOC from Xen. Executive Engineer I&FC department Ganderbal vide letter no 82-84 dated 24/03/2022 which states that there is no offtake point of any canal/ Kuhl originating from the river Sindh between Bardala Downstream of River Sindh.
  - iv. The Committee on examination of the mining block on Google image of Sept., 2021, observed engineering structures running parallel to the mining block with a feature suggestive of an off-take point approx. 150m from the pillar D of the mining block. Besides, flood protection spurs were also observed on the other bank at an average distance of approx.100m from the mining block. On the contrary, the NOC issued by the concerned Xen states that no canal or kuhl is originating from the river Sindh between Bardala downstream of River Sindh.
  - v. In view of the above, it was desired that the concerned Xen Irrigation & Flood Control Dept. should revisit the site, verify the facts on ground and issue a categorical NOC based on actual site conditions. In case the IFC Dept. does not own the assets as referred above, the PP should identify the owner agency of the structures and obtain NOC from the entity that owns the assets.
  - vi. With respect to point no. iv), the compliance has not been made and the Prefeasibility Report and Mining Plan shows that the targeted mineral production has been computed for the entire block area of 9.93Ha without excluding the active water channel.
  - vii. With respect to point no. v), the compliance has not been made with respect to revision of the mining plan. The Committee expressed its dismay at the non-compliance of instructions issued by JKEAC from time to time since Dec.2019 to restrict the mining depth to max. 1m only in mining Plans.

- viii. With respect to point no. vi), the PP has submitted specific NOCs from concerned departments, but the certificate obtained from Revenue Dept. does not mention the title of the minor mineral block. Therefore, the PP needs to submit clear cut title verification of the land under the block.
- c) The Committee also examined the haulage route presented by the consultant and found it crossing over the water channel running parallel to the block and therefore, desired that the PP should come up with an alternative haulage route for the resized mining block that would not disturb the irrigation system.
- d) Committee desired that the PP should submit revised mining plan with revised mining depth, bulk density, revised area, surface plan, targeted mineral production and replenishment and its denovo approval by the competent authority.
- e) EMP budget needs to be revised with appropriate budget.
- f) 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 has not been submitted in the EIA report and the same needs to be submitted.
- g) Active water channel needs to be excluded from the mining block and mining should be restricted to only dry shoals of the mining block.
- h) Mining depth of 2.00 m and bulk density 2.3 adopted in the instant mining plan were not agreed by the committee.

#### **Recommendations of the JKEAC:**

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. However, the PP, if he so desires, may approach the JKEIAA again after complying with the requirements/observations made herein above under deliberations.

#### **Decisions of JKEIAA:**

After due deliberations, the JKEIAA upheld the recommendations of the JKEAC to reject the case for grant of Environment clearance. However, the PP, if he so desires, may approach the JKEIAA again after complying with the requirements/observations made by the JKEAC under deliberations of the Meeting.

#### **Agenda Item No.03.**

**Grant of Environment Clearance in favour of Shri Karanvir Singh S/O Shri. Surinder Singh, R/O Lane No-03, Shaheed Udhm Singh Nagar, Pathankot, Punjab for River Bed Material in Block No-18, ANS River downstream Sungri Bridge Village-Dhamni Plan 3rd, Tehsil-Mahore, District-Reasi, JK UT Area 7.26ha. (Site Visit) under proposal No. SIA/JK/MIN/55859/2020.**

**Brief Summary:** This case pertains to grant of Environment Clearance under B1 category for River Bed Material in Block No-18, ANS River downstream Sungri Bridge Village-Dhamni Plan 3rd, Tehsil-Mahore, District-Reasi, JK UT Area 7.26ha. LOI has been issued on 03-06-2020, which has been extended on 28-12-2021 and was valid upto 31-03-2022. Mining plan has been approved on 10-08-2020. The Terms of Reference were issued to the project on 05-11-2020 and public hearing of the project was conducted on 31-03-2021. The case was earlier discussed by the JKEAC on 03-10-2020/21-10-2021 and 23-02-2022.

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 title of the mining block not readable in Urdu language. Revised version needs to be obtained from the Tehsildar concerned in English language.

### **Deliberations/specific observations of JKEAC:**

- a) The project had earlier been discussed by JKEAC in the 13th meeting held on 03.10.2020 during which the committee recommended TORs to the project subject to detailed impact study of loaded tippers and other traffic on the terrain and report of Sub-Committee of JKEAC to be constituted for site visit, once the PP applies for EC, to have an overall assessment of the impacts of all the mining projects in the area and to recommend acceptance of EIA/EMP prescriptions or outrightly reject the cases or recommend appropriate mitigative measures to preserve the fragile ecology of the area.
- b) The case was again discussed by JKEAC for grant of EC in the 66th meeting held on 21-10-2021 during which the Committee had not approved the case & asked the PP to submit compliance to following observations:
  - i. Submission of detailed chapter on impact of transportation of mineral on the local environment owing to fragile geology, narrowness of roads and steep gradient.
  - ii. Obtaining of information on present status of the irrigation network executed under DPAP programme in Mahore- Dharmari area under various schemes of the Govt. by G&M Dept.
  - iii. Obtaining of opinion from G&M Dept. whether the area is fit for mining activity and that excavation in the deep Nalas will not trigger landslides.
  - iv. Exclusion of active water channel while calculating targeted mineral production.
  - v. Obtaining of title verification from the concerned revenue authority.
  - vi. Compliance to specific ToR condition relating to photographs of display screen of the air quality monitoring station displaying the dates of collection of baseline data.
  - vii. Revision of project cost.
  - viii. Revision of the mining plan with mine closure plan, revised mining depth, surface plan, area, targeted mineral production and replenishment and its denovo approval by the competent authority.
- c) Status of the compliance w.r.t. to above observations, as deliberated in the 93rd JKEAC meeting is as herein under:
  - i. With respect to item i, the PP has conveyed that no use of heavy Loaders and tippers for transportation of the mined out RBM shall be made, instead only tractor trolley with maximum capacity of 5 tons will be used. In addition, a detailed impact study of traffic on the terrain of the area has been done separately which forms a part of EIA report.
  - ii. With respect to item ii, the PP has submitted a color Google image duly signed by AEE & sarpanch concerned stating that as per field verification there is no irrigation canal/Khul off-take falling within the periphery of 200 m of the mining block.
  - iii. With respect to item iii, the Joint Director, G&M Dept., Jammu has submitted its report dated 01-07-2021, according to which the mining activity will not induce the landslide activity within the guided principles of mining and there is a huge potential of unutilized minor mineral reserves in the river stretch.
  - iv. With respect to item iv, the active water channel portion has been excluded partially while calculating revised targeted mineral production.
  - v. With respect to item v, the PP has submitted certificate which is not legible.
  - vi. With respect to item vi, the compliance to specific ToR condition relating to photographs of display screen of air quality monitoring station displaying the dates of collection of baseline data has not been submitted.
  - vii. With respect to item vii the project cost has been revised.
  - viii. With respect to item viii, revision of the mining plan with respect to mining depth of max.1 m and bulk density of max.2, revised surface plan etc. has not been submitted.
- d) In view of the apprehensions expressed earlier mining operations in areas like Mahore Tehsil, known for its fragile geology, the JKEAC in its 86<sup>th</sup> meeting held on 23/02/2022 had constituted a 3-member

- Sub-Committee comprised of Mr. M A. Tak, Er. B.B Sharma and Prof. Anil K Raina with a mandate to visit the actual locations of mining blocks 18, 19 & 20 to ascertain the suitability or otherwise of these sites/ mining block for mining operations.
- e) Sub-Committee conducted the site visit of the area on 14/03/2022 and filed its report by email on 6th of April, 2022. This report, attached herein as Appendix-I, was discussed in the instant i.e. 93rd meeting of JKEAC and the observations of the Committee w.r.t Block 18 vis-à-vis the reports of Sub-Committee and Joint Director, G&M Dept., Jammu are herein as under:
- i. Mining Block 18 is located downstream of Dugga-Sungri Bridge
  - ii. Geology around the block is quite stable and mining operations in the Block were not likely to trigger any fresh slips and slides.
  - iii. Mining block was observed crisscrossed by multiple active water channels. Mining the dry shoals would require crossing of multiple active creeks which may disturb natural flow pattern.
  - iv. Substantial mineral reserves were available in the block but the only access route that is feasible and can be used for haulage of excavated material passes through a forest area.
  - v. Project Proponent and the Consultant gave the Sub-Committee to understand that Forest Department (Local Officers at site) were not acceding/ agreeable to their request to let the forest area be used for haulage of the excavated area on the grounds that forest area cannot be used for non-forestry use unless and until the area is diverted for such use by the Competent Authority.
  - vi. Visiting Team noted that diversion of forest area is time consuming process and that it would not be prudent to guess the outcome of such process if initiated and keep pending the case for grant of EC on this account.
  - vii. Project Proponent could not suggest any alternative route for haulage of the excavated material.

#### **Recommendations of the JKEAC:**

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

#### **Decisions of JKEIAA:**

After due deliberations, the JKEIAA upheld the recommendations of the JKEAC to reject the case for grant of Environment clearance.

#### **Agenda Item No.04.**

**Grant of Environment Clearance in favour of Shri Kishori Lal S/O Shri Kuldeep Singh, R/O Makhwal Kathua, JK UT for River Bed Material Block 19, in Ans River at Village-Sungri Tehsil Mahore, District-Reasi, JK UT (Area 5.43ha). (Site Visit) under proposal No.SIA/JK/MIN/54787/2020.**

**Brief Summary:** This case pertains to grant of Environment Clearance under B1 category for River Bed Material Block 19, in Ans River at Village-Sungri Tehsil Mahore, District-Reasi, JK UT (Area 5.43ha).

LOI has been issued on 27-03-2020, which has been extended on 28-12-2021 and was valid upto 26-03-2022. Mining plan has been approved on 04-06-2020. The Terms of Reference were issued to the project on 17-08-2020 and public hearing of the project was conducted on 31-03-2021. The case was earlier discussed by the JKEAC on 06-08-2020/21-10-2021 and 23-02-2022.

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 title of the mining block not readable in urdu language. Revised version needs to be obtained from the Tehsildar concerned in English language.

### **Deliberations/specific observations of JKEAC:**

- a) The project had earlier been discussed by JKEAC in the 10th meeting held on 06.08.2020 during which the committee recommended TORs to the project subject to detailed impact study of load bearing and carrying capacity of the area to sustain mining activity and conduct of site visit by a Sub-Committee of JKEAC to be constituted to have an overall assessment of the impacts of all the mining projects in the area, after the PP applies for EC, in view of fragile ecology of the area which being highly landslide prone.
- b) The case had again been discussed by JKEAC for the grant of EC in the 66th meeting held on 21-10-2021 during which the committee did not approve the case & asked the PP to submit compliance to following observations:
  - i. Submission of detailed study on load bearing, carrying capacity and impact of transportation of mineral on the local environment owing to fragile geology, narrowness of roads and steep gradient.
  - ii. Conduct of detailed ecological study by G&M Dept. through an expert research institution of repute to determine the cumulative impact of mining activity on the fragile geology of the area.
  - iii. Obtaining of information on present status of the irrigation network executed under DPAP programme in Mahore- Dharmari area under various schemes of the Govt. by G&M Dept. Further, obtaining of opinion from G&M Dept. whether the area is fit for mining activity and that excavation in the deep Nalas will not trigger landslides.
  - iv. Exclusion of active water channel while calculating targeted mineral production.
  - v. Obtaining of title verification from the concerned revenue authority.
  - vi. Compliance to specific ToR condition relating to photographs of display screen of the air quality monitoring station displaying the dates of collection of baseline data.
  - vii. Revision of project cost.
  - viii. Revision of the mining plan with mine closure plan, revised mining depth, surface plan, area, targeted mineral production and replenishment and its denovo approval by the competent authority.
- c) Status of the compliance w.r.t. to above observations, as deliberated in the 93rd JKEAC meeting is as here-in-under:
  - i. With respect to item i, the PP has conveyed that no use of heavy Loaders and Tippers for transportation of the mined out RBM shall be made, instead only tractor trolley with maximum capacity of 5 tons will be used. In addition, a detailed impact study of traffic on the terrain of the area has been done separately which forms a part of EIA report.
  - ii. With respect to item ii, the Sub-Committee has conducted field visit on 14-03- 2022.
  - iii. With respect to item iii, a detailed ecological study through an expert research institution of repute to determine the cumulative impact of mining activity on the fragile geology of the area has not been submitted and the consultant informed that the technical report issued by Joint Director, G&M Dept. addresses the observation.
  - iv. With respect to item iv, the PP has submitted a color Google image duly signed by AEE & sarpanch concerned stating that as per field verification there is no irrigation canal/Khul off take point falling within the periphery of 200 m of the mining block. Further, the Joint Director, G&M Dept. has submitted its report dated 01-07-2021, according to which the mining activity will not induce the landslide activity within the guided principles of mining. Besides, there is a huge potential of unutilized minor mineral reserves in the river stretch.
  - v. With respect to item v, the active water channel portion has been excluded partially while calculating revised targeted mineral production.
  - vi. With respect to item vi, the PP has submitted certificate in urdu language which is not readable.



- vii. With respect to item vii, the compliance to specific ToR condition relating to photographs of display screen of air quality monitoring station displaying the dates of collection of baseline data has not been submitted.
  - viii. With respect to item viii, the project cost has been revised.
  - ix. With respect to item ix, revision of the mining plan with respect to mining depth of max.1 m and bulk density of max.2, revised surface plan etc. has not been submitted.
- d) In view of the apprehensions expressed earlier mining operations in areas like Mahore Tehsil, known for its fragile geology, the JKEAC in its 86th meeting held on 23/02/2022 had constituted a 3-member Sub-Committee comprised of Mr. M A. Tak, Er. B.B Sharma and Prof. Anil K Raina with a mandate to visit the actual locations of mining blocks 18, 19 & 20 to ascertain the suitability or otherwise of these sites/ mining block for mining operations.
- e) Sub-Committee conducted the site visit of the area on 14/03/2022 and filed its report by email on 6th of April, 2022. This report, attached herein as Appendix-I, was discussed in the instant i.e. 93rd meeting of JKEAC and the observations of the Committee w.r.t Block 19 vis-à-vis the reports of Sub-Committee and Joint Director, G&M Dept., Jammu are here-in-as under:
- i. Mining block 19 located in Ans River bed was observed being crisscrossed by multiple active water channels bringing much of the block under water. Mining in available dry shoals, would require crossing of multiple active creeks and would not be feasible without\ diverting and disturbing the existing natural flow pattern or diverting active water channels.
  - ii. Substantial part of the dry shoal located along left bank of river Ans was covered with a large mound of overburden which had slid down the left bank from a hill across Sungri-Dugga Road and this has substantially reduced the quantity of RBM that can be removed. Project Proponent cannot be permitted to mine this mound or the area under the mound as excavation of the stabilized slide mass could trigger or reactivate the slide process.
  - iii. Project Proponent/ Consultant propose to use the same route i.e. route carved out on top of stabilized slide mass which is being used for plying of tractors by people carrying out illegal mining.
  - iv. The haulage route, as described above, has a steep gradient and cannot be safely used for plying of commercial vehicles laden with RBM.
  - v. No other feasible haulage route, as an alternative to the above cited haulage route, was proposed or suggested by the Project Proponent or the Consultant at site.

#### **Recommendations of the JKEAC:**

In view of the above deliberations and insight gained during the above cited appraisal process, the Committee chose to not recommend the case for the grant of environmental Clearance. However, the PP, if he so desires, may again approach JKEIAA for reconsideration of the case after submitting compliance to the points raised herein above.

#### **Decisions of JKEIAA:**

After due deliberations, the JKEIAA upheld the recommendations of the JKEAC to reject the case for grant of Environment clearance. However, the PP, if he so desires, may again approach JKEIAA for reconsideration of the case after submitting compliance to the points raised by the JKEAC during deliberations of the Meeting.

#### **Agenda Item N.05.**

**Grant of Environment Clearance in favour of Shri Kapil Aggarwal S/O Shri Jugesh Aggarwal, R/O House No 179 Near Panjpir Mandir Mohalla Anandpur, Pathankot, Punjab for River Bed Material, Block 20 in Ans River at Village-Sungri Tehsil Mahore, District-Reasi, JK UT Area 5.76ha. (Site Visit) under proposal No.SIA/JK/MIN/54788/2020.**

**Brief Summary:** This case pertains to grant of Environment Clearance under B1 category for River Bed Material, Block 20 in Ans River at Village-Sungri Tehsil Mahore, District-Reasi, JK UT Area 5.76ha.

LOI has been issued on 27-03-2020, which has been extended on 28-12-2021 and was valid upto 26-03-2022. Mining plan has been approved on 04-06-2020. The Terms of Reference were issued to the project on 17-08-2020 and public hearing of the project was conducted on 31-03-2021. The case was earlier discussed by the JKEAC on 06-08-2020/21-10-2021 and 23-02-2022.

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 title of the mining block not readable in urdu language. Revised version needs to be obtained from the Tehsildar concerned in English language.

**Deliberations/specific observations of JKEAC:**

- a) The project had earlier been discussed by JKEAC in the 10th meeting held on 06.08.2020 during which the committee recommended TORs to the project subject to detailed impact study of load bearing and carrying capacity of the area to sustain mining activity and conduct of site visit by a Sub-Committee of JKEAC to be constituted to have an overall assessment of the impacts of all the mining projects in the area, after the PP applies for EC, in view of fragile ecology of the area which being highly landslide prone.
- b) The case had again been discussed by JKEAC for the grant of EC in the 66th meeting held on 21-10-2021 during which the committee did not approve the case & asked the PP to submit compliance to following observations:
  - i. The Committee opined that on account of the fragile geology prevalent in the area and the comparatively narrowness of the roads marked with steep gradient, the detailed assessment of impact resulting from increased traverse of heavy loaded vehicles is pre-requisite for objective appraisal of the proposal. On submission of the Impact Assessment study described herein above, the PP may approach JKEIAA for taking up the site visit by JKEAC Sub-Committee to be constituted subsequently.
  - ii. The Committee had desired the Geology & Mining Department to get a detailed ecological study done through an expert research institution of repute to determine the cumulative impact of mining activity on the fragile geology of the area as there is apprehension that such mining activities may trigger landslides in the area. Action on this count may be sought from the G&M Dept.
  - iii. The G&M Dept. may obtain the present status of the irrigation network executed in Mahore-Dharmari area under various schemes of the Govt. The Committee is given to understand that most of the irrigation network created under DPAP programme is presently defunct or only partly functional due to spate of slips & slides at the take-off points.
  - iv. Keeping in view the past experience of mining activity in hilly areas, the G&M Dept. may be asked to convey its considered opinion whether the area is fit for mining activity and that excavation in the deep Nalas will not set off landslides.
  - v. A considerable area of the mining block falls under active water channel which needs to be excluded while calculating targeted mineral production. However, as per the EIA document/PFR, the consultant has calculated the targeted mineral on the entire area that includes even the active water channel.
  - vi. The NOCs have been obtained individually from the concerned Depts. The title of the land under the block has not been got verified from the concerned revenue authority for which action needs to be taken.

- vii. The compliance to specific ToR condition relating to photographs of display screen of the air quality monitoring station displaying the date of collection of data missing in EIA report which needs to be complied in letter and spirit prior to grant of EC.
  - viii. Project cost has been underestimated by the consultant as it does not include cost of Consent fee of JKPC and therefore, needs to be revised.
  - ix. Revision of the mining plan with mine closure plan, revised mining depth, surface plan, area targeted mineral production and replenishment and its denovo approval by the competent authority prior to grant of EC or as decided by JKEIAA.
- c) In view of the apprehensions expressed earlier mining operations in areas like Mahore Tehsil, known for its fragile geology, the JKEAC in its 86th meeting held on 23/02/2022 had constituted a 3-member Sub-Committee comprised of Mr. M A. Tak, Er. B.B Sharma and Prof. Anil K Raina with a mandate to visit the actual locations of mining blocks 18, 19 & 20 to ascertain the suitability or otherwise of these sites/ mining block for mining operations.
- d) Sub-Committee conducted the site visit of the area on 14/03/2022 and filed its report by email on 6th of April, 2022. This report, attached herein as Appendix-I, was discussed in the instant i.e. 93rd meeting of JKEAC and the observations of the Committee w.r.t Block 20 vis-à-vis the report of Sub-Committee are herein as under:
- i. Perennially active creek of river Ans divides the mining block in 2 distinct parts/ dry shoals comprising an area of 1.47 Ha which can be used for mining operations.
  - ii. Only 1 access route, taking off from a point near upper left corner of Block 20 is available for removal of the excavated material.
  - iii. Adequate budget needs to be earmarked in the project estimates for construction of hume pipe crossing/s to enable removal of excavated material from shoal located on right bank of river Ans without disturbing the natural flow of water.
  - iv. Allowable quantity of minor mineral that can be allowed to be excavated restricting the mining depth to 1mt needs to be recomputed and prescribed.
  - v. The access route connecting the mining block to Sungri-Dugga Road is very steep and in its present condition, cannot be used for evacuation of material in a safe manner unless the haulage route is improved /developed by providing ample budget by the Project Proponent in the project estimates.
  - vi. Only tractor trolleys with less than 5-ton capacity must be used for transportation of the mineral.
  - vii. Since requirement that mining be restricted to dry shoals shall lead to financial implications, project proponent and consultant ought to re- examine the economic viability of the project before embarking on mining operations.
  - viii. Project Proponent addresses all the genuine concerns of the local public as raised during the Public Hearing and Site visit of the Sub-Committee.
- e) Further, status of the compliance w.r.t. to observations made in the 66th Meeting, as deliberated in the instant 93rd JKEAC meeting are here-in as under:
- i. With respect to item i, the PP has decided against the use of heavy Loaders and Tippers for transportation of the mined out RBM, instead only tractor trolley with maximum capacity of 5 tons will be used. This will help to negate any impact which may be caused due to use of heavy tippers and loaders for transportation. In addition, a detailed impact study of traffic on the terrain of the area has been done separately which forms a part of EIA report.
  - ii. With respect to item ii, the report submitted by Joint Director, G&M Dept. indicating that there is no threat of landslides in the area within guided principles of mining has been corroborated by the observations of the Sub-Committee in the matter.

- iii. With respect to item iii, the PP has submitted a color Google image duly signed by AEE & sarpanch concerned stating that as per field verification there is no irrigation canal/Kuhl off-take point falling within the periphery of 200 m of the mining block.
- iv. With respect to item iv, the letter of the Joint Director, G&M Dept. dated 01-07-2021 states that the mining operations will not induce any landslide activity within the guided principles of mining and there is a huge potential of unutilized minor mineral reserves in the river stretch.
- v. With respect to item v, the active water channel portion has been excluded partially while calculating revised targeted mineral production. The Committee desired that the entire active water creek area needs to be excluded and mining activity restricted to 1.47 Ha as per above deliberations and the PFR/EIA/Mining plan updated, prior to grant of EC.
- vi. With respect to item vi, the PP has submitted certificate which is not legible. A clear-cut title verification of the resized mining block as state land needs to be issued by Tehsildar concerned and submitted to JKEIAA, prior to grant of EC.
- vii. With respect to item vii, the compliance to specific ToR condition relating to photographs of display screen of air quality monitoring station displaying the dates of collection of baseline data has not been submitted & the same needs to be submitted, prior to grant of EC.
- viii. With respect to item viii, the project cost has been revised. However, the CER cost need to be included in the project cost and documents updated, prior to grant of EC.
- ix. With respect to item ix, revised mining plan has not been submitted & the same needs to be submitted, prior to grant of EC.
- x. With respect to item ix, revision of the mining plan with respect to mining depth of max.1 m and bulk density of max.2, revised surface plan etc. is awaited & the same needs to be submitted, prior to grant of EC.

#### **Recommendations of the JKEAC:**

In view of the above deliberations and insight gained during the above cited appraisal process, the Committee recommended the case for the grant of environmental Clearance subject to: -

- a) Standard and Specific Conditions as per Annexure B to the Minutes of JKEAC Meeting.
- b) Restricting of mining activity to 1.47 Ha as per deliberations and submission of revised surface plan restricting mining to dry shoals only duly attested by the G&M Dept., prior to grant of EC.
- c) Comprehensive haulage route as per deliberations herein above, prior to grant of EC.
- d) Strict use of only tractor trolleys with capacity less than 5tons for transportation of mined out minerals. Use of any other type of vehicles for transportation shall render the EC invalid.
- e) Submission of justification for economic viability of the project as per deliberations, prior to grant of EC.
- f) Clear cut Title of the mining block by Tehsildar concerned, prior to grant of EC.
- g) Revision of Mining plan as deliberated herein above, prior to grant of EC.
- h) Submission of compliance to Specific ToR condition relating to photographs of display screen displaying the dates of collection of baseline data, prior to grant of EC.
- i) EMP cost needs to be revised as suggested in the remark's column herein above, prior to grant of EC.
- j) Strict adherence to the terms and conditions of the NOCs of the stakeholder departments which need to be monitored by the enforcement agencies and concerned dept.
- k) No JCBs/ Excavators/ Bulldozers to be used in mining and no water course to be disturbed while transporting minor minerals.
- l) Maximum targeted mineral production of 17600 MT.
- m) Condition the geographical coordinates as per revised area to be conveyed by G&M Dept. are mentioned in the EC letter by JKEIAA.

- n) Submission of compliance to all other observations made herein above under deliberations, prior to grant of EC.
- o) Validity of only three years from the date of commencement of the mining operations duly certified by the District Mineral Officer concerned with intimation to the JKEIAA and JKPCB in view of non-availability of replenishment data.

**Decisions of JKEIAA:**

After due deliberations, the JKEIAA upheld the recommendations of the JKEAC to grant Environment clearance to 1.47ha of the project subject to:

- a) Revalidation of Letter of Intent by Geology and Mining Department.
- b) Standard and Specific Conditions as stipulated by JKEIAA/JKEAC.
- c) Submission of compliance to the observations made by JKEAC here-in-above prior to grant of EC.
- d) Restricting of mining activity to 1.47 Ha as per deliberations and submission of revised surface plan restricting mining to dry shoals only duly attested by the G&M Dept., prior to grant of EC.
- e) Comprehensive haulage route as per deliberations herein above, prior to grant of EC.
- f) Strict use of only tractor trolleys with capacity less than 5tons for transportation of mined out minerals. Use of any other type of vehicles for transportation shall render the EC invalid.
- g) Submission of justification for economic viability of the project as per deliberations, prior to grant of EC.
- h) Clear cut title of the mining block by Tehsildar concerned, prior to grant of EC.
- i) Revision of Mining plan as deliberated herein above, prior to grant of EC.
- j) Submission of photographs of display screen of Air Quality Monitoring Station displaying the dates of collection of baseline data within the six months of the grant of EC.
- k) Mining depth be restricted to max. 1m in aggregate and bulk density of 2.0 be adopted for calculating mineral production subject to maximum production of 17600 MT.
- l) Revision of EIA, EMP/CER Budget as suggested by JKEAC prior to grant of EC.
- m) Strict adherence to the terms and conditions of the NOCs of the stakeholder departments which need to be monitored by the enforcement agencies and concerned dept.
- n) No JCBs/ Excavators/ Bulldozers to be used in mining and no water course to be disturbed while transporting minor minerals.
- o) While issuing EC, Member Secretary shall specifically mention revised geographical coordinates for revised area conveyed by G&M Dept.
- p) Validity of only three years from the date of commencement of the mining operations duly certified by the District Mineral Officer concerned with intimation to the JKEIAA and JKPCB in view of non-availability of replenishment data.

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

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

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. Commissioner/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. S. Rakesh Kumar, IFS, 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, Ganderbal, Poonch and Reasi 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)

  
(Staff Officer)  
06/05/2022  
Director EERS/Member Secretary JKEIAA