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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 MEETING

In pursuance to the Minutes of the 106th & 107th Meeting of JK Expert Appraisal Committee held on 30-01-2023 & 01-02-2023 through video conferencing issued vide No.EAC/JK/23/14683-14695 Dated:-03-02-2023 & EAC/JK/23/14696-14708 Dated:03-02-2023, the **91th Meeting** of the **JK Environment Impact Assessment Authority** was held on 07-02-2023.

The following attended the meeting:

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

Following are the deliberations & decisions of the meeting:-

Agenda Item No 1 to Agenda 6 :

Grant of Terms of Reference in favour of mining block no. 5/9- with area:9.52 Ha, Block-5/11 with area 8.59 ha, Block-5/12 with area 6.29 ha in Katharwali Khad, Block 61(5/36) with area 5.28 ha at Chauki Chaura downstream Chagial Bridge; Block 58(5/33) with area 9.66 ha at Khourwali Khad downstream Khour Bridge and Block-5/13 with area 8.69 ha at Khatharwalli Khad Upstream, Manah Khathar bridge, Village- Manoa, Tehsil- Akhnoor, District-Jammu, J&K U.T respectively.

DELIBERATIONS/SPECIFIC OBSERVATIONS OF JKEAC :

- a)** Mr. Barinder Singh Chaudhary represented the project proponents of the above mining blocks while as Ms Anjali represented the consultant M/S Vitasta Enviro Services Pvt. Ltd. Before the consultant could give any presentation, JKEAC members asked her as to why she had applied for ToRs as fresh cases when the ECs stand already granted for specified period with an option to seek extension within the validity period of two years subject to conditions of the ECs so granted by JKEIAA earlier on the recommendation of this forum.
- b)** Ms Anjali presented the copy of Govt. order No. 76-JK(FST) of 2020 dated 09/07/2020 and contended that Amendment dated 28/03/2020 issued by the MoEF&CC under No. S.O.1224(S) referred to in the said Govt. order provided a mechanism where under the new lessee shall be deemed to have valid EC vested with the previous lessee for a period of two years from the date of commencement of new lease or till the new lessee obtains fresh EC whichever is earlier.

c) However, the Committee was of the opinion that, in the present cases, the ECs stand already vested in the name of the new lessees who, as per the conditions of the ECs, are supposed to apply for extension after following due process as underlined in the conditions of the ECs so granted in the past. Members asked the Secretary, JKEAC to present the Minutes of Meeting of the JKEIAA where under the G.O. as referred herein above was deliberated.

d) MoM of JKEIAA bearing No. JKEIAA/2016/02/II/631-633 dated 8/8/2020 were presented and read out before the forum. It was found that JKEIAA had taken the following decisions in respect of all such cases :-

1. *Where an EC stands already issued in favour of previous allottee, the same shall be valid in favour of the new allottee for a period of two years from the date of issue of Letter of Intent in favour of the new allottee during which time, the new allottee shall apply for fresh EC as per procedure.*
2. *Where the previous allottee had obtained TORs for preparation of Environmental Impact Assessment (EIA) /Environmental Management Plan(EMP) and had applied for Public Hearing but the Public Hearing Report (PHR) had not yet been issued, the new allottee shall apply for Public Hearing afresh, obtain Public Hearing Report and apply online on Environmental Clearance Portal at www.parivesh.nic.in for EC with all the prerequisite documents.*
3. *Where the previous allottee had obtained TORs for reparation of EIA/EMP and had also obtained PHR, the new allottee shall directly apply for EC with all other statutory documents like; Approved Mining plan, Pre-feasibility Report/EIA/EMP (as per requirement certifying its originality /ownership) including Public Hearing Report(PHR) of the previous allottee. The Expert Appraisal Committee shall appraise all such cases while considering the PHR of the previous allottee and make recommendation on the merits of individual cases for grant of EC with validity period of only 2 years. The EC so granted shall be extended only if the new allottee gets fresh Public Hearing (PHR) conducted for such projects by JKPCB within the 2 years of validity period of EC.*

e) JKEAC observed that the decision taken under para 3 supra clearly applies to all cases listed under agenda 1 to 6. Therefore, the representative of the PP and the consultant were informed that the listed cases cannot be treated as fresh cases as these pertain to leases under operation after issuance of ECs from time to time, which only require extension in validity subject to compliance of the conditions as laid down in all such environmental clearances and satisfactory replenishment reports.

f) The JKEAC asked the consultant whether the Lease is still valid or it has expired and if it is still valid, what is the validity period of lease still left to execute the mining operations. At this she informed that the leases are still valid and presented the copy of lease deed of the first agenda which showed that the lease was for 5 years w.e.f **June 2021**.

Recommendation of the JKEAC:

In view of the above deliberations, JKEAC recommended that the PPs may be asked to apply for extension of the earlier ECs in terms of Minutes of Meeting of JKEIAA issued vide No. JKEIAA/2016/02/II/631-633 dated 8/8/2020 and further subject to compliance of all conditions of the previous ECs and satisfactory replenishment report formulated by G&M Dept. and adopted by JKEIAA.

DECISION OF JKEIAA

After due deliberations, the JKEIAA agreed with the recommendations of JKEAC. The PP shall apply for extension of the earlier ECs in terms of Minutes of Meeting of JKEIAA issued vide No. JKEIAA/2016/02/II/631-633 dated 8/8/2020 after withdrawing the application for fresh EC.

AGENDA ITEM NO:07 to Agenda Item No:11

Grant of Terms of Reference in favour of mining block No.54(5/29) with an area of 9.89 ha at Khourwali Khad Upstream Bridge, Block No. 5/25 with an area of 9.43 ha at Jad Khad Upstream Jourian Bridge, Block No. 5/21 with revised working area 9.35 Ha at Jad Khad Upstream Jourian Bridge, of Akhnoor, District Jammu and Block No.4/2 with an area of 9.57 ha. at Bein River Upstream NH-1A Bridge and Block No. 2/5 with an area of 9.17 ha at Basantar River Downstream NH 1A Bridge of district Samba.

DELIBERATIONS/SPECIFIC OBSERVATIONS OF JKEAC:

- a)** Mr. Barinder Singh Chaudhary represented the project proponents of the above mining blocks while as Ms Anjali represented the consultant M/S Vitasta Enviro Services Pvt. Ltd. JKEAC observed that the consultant had applied for ToRs as fresh cases when the ECs stand already granted with an option to seek extension within the validity period of two years subject to conditions of the ECs so granted by JKEIAA.
- b)** The Committee recalled the discussions made in the previous 106th Meeting during which similar cases were placed before the forum and JKEAC had opined that the following decisions taken by JKEIAA to implement the G.O. No.76JK(FST) of 2020 vide para 3 of its MoM bearing No. JKEIAA/2016/02/II/631-633 dated 8/8/2020 pertains to the cases listed under agenda 1 to 5:-

‘Where the previous allottee had obtained TORs for reparation of EIA/EMP and had also obtained PHR, the new allottee shall directly apply for EC with all other statutory documents like; Approved Mining plan, Pre-feasibility Report/ EIA/EMP (as per requirement certifying its originality / ownership) including Public Hearing Report(PHR) of the previous allottee. The Expert Appraisal Committee shall appraise all such cases while considering the PHR of the previous allottee and make recommendation on the merits of individual cases for grant of EC with validity period of only 2 years. The EC so granted shall be extended only if the new allottee gets fresh Public Hearing (PHR) conducted for such projects by JKPCB within the 2 years of validity period of EC.’

c) JKEAC observed that the decision taken by JKEIAA under above para applies to all cases listed under agenda 1 to 5. Therefore, the representative of the PP and the consultant were informed that the listed cases cannot be treated as fresh cases as these pertain to leases under operation after issuance of ECs from time to time, which only require extension in validity subject to compliance of the conditions as laid down in all such environmental clearances and satisfactory replenishment reports.

Recommendations of the JKEAC:-

In view of the above deliberations, JKEAC recommended that the PPs may be asked to apply for extension of the earlier ECs in terms of Minutes of Meeting of JKEIAA issued vide No. JKEIAA/2016/02/II/631-633 dated 8/8/2020 and further subject to compliance of all conditions of the previous ECs and satisfactory replenishment report formulated by G&M Dept. and adopted by JKEIAA.

DECISION OF JKEIAA

After due deliberations, the JKEIAA agreed with the recommendations of JKEAC. The PP shall apply for extension of the earlier ECs in terms of Minutes of Meeting of JKEIAA issued vide No. JKEIAA/2016/02/II/631-633 dated 8/8/2020 after withdrawing the application for fresh EC.

AGENDA ITEM NO:12

Grant of Terms of Reference for Minor Minerals (RBM) in Bhini River at upstream Painthal Bridge, Block-17, Area 9.11 Ha, Kathua, favouring M/S Arshdeep Singh S/O Sh. Balraj Singh R/O Faizabad, Gurdaspur.

Brief Summary:

The case pertains to Grant of Terms of Reference for Minor Minerals (RBM) in Bhini River at upstream Painthal Bridge, Block-17, Area 9.11 Ha, Kathua, favouring M/S Arshdeep Singh S/O Sh. Balraj Singh R/O Faizabad, Gurdaspur. The PP has submitted the case under B1 category for TOR.

DELIBERATIONS/SPECIFIC OBSERVATION(S) OF COMMITTEE:

- a) This is a fresh case and the PP has applied for grant of ToRs and has submitted the case under B1 category with an area of 9.11 Ha.
- b) The Committee observed that all the relevant NOCs have been submitted as per the latest format uploaded on the Dept. website.
- c) The Committee observed that the mining plan prescribes an annual mining depth of 1 m over a lease period of 5 years which indicates that the mining plan is based on the assumption of 1m annual replenishment which cannot be considered unless supported by satisfactory replenishment data as per mining guidelines.
- d) The Committee observed that the replenishment report of the district has not yet been adopted as the same needs to be updated as per recommendations made by committee earlier on the subject.
- e) The Committee observed that a bulk density of 2 has been used in calculation of the minable reserves without actually determining it on the basis of field survey. The same needs to be adopted as per field measurements.

- f) The project cost has been underestimated and the same needs to be updated with surveillance budget etc.
- g) The mining block was examined on Google Earth Image using the KML/KMZ file supplied by the PP and it was found that active water channel has not been excluded while calculating minable reserves and therefore, Committee desired that the mining block should be resized after excluding the active water channel after maintaining a safe distance of 25m from the edge of active water channel.
- h) Accordingly, JKEAC desired the mining plan and other documentation be revised for surface plan, revised area, targeted mineral production etc. as per actual replenishment and bulk density and its *denovo* approval by the competent authority.

RECOMMENDATION OF THE COMMITTEE:

In view of the above deliberations and insight gained during the above cited appraisal process, the Committee recommended the project for grant of Terms of Reference to complete necessary formalities as per **Annexure-A**, subject to: -

- 1. Resizing of the mining block to exclude the active water channel.
- 2. Revising the mining plan, PFR report and other documentation as per deliberations herein above.
- 3. Computation of actual bulk density based on field measurements for arriving at minable reserves.
- 4. Compliance of all other observations made herein above under deliberation.

DECISION OF JKEIAA:

After deliberations, the JKEIAA approved the project for grant of Terms of Reference as per recommendations of 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/IX/7955-7964

Dated: 07-02-2023

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, Forest, Ecology & Environment Department, J&K Government, Civil Secretariat, Jammu for favour of kind information.
- 4. Secretary to Government, Mining Department, J&K Government for favour of 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. The Deputy Commissioner, Jammu/Samba/Kathua for information and necessary action.
8. The Secretary, JK Expert Appraisal Committee for information.
9. Website(s)



(Staff Officer)

Director EERS/Member Secretary JKEIAA