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

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## **MINUTES OF THE MEETING**

In pursuance to the Minutes of the 86<sup>th</sup> & 87<sup>th</sup> Meeting of the JK Expert Appraisal Committee held on 23<sup>rd</sup> February & 2<sup>nd</sup> March, 2022 through video Conferencing issued vide No.EAC/JK/22/12837-12849 dated:02-03-2022 & No. EAC/JK/22/12916-12928 dated 10-03-2022, the 77<sup>th</sup> Minutes of Meeting of JK Environment Impact Assessment Authority was held on 15<sup>th</sup> March, 2022 at 1100 Hrs. through video conferencing:

The following attended the meeting:-

- |  |                          |
|--|--------------------------|
| 1. Mr. Lal Chand, IFS (Retd.)                        | Chairman, JKEIAA         |
| 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 Amit Gupta S/o Shri Ashok Kumar Gupta R/O - H.No.21, Trikuta Nagar, Jammu, JK UT for Proposed RBM (RIVER BEDMINERAL) Mining Project, Block No.: 3, Area 8.41 Ha) at C-Nehama Bridge Upstream Vishaw Nalla District: Kulgam, JK UT under proposal No.SIA/JK/MIN/58158/2020.**

**Brief Summary:** This case pertains to grant of Environment Clearance under B1 category for Proposed RBM (RIVER BEDMINERAL) Mining Project, Block No.: -3, Area 8.41 Ha) at C-Nehama Bridge Upstream Vishaw Nalla District: Kulgam, JK UT.

LOI has been issued on 16-07-2020, which has been extended on 31-12-2021 and is valid up to 31-03-2022. Mining plan has been approved on 14-09-2020. The Terms of Reference were issued to the project on 08-12-2020 and public hearing of the project was conducted on 26-11-2021. The case was earlier discussed by the JKEAC 26-11-2020.

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 in appraisal report shows that NOCs have been issued (conditionally) by the Stake holder departments.

**Deliberations/specific observations of JKEAC:**

- a) The case had been discussed by the Expert Appraisal Committee earlier during the 20<sup>th</sup> Meeting held on 26/11/2020 during which the Committee recommended the project for grant of ToRs.
- b) The Google image of June 2017 and Sept., 2018 shows a tin shed within the mining block over a manmade channel. The Committee observed that it could be a water Mill as the source of water was channelizing through it. The same was confirmed by the consultant. The Committee observed that if it is so then mining activity may adversely affect the functioning of the Mill. Therefore, it was desired that the PP should obtain a detailed report with NOC from the concerned Tehsildar and Irrigation Dept with consent from the owner of the water Mill.
- c) Features indicative of illegal mining were observed inside and outside the designated mining block which needs clarification from the Multi Dept. District Level Task Force Cell and report whether the PP is involved in it.
- d) The Consultant informed that the active water channel has been excluded while calculating the minable reserves.
- e) The Committee desired that the genuine concerns of the locals raised during public hearing should be addressed by the PP.
- f) The Committee desired that the PP should submit specific NOCs especially from PHE, Irrigation & Flood Control Dept. as the NOCs submitted are general in nature.
- g) The Committee examined the NOC issued by the Fisheries Dept. and observed that the Fisheries Dept. has stipulated condition that the main water channel should not be disturbed leaving a buffer of 30m in lean season and 50 m in peak season. Therefore, the Committee after examining the mining block on the Google Image in the light of such stipulations, desired that the PP should get the mining block resized to two subsets on either side of the water channel passing through the middle of the mining block leaving the prescribed buffer zone which approximates 3 Ha area. This should also take care of the inlet supplying water to the water Mill and its structure while following the prescribed National norms.
- h) The PP shall also submit revised haulage routes catering to the two subsets of the mining block so as to avoid crossing of the main water channel / water course.
- i) 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.
- j) Revision of the mining plan with mine closure plan, revised mining depth, surface area plan, targeted mineral production and replenishment and its *denovo* approval by the competent authority.
- k) EMP Budget needs to be revised with appropriate budget.

- l) Mining depth of 2.5 m & bulk density of 2.3 adopted in the instant mining plan were not agreed by the committee. Mining depth be restricted to max. 1m in aggregate and bulk density of 2.0 only be adopted for calculating the production targets in absence of actual field measurements.

### **Recommendations of JKEAC:**

In view of the above deliberations / observations made by the Committee herein above, the Expert Appraisal Committee did not recommend the case for grant of EC in the present form. However, the PP if he so desires, may again approach the JKEIAA for grant of EC after submitting compliance to the observations made herein above under deliberations.

### **Decisions of JKEIAA:**

After due deliberations, the JKEIAA upheld the recommendations of the JKEAC to reject the case in the present form. However, the PP, may approach JKEIAA for reconsideration of the case after ensuring compliance to the observations made by JKEAC here-in-above under deliberations.

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

**Grant of Environment Clearance in favour of Shri Kapil Agarwal S/O Shri Jugesh Agarwal R/O H. no. 179 Near Panjpir Mandir Anandpur Pathankot, Gurdaspur, Punjab. for Minor Mineral Block No, 08 Batapora Bridge Downstream Rambiara Nallah, District Shopian, JK UT (Area reduce 5.80). ADS. under proposal No. SIA/JK/MIN/59615/2021.**

**Brief Summary:** This case pertains to grant of Environment Clearance under B1 category for Minor Mineral Block No, 08 Batapora Bridge Downstream Rambiara Nallah, District Shopian, JK UT (Area reduce 5.80).

LOI has been issued on 18-07-2020, which has been extended on 29-12-2021 and is valid up to 31-03-2022. Mining plan has been approved on 03-10-2020. The Terms of Reference were issued to the project on 12-02-2021 and public hearing of the project was conducted on 26-08-2021. The case was earlier discussed by JKEAC on 19-01-2021 and 30-10-2021. The area of the project has been reduced by the Geology & Mining Department on 11-10-2021.

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 NOC's in appraisal report shows that NOC shave been issued (conditionally) by the stakeholder department.

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

- a) The project had earlier been discussed during 24<sup>th</sup> meeting held on 19.01.2021 during which the committee recommended TORs to the project subject to resizing of the mining block to maintain a safe distance of 500 mts from the bridge. The project proponent has applied afresh after resizing the mining block.

- b) The case came to be listed again for the grant of EC during the 68th meeting held on 30-10-2021 during which the committee did not approve the case & desired prior compliance to following observations:
- i) Existence of school in the neighbourhood and reservations expressed by teacher during public hearing to be addressed.
  - ii) The District Administration should prescribe a specific haulage route which minimizes the problem of noise and air pollution in consultation with the local school authorities.
  - iii) Clarification from DMO concerned w.r.t use, nature and legal status of the structures observed in the close vicinity of the mining block.
  - iv) Preventive/protective measures to minimize the pollution resulting from mining operations need to be proposed and cost thereof provided in the EMP budget.
  - v) The PP needs to propose mining in dry shoals only and where crossing of active channels is unavoidable, scientific methods which minimize the disturbance of natural flow need to be proposed / adopted.
  - vi) Securing of non-involvement in illegal mining certificate from the competent authority.
  - vii) Securing a 'fit for mining certificate' from G&M Dept. to the effect that adequate replenishment has taken place and there is enough material available in the proposed mining block that can be excavated without endangering ecological and hydrological regime of the area.
  - viii) Compliance to specific ToR condition relating to photographs of display screen of Air Quality Monitoring Station displaying the date of collection of data.
  - ix) Revision of project cost.
  - x) 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) During deliberations in the instant meeting, the Committee observed as under:
- i) With respect to item (i), SHMI School has furnished NOC vide letter no. 122/SHMI/SPN/21 dated 23-11-2021 in favour of mining block based on certain terms & conditions to be fulfilled prior to & during execution of mining process.
  - ii) With respect to item ii, a specific haulage route in consultation with school authorities has not been provided.
  - iii) The Committee desired that the PP should get clarification from the District Adm. stating that the mining activity shall not have any adverse impact on the local environment especially environment of the school and that the haulage shall be exclusively from the District Police Lines side and not from the school side.
  - iv) With respect to item iii, regarding clarification about the use, nature and legal status of the structures observed in the close vicinity of the mining block, it is not required now as the point is irrelevant due to resizing of the block.

- v) With respect to item iv, the PP has proposed preventive/protective measures in the EMP budget to minimize the pollution resulting from mining operations.
- vi) With respect to item v, the PP has not excluded the active water channel portion from the mining block while calculating the mineral reserves.
- vii) With respect to item vi, the (MDLTF) cell report, issued by District Magistrate, Shopian Vide letter no. DMS/PP/21/4237-39 dated 04-02-2022 clearly indicated the non-involvement of PP in the illegal mining activity.
- viii) With respect to item vii, The PP has obtained 'fit for mining certificate' from G&M Dept. issued by DMO, Shopian vide letter no. DMO/DGM/spn/1026-27 dated 29-11-2021.
- ix) With respect to item viii, the compliance to specific ToR condition relating to photographs of display screen of air quality monitoring station is awaited.
- x) With respect to item ix, the project cost has been revised.
- xi) With respect to item x, revision of the mining plan is awaited.

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

In view of the above deliberations and insight gained during the above cited appraisal process, the Committee did not recommend the case for the grant of environmental Clearance in the present form. However, the PP if he so desires may again approach JKEIAA after compliance to the above observations.

### **Decisions of JKEIAA:**

After due deliberations, the JKEIAA upheld the recommendations of the JKEAC to reject the case in the present form. However, the PP, may approach JKEIAA for reconsideration of the case after ensuring compliance to the observations made by JKEAC here-in-above under deliberations.

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

**Grant of Terms of Reference in favour of Shri Brinder Singh S/o Shri Keemat Lal, R/O Near Chib Resort, Raipur Satwari, Jammu, JK UT for RBM (River Bed Mineral) Minor Mineral Block Mining Project, Block-1/A, Resized area of 1.38 Ha., at Adibal Galwanpora Link Road, Downstream Nallah Veshaw, District - Kulgam, JK UT under proposal No.SIA/JK/MIN/71275/2022 & SIA/JK/MIN/59838/2021.**

**Brief Summary:** This case pertains to grant of Environment Clearance under B1 category for RBM (River Bed Mineral) Minor Mineral Block Mining Project, Block-1/A (Resized area of 1.38 Ha.) at Adibal Galwanpora Link Road, Downstream Nallah Veshaw, District - Kulgam, JK UT. LOI has been issued on 16-07-2020, which has been extended on 31-12-2021 and is valid up to 31-03-2022. Mining plan has been approved on 04-12-2020. The case was earlier discussed by the JKEAC 15-02-2021 and area of the project has been reduced on 12-01-2022.

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

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

- a) The case was discussed during the 26th meeting held on 15/02/2021 during which the committee recommended the project for rejection of ToRs due to lack of feasibility to relocate or reduce the size of mining block.
- b) The PP has applied afresh under B1 category while resizing the mining block from 9.10 Ha to 1.38 Ha as indicated by letter dated 12/01/2022 issued by Joint Director, G&M Dept. The resized mining block of 1.38 Ha maintains a safe distance of 500 m from the bridge.
- c) The resized block comprises of three subsets separated by active water channels. The Committee desired that mining should be carried out only on dry shoals and in no case the active water channel should be crossed/disturbed.
- d) The PP shall propose two separate haulage routes for the dry shoals from left and right banks only to ensure that the active water channel is not disturbed under any circumstances.
- e) One of the Members desired that since the block has been resized leaving almost 20% of the original area for mining, therefore, the PP shall submit a note on economic viability of the project in the EIA Report.
- f) Illegal mining activity was detected around the resized mining block as per features on Google image of Sep, 2018 and the Committee desired to know whether such illegal mining activity has been continuing in the area which needs clarification from the Multi Dept. District level Task Force (MDLTF) Cell and fixing of responsibility thereof.
- g) While resizing the mining block to 1.38 Ha, the PP shall restrict the mining activity to dry shoals only.
- h) Clear-cut title verification of the mining block needs to be submitted.
- i) Mining depth of 3 m & bulk density of 2.1 adopted in the instant mining plan were not agreed by the Committee. Mining depth be restricted to max. 1 m and bulk density be based on actual field measurements.

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

In view of the above deliberations and insights gained during the above cited appraisal process, the Committee recommended the case for the grant of Terms of Reference as per Annexure- A subject to compliance of observations made here-in-above.

### **Decisions of JKEIAA:**

After due deliberations, the JKEIAA upheld the recommendations of the JKEAC to grant Terms of Reference to the project subject to compliance of observations made by JKEAC here-in-above.

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

**Grant of Terms of Reference in favour of Shri Manzoor Ahmad Bhat S/O Abdul Rahman Bhat R/O Village Donipawa, Tehsil and District Anantnag, JK UT for Minor Mineral Quarry Cluster Block at Donipawa-B, Area: 2.55Ha., Village-Donipawa, Tehsil & District-Anantnag, JK UT under proposal No.SIA/JK/MIN/67543/2021.**

**Brief Summary:** This case pertains to grant of Environment Clearance under B1 category for Minor Mineral Quarry Cluster Block at Donipawa-B, Area: 2.55Ha., Village-Donipawa, Tehsil & District- Anantnag, JK UT

LOI has been issued on 13-06-2017. Date of extension of LOI and date of its validity has not been provided. Mining plan has been approved on 04-12-2018.

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 in appraisal report shows that NOCs have been issued (conditionally) by the Stakeholder departments. The NOC from Wildlife Department is ambiguous and NOC from Revenue Department is awaited. NOC of Fisheries Department is valid upto 31-03-2022 only.

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

- a) The Minor Mineral Quarry project has been submitted by the PP under B1 category because of cluster situation.
- b) The Director, G&M Dept. has declared the cluster of quarries for grant of quarry licence vide communication bearing No. 324/MCC/DGM/CQA/16/1228-30 dated 13/06/2017. As per annexure to this communication, there are 17 number of quarries in the cluster of Donipawa-B.
- c) The Committee could not find any document indicating the number of persons holding quarry licence for operating the Donipawa-B quarry site and wanted to know whether the entire quarry site comprising of 17 quarries has been allotted to the PP alone. Therefore, the PP needs to clarify his locus standi in this regard. In case, there are other quarry license holders involved in the cluster, their list duly authenticated by G&M Dept. be furnished with an affidavit signed by all beneficiaries duly attested by Magistrate 1st class to the effect that they have authorized the project proponent for all matters relating to the mining activity including application for grant of ToR before JKEIAA.
- d) As per the communication bearing No. 324/MCC/DGM/CQA/16/1228-30 dated 13/06/2017 issued by Director, G&M Dept., there exist seven quarry clusters, adjacent to each other, on the same hillock and it is not made out as to how the clusters have been formulated.
- e) It is also observed from the KML file that mining activity has been carried out in a haphazard manner which has played havoc resulting into total devastation/near obliteration of the hill both in terms of environment as well as the geographical feature.
- f) The Committee is of the opinion that the area already stands environmentally degraded and no further mining activity can be permitted unless it is determined by an

Environment Impact Assessment study of the entire hillock with special emphasis on impact of mining on human habitations / institutional areas / healthcare facilities located in close vicinity. The EIA study must also determine in categorical terms that the area is fit for further mining without aggravating the damage already caused to the area/environment. EIA study is all the more important as the hills in the area constitute an important land mark and geological feature located in the middle of historically important Anantnag town and any further damage shall adversely affect the overall ecology and aesthetics of the area.

- g) During the appraisal process, it also came to note that a number of springs emanate from the hillock and that indiscriminate mining may result into drying up of these springs which may affect the life of people who depend on these springs.
- h) Further, the Committee desired that in future whenever such cases are received for grant of ToR/EC, some renowned Geologist having worked on the geology of Kashmir should be co-opted for assisting the Committee in appraisal process.
- i) It was found that the approved mining plan is sketchy without any specific details about distribution of quarries among the beneficiaries. Therefore, the mining plan be revised to include details on distribution of area among beneficiaries, fixing of responsibilities for mine safety and implementation of EMP.
- j) The Committee desired that before grant of ToRs, the G&M Dept. should furnish following details:-
  - i. Distribution of area and geo-coordinates of 17 Quarries in the cluster.
  - ii. Number of beneficiaries in each quarry, their names / details, Modus operandi of collective management and responsibilities.
  - iii. Declaration of legal entitlement and functional rights of the quarry holders.
  - iv. Revision of mining plan showing the area of each quarry in the cluster with physical measurements and coordinates showing annual / total quarry excavation depth. It should be ensured that the parameters affecting the stability of the quarry site and its surrounds are well taken care of. It should also include a well-defined closure plan of each quarry detailing the responsibility of the stake holders. Provision for safety audit of the entire cluster and fixing of responsibility for implementation of EMP by the beneficiaries.
- k) The Form 1M indicates issuance of LOI following highest bid while misquoting the reference of declaration of cluster of quarries by the Director, G&M as discussed herein above which needs to be rectified. As per latest guidelines from MoEF&CC, the consultant needs to submit Form2 duly attested by the PP instead of Form 1M.
- l) Illegal mining activity was detected within the mining site as per features on Google image of Oct, 2021 which needs clarification from the Multi Dept. District level Task Force (MDLTF) Cell and fixing of responsibility thereof.
- m) Clear-cut title verification of the land under the cluster of quarries by the Tehsildar concerned needs to be submitted.



- n) Justification for ultimate pit depth of 7.8 m & bulk density of 2.5 adopted in the instant mining plan needs to be submitted.

**Recommendations of the JKEAC:**

In view of the above deliberations, the Committee rejected the case for grant of ToRs in the present form. However, the PP if he so desires may again approach the JKEIAA for reconsideration of the case after following issues are addressed by the G&M Dept. and the PP:-

- i. EIA of the entire hillock be got done by G&M Dept. through an independent expert agency where cluster of quarries have been declared as per deliberations here-in-above.
- ii. List of beneficiaries in each quarry duly authenticated by Director, G&M Dept.
- iii. Undertaking / Affidavit signed by all quarry holders duly attested by Magistrate 1st class to the effect that they have authorized the project proponent for all matters relating to the mining activity including application for grant of ToR before JKEIAA.
- iv. Revision of mining plan with mine closure Plan giving specific details as deliberated herein above including justification of bench height of 7.8m and bulk density of 2.5.
- v. Details sought from the Director, G&M Dept. as deliberated herein above.
- vi. Non-involvement in illegal mining activity certificate from the MDDLTF Cell.
- vii. Revision /rectification of statutory forms.
- viii. Title verification of the land under quarry cluster.

**Decisions of JKEIAA:**

After due deliberations, the JKEIAA upheld the recommendations of the JKEAC to reject the case for grant of Terms of Reference in the present form. However, the PP may again approach the JKEIAA for reconsideration of the case after following issues are addressed by the G&M Dept. and the PP:-

- i. EIA of the entire hillock be got done by G&M Dept. through an independent expert agency where cluster of quarries have been declared as per deliberations here-in-above.
- ii. List of beneficiaries in each quarry duly authenticated by Director, G&M Dept.
- iii. Undertaking / Affidavit signed by all quarry holders duly attested by Magistrate 1st class to the effect that they have authorized the project proponent for all matters relating to the mining activity including application for grant of ToR before JKEIAA.
- iv. Revision of mining plan with mine closure Plan giving specific details as deliberated herein above including justification of bench height of 7.8m and bulk density of 2.5.
- v. Details sought from the Director, G&M Dept. as deliberated herein above.
- vi. Non-involvement in illegal mining activity certificate from the MDLTF Cell.
- vii. Revision /rectification of statutory forms.
- viii. Title verification of the land under quarry cluster.

### **Agenda Item No.05.**

**Grant of Environment Clearance in favour of Shri Sanchit Gautam S/O Shri Ravi Gautam R/O Nagrota, Near Toll Post, Jammu. JK UT for MINOR MINERAL (River Bed Material) Project at Block No. 1/13, (Area-9.98 ha.) Devak River Downstream NH 1A Bridge, Samba Village- Phulpur, Tehsil-Vijaypur, District- Samba, JK UT ADS under proposal No.SIA/JK/MIN/58886/2019.**

**Brief Summary:** This case pertains to grant of Environment Clearance under B1 category for Minor Mineral (River Bed Material) Project at Block No. 1/13, (Area-9.98 ha.) Devak River Downstream NH 1A Bridge, Samba Village- Phulpur, Tehsil-Vijaypur, District- Samba, JK UT. LOI has been issued on 02-08-2020. Letter of Intent has been extended on 31-12-2021 and validity of Letter of Intent is upto 31-03-2022. Mining plan has been approved on 02-02-2018. The Terms of Reference were granted to the project on 26-12-2019 and public hearing was conducted on 07-01-2020. The case was earlier discussed by the JKEAC on 19-01-2021 and 31-05-2021.

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 NOC's in appraisal report shows that Forest & Revenue Departments had issued NOC's in favour of the project. Joint Inspection report submitted by the PP signed by all major stakeholders excepting Irrigation Dept. Individual NOCs not produced yet. The fresh NOC issued by Tehsildar Ramgarh and endorsed by Dy. Custodian clarifies that the land belongs to State.

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

- a) The case had earlier been discussed during the 24th meeting held on 19.01.2021 during which the Committee, in view of the report of the joint inspection Committee w.r.t instant mining block, recommended :-
  - i. That the project proponent be asked to get the state land in the mining block properly demarcated by excluding the forest land and the Custodian land.
  - ii. That the project proponent be asked to get the baseline data/test reports issued by M/S Overseas Test House & Research Centre Pvt. Ltd. NABL Accredited Laboratory, Jaipur authenticated by JKPCB.
  - iii. The Project Proponent be asked to incorporate factual land-use map within 10 kms radius of the project site correctly mapped with correct statistics generated.
  - iv. The NOC's from the concerned stakeholder departments be also obtained.
- b) The case was again discussed during the 43rd meeting held on 31.05.2021 during which the Committee desired that the consultant be asked to submit report based on demarcation of the mining block by officers of Forest Dept., Revenue Dept. and the Custodian Dept. in accordance with joint Inspection Report conducted by the stakeholder departments of the district, besides, other compliances as per recommendations made by the Committee in its 24th meeting held on 19/01/2021.

- c) In the instant meeting, the PP submitted NOC from Divisional Forest Officer, Samba bearing No. DFO/SFD/2677-79 dated 07/09/2021 which states that block 1/13 lies at 74 mts in close proximity to the closure/unit established by the Social Forestry Dept. at village Kajjal area. The said unit/closure comprises of advanced Banasari crop like Sheesham, Khair & Bamboo and is vulnerable to the soil erosion.
- d) Therefore, the Committee, in view of the apprehensions expressed by the concerned DFO, desired that an additional buffer of 20 mts beyond 74 mts needs to be maintained from the Social Forestry closure.
- e) The fresh title verification attested by the Tehsildar Ramgarh states that the block 1/13 is state land.
- f) The Committee desired that the fresh clarifications individually issued w.r.t title of the land under the mining block by the DFO concerned, Patwari concerned endorsed by Tehsildar and Dy. Custodian should be got endorsed by the District Administration / Adl. Dy. Commissioner, Samba as a clarification to the stand taken earlier in the joint inspection report under Single window system. The clarification/endorsement should be submitted to the JKEIAA, prior to grant of formal EC.
- g) The baseline data submitted has been collected by the previous PP during Apr-June 2019 and the present PP has submitted an undertaking stating that after obtaining provisional EC, he would collect fresh baseline data & submit a revised EIA report.
- h) Individual NOCs from concerned stakeholders Depts. viz. Irrigation, Flood Control, Fisheries etc. have not been submitted and therefore, same needs to be submitted prior to grant of EC.
- i) Active water channel detected while observing KML file needs to be excluded from mining activity.
- j) Genuine issues raised by the locals during public hearing should be addressed by the Project proponent.
- k) Project cost has been underestimated by the consultant as it does not include cost of EMP, CER. Same need to be revised, prior to grant of EC.
- l) EMP needs to be revised with suggested budget, prior to grant of EC.
- m) Revision of the mining plan with mine closure plan, surface plan, targeted mineral production and replenishment and its denovo approval by the competent authority prior to grant of EC.
- n) The conditions of NOC issued by the stakeholder depts. need to be adhered to in letter and spirit under close supervision of the stakeholder departments.

**Recommendations of the JKEAC:**

In view of the above deliberations / observations made by the Committee herein above, the Expert Appraisal Committee recommended the project for grant of EC subject to: -

- a) Standard and Specific Conditions as per Annexure B to the Minutes of JKEAC Meeting.
- b) Submission of compliance to the observations made by JKEAC herein above under deliberations, prior to grant of EC.

- c) Maximum targeted mineral production of 119700MT.
- d) Condition the geographical coordinates as per area Lol issued by G&M Dept. are mentioned in the EC letter by JKEIAA.
- e) Strict adherence to the terms and conditions of the NOCs of the stockholder departments which needs to be monitored by the enforcement agencies and concerned department.
- f) Issuance of individual NOC from the stake holder departments, prior to grant of EC.
- g) No JCBs/ Excavators/ Bulldozers to be used in mining and no water course to be disturbed while transporting minor minerals.
- h) Validity of only two 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 and decisions taken by JKEIAA w.r.t Transfer cases.

### **Decisions of JKEIAA:**

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

- a) Standard and Specific Conditions as stipulated by JKEIAA/JKEAC.
- b) Submission of compliance to the observations made by JKEAC here-in-above prior to grant of EC.
- c) Issuance of individual NOC from the stake holder departments, prior to grant of EC.
- d) The PP shall submit the fresh baseline data within six-months from issue of EC failing which the EC shall be withdrawn.
- e) Clarification submitted with regard to the title of the land should be got endorsed by the Deputy Commissioner/ADC Samba prior to grant of EC.
- f) Revision of the mining plan with mine closure plan, revised mining depth, surface plan, and its approval by the competent authority within a period of three months from the date of issuance of E.C.
- g) 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 119700 MT.
- h) Revision of EIA, EMP/CER Budget as suggested by JKEAC prior to grant of EC.
- i) Strict adherence to the terms and conditions of the NOCs of the stakeholder departments which need to be monitored and acted upon by the enforcement agencies/ concerned dept. in case of any violation of laws governing minor minerals.
- j) No JCBs/ Excavators/ Bulldozers to be used in mining and no water course to be disturbed while transporting minor minerals.
- k) While issuing EC, Member Secretary shall specifically mention revised geographical coordinates for revised area conveyed by G&M Dept.
- l) Validity of only two 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.

### **Agenda Item No.06.**

**Grant of Environment Clearance in favour of Shri Amit Mahajan R/O- Near Kali Mandir Kolluwali Gali, District Pathankot, Punjab for minor mineral block no 6, Nagbal Hospital to Power Grid Downstream Rambiarra Nallah, District Shopian, JK UT Resized Area of 3.59 Ha. ADS under proposal No.SIA/JK/MIN/59680/2021.**

**Brief Summary:** This case pertains to grant of Environment Clearance under B1 category for minor mineral block no 6, Nagbal Hospital to Power Grid Downstream Rambiarra Nallah, District Shopian, JK UT Resized Area of 3.59 Ha.

LOI has been issued on 18-07-2020. Letter of Intent has been extended on 18-09-2021 and validity of Letter of Intent was up to 30-11-2021. Mining plan has been approved on 03-08-2020. The Terms of Reference were granted to the project on 12-02-2021 and public hearing was conducted on 26-08-2021. The case was earlier discussed by the JKEAC on 19-01-2021 and 05-11-2021. The area of the project was reduced by the Geology & Mining Department on 03-02-2022.

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 in appraisal report shows that NOCs have been issued (conditionally) in favour of the project by the stakeholder departments. The revised conditional NOC from Asst. Director Fisheries mentions that extraction should be carried out 300 mts away from the boundary of the Aliyalpora Fish trout Farm. The NOC from the Xen. Irrigation department Shopian mentions that Supply channel of Natoo canal and Sanigaloo canal within average distance of 20 and 40 mts. from the mining block.

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

- a) The case had been discussed by the Expert Appraisal Committee earlier in the 24<sup>th</sup> Meeting held on 19/01/2021 and 69<sup>th</sup> meeting held on 05/11/2021 during which the Expert Appraisal Committee recommended the project for rejection of Environmental Clearance. Further, the PP was asked to obtain clarification on following points for reconsideration of the case: -
  - i) Non-Involvement in illegal mining activity certificate from Multi Dept. District Level Task Force Cell.
  - ii) Unambiguous clarification from Xen Irrigation and Xen PHE Department about the existence of offtake points of irrigation Kuhl/canal within 15mts to 17 mts. from the mining block.
  - iii) Clear cut / unambiguous clarification and report on the impact of mining activity on the fish farm.
  - iv) Clear title verification of the land under the proposed block from the concerned revenue authority.
  - v) Now the PP has again approached the JKEIAA for reconsideration of the case after resizing the Mining Block to 3.59 ha from the original area of 9.43ha vide letter dated

03/02/2022 from the G&M Dept. after maintaining a safe distance from the irrigation canals and Trout Fish farm which are in close vicinity to the mining block.

- b) In compliance to the Point No i. The PP has submitted a report of Multi Departmental District level task Force cell on illegal Mining that no illegal mining has occurred in the minor mineral block and the PP of the minor mineral block is not involved in any illegal mining activity.
- c) In compliance to point No.ii, the PP has submitted a fresh NOC from Xen. Executive Engineer Irrigation (Jal shakti Dept.) Division Shopian vide letter dated 25/11/2021 mentioning that the supply channel of Nattoo canal is located at an average distance of 20 Mts. from the mining block and Supply channel of Sanigaloo Canal is located at an average distance of 40 Mts. from the mining block. The Committee observed that though the language in the revised NOC issued by the Xen Irrigation Dept. is ambiguous, yet one thing is clear that the canal offtake point is at a distance of 20 mts and 40 mts. from the mining block, which is less than 200m from the mining block and therefore, not in conformity with national guidelines. However, the consultant presented the KML file of the resized block on Google Earth platform and showed that the resized mining block was more than 200m away from the canal headways. Therefore, the Committee understands that the NOCs presented seems to have been obtained prior to resizing of the mining block and as such, desired that the PP should obtain fresh NOC from the Xen Irrigation Dept. stating that no irrigation canal/kuhl lies within 200m of the resized mining block, prior to grant of EC.
- d) With respect to serial No. iii, the PP has obtained a revised NOC from the Assistant Director Fisheries District Shopian vide letter dated 30/11/2021 which mentions that the old NOC issued by his office vide letter dated 20/10/2021 is withdrawn and cease to be valid. Further, a fresh conditional NOC has been issued in favour of the PP which mentions that the Trout unit Aliyalpora falls in the close vicinity of the mining block and extraction should be carried out 300 mts away from the boundary of the Aliyalpora Trout unit where 5 pairs of Trout raceways (Ponds) exist for rearing of trout. Extraction in close vicinity of the farm may cause damage to the unit. As per the resized block area observed on Google image, the inlet of water source to trout fish farm appears to be 308 mts. away from the revised mining block of 3.59Ha.
- e) The PP has submitted a revised Title verification from Naib Tehsildar Shopian and mentions the said mining block as State land.
- 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.
- g) Mining depth of 3.00 m & bulk density of 2.1 adopted in the instant mining plan not agreed by the committee. Mining depth of max. 1m and bulk density of 2 be adopted in view of lack of replenishment data absence of field measurements.

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

In view of the above deliberations / observations made by the Committee herein above, the Expert Appraisal Committee recommended the project for grant of EC subject to: -

- a) Standard and Specific Conditions as per Annexure B to the Minutes of JKEC Meeting.
- b) Submission of compliance to the observations made herein above under deliberations, prior to grant of EC.
- c) Maximum targeted mineral production of 43000MT.
- d) Condition the geographical coordinates as per area revised mining block to be conveyed by G&M Dept. are mentioned in the EC letter by JKEIAA.
- e) Subject to maintaining a safe distance of 300m from the inlet of water to the trout fish farm.
- f) Strict adherence to the terms and conditions of the NOCs of the stockholder departments which needs to be monitored by the enforcement agencies and concerned department.
- g) Issuance of fresh clarifications on NOCs from the Irrigation and Fisheries Departments, prior to grant of EC.
- h) No JCBs/ Excavators/ Bulldozers to be used in mining and no water course to be disturbed while transporting minor minerals.
- i) 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 the project subject to:

- a) Revalidation of LOI prior to grant of EC.
- 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) Subject to maintaining a safe distance of 300m from the inlet of water to the trout fish farm.
- e) Issuance of fresh clarifications on NOCs from the Irrigation and Fisheries Departments, prior to grant of EC.
- f) Revision of the mining plan with mine closure plan, revised mining depth, surface plan, and its approval by the competent authority within a period of three months from the date of issuance of E.C.
- a) 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 43000MT.
- g) Revision of EIA, EMP/CER Budget as suggested by JKEAC prior to grant of EC.

- h) Strict adherence to the terms and conditions of the NOCs of the stakeholder departments which need to be monitored and acted upon by the enforcement agencies/ concerned dept. in case of any violation of laws governing minor minerals.
- i) No JCBs/ Excavators/ Bulldozers to be used in mining and no water course to be disturbed while transporting minor minerals.
- j) While issuing EC, Member Secretary shall specifically mention revised geographical coordinates for revised area conveyed by G&M Dept.
- k) 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.

### **Agenda Item No.07.**

**Grant of Environment Clearance in favour of M/S NKC Projects Pvt. Ltd. R/o- Budgam, JK UT for Minor Mineral Block, Banderpora Upstream Shaliganga Nallah Village – Banderpora Tehsil – Khansahib District – BudgamJK UT (AREA – 1.29 Ha) ADS under proposal No.SIA/JK/MIN/239987/2021.**

### **Brief Summary:**

This case pertains to grant of Environment Clearance under B2 category for Minor Mineral Block, Banderpora Upstream Shaliganga Nallah Village – Banderpora Tehsil – Khansahib District – BudgamJK UT (AREA – 1.29 Ha)

The Mining block has been reserved under Rule-91 of SRO 105 under order reference No.3516-22 dated 14/08/2021 issued by Director, Geology & Mining Department. Validity of the lease is upto 13-03-2024. Mining plan has been approved on 10-11-2021. The case was earlier discussed by the JKEC on 03-01-2022.

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

Status of NOC's in appraisal report shows that NOCs have been issued (conditionally) in favour of the project by the stakeholder departments. NOC from wildlife department mentions that theses Nallah's are feeding channels to Hokersar wetland reserve. The flow and quality of the water should not be affected. NOC from irrigation Division has clarified that there are no Khul or canal present in the mining block. Title verification says about mutation of land in favour of Industrial estate adjacent to site.

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

- a) The case had been discussed by the Expert Appraisal Committee earlier in the 81<sup>st</sup> Meeting held on 03/01/2022 during which the Expert Appraisal Committee did not agree to recommend the case for grant of EC and desired compliance to following observations for reconsideration of the case:-



- i. Resizing the block to maintain safe distance of 200m US and DS of the offtake points of kuhls/canals and to reassess the resource available vis-à-vis the requirement.
  - ii. Obtaining 'fit for mining certificate' from the G&M Dept. to the effect that adequate replenishment has taken place in the block and there is sufficient material available to extract material without endangering the ecological and hydrological regime of the nallah.
  - iii. Obtaining of non-involvement in illegal mining certificate from the Multi Dept. District level Task Force (MDLTF) Cell.
  - iv. Submission of NOC from the Industrial estate in view of Title verification indicating mutation of adjacent land in favour of that agency.
- b) NOC from Wildlife Protection Department mentions that these Nallah's are feeding channels to Hokersar wetland Reserve. The mining activities must not affect the flow and quality of the water and excessive extraction/water diversion be avoided as it can hamper flow and adversely affect quality of water flowing to the Reserve. Therefore, the Committee desired that the PP should submit an undertaking to the Wildlife Protection Dept. duly attested by the Judicial Magistrate first class to the effect that in case of any damage to the existing water course in terms of ecological and hydrological factors, the costs of rehabilitation of the same to be decided by the Wildlife Protection Dept. shall be borne by the PP. The copy of same need to be submitted, prior to grant of EC.
- c) Now the PP has again approached JKEIAA and submitted a categorical NOC from Executive Engineer Irrigation Division Ompora Budgam vide letter dated 22/01/2022 which has clarified that there are no Khul or canal present in the mining block. Hence the consultant pleads that there is no need for resizing the mining block. The Committee accepted the plea from the consultant.
- d) Now, in compliance to point No.ii, herein above, the PP has obtained a Fit for Mining certificate vide letter dated 05/02/2022 from G&M department which mentions that there is enough potential for extraction of minor minerals.
- e) With respect to serial No. iii, the PP has obtained a report on illegal mining from MDDLTF cell vide letter dated 31/01/2022 indicating that the PP is not involved in any illegal mining activity in the said mining block.
- f) With compliance to point No. iv, The PP has obtained a fresh title verification from the concerned Tehsildar vide letter dated 22/01/2022 which mentions as under:
- i. That the total area of survey number 472 of Estate Banderpora is 305 kanals and 06 Marlas, out of which 64 Kanals of land has been transferred to the industrial estate and same stands mutated in the name of department.
  - ii. That the distance of the industrial estate land from the bank river is 150 feet's (approx..) and apparently it seems that the extractions of boulders RBM would not affect the industrial estate.
  - iii. The land allotted under mining block for extraction of RBM for Ring road, does not fall within 64 Kanals of land mutated in the name of industrial estate.

- g) Active water channel needs to be excluded from the mining block while calculating the targeting mineral production.
- h) EMP Budget needs to be revised with appropriate budget.
- i) 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.
- j) Mining depth of 3.00 m & bulk density of 2.3 adopted in the instant mining plan were not agreed by the committee. Mining depth be restricted to max. 1m in aggregate and bulk density of 2.0 only be adopted for calculating the production targets in absence of actual field measurements.

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

In view of the above deliberations / observations made by the Committee here-in-above, the Expert Appraisal Committee recommended the case for grant of Environmental Clearance subject to: -

- a) Standard and Specific Conditions as per Annexure B to the Minutes of JKEAC Meeting.
- b) Submission of compliance to the observations made herein above under deliberations, prior to grant of EC.
- c) Maximum targeted mineral production of 15400 MT.
- d) Condition the geographical coordinates as per area to be conveyed by G&M Dept. are mentioned in the EC letter by JKEIAA prior to grant of EC.
- e) Strict adherence to the terms and conditions of the NOCs of the stockholder departments which needs to be monitored by the enforcement agencies and concerned department.
- f) No JCBs/ Excavators/ Bulldozers to be used in mining and no water course to be disturbed while transporting minor minerals.
- g) 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 the project subject to:

- a) Revalidation of LOI Prior to grant of EC.
- 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) The PP should submit an undertaking to the Wildlife Protection Department duly attested by the Judicial Magistrate (1<sup>st</sup> Class) to the effect that "In case of any damage to the existing water course in terms of Ecological and Hydrological factors, the costs of

- rehabilitation of the same, to be decided by the Wildlife Protection Department, shall be borne by the PP. Copy of the same need to be submitted prior to the grant of EC.
- e) Revision of the mining plan with mine closure plan, revised mining depth, surface plan, and its approval by the competent authority within a period of three months from the date of issuance of E.C.
  - b) 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 15400 MT.
  - f) Revision of EIA, EMP/CER Budget as suggested by JKEAC prior to grant of EC.
  - g) Strict adherence to the terms and conditions of the NOCs of the stakeholder departments which need to be monitored and acted upon by the enforcement agencies/ concerned dept. in case of any violation of laws governing minor minerals.
  - h) No JCBs/ Excavators/ Bulldozers to be used in mining and no water course to be disturbed while transporting minor minerals.
  - i) While issuing EC, Member Secretary shall specifically mention revised geographical coordinates for revised area conveyed by G&M Dept.
  - j) 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.

#### **Agenda Item No.08.**

**Grant of Environment Clearance in favour of M/S NKC Projects Pvt. Ltd. R/o- Budgam, JK UT for Minor Mineral Block No.1 Dreigam Bridge, Downstream Shaliganga Nallah Village – Dreigam Tehsil – Khansahib District – Budgam JK UT (Resized AREA – 1.81 Ha) under proposal No.SIA/JK/MIN/255722/2022 & SIA/JK/MIN/239974/2021.**

**Brief Summary:** This case pertains to grant of Environment Clearance under B2 category for Minor Mineral Block No.1 Dreigam Bridge, Downstream Shaliganga Nallah Village – Dreigam Tehsil – Khansahib District – Budgam JK UT (Resized AREA – 1.81 Ha)

LOI has been issued on 14-08-2021. Letter of Intent has been extended on 18-09-2021 and validity of Letter of Intent was up to 30-11-2021. Mining plan has been approved on 10-11-2021. The case was earlier discussed by the JKEAC on 03-01-2022. The area of the project was reduced by the Geology & Mining Department on 05-02-2022.

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 in appraisal report shows that the NOC's have been issued (conditionally) in favour of the project by the stakeholder departments. The Revenue Department has mentioned the Land as state Land in shape of Nallah on spot. Title verification says about mutation of land in favour of Industrial estate adjacent to site. NOC from Irrigation Division mentioned that offtake of (02) number Khuls i.e. Lad Shanger and Hardwal Khul falls in this Block. NOC from wildlife department mentions that these Nallah's are feeding channels to Hokersar wetland reserve. The flow and quality of the water should not be affected.

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

- a) The case had been discussed by the Expert Appraisal Committee earlier in the 81<sup>st</sup> Meeting held on 03/01/2022 during which the Expert Appraisal Committee rejected the case for grant of EC.
- b) Now, the PP has again approached the JKEIAA for reconsideration of the case after resizing the mining block to 1.81ha from its original area of 3.17 Ha vide letter dated 05/02/2022 issued by G&M dept. to maintain a safe distance to the two kuhls mentioned in the NOC issued by Xen Irrigation Dept. vide letter dated 22/01/2022.
- c) When the Consultant presented KML file of resized mining block on Google Earth platform, the Committee observed that the original block has been divided into three subsets. The Committee did not agree to consider the central small block lying within pillars D,D1, L1, M, M1 and C1 being close to escape channel and demanding a separate haulage route. However, the Committee agreed to consider the subset blocks upstream (between pillars A1,B,B1,N1,O,O1) and downstream (between pillars F1,J1,JI,H,G) leaving an area of 1.52 Ha only for mining activity. Accordingly, the PP shall get the mining block further resized to 1.52Ha by the G&M Dept., prior to grant of EC.
- d) The PP shall also get a fresh clarification from Xen, Irrigation Dept. stating that the resized mining block of 1.52 Ha does not fall within 200m from the canal/kuhl headways, prior to grant of EC.
- e) The PP has also submitted title verification vide letter dated 31/07/2021 which mentions that the mining block under survey No. 1086 is State land in the shape of nallah on spot.
- f) NOC from wildlife department mentions that these Nallah's are feeding channels to Hokersar wetland Reserve. The flow and quality of the water should not be affected and further excessive extraction/water diversion be avoided as it can hamper flow of water to the aforesaid reserve. Therefore, the Committee desired that the PP should submit an undertaking to the Wildlife Protection Dept. duly attested by the Judicial Magistrate first class to the effect that in case of any damage to the existing water course in terms of ecological and hydrological factors, the costs of rehabilitation of the same to be decided by the Wildlife Protection Dept. shall be borne by the PP. The copy of same need to be submitted, prior to grant of EC.
- g) Heavy Illegal mining activity was observed in and around the mining block as per features on latest Google image of 10, 2021 which needs clarification from the Multi Dept. District level Task Force (MDLTF) Cell and fixing of responsibility besides report whether the PP is involved in it, prior to grant of EC. In case it is found that the PP is involved in illegal mining, the process for grant of EC shall be aborted.
- h) The materials within the block appear to be depleted to a large extent due to heavy illegal mining. Therefore, the PP needs to obtain fit for mining certificate from the G&M Dept. to the effect that adequate replenishment has taken place in the block and there is sufficient material available to extract without endangering the ecological and hydrological regime of the nallah.

- i) Active water channel needs to be excluded from the mining block while calculating the targeting mineral production.
- j) The conditions of NOCs need to be adhered to in letter and spirit under close supervision of stake holder departments.
- k) EMP Budget needs to be revised with appropriate budget as suggested herein above.
- l) Revision of the mining plan with mine closure plan, revised mining depth, revised area, surface plan, targeted mineral production and replenishment and its denovo approval by the competent authority, prior to grant of EC.
- m) Mining depth of 3.00 m & bulk density of 2.3 adopted in the instant mining plan and were not agreed by the committee. Mining depth be restricted to max. 1m in aggregate and bulk density of 2.0 only be adopted for calculating the production targets in absence of actual field measurements.

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

In view of the above deliberations / observations made by the Committee herein above, the Expert Appraisal Committee recommended the project for grant of EC subject to: -

- a) Standard and Specific Conditions as per Annexure B to the Minutes of JKEAC Meeting.
- b) Submission of compliance to the observations made herein above under deliberations, prior to grant of EC.
- c) Further resizing the mining block to 1.52 Ha, prior to grant of EC.
- d) Securing of “Non-involvement in illegal mining” certificate from the Multi Dept. District level Task Force (MDDLTF) Cell, prior to grant of formal EC.
- e) Submission of ‘Fit for mining certificate’ as per deliberations, prior to grant of EC.
- f) Submission of fresh field verification report from concerned Xen, Irrigation Dept. with seal and signature and local PRI on board, certifying therein that there are no irrigation off-take points within 200m of the revised mining block of area 1.52 Ha, prior to grant of formal EC.
- g) Maximum targeted mineral production of 18200 MT.
- h) Condition the geographical coordinates as per revised area to be conveyed by G&M Dept. are mentioned in the EC letter by JKEIAA, prior to grant of EC.
- i) Strict adherence to the terms and conditions of the NOCs of the stockholder departments which needs to be monitored by the enforcement agencies and concerned departments.
- j) No JCBs/ Excavators/ Bulldozers to be used in mining and no water course to be disturbed while transporting minor minerals.
- k) 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 for an area of 1.52 ha only of the project subject to:

- a) Revalidation of LOI prior to grant of EC.
- 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) The PP should submit an undertaking to the Wildlife Protection Department duly attested by the Judicial Magistrate (1<sup>st</sup> Class) to the effect that "In case of any damage to the existing water course in terms of Ecological and Hydrological factors, the costs of rehabilitation of the same, to be decided by the Wildlife Protection Department, shall be borne by the PP. Copy of the same need to be submitted prior to the grant of EC.
- e) Revision of the mining plan with mine closure plan, revised mining depth, surface plan, and its approval by the competent authority within a period of three months from the date of issuance of E.C.
- f) Further resizing the mining block to 1.52 Ha, prior to grant of EC.
- g) 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 18200 MT.
- h) The MDLTF Cell headed by the concerned Dy. Commissioner shall submit a report to JKEIAA, within a period of six weeks or before execution of lease of minor mineral block, whichever is earlier, that PP is not involved in the illegal mining activity, failing which the EC is liable to be revoked.
- i) Submission of 'Fit for mining certificate' as per deliberations, prior to grant of EC.
- j) Submission of fresh field verification report from concerned Xen, Irrigation Dept. and local PRI with seal and signature after further resizing of the block to 3.5ha, certifying therein that there are no irrigation off-take points within 200m periphery of revised mining block area of 1.52 Ha, prior to grant of formal EC.
- k) Revision of EIA, EMP/CER Budget as suggested by JKEAC prior to grant of EC.
- l) Strict adherence to the terms and conditions of the NOCs of the stakeholder departments which need to be monitored and acted upon by the enforcement agencies/ concerned dept. in case of any violation of laws governing minor minerals.
- m) No JCBs/ Excavators/ Bulldozers to be used in mining and no water course to be disturbed while transporting minor minerals.
- n) While issuing EC, Member Secretary shall specifically mention revised geographical coordinates for revised area conveyed by G&M Dept.
- 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.

### **Agenda Item No.09.**

**Grant of Environment Clearance in favour of M/S NKC Projects Pvt. Ltd. R/o- Budgam, JK UT for Minor Mineral Block, No.4 Panzan Bridge To Trumbi Bagh (Lalgam), Downstream Shaliganga Nallah Village – Lalgam Tehsil – Chadoora District – Budgam UT: JAMMU & KASHMIR (Resized AREA – 2.90 Ha). under proposal No.SIA/JK/MIN/255737/2022 & SIA/JK/MIN/233732/2021.**

**Brief Summary:** This case pertains to grant of Environment Clearance under B2 category for Minor Mineral Block, No.4 Panzan Bridge To Trumbi Bagh (Lalgam), Downstream Shaliganga Nallah Village – Lalgam Tehsil – Chadoora District – Budgam UT: Jammu & Kashmir (Resized AREA – 2.90 Ha).

LOI has been issued on 14-08-2021. Letter of Intent has been extended on 18-09-2021 and validity of Letter of Intent was upto 30-11-2021. Mining plan has been approved on 10-11-2021. The case was earlier discussed by the JKEAC on 03-01-2022. The area of the project was reduced by the Geology & Mining Department on 05-02-2022.

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

Status of NOC's in appraisal report shows that NOC's (conditionally) had been issued in favour of the project by the stakeholder departments. The Revenue Department has mentioned the Land as Shamilat Deh (Mahfooz khacharie)

1. Title verification says Shamilat Deh (Mahfooz khacharie)
2. NOC from Irrigation Division mentioned that 01 off take of Humhama Canal falls in this Block.
3. NOC from wildlife department mentions that these Nallah's are feeding channels to Hokersar wetland reserve. The flow and quality of the water should not be affected.

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

- a) The case had been discussed by the Expert Appraisal Committee earlier in the 81<sup>st</sup> Meeting held on 03/01/2022 during which the Expert Appraisal Committee rejected the case for grant of EC.
- b) Now the PP has again approached the JKEIAA for reconsideration of the case after getting the mining block resized from 3.92 Ha to 2.90 Ha from the G&M dept. vide letter dated 05/02/2022. to maintain a safe distance to the kuhl mentioned in the NOC issued by Xen Irrigation Dept. vide letter No 7714- 18 dated 22/01/2022.
- c) However, the Committee desired that the PP should obtain fresh clarification from the Xen Irrigation Dept. stating that no offtake point of Irrigation canal falls within 200m from the resized mining block of 2.90 Ha, prior to grant of formal EC.
- d) When the Consultant presented KML file of resized mining block on Google Earth platform, the Committee observed that the original block has been divided into two subsets.

- e) The Committee desired that the PP should revise the PFR and come up with two separate haulage routes for the two subset mining blocks, prior to grant of EC.
- f) The Title verification issued by the Tehsildar Chadoora vide letter dated 05/08/2021 under survey No 295 indicates that the land falling under the block is Shamlaat Deh for which NOC from the concerned Panchayats has been obtained which is on record.
- g) NOC from wildlife department mentions that these Nallah's are feeding channels to Hokersar wetland Reserve. The flow and quality of the water should not be affected and further excessive extraction/water diversion be avoided as it can hamper flow of water to the aforesaid reserve. Therefore, the Committee desired that the PP should submit an undertaking to the Wildlife Protection Dept. duly attested by the Judicial Magistrate first class to the effect that in case of any damage to the existing water course in terms of ecological and hydrological factors, the costs of rehabilitation of the same to be decided by the Wildlife Protection Dept. shall be borne by the PP. The copy of same shall be submitted to JKEIAA, prior to grant of EC.
- h) Heavy Illegal mining activity was observed in and around the mining block as per features on latest Google image of 10, 2021 which needs clarification from the Multi Dept. District level Task Force (MDLTF) Cell and fixing of responsibility besides report whether the PP is involved in it, prior to grant of EC.
- i) The materials within the block appear to be depleted to a large extent due to heavy illegal mining. Therefore, the PP needs to obtain fit for mining certificate from the G&M Dept. to the effect that adequate replenishment has taken place in the block and there is sufficient material available to extract without endangering the ecological and hydrological regime of the nallah, prior to grant of EC.
- j) Active water channel needs to be excluded from the mining block while calculating the targeting mineral production.
- k) The conditions of NOC of stockholder departments need to be adhered to in letter and spirit under their close supervision.
- l) EMP Budget needs to be revised with budget as suggested in the remark's column of EMP table above, prior to grant of EC.
- m) Revision of the mining plan with mine closure plan, revised mining depth, revised area, surface plan, targeted mineral production and replenishment and its denovo approval by the competent authority, prior to grant of EC.
- n) Mining depth of 3.00 m & bulk density of 2.3 adopted in the instant mining plan not agreed by the committee. Mining depth be restricted to max. 1m in aggregate and bulk density of 2.0 only be adopted for calculating the production targets in absence of actual field measurements.

**Recommendations of the JKEAC:**

In view of the above deliberations / observations made by the Committee herein above, the Expert Appraisal Committee recommended the case for grant of EC subject to: -



- a) Standard and Specific Conditions as per Annexure B to the Minutes of the JKEAC Meeting.
- b) Submission of compliance to the observations made herein above under deliberations, prior to grant of EC.
- c) Securing of “Non-involvement in illegal mining” certificate from the Multi Dept. District level Task Force (MDLTF) Cell, prior to grant of formal EC.
- d) Submission of fresh clarification / NOC from the Xen Irrigation Dept. stating that no irrigation off-take point falls within 200m of the resized mining block of 2.90 Ha consisting of two subset blocks up-stream and downstream, prior to grant of EC.
- e) Submission of ‘Fit for mining certificate’ as per deliberations, prior to grant of EC.
- f) Maximum targeted mineral production of 34800 MT.
- g) Condition the geographical coordinates as per revised area to be conveyed by G&M Dept. are mentioned in the EC letter by JKEIAA, prior to grant of EC.
- h) Strict adherence to the terms and conditions of the NOCs of the stockholder departments which needs to be monitored by the enforcement agencies and concerned department.
- i) No JCBs/ Excavators/ Bulldozers to be used in mining and no water course to be disturbed while transporting minor minerals.
- j) 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 the project subject to:

- a) Revalidation of LOI prior to grant of EC.
- 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) The PP should submit an undertaking to the Wildlife Protection Department duly attested by the Judicial Magistrate (1<sup>st</sup> Class) to the effect that “In case of any damage to the existing water course in terms of Ecological and Hydrological factors, the costs of rehabilitation of the same, to be decided by the Wildlife Protection Department, shall be borne by the PP. Copy of the same need to be submitted prior to the grant of EC.
- e) The PP should revise the PFR and come up with two separate haulage routes for the two subsets of the mining block prior to grant of EC.
- f) Revision of the mining plan with mine closure plan, revised mining depth, surface plan, and its approval by the competent authority within a period of three months from the date of issuance of E.C.
- g) Submission of fresh clarification / NOC from the Xen Irrigation Dept. stating that no irrigation off-take point falls within 200m from periphery of the resized mining block of

- 2.90 Ha comprising of two subset blocks up-stream and downstream, prior to grant of EC.
- h) 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 34800 MT.
  - i) The MDLTF Cell headed by the concerned Dy. Commissioner shall submit a report to JKEIAA, within a period of six weeks or before execution of lease of minor mineral block, whichever is earlier, that PP is not involved in the illegal mining activity, failing which the EC is liable to be revoked.
  - j) Submission of 'Fit for mining certificate' as per deliberations, prior to grant of EC.
  - k) Revision of EIA, EMP/CER Budget as suggested by JKEAC prior to grant of EC.
  - l) Strict adherence to the terms and conditions of the NOCs of the stakeholder departments which need to be monitored and acted upon by the enforcement agencies/ concerned dept. in case of any violation of laws governing minor minerals.
  - m) No JCBs/ Excavators/ Bulldozers to be used in mining and no water course to be disturbed while transporting minor minerals.
  - n) While issuing EC, Member Secretary shall specifically mention revised geographical coordinates for revised area conveyed by G&M Dept.
  - 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.

#### **Agenda Item No.10.**

**Grant of Environment Clearance in favour of Shri Abdul Hamid Wagay S/O Shri Ghulam Nabi Wagay R/O Narapora, District- Shopian, JK UT for Minor Mineral Block No – 13, Mini Secretariat Shopian Upstream Nallah Rambiarra Village- Arhama District – Shopian JK UT (AREA – 4.82 HA) under proposal No.SIA/JK/MIN/69379/2021, SIA/JK/MIN/62983/2021 & SIA/JK/MIN/55070/2020.**

#### **Brief Summary:**

This case pertains to grant of Environment Clearance under B1 category for Minor Mineral Block No – 13, Mini Secretariat Shopian Upstream Nallah Rambiarra Village- Arhama District – Shopian JK UT (AREA – 4.82 HA)

LOI has been issued on 27-03-2020. Letter of Intent has been extended on 28-12-2021 and validity of Letter of Intent is upto 26-03-2022. Mining plan has been approved on 09-06-2020. The Terms of Reference were granted to the project on 27-07-2021 and public hearing was conducted on 30-10-2021. The case was earlier discussed by the JKEAC on 17-07-2021. The area of the project was reduced by the Geology & Mining Department on 09-03-2021. 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 NOC's in appraisal report shows that NOC's have been issued (conditionally) in favour of the project by the stakeholder departments. The Revenue Department has mentioned State Land Khasra No. 300.

**Deliberations/specific observations of JKEAC:**

- a) The case had been discussed by the Expert Appraisal Committee earlier during the 47<sup>th</sup> Meeting held on 17/07/2021 for mining block area 9.79 Ha during which the Committee recommended the project for grant of ToRs subject to: -
  - i. Mining Depth of max 1m in aggregate due to non-availability of replenishment data.
  - ii. Mining Area of 4.82Ha after exclusion of green patch/active water channel/Flood protection structures and maintaining safe distance to bridge/irrigation canal headway etc.
  - iii. Condition that the project proponent obtains a detailed and categorical NOC from the Executive Engineer, Irrigation Dept. indicating the position (Geo-coordinates) of the Canal headway vis-vis the mining block, to the effect that the mining activity will not impact any infrastructure and the delivery system.
  - iv. Condition that the project proponent obtains a detailed and categorical NOC from Assistant Director, Fisheries Dept. concerned specifying therein that the mining activity in the designated mining block shall not have any adverse impact on fish fauna in the area.
  - v. Condition, the haulage route does not traverse through the active water channel.
- b) Now, in compliance to above point No. i, the PP has revised the mining depth at 1.00m applying a bulk density of 2.00 m in EIA report, though the mining plan has not yet been revised.
- c) With respect to serial No. ii, the PP has resized the mining block to 4.82 ha from the original area of 9.79 ha, vide letter dated 09/03/2021 from the G&M Dept. while excluding the green patch and active water channel from the mining block.
- d) With compliance to point No. iii, the PP has obtained NOC from Irrigation Division Shopian vide letter dated 25/11/2021 mentioning that joint inspection of the mineral block revealed that the supply channel of Sathoo canal is 95Mts. from the edge CC and 45 Mts. from the edge. The Committee observed that though the language in the revised NOC issued by the Xen Irrigation Dept. is still ambiguous, yet one thing is clear that the canal offtake point is at a distance of 95 mts. which is less than the required 200m from the mining block as per the national guidelines.
- e) The Committee therefore, examined the mining block on Google Earth platform using the KML file of the resized mining block comprising of 4.82 Ha size. It was desired that the PP should further resize the mining block from 4.82 Ha to 3.50 Ha to maintain a safe distance of 200m from the Canal headway, prior to grant of EC.
- f) It was also desired that after resizing the mining block to 3.50 Ha, the PP should obtain a fresh clarification from the Xen Irrigation Dept. stating therein that the canal headway is now more than 200 m away from the resized mining block of 3.50 Ha and that if mining activity shall be carried out in the resized mining block, it will have no adverse impact

on the canal headway and irrigation water distribution system. The clarification be submitted to JKEIAA, prior to grant of EC.

- g) With compliance to point No. iv, the Assistance Director Fisheries Dept., District Shopian vide letter dated 17/04.2021 mentions that the mechanical means of mining in the mining block will not only leave the water body unfit for the aquatic flora and fauna but would destroy the whole ecology of the aquatic ecosystem. So only manual mining will be allowed to protect the aquatic flora and fauna of the Nallah.
- h) With compliance to point No. v, the proposed haulage route, as observed on the latest available Google image of 09/2018 seem to be traversing the water creek. Therefore, the PP shall lay hume pipes of appropriate specifications to keep the water creek undisturbed.
- i) The PP has also submitted a Report of Multi District Level cell (MDDLTF) on illegal mining, vide letter no dated 22/06/2021 mentioning that no illegal mining has taken place in the minor mineral block and the PP is not involved in any illegal mining activity in the block.
- j) 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. Therefore, the PP shall submit compliance to this, prior to grant of formal EC.

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

In view of the above deliberations / observations made by the Committee herein above, the Expert Appraisal Committee recommended the project for grant of EC subject to: -

- a) Standard and Specific Conditions as per Annexure B to the Minutes of JKEAC Meeting.
- b) Submission of compliance to the observations made herein above under deliberations, prior to grant of EC.
- c) Further resizing of the mining block to 3.50 Ha, prior to grant of EC.
- d) Compliance to specific ToR condition relating to photograph of display screen showing dates of data collection as detailed above, prior to grant of EC.
- e) Maximum targeted mineral production of 42000MT.
- f) Submission of fresh field verification report from concerned Xen, Irrigation Dept. with seal and signature and local PRI on board, certifying therein that there are no irrigation off-take points within 200m of the resized mining block with area 3.50 Ha, prior to grant of formal EC.
- g) Condition the geographical coordinates as per revised area to be conveyed by G&M Dept. are mentioned in the EC letter by JKEIAA.
- h) Strict adherence to the terms and conditions of the NOCs of the stockholder departments especially w.r.t conditions as laid down by the Fisheries Dept. which needs to be monitored by the enforcement agencies and concerned department.
- i) No JCBs/ Excavators/ Bulldozers to be used in mining and no water course to be disturbed while transporting minor minerals.

- j) 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 for 3.5 ha only of the project subject to:

- a) Standard and Specific Conditions as stipulated by JKEIAA/JKEAC.
- b) Submission of compliance to the observations made by JKEAC here-in-above prior to grant of EC.
- c) Further resizing of the mining block to 3.50 Ha, prior to grant of EC to maintain a safe distance of 200m from the irrigation structure.
- d) The PP should submit an undertaking to the Wildlife Protection Department duly attested by the Judicial Magistrate (1<sup>st</sup> Class) to the effect that "In case of any damage to the existing water course in terms of Ecological and Hydrological factors, the costs of rehabilitation of the same, to be decided by the Wildlife Protection Department, shall be borne by the PP. Copy of the same need to be submitted prior to the grant of EC.
- e) Since haulage route is traversing a water creek therefore the PP should lay hume pipes of appropriate specification to keep water creek undisturbed.
- f) Revision of the mining plan with mine closure plan, revised mining depth, surface plan, and its approval by the competent authority within a period of three months from the date of issuance of E.C.
- g) 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 42000MT.
- h) Submission of fresh field verification report from concerned Xen, Irrigation Dept. and local PRI with seal and signature after further resizing of the block to 3.5ha, certifying therein that there are no irrigation off-take points within 200m from periphery of the resized mining block with area 3.50 Ha, prior to grant of formal EC.
- i) Submission of 'Fit for mining certificate' as per deliberations, prior to grant of EC.
- j) Revision of EIA, EMP/CER Budget as suggested by JKEAC prior to grant of EC.
- k) Compliance to the specific ToR condition relating to photographs of display screen displaying the date of collection of data within six months of grant of formal EC.
- l) Strict adherence to the terms and conditions of the NOCs of the stakeholder departments which need to be monitored and acted upon by the enforcement agencies/ concerned dept. in case of any violation of laws governing minor minerals.
- m) No JCBs/ Excavators/ Bulldozers to be used in mining and no water course to be disturbed while transporting minor minerals.
- n) While issuing EC, Member Secretary shall specifically mention revised geographical coordinates for revised area conveyed by G&M Dept.

- 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.

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/VIII/6577-96**

**Dated:19/03/2022**

Copy by email to:

1. Mr. Lal Chand, IFS (Rtd.), Hon'ble Chairman, JKEIAA, for information.
2. Er. Nazir Ahmad (Rtd. Chief Engineer), Hon'ble Member, JKEIAA, for information.
3. 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. Dr. Neelu Gera, IFS PCCF/Director, EE&RS, Member Secretary, JKEIAA, for information
6. Director, Geology & Mining Department, J&K Government, Jammu for information and necessary action.
7. Dy. Commissioner, Kulgam, Shopian, Samba, Budgam & Anantnag 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)  
to PCCF/Member Secretary JKEIAA  
Ecology, Environment & Remote Sensing, J&K