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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 84<sup>th</sup> Meeting of the JK Expert Appraisal Committee held on 07<sup>th</sup> February, 2022 through video Conferencing issued vide No.EAC/JK/22/12593-12605 dated 12-02-2022, the 76<sup>th</sup> Meeting of the JK Environment Impact Assessment Authority was held on 22<sup>nd</sup> of February, 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,<br>EE&RS, J&K. | Member-Secretary, JKEIAA |

Following are the deliberations & decisions of the meeting:-

#### **AGENDA ITEM NO.01.**

**Grant of Environment Clearance in favour of M/S Singh Minerals R/O Near Kali Mata Mandir Kollu WaliGali, Pathankot, Punjab for Riverbed Mining Project of Minor Mineral Block No-22, Poonch River Upstream Sher-e-Kashmir Bridge (Bhainch Area), Village-Dalera & Bhaninch, Tehsil & District-Poonch, JK UT Resized Area 4.26ha. under proposal No.SIA/JK/MIN/59983/2021.**

**Brief Summary:** This case pertains to grant of Environment Clearance under B1 category for Riverbed Mining Project of Minor Mineral Block No-22, Poonch River Upstream Sher-e-Kashmir Bridge (Bhainch Area), Village-Dalera & Bhaninch, Tehsil & District-Poonch, JK UT Resized Area 4.26ha.

LOI has been issued on 09-09-2020, which has been extended on 28-12-2021 and is valid up to 31-03-2022. Mining plan has been approved on 15-12-2020. The Terms of Reference were issued to the project on 30-03-2021 and public hearing of the project was conducted on 31-07-2021. The case was earlier discussed by the JKEAC13-03-2021 & 30-10-2021. The area of the project has been reduced by the Geology & Mining Department on 30-11-2021.

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 NOCs have been issued (conditionally) under single window system by Deputy Commissioner vide No: DCP/PA/1121-31 dated 15-05-2021.

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

- The project had earlier been discussed during 29<sup>th</sup> meeting held on 13.03.2021 during which the committee recommended TORs to the project subject to title verification of the mining block by the concerned revenue authority and subject to exclusion of the private land if any involved due to change of Nalla course and subject to revision of project cost and exclusion of the active water channel.
- The project came for appraisal for grant of EC during the 68<sup>th</sup> meeting held on 30/10/2021 during which it was observed that the PP has obtained title verification of the mining block besides clarification from the

MDLTF cell stating that the PP is not involved in any illegal mining activity in the designated block. However, the Committee did not approve the case during the session and further desired:-

- i. PP to obtain 'fit for mining certificate' from G&M Dept. in view of depleted nature of minor minerals as observed on the Google image.
  - ii. To provide two separate haulage routes for northern and Southern Shoals, with exclusion of active water channel while calculating the targeted mineral production and submission of revised EIA/PFR accordingly.
  - iii. To obtain field verification report of observations relating to presence of off-take points of irrigation kuhls from the concerned Xen Irrigation Dept.
  - iv. Compliance to specific ToR condition relating to photographs of display screen of Air Quality Monitoring Station displaying the dates of collection of baseline data.
  - v. Revision of project cost.
  - vi. Revision of EMP/CER budget.
  - vii. Revision of the mining plan with mine closure plan, revised mining depth surface plan, area targeted mineral production and replenishment and its denovo approval by the competent authority prior to grant of EC or as decided by JKEIAA.
  - viii. Mining depth be restricted to max. 1m in aggregate in view of non-availability of replenishment data in the DSRs formulated by the G&M Dept. A nominal bulk density of 2.0 in absence of actual measurements.
- c) In the instant meeting, the Committee made following observations:-
- i. The PP has obtained 'fit for mining certificate' issued by DMO, G&M Dept. Poonch, Vide letter No: DMO-Poonch /21-22/539-40 dated 20/11/2021 stating that the mining site has naturally replenished post-monsoon and there is enough material to be mined out from the site.
  - ii. The PP has submitted the revised transportation route with two separate haulage routes for Northern (0.52 km) & Southern (1.32 km) Shoals. The active water channel portion has been left out after resizing of the mining block to 4.26 Ha from 8.54 Ha. The remaining portion of 4.26 Ha of mining block has been divided into Northern shoal (2.26 Ha) & Southern Shoal (2.00 Ha) respectively while excluding the active water channel.
  - iii. The NOC has been obtained from the Executive Engineer, I &FC Division, Poonch vide letter No. IFCP/1196 dated: 25/11/2021 also stating therein that the mining block is 238 m away from the head of irrigation Kuhl (Kanyuian Kuhl).
  - iv. Compliance to specific TOR condition relating to photographs of display screen of air quality monitoring station is awaited.
  - v. The project cost has been revised, however same needs to be updated after considering revised EMP/CER as suggested in remarks column.
  - vi. EMP/CER budget needs to be revised with appropriate budget as suggested in the remark's column, prior to grant of EC.
  - vii. Revised mining plan is still awaited and therefore needs to be submitted, prior to grant of EC.

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

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

- a) Standard and Specific Conditions as per Annexure B to the Minutes of JKEAC Meeting.
- b) Compliance of observations made herein above under deliberations, prior to grant of EC.
- c) Revision of Mining plan as deliberated herein above, prior to grant of EC.
- d) Strict adherence to the terms and conditions of the NOCs of the stakeholder departments which need to be monitored by the enforcement agencies and concerned dept.

- e) No JCBs/ Excavators/ Bulldozers to be used in mining and no water course to be disturbed while transporting minor minerals.
- f) Maximum targeted mineral production of 51100 MT.
- g) Condition the geographical coordinates as per revised area conveyed by G&M Dept. are mentioned in the EC letter by JKEIAA.
- h) 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 fulfillment of following conditions:

- 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) 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.
- d) 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 51100 MT.
- e) Revision of EIA, EMP/CER Budget as suggested by JKEAC prior to grant of EC.
- f) 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.
- g) Strict adherence to the terms and conditions of the NOCs of the stakeholder departments which need to be monitored by the enforcement agencies and concerned dept.
- 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.02.**

**Grant of Environment Clearance in favour of M/S Mohd Iqbal Deva R/O Shankerpora Doru, District Anantnag, JK UTfor nallah Mining Project of resized Area 2.95 ha on Minor Mineral Block–1, ANG/SA/01 Dooru Bridge SandranNallah, Downstream Village: Dooru, District, Anantnag JKU.T under proposal No.SIA/JK/MIN/235080/2021 & SIA/JK/MIN/59050/2020.**

**Brief Summary:** This case pertains to grant of Environment Clearance under B2 category for nallah Mining Project of resized Area 2.95 ha on Minor Mineral Block–1, ANG/SA/01 Dooru Bridge Sandran Nallah, Downstream Village: Dooru, District, Anantnag.

LOI has been issued on 21-07-2020, which has been extended on 28-12-2021 and is valid up to 31-03-2022. Mining plan has been approved on 19-09-2020. The case was earlier discussed by the JKEAC on 01-04-2021. The area of the project has been reduced by the Geology & Mining Department on 16-10-2021.

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 NOCs have been issued(conditionally) by Stakeholder departments.

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

- a) The project had earlier been discussed during 32<sup>nd</sup> meeting held on 01.04.2021 during which the Committee had asked for:-
  - i. Prior report from district level Committee comprising of I&FC, PWD, Superintendent of the Hospital/ CMO of the District, Soil Conservation Dept., Revenue Dept. and G&M department stating that operation of mining block in close vicinity would not lead to any adverse environmental implications for the nearby Hospital.
  - ii. Prior clarification from the Multi department District Level Task Force (MDLTF) cell, stating that the PP is not involved in any kind of illegal mining activity in the said mining block.
- b) Now the PP has applied for EC under B2 category after resizing the mining block from 4.51 Ha to 2.95 Ha after maintaining a safe distance of more than 500m to the civil structures.
- c) The PP has also furnished cluster certificate for consideration under B2 category.
- d) In the instant meeting the Committee made following observations:-
  - i. The PP has obtained clarification from MDLTF cell vide letter No: DCS/SS/2021 726-38 dated: 23/11/2021 issued by Deputy Commissioner, Anantnag stating that the PP is not involved in any illegal mining activity in the mining block.
  - ii. The NOC has been furnished by Medical Superintendent (Model Hospital Dooru) Vide letter No. Est/SDHD/Misc/1808-11 dated 16/07/2021 stating that the said hospital has no objection for extraction work at minor mineral block 01 based on the technical report of Executive Engineer of the Flood Control Dept., Anantnag, who, however, has made no mention of any impact on the hospital. The Committee observed that the NOC from the Medical Superintendent in stand-alone capacity was not in conformity with the requirement set out by JKEAC and does not entirely clarify the situation to the extent that mining activity including transportation of the mined material will not adversely affect the environmental setting required for the hospital. PP, therefore, shall be required to submit joint report as suggested earlier, prior to grant of EC.
  - iii. Features indicative of irrigation Khuls were observed on Google image of Nov, 2020 in close vicinity of the resized mining block. Therefore, the Committee desired project proponent to obtain field verification of the observations by the concerned Xen Irrigation Dept. In case, it is found that such irrigation facilities are not actually existing, same needs to be recorded by the concerned hydraulic engineer with consent of local PRI, with seal and signature, certifying therein that there are no irrigation off-take points within 200m of the mining block boundary, preferably on the back side of Colour Google image of the area depicting the mining block boundary and Kuhls/canals off-take points prior to grant of EC. Besides above, NOC from the Tehsildar concerned shall also be obtained by the PP, in case the irrigation facility is a Zamandari kuhl, prior to grant of EC.
  - iv. Exclusion of active water channel while calculating the targeted mineral production and submission of revised PFR prior to grant of formal EC.
  - v. Further resizing of the block required to be done to ensure a safe distance of 500m from the boundary of hospital resulting in net area of the mining block within pillars CDHI as 2.40 Ha only, prior to grant of EC.
  - vi. Project cost has been underestimated by the consultant as it does not include cost of EMP, CER and therefore needs to be revised, prior to grant of EC.
  - vii. EMP budget needs to be revised with appropriate budget as suggested in the remark's column above, prior to grant of EC.
  - viii. Revision of the mining plan with mine closure plan, revised area, mining depth, bulk density, surface plan, targeted mineral production and replenishment and its denovo approval by the competent authority prior to grant of EC.

- ix. Mining depth of 3.0 m & bulk density of 2.1 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.
- x. Copy of Letter of Intent has not been submitted as part of the documentation and the Committee desired that the PP should submit its copy prior to grant of EC.

**Recommendations of the JKEAC:**

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

- a) Standard and Specific Conditions as per Annexure B to the Minutes of JKEAC Meeting.
- b) Compliance of observations made herein above under deliberations, prior to grant of EC.
- c) Revision of mining plan as specified herein above, prior to grant of EC.'
- d) NOC from the concerned Tehsildar w.r.t Zamindari Kuhl prior to grant of EC.
- e) Clarification from the concerned Xen Irrigation Dept. specifically mentioning presence or absence of irrigation offtake points within 200m of the mining block, prior to grant of EC.
- f) Strict adherence to the terms and conditions of the NOCs of the stakeholder departments which need to be monitored by the enforcement agencies and concerned dept.
- g) No JCBs/ Excavators/ Bulldozers to be used in mining and no water course to be disturbed while transporting minor minerals.
- h) Maximum targeted mineral production of 28800 MT.
- i) Condition the geographical coordinates as per revised area conveyed by G&M Dept. are mentioned in the EC letter by JKEIAA.
- 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 2.40ha only for the project subject to fulfillment of following conditions:-

- a) Submission of Letter of Intent from Geology and Mining Department 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) 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.
- e) NOC from the concerned Tehsildar w.r.t Zamindari Kuhl prior to grant of EC.
- f) Submission of joint inspection report regarding impact of mining on environmental setting required for the hospital as suggested by JKEAC prior to grant of EC.
- g) Submission of field verification report from concerned Xen, Irrigation Dept. with seal and signature, mentioning presence or absence of irrigation offtake points within 200m of periphery of mining block, 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 28800MT.
- i) Revision of EIA, EMP/CER Budget as suggested by JKEAC prior to grant of EC.
- j) Strict adherence to the terms and conditions of the NOCs of the stakeholder departments which need to be monitored by the enforcement agencies and concerned dept.
- k) No JCBs/ Excavators/ Bulldozers to be used in mining and no water course to be disturbed while transporting minor minerals.

- l) While issuing EC, Member Secretary shall specifically mention revised geographical coordinates for revised area conveyed by G&M Dept.
- m) 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.03.**

**Grant of Environment Clearance in favour of Shri Ghulam Mohammad Pinchoo R/O Mohammad Rajab Pinchoo R/O Faisal Colony Jawbara Awantipora, Pulwama, JK UT under proposal No.SIA/JK/MIN/57331/2020 for Minor Mineral Block No – 27, AI – Mah Village Upstream Vishu Nallah, Mah, Qaimoh, Kulgam, JK UT (Reduced area 5.10ha.)**

**Brief Summary:** This case pertains to grant of Environment Clearance under B1 category for Minor Mineral Block No – 27, AI – Mah Village Upstream Vishu Nallah, Mah, Qaimoh, Kulgam, JK UT (Reduced area 5.10ha.)

LOI has been issued on 05-08-2020, which has been extended on 28-12-2021 and is valid up to 31-03-2022. Mining plan has been approved on 31-08-2020. The Terms of Reference were issued to the project on 27-12-2020 and public hearing of the project was conducted on 08-05-2021. The case was earlier discussed by the JKEAC17-11-2020 and 30-11-2020. The area of the project has been reduced by the Geology & Mining Department on 21-12-2021.

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

Status of NOC's in appraisal report shows that NOCs have been issued(conditionally) by Stakeholder departments.

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

- a) The project had earlier been discussed during 19th meeting held on 17.11.2020 during which the Committee recommended ToRs in favour of the project subject to condition that the mining block is relocated to exclude green area and to tap materials south of the Pillar-C of the mining block to appropriately train the nallah.
- b) The project came under appraisal for grant of EC during the 76th meeting held on 30/11/2021 during which the committee did not approve the case. However, the Committee had sought prior action on following points for reconsideration of the case:-
  - i. Clarification from Multi Dept. District level Task Force (MDLTF) Cell w.r.t fixing of responsibility for heavy illegal mining in the block.
  - ii. Submission of 'fit for mining certificate' for the mining block from the G&M Dept.
  - iii. Field verification report from the Xen Irrigation Dept. w.r.t presence or absence of offtake point of irrigation canal/kuhls within 200m from the mining block substantiated with certificate on Google image depicting the same, with local PRI on board.
  - iv. Submission of Technical Feasibility Report from Joint Inspection Committee comprising of representatives of Revenue, G&M Dept., Irrigation & Flood Control Dept. and Fisheries Dept. certifying therein, that the mining activity in the block would not cause any adverse environmental impact on the existing irrigation facilities, flood protection works and fisheries potential of the nalla.
  - v. Submission of clarification / specific NOC w.r.t the two nurseries in close vicinity of the block from the concerned department's viz. Forest/Horticulture Dept. or local PRI/private owners, as the case may be.
  - vi. Exclusion of active water channel while calculating the targeted mineral production and the revised PFR/EIA be submitted prior to grant of formal EC.
  - vii. The compliance to specific ToR condition relating to photographs of display screen of Air Quality Monitoring Station displaying the dates of collection of data.
  - viii. Revision of Project cost.
  - ix. Revision of EMP/CER budget.

- x. 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 or as decided by JKEIAA.
- c) In the instant meeting, the Committee made following observations:-
  - i. Non-involvement of PP in illegal mining clarified in the joint inspection report filed in pursuance to meeting held on 18/11/2021.
  - ii. The PP has obtained 'fit for mining certificate' issued by Joint Director, G&M Dept. Kashmir, vide letter No: MSK/DGM/Sgr/F-13/B-16/6769-70 dated 29/12/2021 stating therein that existing mining block is fit for mining if same is carried out as per terms & conditions laid down by various stake holders & as per NGT guidelines.
  - iii. A categorical NOC has been issued by Executive Engineer, Irrigation Division, Kulgam vide letter No: 5159-62 dated: 28/12/2021 stating that there is no canalic/Khul pertaining to Irrigation Division Kulgam off taking within 200 m of the said mining block.
  - iv. Compliance to item iv. Supra is awaited as the Technical Feasibility Report has not been submitted by the PP. Therefore, the Committee desired that the PP should submit the said report, prior to grant of EC. In case the joint technical inspection report is found to be adverse, the process of EC shall be liable to be aborted.
  - v. The PP has submitted NOC from the local PRI but the same does not indicate that the nurseries belong to the Panchayat. Therefore, the PP needs to first identify the owners of the nurseries and then obtain NOC from the same duly attested by the Tehsildar, prior to grant of EC.
  - vi. Compliance has been made w.r.t exclusion of the active water channel while calculating targeted mineral as the block has been resized from 8.21 Ha to 5.10Ha.
  - vii. Compliance to serial No. vii. Supra is also awaited.
  - viii. Project cost has been revised but it needs further refinement.
  - ix. EMP /CER budget has been revised but it needs further improvement.
  - x. Revision of mining plan is also awaited.

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

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

- a) Standard and Specific Conditions as per Annexure B to the Minutes of JKEAC Meeting.
- b) Submission of compliance to the observations made herein above under deliberations, prior to grant of EC.
- c) Submission of joint technical report as detailed above, prior to grant of EC.
- d) Submission of NOC from the rightful owners of nurseries as detailed above, prior to grant of EC.
- e) Compliance to Specific ToR condition relating to photographs of display screen as detailed here-in-above.
- f) Revision of mining plan as detailed above, 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 by the enforcement agencies and concerned dept.
- h) No JCBs/ Excavators/ Bulldozers to be used in mining and no water course to be disturbed while transporting minor minerals.
- i) Maximum targeted mineral production of 61200 MT.
- j) Condition the geographical coordinates as per revised area conveyed by G&M Dept. are mentioned in the EC letter by JKEIAA.
- 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 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) 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.
- d) Submission of Technical Feasibility Report from Joint Inspection Committee comprising of representatives of Revenue, G&M Dept., Irrigation & Flood Control Dept. and Fisheries Dept. certifying therein, that the mining activity in the block would not cause any adverse environmental impact on the existing irrigation facilities, flood protection works and fisheries potential of the nallah, prior to grant of EC.
- e) Submission of clarification / specific NOC w.r.t the two nurseries in close vicinity of the block from the concerned department's viz. Forest/Horticulture Dept. or local PRI/private owners, as the case may be, prior to grant of EC.
- f) 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 61200MT.
- g) Revision of EIA, EMP/CER Budget as suggested by JKEAC prior to grant of EC.
- h) 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.
- 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 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.04.**

**Grant of Environment Clearance in favour of M/S Omkar Nests Pvt. Ltd. Prop. Shri Vimal Kumar Director Royal Nest Sapphire, Bypass Road, Kunjwani, Jammu, JK UT for Building & Construction Project located at Chowadi Jammu, JK UT, khasra Nos.411,412,413,414,415. Built-up Area 44,152.2Sq.m. under proposal No.SIA/JK/MIS/245375/2021.**

**Brief Summary:** This case pertains to grant of Environment Clearance under B2 category for Building & Construction Project located at Chowadi Jammu, JK UT, khasra Nos.411,412,413,414,415. Built-up Area 44,152.2 sq.m. The Owners of the Land are Mr. Abdul Hamid Choudhary & Mr. Nazir Ahmad. Total No of Floors (Including ground floor and basement) Total No. of Towers (A 14, B 13, & C 15) Total No. of dwelling units 239. Status of NOC's in appraisal report shows that NOCs have been issued(conditionally) by Stakeholder departments.

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

- a) The project is a group housing project submitted by the PP under B2 category and falls under 8(a) of the schedule to EIA Notification of 2006.
- b) The Committee examined the KML file on the latest available Google Image of July, 2021 and observed that the total area of the polygon represented by the KML file submitted by the consultant comprises of approx.



- 22 kanals and 7 marlas against the 27 Kanals 7 Marlas depicted on the conceptual Site Plan with area statement.
- c) The Committee examined the documents of the plot earmarked for construction under the project comprising of 2 kanals, 1kanal 17 Marlas and 21 Kanals 19 Marlas covered under sale deeds in favour of Sh. Ab. Hamid Chaudhary falling under Khasra Nos. 415 and 1543. Documents pertaining to khasra Nos. 411, 412, 413 and 414 as mentioned in Form 1/Form1A and other documents were not found to be part of the documentation.
  - d) The consultant was asked to clarify the matter as above and to obtain a certificate from the Tehsildar concerned clearly indicating the title of the land, total area of the plot, geographical coordinates and Khasra Nos, rights to construct upon which vest with the project proponent.
  - e) The PP will also submit a categorical NOC from the Dy. Commissioner, Jammu to the effect that the land to be constructed upon is not a subject matter of any litigation pending in any competent Court of law including Hon'ble High Court of Jammu, Kashmir and Ladakh. This certificate must not be older than 30 days from the date of fresh application.
  - f) The Committee asked the consultant as to why the owner Shri Ab Hamid Chaudhary has not personally applied for grant of EC and wanted to know the *locus standii* of the project proponent viz. M/S Omkar Nests Pvt. Ltd., Jammu. In this connection, the Committee asked for submission of authorization of land owner, Memorandum of Association of the Company, allied documentation and its registration details. Although, the PP presented an agreement during the course of virtual meeting which did not comprehensively establish the locus standi of the proponent viz. M/S Omkar Nests Pvt. Ltd., Jammu to approach JKEIAA for grant of EC. Therefore, the requisite documents shall have to be submitted as and when the case is brought for reconsideration.
  - g) The Committee desired that the proposed project should be in conformity with the approved master plan of Jammu City and desired specific NOC from the JDA in this regard.
  - h) The Committee also desired prior submission of comfort letters from PDD, PHE and Disaster Management Dept. etc.
  - i) The consultant was asked to indicate the percentage of green cover of the project and to submit the landscape plan duly approved by the competent authority.

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

In view of the above deliberations / observations made by the Committee here-in-above, the Expert Appraisal Committee rejected the case in the present form for reasons cited above. However, the PP, if he so desires may approach the JKEIAA for reconsideration of the case after ensuring 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: 05.**

**Grant of Environment Clearance in favour of Shri Aajaz Ahmad Magray S/O Shri Gh. Mohi-Ud-Din Magray R/O Village-KandiKhas, Handwara District-Kupwara, JK MUT for Nallah Bed Mining Project is situated at Minor Mineral Block-09 Check Drugmula Bridge to Parepora Upstream Pohru Nallah, Village-Check Drugmula, Tehsil & District-Kupwara, JK UT resized area of 1.2 ha. under proposal No.SIA/JK/MIN/235606/2021, SIA/JK/MIN/64540/2021 & SIA/JK/MIN/58384/2020.**

**Brief Summary:** This case pertains to grant of Environment Clearance under B2 category for Nallah Bed Mining Project is situated at Minor Mineral Block-09 Check Drugmulla Bridge to Parepora Upstream Pohru Nallah, Village-Check Drugmulla, Tehsil & District-Kupwara, JK UT resized area of 1.2 ha.

LOI has been issued on 29-07-2020, which has been extended on 15-04-2021 and is valid up to 31-03-2022. Mining plan has been approved on 17-09-2020. The Terms of Reference were issued to the project on 14-08-2021. The case was earlier discussed by the JKEAC 23-06-2021 and 14-08-2021. The area of the project has been reduced by the Geology & Mining Department on 23-06-2021 & 16-10-2021.

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 NOCs had been issued(conditionally) by Stakeholder departments.

**Deliberations/specific observations of JKEAC:**

- a) The case had been discussed by the Expert Appraisal Committee earlier during the 23<sup>rd</sup> Meeting held on 23/06/2021 and 52<sup>nd</sup> Meeting held on 14/08/2021 during which the expert Appraisal Committee recommended grant of Terms of Reference to the project subject to resizing of the block to maintain safe distance to the bridge besides, excluding the active water channel, revising the mining plan/PFR/mining depth/surface plan etc.
- b) The PP has got the mining block resized to 1.2 Ha from its original area 3.38 Ha by the Geology and Mining department vide letter dated 16/10/2021 to maintain a safe distance of 500mts. from the bridge and by excluding the active water active channel.
- c) Heavy illegal mining activity was observed in and around the mining site as per features on latest Google image of July, 2014 and the Committee desired to know whether such illegal mining has still been continuing for which clarification from the Multi Dept. District level Task Force (MDLTF) Cell needs to be obtained for fixing responsibility in this regard.
- d) The Xen, PHE indicates presence of a dug well in the Nalla without indicating the distance of the said dug well from the mining block. The PP shall obtain fresh NOC from the Xen, PHE certifying that the dug well is located at a location more than 200 m away from the said mining block and that mining operations shall not adversely affect the availability of water in the said dug well.
- e) The conditions of NOC of stakeholder departments need to be adhered to in letter and spirit.
- f) 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.

**Recommendations of the JKEC:**

In view of the above deliberations / observations made by the Committee herein above, the Expert Appraisal Committee rejected the case in the present form. However, the PP, if he so desires, may again approach the JKEIAA after ensuring compliance to the observations made here-in-above under deliberations.

**Decisions of JKEIAA:**

After due deliberations, the JKEIAA upheld the recommendations of the JKEAC to reject the case in the present form as the school building has been mentioned by Tehsildar, Drugmulla at a distance of about 300m from the boundary of the proposed block. However, the PP, if he so desires may approach the JKEIAA for reconsideration of the case after ensuring compliance to the observations made here-in-above under deliberations of the JKEAC Meeting.

## **AGENDA ITEM NO.06.**

**Grant of Environment Clearance in favour of Shri Firdous Ahmad Kumar S/O Shri Mohammad Ramzan Kumar R/O Kralpora, Magam District – Budgam, JK UT for Minor Mineral, Block no-19, village- Goigam, Tangmarg, Baramulla, JK UT(Resized area 2.87 ha). under proposal No. SIA/JK/MIN/51520/2020, SIA/JK/MIN/234334/2021 &SIA/JK/MIN/210688/2021.**

### **Brief Summary:**

This case pertains to grant of Environment Clearance under B2 category for Minor Mineral, Block no-19, village-Goigam, Tangmarg, Baramulla, JK UT(Resized area 2.87 ha).

LOI has been issued on 29-07-2020, which has been extended on 18-09-2021 and was valid up to 30-11-2021. Mining plan has been approved on 19-06-2020. The case was earlier discussed by the JKEAC on 05-10-2021 and 13-11-2021. The area of the project has been reduced by the Geology & Mining Department on 10-03-2021.

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 Dy. Commissioner Baramulla has conveyed NOCs(conditionally) of Stakeholder departments under single window clearance system vide letter No.ADCB/Reader/2020-21/116- 29 dated 04-05-2021. The Title verification shows that the mining block is state land and Shamlat. The NOC from irrigation department mentions that Sahnari Canal and Panzwal canal are off taking from the branch of Ferozpora Nallah.

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

- a) The case had been discussed by the Expert Appraisal Committee earlier during the 16<sup>th</sup> Meeting held on 05/10/2020 with original mining block area of 7.94 Ha and subsequently in 71<sup>st</sup> Meeting held on 13/11/2021 when the project proponent had applied after resizing the mining block to 2.87 Ha. During the 71<sup>st</sup> Meeting, the Expert Appraisal Committee did not approve the case and desired prior compliance to the following:-
  - i. To obtain consent from all stakeholders including the rightful owners and the local PRIs through the concerned competent revenue authority as per the title the land had been found to comprise of proprietary land, Shamlat and Ghascharai.
  - ii. To obtain field verification report from the concerned Xen Irrigation Dept. with local PRI on board duly certified preferably on the back side of Colour Google image of the area depicting the resized mining block boundary and Khul off- take points, if any within 200m of the mining block boundary.
  - iii. Title verification from the competent authority.
  - iv. Illegal mining Report from the Multi Dept. District level Task Force (MDLTF) Cell.
  - v. Revision of EMP/CER budget.
  - vi. Revision of Mining Plan
- b) Now, the PP has again approached JKEIAA for reconsideration of the case.
- c) Notwithstanding the fact that the project proponent has complied with the observations/conditions stipulated above, the revised NOC issued by the Xen Irrigation Dept. and produced before the Committee vide letter dated 14/12/2021 indicates that Sahnari Canal and Panzwal canal are off taking from the branch of Ferozpora Nallah in this reach.
- d) The Committee examined the feedback Google image forwarded by the Xen and identified the location on the live Google Image and noted that the two water courses traverse right through the proposed mining block and any mining activity in close vicinity will adversely affect the capacity of the said water courses to transport water, thus affecting the availability of water for irrigation.

### **Recommendation of the JKEAC:**

In view of the above observation at serial No.3 here-in-above, the Committee did not agree to appraise the case for grant of EC and the case is therefore rejected.

**Decisions of JKEIAA:**

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

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/6471-6488**

**Dated:26-02-2022**

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. Deputy Commissioner, Poonch, Anantnag, Kulgam, Kupwara & Baramulla 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