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Government of India
Ministry of Environment, Forest & Climate Change

J&K ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

(at) DEPARTMENT OF ECOLOGY, ENVIRONMENT AND REMOTE SENSING
S.D.A. Colony, Bemina, Srinagar-190018 (May-Oct)/ Paryavaran Bhawan, Transport Nagar, Gladni, Jammu-180006 (Nov-Apr)
Email: jkseiaa@gmail.com, website:www.parivesh.nic.in

Mr. FEROZ AHMAD WANI,
Sempora, Pantha Chowk,
District, Srinagar,

No.JKIAA/2020/224/711-15 *Dated 26 08 - 2020*

Subject:- Grant of Terms of Reference (ToR) in favour of Mr. FEROZ AHMAD WANI,Sempora, Pantha Chowk, District, Srinagar, J&K

1. *Proposal No.SIA/JK/MIN/54931/2020for River Bed Mining Minor Mineral Block – 28, Army camp Aghama/Stream Nallah- Rambiara, Village - Aghama. Area 9.89 Ha.*
2. *Proposal No: SIA/JK/MIN/54933/2020 for River Bed Mining Minor Mineral Block – 29, Irrigation Scheme Nowpora U/Stream Nallah- Rambiara, Village Nowpora Bala, Area 9.09 Ha.*
3. *Proposal No:SIA/JK/MIN/54946/2020 for River Bed Mining Minor Mineral Block – 30, Irrigation Scheme Nowpora D/Stream Nallah- Rambiara, Village Nowpora Bala. Area 8.21 Ha.*

Reference: - i) Minutes of meeting of JKEAC held on 13th August, 2020
ii)Minutes of meeting of JKEIAA held on 19thAugust, 2020.

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The mineral block No. 28, 29 & 30 are located within 100 mtr distance from each other and therefore, in order to assess the cumulative impact on environmental settings, and as recommended by JKEAC it shall be treated as a cluster falling under category B1.

In view of above & in pursuance to the Hon'ble National Green Tribunal Order dated 4th/13th September, 2018 & subsequent office Memorandum dated 12th December, 2018 of Ministry, Forest & Climate Change, Government of India, I am directed to advise you to formulate the joint Environment Impact Assessment Report/Environment Management Plan/CER/CSR, etc. through NABET accredited consultant (as per General and Standard Terms of Reference enclosed herewith) and get the public hearing conducted for the project through J&K Pollution Control Committee. The EIA/EMP, Form-2 other documents as per checklist be uploaded on www.parivesh.noc.in for further processing at this end.

Further you are advised to inform the Consultant to enrich the EIA report by consulting the local stake holder departments.

(Staff Officer)
Pr.CCF/Director
Member Secretary, JKEIAA
Ecology, Environment & Remote Sensing Dept

Copy to:-

1. Hon'ble Chairman, JKEIAA for favour of information please.
2. Chairman, Pollution Control Board, J&K for favour of information please.
3. Pr.CCF/Director/Member-Secretary JKEIAA/Ecology, Environment & Remote Sensing Department.
4. Secretary, JK Expert Appraisal Committee for favour of information.

e) On page 20 of the approved mining plan, it is mentioned that mining depth of 0.60 m shall be achieved annually and in five years total depth of 3.0 mtrs. shall be achieved. It does not take into account annual replenishment of the pits. The Geology & Mining Dept. may also clarify this point.

Recommendations:

In view of the above deliberations, the committee recommended that the case be returned and the Project Proponent may be allowed to resubmit the project explaining the factual position with respect to points raised. The Geology & Mining Department be asked to furnish the technical and other information with respect to the above cited queries. This shall also include the status of mining and survey report if any, of Jhelum river especially keeping the realms of Srinagar City in view. Furthermore, when the case is listed again before JKEAC, the representative of the Geology & Mining Department should be asked to participate and a hydraulic expert having good knowledge of Srinagar floods be also co-opted in the proceedings.

Agenda Item Nos: 02, 03, & 04

Proposal Nos: SIA/JK/MIN/54931/2020,SIA/JK/MIN/54933/2020.And SIA/JK/MIN/54946/2020.

Title of the Cases: Grant of Terms of Reference (ToR) for following River Bed Mining Minor Mineral Blocks –

28, Army camp Aghama D/Stream Nallah- Rambiara, Village - Aghama. Area 9.89 Ha

29, Irrigation Scheme Nowpora U/Stream Nallah- Rambiara, Village - NowporaBala. Area 9.09 Ha

and

30, Irrigation Scheme Nowpora D/Stream Nallah- Rambiara, Village Nowpora Bala. Area 8.21 Ha favouring

Favouring

M/S FEROZ AHMAD WANI, Sempora, Panthackowk, District– Srinagar, J&K.

Deliberations:

The cases were represented as a cluster of mining blocks each above 5 ha falling under member category B1 and adjacent to each other allotted to only one project proponent Shri Feroz Ahmad Wani of Sempur, Pantha chowk, by Mr. Himanshu Goel and Shri Varun Bhardwaj on behalf of the Consultant M/s OCEAO-ENVIRO Management Solutions (India) Private Limited 217, 1st Floor, Sector 12, Judge Colony, Vasundhara, Ghaziabad, U.P – 201012 in presence of project proponent. They gave a detailed PowerPoint presentation on the above cited projects and demonstrated the project sites on the Google Earth Image using KML files of the individual minor mineral blocks. It was observed that the mineral block No. 28, 29 and 30 were located within 100 meters

distance from each other and therefore, in order to assess the cumulative impact of all the three projects on the local environmental settings, the Committee unanimously agreed to treat it as a cluster situation although falling in member category B1. A detailed PowerPoint presentations were given on each of the mining blocks and the Committee desired joint EIA, EMP, CER, CSR and public hearing for the three mining blocks.

Recommendations:

In view of the above deliberations, the committee recommended the following standard and specific Terms of Reference for the three projects: -

STANDARD TERMS OF REFERENCE

1) Year-wise production details should be given, clearly stating the highest production.

2) A copy of the document in support of the fact that the Proponent is the rightful lessee of the mine should be given.

3) All documents including approved mine plans, EIA and Public Hearing should be compatible with one another in terms of the mine lease area, production levels, waste generation and its management, mining technology etc. and should be in the name of the lessee.

4) All corner coordinates of the mine lease area, superimposed on a High Resolution Imagery/ toposheet, topographic sheet, geomorphology and geology of the areas should be provided. Such an Imagery of the proposed area should clearly show the land use and other ecological features of the study area (core and buffer zone).

5) Information should be provided on high resolution satellite image on with geological map of the area, geomorphology of land-forms of the area, existing minerals and mining history of the area, important water bodies, streams and rivers and soil characteristics.

6) Details about the land proposed for mining activities should be given with information as to whether mining conforms to the land use policy of the State; land diversion for mining should have approval from State land use board or the concerned authority.

7) It should be clearly stated whether the proponent Company has a well laid down Environment Policy approved by its Board of Directors? If so, it may be spelt out in the EIA Report with description of the prescribed operating process/procedures to bring into focus any infringement/deviation/ violation of the environmental or forest norms/ conditions? The hierarchical system or administrative order of the Company to deal with the environmental issues and for ensuring compliance with the EC conditions may also be given. The system of reporting of non-compliances / violations of environmental norms to the Board of Directors of the Company and/or shareholders or stakeholders at large may also be detailed in the EIA Report.

8) Issues relating to Mine Safety, including subsidence study in case of underground mining and slope study in case of open cast mining, blasting study etc. should be detailed. The proposed safeguard measures in each case should also be provided.

9) The study area will comprise of 10 km zone around the mine lease from lease periphery and the data contained in the EIA such as waste generation etc. should be for the life of the mine / lease period.

10) Land use of the study area delineating forest area, agricultural land, grazing land, wildlife sanctuary, national park, migratory routes of fauna, water bodies, human settlements and other ecological features should be indicated. Land use plan of the mine lease area should be prepared to encompass preoperational, operational and post operational phases and submitted. Impact, if any, of change of land use should be given.

11) Details of the land for any Over Burden Dumps outside the mine lease, such as extent of land area, distance from mine lease, its land use, R&R issues, if any, should be given.

12) A Certificate from the Competent Authority in the State Forest Department should be provided, confirming the involvement of forest land, if any, in the project area. In the event of any contrary claim by the Project Proponent regarding the status of forests, the site may be inspected by the State Forest Department along with the Regional Office of the Ministry to ascertain the status of forests, based on which, the Certificate in this regard as mentioned above be issued. In all such cases, it would be desirable for representative of the State Forest Department to assist the Expert Appraisal Committees.

13) Status of forestry clearance for the broken-up area and virgin forestland involved in the Project including deposition of net present value (NPV) and compensatory afforestation (CA) should be indicated. A copy of the forestry clearance should also be furnished.

14) Implementation status of recognition of forest rights under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 should be indicated.

15) The vegetation in the RF / PF areas in the study area, with necessary details, should be given.

16) A study shall be got done to ascertain the impact of the Mining Project on wildlife of the study area and details furnished. Impact of the project on the wildlife in the surrounding and any other protected area and accordingly, detailed mitigative measures required, should be worked out with cost implications and submitted.

17) Location of National Parks, Sanctuaries, Biosphere Reserves, Wildlife Corridors, Ramsar site Tiger/ Elephant Reserves/(existing as well as proposed), if any, within 10 km of the mine lease should be clearly indicated, supported by a location map duly authenticated by Chief Wildlife Warden. Necessary clearance, as may be applicable to such projects due to proximity of the ecologically sensitive areas as mentioned above, should be obtained from the Standing Committee of National Board of Wildlife and copy furnished.

18) A detailed biological study of the study area [core zone and buffer zone (10 km radius of the periphery of the mine lease)] shall be carried out. Details of flora and fauna, endangered, endemic and RET Species duly authenticated, separately for core and buffer zone should be furnished based on such primary field survey, clearly indicating the Schedule of the fauna present. In case of any scheduled-I fauna found in the study area, the necessary plan along with budgetary provisions for their conservation should be prepared in consultation with State Forest and Wildlife Department and details furnished. Necessary allocation of funds for implementing the same should be made as part of the project cost.

19) Proximity to Areas declared as 'Critically Polluted' should also be indicated and where so required, clearance certifications from the prescribed Authorities, such as the SPCB or State Mining Department should be secured and furnished to the effect that the proposed mining activities could be considered.

20) R&R Plan/compensation details for the Project Affected People (PAP) should be furnished. While preparing the R&R Plan, the relevant State/National Rehabilitation & Resettlement Policy should be kept in view. In respect of SCs /STs and other weaker sections of the society in the study area, a need based sample survey, family-wise, should be undertaken to assess their requirements, and action programmes prepared and submitted accordingly, integrating the sectoral programmes of line departments of the State Government. It may be clearly brought out whether the village(s) located in the mine lease area will be shifted or not. The issues relating to shifting of village(s) including their R&R and socio-economic aspects should be discussed in the Report.

21) One season (non-monsoon) [i.e. March-May (Summer Season); October-December (post monsoon season) ; December-February (winter season)]primary baseline data on ambient air quality as per CPCB Notification of 2009, water quality, noise level, soil and flora and fauna shall be collected and the AAQ and other data so compiled presented date-wise in the EIA and EMP Report. Site-specific meteorological data should also be collected. The location of the monitoring stations should be such as to represent whole of the study area and justified keeping in view the pre-dominant downwind direction and location of sensitive receptors. There should be at least one monitoring station within 500 m of the mine lease in the pre-dominant downwind direction. The mineralogical composition of PM10, particularly for free silica, should be given.

22) Air quality modelling should be carried out for prediction of impact of the project on the air quality of the area. It should also take into account the impact of movement of vehicles for transportation of mineral. The details of the model used and input parameters used for modelling should be provided. The air quality contours may be shown on a location map clearly indicating the location of the site, location of sensitive receptors, if any, and the habitation. The wind roses showing pre-dominant wind direction may also be indicated on the map.

23) The water requirement for the Project, its availability and source should be furnished. A detailed water balance should also be provided. Fresh water requirement for the Project should be indicated.

24) Necessary clearance from the Competent Authority for drawl of requisite quantity of water for the Project should be provided.

25) Description of water conservation measures proposed to be adopted in the Project should be given. Details of rainwater harvesting proposed in the Project, if any, should be provided.

26) Impact of the Project on the water quality, both surface and groundwater, should be assessed and necessary safeguard measures, if any required, should be provided.

27) Based on actual monitored data, it may clearly be shown whether working will intersect groundwater. Necessary data and documentation in this regard may be provided. In case the working will intersect groundwater table, a detailed Hydro Geological Study should be undertaken and Report furnished. The Report inter-alia, shall include details of the aquifers present and impact of mining activities on these aquifers. Necessary permission from Central Ground Water Authority for working below ground water and for pumping of ground water should also be obtained and copy furnished.

28) Details of any stream, seasonal or otherwise, passing through the lease area and modification / diversion proposed, if any, and the impact of the same on the hydrology should be brought out.

29) Information on site elevation, working depth, groundwater table etc. Should be provided both in AMSL and bgl. A schematic diagram may also be provided for the same.

30) A time bound Progressive Greenbelt Development Plan shall be prepared in a tabular form (indicating the linear and quantitative coverage, plant species and time frame) and submitted, keeping in mind, the same will have to be executed up front on commencement of the Project. Phase-wise plan of plantation and compensatory afforestation should be charted clearly indicating the area to be covered under plantation and the species to be planted. The details of plantation already done should be given. The plant species selected for green belt should have greater

ecological value and should be of good utility value to the local population with emphasis on local and native species and the species which are tolerant to pollution.

31) Impact on local transport infrastructure due to the Project should be indicated. Projected increase in truck traffic as a result of the Project in the present road network (including those outside the Project area) should be worked out, indicating whether it is capable of handling the incremental load. Arrangement for improving the infrastructure, if contemplated (including action to be taken by other agencies such as State Government) should be covered. Project Proponent shall conduct Impact of Transportation study as per Indian Road Congress Guidelines.

32) Details of the onsite shelter and facilities to be provided to the mine workers should be included in the EIA Report.

33) Conceptual post mining land use and Reclamation and Restoration of mined out areas (with plans and with adequate number of sections) should be given in the EIA report.

34) Occupational Health impacts of the Project should be anticipated and the proposed preventive measures spelt out in detail. Details of pre-placement medical examination and periodical medical examination schedules should be incorporated in the EMP. The project specific occupational health mitigation measures with required facilities proposed in the mining area may be detailed.

35) Public health implications of the Project and related activities for the population in the impact zone should be systematically evaluated and the proposed remedial measures should be detailed along with budgetary allocations.

36) Measures of socio economic significance and influence to the local community proposed to be provided by the Project Proponent should be indicated. As far as possible, quantitative dimensions may be given with time frames for implementation.

37) Detailed environmental management plan (EMP) to mitigate the environmental impacts which, should inter-alia include the impacts of change of land use, loss of agricultural and grazing land, if any, occupational health impacts besides other impacts specific to the proposed Project.

38) Public Hearing points raised and commitment of the Project Proponent on the same along with time bound Action Plan with budgetary provisions to implement the same should be provided and also incorporated in the final EIA/EMP Report of the Project.

39) Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.

40) The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out.

41) A Disaster management Plan shall be prepared and included in the EIA/EMP Report.

42) Benefits of the Project if the Project is implemented should be spelt out. The benefits of the Project shall clearly indicate environmental, social, economic, employment potential, etc.

43) Besides the above, the below mentioned general points are also to be followed:

a) Executive Summary of the EIA/EMP Report

b) All documents to be properly referenced with index and continuous page numbering.

c) Where data are presented in the Report especially in Tables, the period in which the data were collected and the sources should be indicated.

d) Project Proponent shall enclose all the analysis/testing reports of water, air, soil, noise etc. using the MoEF&CC/NABL accredited laboratories. All the original analysis/testing reports should be available during appraisal of the Project.

e) Where the documents provided are in a language other than English, an English translation should be provided.

f) The Questionnaire for environmental appraisal of mining projects as devised earlier by the Ministry shall also be filled and submitted.

g) While preparing the EIA report, the instructions for the Proponents and instructions for the Consultants issued by MoEF&CC vide O.M. No. J-11013/41/2006-IA.II(I) dated 4th August, 2009, which are available on the website of this Ministry, should be followed.

h) Changes, if any made in the basic scope and project parameters (as submitted in Form-I and the PFR for securing the TOR) should be brought to the attention of MoEF&CC with reasons for such changes and permission should be sought, as the TOR may also have to be altered. Post Public Hearing changes in structure and content of the draft EIA/EMP (other than modifications arising out of the P.H. process) will entail conducting the PH again with the revised documentation.

i) As per the circular no. J-11011/618/2010-IA.II(I) dated 30.5.2012, certified report of the status of compliance of the conditions stipulated in the environment clearance for the existing operations of the project,

should be obtained from the Regional Office of Ministry of Environment, Forest and Climate Change, as may be applicable.

j) The EIA report should also include (i) surface plan of the area indicating contours of main topographic features, drainage and physical measurements mining area, (ii) geological maps and sections and (iii) sections of the mine pit and external dumps, if any, clearly showing the land features of the adjoining area.

SPECIFIC TERMS OF REFERENCE

1. Impact of mining activity on adjacent agricultural lands with particular reference to run off, soil erosion and top-soil loss due to change in topography.
2. Details of Gradient of riverbed and 3-D view draped on the satellite image
3. Details of excavation schedule & sequential mining plan.
4. Details of transportation of mined out materials with respect to axle load specified for the road as per the Indian Road congress for both the ways (loaded as well as unloaded trucks) load and its impact on the environment.
5. Impact on mining activity on the existing land use in the study area.
6. Impact on mining on aquatic life.
7. NOCs from competent authorities of Forest Department, Irrigation and Flood Control Dept. and Fisheries Dept. should be obtained and submitted while applying for EC
8. Excavation to be proposed and studied for a maximum depth of 1 meter from the riverbed or 1 m above water table whichever comes first, subject to further review by JKEAC at the time of appraisal for grant of EC on due merits of study material.
9. Specific measures to be undertaken to mitigate the impact of mining activity on the habitat and migration of fish in the river/stream and concurrence thereof from the Fisheries Department.
10. The Photography and videography of the mining block shall be part of the Terms of Reference.
11. The maps shall be submitted on a scale of 1: 3000 and 1: 1500 within 10 kms. Radius
12. The shortest extraction route leading to the main road but with minimum interference into human settlements should be the focus of operation. Detailed contour map of the approach road from river bed to district road / National highway should be furnished.
13. Dust suppression measures should be prescribed in the EIA/EMP.
14. Post project monitoring plan should be included in the study.
15. Occupational health impacts should be assessed and plan for implementation of COVID-19 SOPs in the mining activity should be detailed.
16. The Public Hearing should be got conducted jointly by the project proponents for the cluster.
17. A comprehensive EIA/EMP should be formulated jointly by the concerned project proponents and CER/CSR plans should be comprehensive and integrated

together for all the three mining sites providing mechanism for involvement of local panchayat.

18. The Consultant while presenting field data in the EIA report, should ensure that the site specific date-wise datasheets duly attested by the local panchayat head with his name , signatures and stamp and attested by District Mineral Officer with seal and signature are included in the EIA report.
19. The impact of mining activity on the neighbouring villages need to be studied and extraction road need to be such that it has least crossing through village settlements.
20. The data displayed on air quality monitoring stations should be captured with digital camera displaying the date on the photograph so captured and same should be submitted in support of the date-wise data sheets. These digital photographs should be submitted in soft as well as appended with the EIA report.

The prescribed TORs would be valid for a period of **three years** for submission of the EIA/EMP reports, as per the O.M. No. J-11013/41/2006-IA.II(I) dated 22.3.2010, 22.08.2014, 08.10.2014 and 07.11.2014.

Besides, the TORs are recommended without prejudice to the standing court orders, if any, w.r.t the concerned mining project or final outcome of writ petitions/LPAs pending disposal before any competent court of law w.r.t the concerned mining block.

After preparing the EIA/EMP (as per the generic structure prescribed in Appendix- III of the EIA Notification, 2006) covering the above mentioned issues, the proponent will apply for EC on the Parivesh Portal of the MoEF&CC and submit all the relevant documents including Public Hearing report in accordance with the procedure prescribed under the EIA Notification, 2006.

Agenda Item No: 5

Proposal No: SIA/JK/MIN/55070/2020.

Title of the Case: Grant of Terms of Reference (ToR) for Minor Mineral Block No 13 Mini Secretariat, U/Stream, Nalla Rambiara, Village Arhama, Tehsil Shopian, District Shopian, Jammu & Kashmir. (Area 9.79 Ha) favouringM/S ABDUL HAMID WAGAY R/o Narapora, District Shopian.

Deliberations:

The case was presented by Mr. Himanshu Goel and Shri Varun Bhardwaj on behalf of the Consultant M/s OCEAO-ENVIRO Management Solutions (India) Private Limited 217, 1st Floor, Sector 12, Judge Colony, Vasundhara, Ghaziabad, U.P – 201012 on behalf of the project proponent. The consultant was asked as to why the project proponent had not logged in. He informed that the project proponent was not familiar with WebEx meeting software and that in view of low speed mobile internet in the valley he will not be able to attend the meeting. The consultant gave a detailed presentation on the project. The Committee asked the project consultant to demonstrate the mining block on live Google Earth using KML file of the area. On Google Earth the following observations were made by the Committee:-