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**Ministry of Environment, Forest & Climate Change, Govt. of India.
J&K UT LEVEL EXPERT APPRAISAL COMMITTEE(JKEAC)**



Department of Ecology, Environment & Remote Sensing
ParyavaranBhavan, Gladeni, Transport Nagar, Narwal, Jammu Tawi(November-April)
SDA Housing Colony, Bemina, Srinagar, Kashmir(May-October)
Email: seacers@gmail.com, Website: www.parivesh.nic.in

MINUTES OF MEETING

MINUTES OF 44th MEETING OF THE JK EXPERT APPRAISAL COMMITTEE HELD ON 07/06/2021 VIA VIDEO CONFERENCING OWING TO COVID-19 OUTBREAK AND SUBSEQUENT MITIGATIVE MEASURES

In pursuance to meeting Notice issued vide No: EAC/JK/20/7495-515 dated 03/06/2021 and addendum issued vide No: EAC/JK/20/7521-535 dated 04/06/2021, the agenda 1 to 3 of 44th meeting of JKEAC was held on 07th of June, 2021 and agenda item No. 4 to 6 was held on 12th of June, 2021 due to paucity of time and prolonged deliberations on agenda 1 to 3 on 07/06/2021 in pursuance to meeting continuation notice issued vide No. No: EAC/JK/20/7571-592 dated 07/06/2021. The meeting was held via video Conferencing owing to COVID-19 SoPs. The following members attended the meeting on the said dates: -

1. Mr. S.C. Sharma, IFS(Rtd.)	Chairman
2. M.A Tak, IFS(Rtd.)	Member
3. Engineer B.B. Sharma	Member
4. Mr. Irfan Yasin	Member
5. Prof. Falendra Kumar Sudaan	Member
6. Mr. A.R. Makroo	Member
7. Prof. Anil Kr. Raina	Member
8. Prof. Arvind Jasrotia	Member
9. Professor G.M. Dar	Member
10. Mr. Humayun Rashid	Secretary

The Secretary welcomed the Chairman, Members of the JK Level Expert Appraisal Committee, Mr. H.L Langeh, Joint Director, G&M Dept., the participating project proponents and the consultants.

The meeting proceeded as per following sequence: -

Agenda Item No: 01	Grant of Environment Clearance in favour of M/S Parshotam Singh S/O Shri Baljit Singh R/O H. No. 56, W. No. 3, Kamra Pati Jaito, Faridkot, Punjab. purshottamsingh.ec@gmail.com
Proposal No:	SIA/JK/MIN/197763/2021
File No:	SEAC/JK/20/524
Consultant:	P and M Solutions

Title of the Case: Grant of Environment Clearance for Minor Mineral Block No 25, Nowshera Tawi River at Village Tarat, District Rajouri, Jammu & Kashmir., Area 3.21 Ha.

Deliberations:

The project was presented by Shri Manas Vyas on behalf of the consultant M/S P&M Solutions, Noida. Shri Mohd. Rashid Khan represented the project proponent as his authorized agent. The consultant gave a detailed PowerPoint presentation during which he informed the Committee that the case falls under B2 category as mining block area is less than 5ha. He further informed that the G&M Dept. granted letter of intent in favour of the project proponent on 06/08/2020 at a bid value of 64.96 lacs. The project cost being 72.21 lacs. The mining plan was approved for the project on 05/01/2021, he informed. The deliberations were made on various aspects of the project like; mining depth, replenishment, surface plan and haulage route. The consultant presented the cluster certificate dated 28/01/2021 issued by the DMO concerned. He also presented the title verification issued by the concerned Dy. Commissioner vide No. DCR/2021-22/Acctt/80 dated 06/05/2021. The consultant informed the Committee that the approved mining plan has identified 1.09 ha as water creek leaving behind only 2.12 ha. The Committee referred to the mining plan and observed that though the mining plan had identified 1.09 ha of active water channel, yet it had arbitrarily prescribed extraction of 50% RBM from the active water channel itself in contravention to prescribed guidelines and in addition to RBM extraction from 2.12 ha out of the total mining block area of 3.21 ha. The Committee examined the mining block on multirate Google Earth platform and found a large chunk of exposed river bed material in the form of a shoal with 8 ha approx. in size lying adjacent to the mining block on the right side where heavy illegal mining activity is already in progress with machinery and tippers as revealed on the lean seasoned satellite image of Sept. 2020. The Members expressed their displeasure at the wrong siting of the mining block in an unprofessional manner where an active water channel divides the mining block into two sub-blocks, when the mining block could have been identified on the adjacent nearly 8ha sized chunk of river bed where illegal mining is already in progress. Some Members expressed their suspicion that the officially allotted instant mining block may be a coverup block for allowing illegal mining in the neighbourhood. The Committee asked the consultant to clarify as to how the targeted mineral production extracted from the mining block would be measured as the Committee is apprehensive about over exploitation and illegal exploitation in the neighbourhood of the allotted mining blocks. The situation that could play havoc with the environment and deprive the future generations of the ecosystem products and services on a sustainable basis. The consultant informed that the project proponent is going to install weighbridges at the site. The Committee asked him, if it is so then why the project cost in the Pre-feasibility Report does not include the cost of weighbridges and if everything was in the hands of the project proponent, what monitoring mechanism would be put in place by the Geology & Mining Department to implement the monitoring guidelines underlined in the Enforcement & Monitoring Guidelines for Sand Mining of 2020 issued by the Ministry of Environment, Forest & Climate Change, GoI, New Delhi. When the consultant could not give any satisfactory answer to this specific query, clarification was sought from Mr. H.L. Langeh, Joint Director, G&M Department on the following points: -

- a. *Why the Department had identified the mining block No. 25, Nowshera, Tawi River with one third area under active water channel with a*

haulage route also traversing through the active water channel in contravention to standing guidelines, when there was a huge chunk of exposed river bed closely adjacent to the instant mining block with area more than 8ha approx. which is under exploitation illegally as observed on the Google Sat. Images.

- b. What monitoring mechanism has been put in place by the Geology & Mining Department to implement the monitoring guidelines underlined in the Enforcement & Monitoring Guidelines for Sand Mining of 2020 issued by the Ministry of Environment, Forest & Climate Change, GoI, New Delhi w.r.t mining blocks where Environmental Clearance has already been granted by the JKEIAA till date and in the instant case under mining block No.25, Nowshera, Tawi River.*
- c. What is the mechanism of measuring the quantum of river bed material extracted by the project proponents from the auctioned mining blocks and what safeguards have been put in place to ensure that there is no over exploitation within the auctioned mining blocks and illegal exploitation in the neighbourhood of the allotted mining blocks under the cover of sanctioned mining leases?*

Mr. Langeh tried to reply the above queries but due to defective audio facility at his end, he was not audible and the committee desired that the JKEIAA should ask a written response on the above queries from the Director, Geology & Mining Department so that commitments of the Department remain on record for future reference.

As desired by the Committee, the consultant showed the planned haulage route on the Google Image and it was observed that the planned haulage route traverses through the active water channel which cannot be allowed, the Committee opined.

Recommendation:

In view of the above deliberations, the Committee made the following recommendations:

1. The mining block No. 25, Nowshera, Tawi River is recommended for **rejection of EC** in the present form. However, the project proponent may apply to J&K G&M Dept. for relocation of the mining block to an appropriate site, if he desires so.
2. In the meantime, the Geology & Mining Department may be asked: -
 - a. To constitute an interdepartmental Committee comprising of officers from the Geology & Mining Dept., Irrigation & Flood Control Dept., Fisheries Dept. and the Soil & Water Conservation Dept. to fix responsibility for illegal mining on a huge chunk of exposed river bed with area more than 8ha approx. closely adjacent to the instant mining block No.25, Nowshera, Tawi River which is under exploitation illegally as observed on the Google Sat. Images.
 - b. To relocate the mining block No.25, 3.21 ha, Nowshera, Tawi River to an appropriate site commensurate with its size on the request of the PP if he so desires, who may resubmit the case for reconsideration after formulation of fresh mining plan for the new site approved by the competent authority *de-novo*.

- c. To clarify what monitoring mechanism has been put in place by the Geology & Mining Department to implement the monitoring guidelines underlined in the Enforcement & Monitoring Guidelines for Sand Mining of 2020 issued by the Ministry of Environment, Forest & Climate Change, GoI, New Delhi w.r.t mining blocks where Environmental Clearance has already been granted by the JKEIAA till date.
- d. To clarify what mechanism has been put in place w.r.t measuring the quantum of river bed material extracted by the project proponents from the auctioned mining blocks and what safeguards have been put in place to ensure that there is no pilferage or over exploitation of the auctioned mining blocks and illegal exploitation/extraction of RBM in the neighbourhood of the allotted mining blocks under the cover of sanctioned mining leases?

Agenda Item No: 02

Grant of Environment Clearance in favour of M/S Abhijit Singh S/O Sh.Kanwarjit Singh R/O Plot No.08, Zila Singh Farms, 7 Park Lane Kishangarh, Vasant Kunj, South West Delhi-110070
abhijit.singh.ec@gmail.com

Proposal No:

SIA/JK/MIN/54881/2020

File No:

SEAC/JK/20/200

Consultant:

COGNIZANCE RESEARCH INDIA PVT LTD

Title of the Case:

Grant of Environment Clearance for Minor Minerals Block-01 (28) Sahar Khad Upstream Railway Bridge, Near Village– Sherkotla District-Kathua. Area 7.68 Ha.

Deliberations:

The Project was represented by Shri Rahul Kumar on behalf of the project consultant M/S Cognizance Research India Pvt. Ltd. Shri Abhijit Singh, Project proponent also joined the proceedings and requested to allow Mr. Manas Vyas of P&M Solutions to be on board. The consultant gave a detailed PowerPoint presentation on the project during which he informed the Committee that the case falls under B1 category as mining block area is more than 5ha. He further informed that the G&M Dept. granted letter of intent in favour of the project proponent on 07/03/2020 at the highest bid cost of Rs 635.19 lacs. The project cost being Rs728 lacs. The mining plan was approved for the project on 06/07/2020, he informed. The ToRs were granted to the project on 17/08/2020. He further informed that the public hearing of the case was held on 22/03/2021. The deliberations were made on various aspects of the project like; mining depth, replenishment, surface plan and haulage route etc. The consultant informed that in deference to the approved mining plan prescriptions, the calculations for minable targeted production had been computed at 1m depth only in the Pre-feasibility Report. However, one of the Members Mr. M.A Tak pointed out that even then the targeted mineral production was exaggerated as the bulk density of 2.5 had been used while calculating the mineral production. Mr. Langeh, JD, G&M Dept. tried to clarify that the Sand mining guidelines of 2016 provide

2.5 as an average bulk density. However, the Member did not agree and said that the Ministry has provided the maximum limit which varies from material to material and is site specific. Therefore, the Committee agreed to limit it to 2.2 in the instant case.

The Committee asked the consultant to present the Public Hearing Report and while examining the same, the following issues raised by the public during proceedings came to fore: -

- a) People in the vicinity demanded construction material on subsidized rates or free of cost.
- b) No damage should be caused to neighbouring lands and mining should not affect the ground water.
- c) Deep mining should be avoided and assets of local panchayat be protected against impact of mining.
- d) Mining should not affect the Irrigation water availability to the nearby paddy lands.
- e) Proper demarcation of the mining block be done so that adjoining areas are not illegally mined.
- f) To stop illegal mining with proper legal framework etc. etc.

In view of the above issues raised by the locals during public hearing, the Committee desired that the project proponent should construct cut-off walls 500m upstream and downstream, bank to bank so that the water for irrigation is regulated to the nearby paddy lands. ***The Committee desired that this condition should be included in the list of specific conditions in all the mining cases of RBM projects.***

The Secretary informed the Committee that one of the Members had reported some discrepancies in the documentation after the pertinent documents had been downloaded from the Parvesh portal and emailed to the Expert Committee Members in routine and after further scrutiny, the JKEAC Office has pointed out following discrepancies in the uploaded documents which deserve attention of the Committee: -

- a) Detailed field appreciation note powered by filed photos is missing.
- b) As per specific TOR condition No.18, the consultant was required to capture the reading on the display of the air quality monitoring station. The compliance to this ToR is missing. Even if the consultant had used manual system to evacuate the PM10 level on replacing 8"x10" size filter paper after 8hr duration, the photographs of its timer display which reveals the actual operating time of machine, should have been included in the EIA Report.
- c) To great surprise, same baseline data collection evidence photographs submitted by the consultant in the EIA report have also been submitted by another consultant in his EIA Report under agenda 3 of this meeting, notwithstanding the

- fact that the two projects under agenda 2 and 3 are at a distance of 6.5kms. It is not clear which project the photographs actually pertain. This amounts to misrepresentation of facts and an effort by consultant to mislead the Expert Appraisal Committee.
- d) Photograph showing soil sample collection by a person seen collecting same with a khurpi from the surface instead of following standard practice by digging a standard pit for the purpose.
 - e) Photographs and videos of the site are missing.
 - f) In EIA page 115, budget for monitoring pollution etc is mentioned as 4.0 lacs per annum but in EMP budget at page 155, it is mentioned as Rs 1.00 lacs
 - g) The total EMP budget is only given as Rs 2.00 lacs as capital and 3.55lacs as recurring per annum which is too meagre with a project cost of 728 lacs.
 - h) The CER budget is too meagre and has to be in consonance with the guidelines provided under OM NO. F.No.22-65/2017-IA.III dated 01/05/2018 issued by the MoEF&CC.

The Committee observed that most of the Consultants are not displaying required diligence and professionalism while submitting/uploading requisite data on the portal. The Members pointed out that the Expert Appraisal Committee has time and again asked for thorough screening of the proposals by supporting staff at the JKEIAA office before these are forwarded for placing same before the Appraisal Committee. Since, the JKEAC office does not have the required manpower to screen the projects further, the deficiencies are often pin pointed by the JKEAC members during the appraisal process itself. The Committee expressed its displeasure, the way Consultants have failed to submit the field appreciation note and tried to misrepresent things by presenting same photographic evidence under two different projects which are situated at two different places at a distance of 6.5kms from one another belonging to two different project proponents and represented by two different consultants viz. M/S P&M Solutions, Noida and M/S Cognizant Research India Pvt. Ltd. The consultant however, said that he had the photographic evidence of baseline data collection and would submit same if given a chance and that the mistake was committed due to human error. However, the Committee did not buy the story and desired that the consultant should immediately revise the EIA/EMP, PFR etc. strictly in accordance with Terms of Reference granted even if it means recollection of the baseline data in field as the incident has raised question on authenticity of the data itself. Therefore, the Committee desired that JKEIAA may issue Circular instructions to all consultants/RQPs in this regard so that they submit necessary compliances with due diligence and strictly as per ToRs to enable scientific appraisal of the proposals and in case they fail to comply with the instructions, the delay shall be at their own risk and responsibility.

Further, the mining block was examined on the Google Earth Image platform and the committee found it fit for exploitation of the RBM to help channelize the nallah. The Committee opined that since the mining block looks environmentally feasible for mining activity, it could be considered for grant of EC provided the Consultant diligently submits the required documentation as per ToRs. The Consultant pleaded that he be provided an opportunity to submit the requisite/revised documentation within a weeks' time and the case be considered for grant of EC, conditionally.

Recommendations:

In view of the above deliberations, the JK Expert Appraisal Committee recommended as under: -

1. Issuance of **Circular Instructions** by JKEIAA asking consultants/RQPs for following compliances for scientific appraisal of the cases: -
 - a) The site appreciation note powered with site photographs with date and time stamp should form integral part of the PFR in case of B2 category projects and EIA document in case of B1 category project.
 - b) The EIA Report in case of B1 category projects and PFR in case of B2 category mining projects should include site photographs to be appropriately snapped from an appropriate distance from the mining block preferably from raised / high elevated ground from North, South, East and West Direction to capture all hotspots like bridges/food bridges/culverts/Hydrological structures/ canal heads, green patches and other important details. A few photographs should be snapped inside the mining block to show the river bed condition as well.
 - c) All photographs should depict the date and time stamp of photography and should be geotagged and uploaded on Google drive with link emailed to all JKEAC/JKEIAA members so that these can be visualized on Google Earth w.r.t location.
 - d) The project proponent /consultant should email the detailed video of the mining block showing the important features like bridges/culverts/foot bridges/hydrological structures/ Irrigation canal heads, green patches etc. within the mining block as well as physical features around the mining block. The videos should be captured remotely from an appropriate distance from the mining block preferably from raised / high elevated ground from North, South, East and West Direction to capture all hotspots like bridges/food bridges/culverts/Hydrological structures/ canal heads, green patches and other important details. Video shots should also be taken inside the mining block to show the river bed condition. The videos should start from a reference point in field easily identifiable on the Google Earth Images.
 - e) The video and photographs should depict the date and time stamp of videography and should be uploaded on Google Drive with link emailed to all the JKEIAA/JKEAC Members.
- i. The digital photographs should be in jpeg format and named in the following manner;

For example, for photographs of agenda 1 of 34th meeting captured from North-South-East and West Direction and inside RIVER BED Mining block, the name of photograph

files should be A01-34JKEAC-NP1, A01-34JKEAC-SP2, A01-34JKEAC-EP3, A01-34JKEAC-WP4, A01-34JKEAC-RBM-5

ii. Similarly for naming of videos captured from North-South-East and West Direction and inside River Bed w.r.t agenda 2 of 40th meeting for example should be named as:

A02-40JKEAC-NV1, A02-40JKEAC-SV2, A02-40JKEAC-EV3 AND A02-40JKEAC-WV4

f) Photographic evidence as per ToR condition relating to baseline data capturing should be strictly done in accordance with updated Terms of Reference and the photographs should have date and time stamp in a geotagged format. In case, the consultant has used manual system to evacuate the PM10 level on replacing 8”x10” size filter paper after 8hr duration, the photographs of its timer display which reveals the actual operating time of machine, should be included in the EIA Report.

g) All pages of approved mining plans should preferably be stamped by the approving authority if also required under rules / procedure in vogue in the country. In case, it is not a statutory requirement, then at least the cover page, the surface plan and pages dealing with calculation of targeted mineral production, closure plan and other important details be signed and stamped by the approving authority.

h) All pages of submitted and uploaded documents like, Form 1M, Form:2, PFR, Approved mining plan, affidavits, test reports of baseline data, EIA report, PH Report, EMP/ CER plan, NOCs issued by the stake holder departments etc. should be page marked and duly signed by both project proponent and the consultant with seal as per notified checklists.

i) The ppts and Prefeasibility Report or EIA/EMP should not mention mining depth above 1m in aggregate in any case.

j) The project cost should include the bid value, cost of machinery, manpower, EMP/CER etc.

k) The EMP/CER budget provided in the ppt and the PFR/EMP should be in sync with each other and it should provide budget under capital as well as recurring heads.

l) The CER budget should be in consonance with the guidelines provided under OM NO. F.No.22-65/2017-IA.III dated 01/05/2018 issued by the MoEF&CC.

m) The baseline data should be attested with seal and signature of concerned DMO and panchayat representative as per ToR condition.

n) During collection of baseline data, the samples should be collected as per standard procedure using well established tools and methodologies. If it is found that the sampling has not been done with due diligence and as per set procedure, the consultant may be asked to revisit the site and collect baseline data afresh which will be at his /her own risk, responsibility and costs.

o) The specific ToRs should be complied in letter and spirit and responsibility for delay or rejection of the case for want of compliance to specific Terms of Reference shall rest with the consultants and the Project proponents.

p) There should be no duplication of data on the portal and the KML/KMZ files should be checked before these are uploaded on the portal. The KML files and ppts should be named as per format already conveyed viz. for example for agenda 2 of 41st meeting,

the KML/KMZ file should be named as A02-41JKEAC.kml and its ppt should be named as A02-41JKEAC.ppt

q) In the event compliance is sought on any matter in a particular meeting of the Expert Appraisal Committee and the case is listed again, the consultant shall be dutybound to provide details of the compliances sought in the previous meetings and compliance made point by point in the start of the PowerPoint Presentation and through advance by email immediately after listing the case in the meeting notice so that all previous correspondence /minutes of meeting on the subject are retrieved in advance and placed before the Expert Appraisal Committee.

r) The Project Proponent and the authorized consultant shall only be allowed to enter the virtual meeting room. However, in case the Project proponent is not able to join the virtual proceedings, his representative shall be allowed to join the virtual meeting only if he has emailed an authorization letter from the project proponent.

s) The consultant shall henceforth ensure that in general, the area for removal of minerals shall not exceed 60% of the mine lease area, and any deviation or relaxation in this regard shall be adequately supported by the scientific report in accordance with Sand Mining Monitoring and Enforcement Guidelines of 2020.

2. In the meantime, the instant project was recommended for grant of Environmental Clearance subject to: -

- a. Prior submission of revised EIA, EMP/CER with: -
 - i. a detailed site appreciation note supported with filed photographs as discussed above as part of the EIA Summary.
 - ii. Compliance of specific TOR condition No.18 by including photographic evidence of baseline data collection in the form of photographs of the display screen of the air quality monitoring station. In case, the consultant has used manual system to evacuate the PM10 level on replacing 8”x10” size filter paper after 8hr duration, the photographs of its timer display which reveals the actual operating time of machine, should be included in the EIA Report. If it has not been done as per ToRs, the consultant should collect the baseline data afresh.
 - iii. photographic evidence of soil sample collection using standard scientific procedures, even if it means recollection of samples in field and its analysis afresh.
 - iv. adequate budget under green belt development, haulage route maintenance, dust suppression, pollution monitoring etc. in commensurate with size of the mining block and the project cost.
 - v. revised CER budget in consonance with the guidelines provided under OM NO. F.No.22-65/2017-IA.III dated 01/05/2018 issued by the MoEF&CC.
- b. Updated version of EIA/EMP /PFR is submitted physically as well as on Parvesh portal before grant of Environmental Clearance.
- c. Prior submission of revised mining plan with mining depth of **1m** and its de-novo approval by the competent authority **before grant of EC or as decided by the JKEIAA**, physically as well as on Parvesh portal at parivesh.nic.in before grant of Environmental Clearance.
- d. Ultimate Mining Depth of **1mt. in aggregate.**

- e. Maximum targeted RBM extraction of **101376 Metric Tons** till replenishment data is shared by Geology & Mining Dept. in the reformulated/revised District Survey Report approved by competent authority *de-novo*.
- f. Prior submission of NOCs from all stake holder departments viz. I&FC dept., Fisheries Dept., and other stake holder departments **in original** as per approved checklist before grant of formal EC, conditions whereof, if any, shall be binding upon the project proponent.
- g. Condition that the geographical coordinates as per LoI are mentioned in the formal EC letter to be issued by JKEIAA.
- h. Condition, that the PP shall describe the system/hardware it intends to install to measure and monitor the quantum of material removed from the mining site vis-a vis the quantity of material approved for mining in the EC.
- i. Standard and Specific conditions as mentioned in **Annexure-B** to these Minutes of Meeting.
- j. Validity of Environmental Clearance for a period 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 in the District Survey Report.

Agenda Item No: 03	Grant of Environment Clearance in favour of M/S Karanvir Singh S/O Surinder Singh 01, Lane No.3, Shaheed Udham Singh Nagar Pathankot, Punjab. karanvir.ec@gmail.com
Proposal No:	SIA/JK/MIN/54890/2020
File No:	SEAC/JK/20/202
Consultant:	P and M Solutions
Title of the Case:	Grant of Environment Clearance for Proposed Minor Minerals Block-02(31) Sahar Khad downstream NH-1A Bridge, located Near Village Sahar, Tehsil & District Kathua. Area 6.16 Ha

Deliberations: The Project was represented by Shri Manas Vyas on behalf of the project consultant M/S **P and M Solutions, Noida**. The project proponent was represented by Shri Mohd. Rashid. The consultant gave a detailed PowerPoint presentation on the project during which he informed the Committee that the case falls under B1 category as mining block area is more than 5ha. He further informed that the G&M Dept. granted letter of intent in favour of the project proponent on 07/03/2020 at the highest bid cost of Rs765.21 lacs and the project cost being Rs864.71lacs. The mining plan was approved for the project on 06/07/2020, he informed. The ToRs were granted to the project on 17/08/2020. He further informed that the public hearing of the case was held on 03/04/2021. The deliberations were made on various aspects of the project like; mining depth, replenishment, surface plan and haulage route etc. The consultant informed that in deference to the approved mining plan prescriptions, the calculations for minable targeted production had been computed at 1m depth only in the Pre-feasibility Report. However, Members Mr. M.A Tak again pointed out that even then the targeted mineral production

was exaggerated as the bulk density of 2.5 had been used while calculating the mineral production. The Committee desired to limit the bulk density to 2.2 in this case as well.

The Committee asked the consultant to present the Public Hearing Report and while examining the same, the consultant informed that the issues raised by the local public have been addressed in the EMP.

The following discrepancies in the documentation were also pointed out in this project by the Committee: -

- i) Detailed field appreciation note powered by filed photos is missing.
- j) As per specific TOR condition No.18, the consultant was required to capture the reading on the display of the air quality monitoring station. The compliance to this ToR is missing. Even if the consultant had used manual system to evacuate the PM10 level on replacing 8"x10" size filter paper after 8hr duration, the photographs of its timer display which reveals the actual operating time of machine, should have been included in the EIA Report.
- k) Same Photographic evidence of Baseline data collection has been submitted by the consultant in the EIA report which another consultant has submitted in his EIA Report under agenda 2 of this meeting discussed herein above, notwithstanding the fact that the two projects under agenda 2 and 3 are at a distance of 6.5kms. It is not clear which project the photographs actually pertain, the Committee asked.
- l) Photograph showing soil sample collection by a person seen collecting same with a khurpi from the surface instead of following standard practice by digging a standard pit for the purpose.
- m) Photographs and videos of the site are missing.
- n) Budget for Pollution Monitoring Has Been Mentioned As 4.0 Lacs Per Annum On Page 109 But On Page 146, It Is Mentioned As 1.20 Lacs
- o) the total EMP budget is only given as Rs 3.8 lacs as capital and 3.61lacs as recurring per annum which is too meagre with a project cost of 728 lacs.
- p) The CER budget is too meagre and has to be in consonance with the guidelines provided under OM NO. F.No.22-65/2017-IA.III dated 01/05/2018 issued by the MoEF&CC.

The Committee expressed its displeasure with the consultant for trying to misrepresent things by presenting same photographic evidence under two different projects which are situated at two different places at a distance of 6.5kms from one another belonging to two different project proponents and represented by two different consultants. The consultant however, said that he had the photographic evidence of baseline data collection and would submit same if given a chance and that the mistake was due to human error. The Committee desired that the consultant should revise the EIA/EMP, PFR etc. strictly in accordance with Term of Reference granted even if it means recollection of the baseline data in field as the incident has raised question on authenticity of the baseline data itself in both the cases listed here and herein above.

Further, the mining block was examined on the Google Earth Image platform and the mining block was found to be fit for exploitation of the RBM to help channelize the nallah and the Committee opined that since the mining block looks environmentally feasible for mining activity, it could be considered for grant of EC provided the Consultant diligently submits the required documentation as per ToRs. The Consultant pleaded that he be provided an opportunity to submit the requisite documentation within a weeks' time and the case be considered for grant of EC, conditionally.

Recommendations: In view of the above deliberations, the JK Expert Appraisal Committee recommended the case for grant of Environmental Clearance subject to: -

- a. Prior submission of revised EIA, EMP/CER with: -
 - i. a detailed site appreciation note supported with filed photographs as part of the EIA Summary.
 - ii. Compliance of specific TOR condition No.18 by including photographic evidence of baseline data collection in the form of photographs of the display screen of the air quality monitoring station. In case, the consultant had used manual system to evacuate the PM10 level on replacing 8"x10" size filter paper after 8hr duration, the photographs of its timer display which reveals the actual operating time of machine, should be included in the EIA Report. If it has not been done as per ToRs, the consultant should collect the baseline data afresh as per guidelines.
 - iii. photographic evidence of soil sample collection using standard scientific procedures, even if it means recollection of samples in field and its analysis afresh.
 - iv. adequate budget under green belt development, haulage route maintenance, dust suppression, pollution monitoring etc. in commensurate with size of the mining block and the project cost.
 - v. revised CER budget in consonance with the guidelines provided under OM NO. F.No.22-65/2017-IA.III dated 01/05/2018 issued by the MoEF&CC.
- b. Updated version of EIA/EMP /PFR is submitted physically as well as on Parivesh portal before grant of Environmental Clearance.
- c. Prior submission of revised mining plan with mining depth of **1m** and its de-novo approval by the competent authority **before grant of EC or as decided by the JKEIAA**, physically as well as on Parivesh portal at parivesh.nic.in before grant of Environmental Clearance.
- d. Ultimate Mining Depth of **1mt. in aggregate.**
- e. Maximum targeted RBM extraction of **81310Metric Tons till replenishment data is shared by Geology & Mining Dept. in the reformulated/revised District Survey Report approved by competent authority de-novo.**
- f. Prior submission of NOCs from all stake holder departments viz. I&FC dept., Fisheries Dept., and other stake holder departments **in original** as per approved checklist before grant of formal EC, conditions whereof, if any, shall be binding upon the project proponent.
- g. Condition that the geographical coordinates as per LoI are mentioned in the formal EC letter to be issued by JKEIAA.

- h. Condition, that the PP shall describe the system/hardware it intends to install to measure and monitor the quantum of material removed from the mining site vis-a vis the quantity of material approved for mining in the EC.
- i. Standard and Specific conditions as mentioned in **Annexure-B** to these Minutes of Meeting.
- j. Validity of Environmental Clearance for a period 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 in the District Survey Report.

Agenda Item No: 04 Grant of Terms of Reference in favour of M/S Hira Singh S/o Sh. Nirmal Singh R/o Village Murliwala Farm Dhampur Afzalgarh, Bijnor, Uttar Pradesh. hirabarsoo@gmail.com

Proposal No: SIA/JK/MIN/62685/2021

File No: SEAC/JK/20/525

Consultant: **P and M Solutions**

Title of the Case: Grant of Terms of Reference for Minor Mineral Block No. 08 in Bhini River Downstream Kishanpur Road Bridge, District Kathua (Plan-III) Jammu and Kashmir area 8.60 ha.

Deliberations:

The project was represented by Shri Manas Vyas on behalf of the consultant M/S P&M Solutions, Noida. The Project proponent was represented by Shri Mohd Rashid Khan. The consultant gave a detailed PowerPoint Presentation on the project during which he discussed the various aspects of the project including LoI, Mining plan approval, minable reserves at 1m depth, haulage route etc. The Chairman asked the consultant that the project is located in the same locality near Billawar town where recently clarifications were sought from the stake holder departments on impact of mining activity on the availability of drinking water facility in the area besides, other matters following a representation by the local public representatives. The Consultant informed that the area was far away from the site and it had no impact on the area. However, Engineer B.B. Sharma pointed out that two dug wells are located in the villages of Muni and Sari and the EIA report need to specifically study the impact of the mining activity on the water availability in these dug wells. Some Members pointed out that the mining block had been laid across the flow of water instead of along the flow of water which would not help in channelizing the nalla. However, one of the members opined that the width of the bed was quite large to accommodate all this as the mining depth would be restricted at only 1m. The Committee reiterated that the mining depth shall be restricted only at 1m aggregate in view of nonavailability of replenishment data in the District Survey Report. Therefore, the Committee after examining the mining block on the Google Earth platform, desired that NOC and detailed report be obtained from the PHE Department in this regard.

Recommendation: In view of the above deliberations, the Committee recommended grant of Terms of Reference to the project as per **Annexure A** to these minutes subject to: -

1. Condition that the project proponent obtains a detailed report and NOC from the HoDs of PHE Dept. and Irrigation & Flood Control Dept. with respect to impact of mining activity on the availability of drinking water particularly on the dug wells in the vicinity and regulation of water in irrigation canals /kuhls in the villages downstream of the mining block.
2. Realignment of the mining block along the flow of nala to enable channelizing of the nala bed or alternatively resizing of the mining block to exclude the active water channel.
3. Condition, the haulage route does not traverse through the active water channel.
4. Revision of mining plan with calculation of minor mineral production at 1m depth in aggregate in the light of deliberations of the JKEAC and its de-novo approval by the competent authority prior to grant of ToR or as decided by the JKEIAA.
5. Condition, the local public representatives are consulted during the Public Hearing and their views are recorded and addressed in clear terms.

Agenda Item No: 05 Grant of Terms of Reference in favour of M/S Kapil Aggarwal R/o H.No.179 Anandpur Pathankot, Punjab.
kapil.aggarwalec1@gmail.com
 Proposal No: SIA/JK/MIN/63063/2021
 File No: SEAC/JK/20/526
 Consultant: **P and M Solutions**
 Title of the Case: Grant of Terms of Reference for Riverbed Mining Project of Minor Mineral in Block No 1/6, ANS River Downstream Kotranka Bridge (Kotranka Area), District-Rajouri., Area 8.97 Ha.

Deliberations: The project was represented by Shri Manas Vyas on behalf of the consultant M/S P&M Solutions, Noida. The Project proponent was represented by Shri Mohd. Rashid Khan. The consultant gave a detailed PowerPoint Presentation on the project during which he discussed the various aspects of the project including LoI, Mining plan approval, minable reserves at 1m depth, haulage route etc. The Committee examined the mining block on the Google Earth platform and observed features on the satellite image of December, 2020 which are indicative of heavy illegal mining within and in the vicinity of the designated mining block. The Committee also observed a few stone crushers operating in the close vicinity of the mining block whose role in the illegal mining activity cannot be ruled out as the features representing the haulage beaten tracks visible on the Google satellite image are self-explanatory. The Committee asked the representative of the project proponent as to what they are going to mine there as practically nothing has been left there to extract. Therefore, the Committee unanimously agreed to reject the case for grant of ToRs. However, the committee opined that the PP is free to submit adequate scientific evidence post monsoon, that suggests that enough replenishment has taken place and the deep pits have got replenished to the extent that further mining would not degrade the site ecologically.

Recommendation: In view of the above deliberations, the Committee recommended the project for rejection of Terms of Reference. However, the project proponent is free to

submit adequate **geotagged** photographic and video-graphic evidence after the monsoon that suggests adequate replenishment has taken place and the deep pits have got completely filled to qualify the mining block for re-examination for grant of ToRs. In the meantime, the JKEIAA may ask the Geology & Mining Dept. to constitute an interdepartmental Committee to fix responsibility for the illegal mining activity within and in the close vicinity of the designated mining block.

Agenda Item No: 06 To re-examine the proposed EC condition relating to clarification from FCR Office etc. in the case of Sh. Paramjit Singh (Project Proponent) prior to grant of Environment Clearance for three Minor Mineral Blocks appraised during 36th JKEAC Meeting (Total Area of three mining blocks:27.5 ha)

Proposal Nos: **SIA/JK/MIN/52028/2020(8.00ha), SIA/JK/MIN/ 52027/ 2020 (9.65ha), SIA/JK/MIN/51865/2020 (9.85 ha).**

and

To examine the representation filed by Shri Rahul Gupta S/O Balwant Rai R/O Ward No.08, Hiranagar, Dist. Kathua against grant of EC in favour of the above cited projects

Deliberations:

The re-examination of the three mining block cases of Shri Paramjeet Singh recommended under 36th JKEAC meeting were again discussed. The cases were represented by Shri Rahul Kumar on behalf of the Consultancy M/S COGNIZANCE RESEARCH INDIA PVT. LTD. The consultant informed that the Project proponent was being represented by Shri Abhijit Singh. Shri Abijeet was asked to ensure emailing of the authorization letter in his favour from the project proponent for record and reference and he agreed to email the same. Mr. Manas Vyas requested the Committee that he be allowed to stay in as he has good knowledge of the projects because of his past association with the projects to which the Committee agreed for providing inputs whenever asked for.

The Secretary informed the Committee that the projects were cleared by the forum during the 36th JKEAC subject to certain conditions. The pertinent part of the minutes of meeting of 36th JKEAC were shared on the screen and read out. After this, the Secretary shared the representation made by Shri Paramjeet Singh to the JKEIAA wherein he had asked to waive off the condition relating to prior revision of mining plan on the analogy of mining Block, 7, 8 and 9/Udhampur and that of prior clarification from the office of Financial Commissioner, Revenue w.r.t issue of Gair Mumkin Darya/khad. The Committee clarified that it had not given any exemption to mining block 7,8,9/Udhampur and so cannot give any exemption to the cases under review. Regarding the issue of prior clarification from Financial Commissioner, Revenue, Shri Abijeet Singh informed the forum that Shri Paramjeet Singh was holding a special power of attorney from the land owner duly empowered to extract the minor mineral from the land w.r.t which the Dy. Commissioner concerned had repeatedly issued title verification and NOCs which is on

record. He pleaded that the project proponent had not executed any sale deed and was experiencing unnecessary hardships due to such condition which relates to Gair Mumkin Darya/khad where sale deeds have been executed. However, the Committee reiterated that since the project proponent had initially submitted Agreement to Sell documents in his favour from the land owners which is also on record, therefore, the Committee had, with due diligence, imposed a condition to attract attention of the concerned department. Mr. Abijeet Singh, however, pleaded that the issue is unnecessarily delaying the process of issuance of Environmental Clearance as nearly two months have elapsed since the time EC was recommended during 36th JKEAC. He further informed that three other cases relating to small land holdings under the same category of Gair Mumkin Khad had earlier been cleared for grant of EC without reference to the FCR office. The Committee discussed the issue threadbare and opined that the office of Divisional Commissioner concerned must be informed about grant of Environmental Clearance in all cases relating to river bed material extraction from private lands falling under Gairmumkin khad category so that in case any policy decision of FCR Office on the subject is attracted by these, appropriate action could be taken accordingly.

The Committee also discussed the issue of complaint received from one Shri Rahul Gupta S/O Shri Balwant Rai R/O Ward No.08, Hira Nagar, Kathua substantiated with copy of Agreement to Sell documents for land measuring 800 kanals in the same locality who has alleged that the land held by Shri Paramjeet Singh for extraction of river bed material is surrounded by his land and that Shri Paramjeet Singh may trespass his land by using it as haulage route if Environmental Clearance is granted in his favour without identifying the lands on ground. The Committee deliberated the issue threadbare and opined that it would be appropriate to refer the complaint to the concerned competent Revenue Authority for enquiring into the matter and for certifying the haulage route of the three mining blocks of Shri Paramjeet Singh cleared under 36th JKEAC, as free from any encumbrances before grant of Environmental Clearance or formal mining lease.

Recommendations: In view of the above deliberations, the JK Expert Appraisal Committee recommended as under: -

1. With respect to EC condition no. 5 under recommendations of Agenda item No. 1,2 and 3 of 36th JKEAC relating to Clarification / NOC from the office of Financial Commissioner, Revenue with respect to implications of FCR letter No. FC-LS/Misc-288-2020 dated 22/10/2020 on the instant cases, the JKEIAA may alternatively, endorse the EC letter to the Divisional Commissioner, Jammu for information and necessary action, in case the matter attracts any policy decision of FCR office on the subject.
2. The Project Proponent may be asked to comply all other pre-conditions of the recommendations made under the 36th JKEAC before grant of formal EC.
3. The Committee did not agree to exempt the condition No. 4 of the recommendation made under the 36th JKEAC before grant of formal EC as no such exemption has been given earlier in the cases highlighted by Shri Paramjeet Singh.
4. The Complaint received from Shri Rahul Gupta along with its enclosures and land documents (Agreement to Sell and Power of Attorneys) and copies of letter of Intents of the three mining sites of Shri Paramjeet Singh may be

endorsed to the Dy. Commissioner, concerned for prior enquiry and *with request to certify the khasra Nos. and geocoordinates of haulage route of the three mining sites as free from any encumbrances, especially from alleged stakes of Shri Rahul Gupta, the complainant.* Besides, the PP will submit an affidavit duly attested by the magistrate first class to the effect that no land of the complainant is involved in the haulage and transport of the minerals from the designated mining site, prior to grant of formal Environmental Clearance.

5. The ECs issued earlier w.r.t extraction of minor mineral from private land under the Gairmumkin Darya/Khad category, *if any*, may also be endorsed to the Office of Divisional Commissioner concerned for information and necessary action, in case the matter attracts any policy decision of FCR office on the subject.

Lastly, the minutes of the meeting of the 43rd JKEAC were confirmed and the meeting ended with vote of thanks to the Chair and the members.



**(Humayun Rashid)
S E C R E T A R Y
JKUT level Expert Appraisal Committee**

NO:EAC/JK/20/7910-922

Dated:02.07.2021

Copy by email to:

1. The Member Secretary, J&K Environment Impact Assessment Authority (JKEIAA), /PCCF/Director, Ecology, Environment and Remote Sensing, J&K Govt., Jammu for favour kind information and necessary action please.
2. Sh. S. C. Sharma, Chairman, J&K Expert Appraisal Committee, (JKEAC) 331 Shastri Nagar, Jammu-180004 for favour of kind information.
3. Sh. M.ATak, Member, J&K Expert Appraisal COMMITTEE, (JKEAC) 124 Mominabad (Near Jakfed), Anantnag Kashmir,-192101 for favour of kind information.
4. Sh. Braj Bhushan Sharma, Member, J&K Expert Appraisal COMMITTEE, (JKEAC) 278/2 Channi Himmat, Jammu for favour of kind information.
5. Professor Shakeel Ahmad Romshoo, Member, J&K Expert Appraisal Committee, (JKEAC) Department of Earth Sciences Kashmir University Srinagar-190006 for favour of kind information and necessary action please.
6. Sh. Abdul Rashid Makroo, Member, J&K Expert Appraisal COMMITTEE, (JKEAC) H/No. 9 Lane No 11 Sector C, Gulshan Nagar Nowgam Bypass, Srinagar-190019 for favour of kind information please.
7. Professor Arvind Jasrotia Member, J&K Expert Appraisal COMMITTEE, (JKEAC) 33/D Sainik Colony Jammu-180011 for favour of kind information please.

8. Dr. Ghulam Mohammad Dar, Member, J&K Expert Appraisal COMMITTEE, (JKEAC) Main Campus IMPA&RD, M.A Road, Srinagar-190001 for favour of kind information please.
9. Sh. Irfan Yasin, Member, J&K Expert Appraisal COMMITTEE, (JKEAC) Bagh-e-Hyderpora, Bypass, Srinagar for favour of kind information please.
10. Professor Anil Kumar Raina, Member, J&K Expert Appraisal COMMITTEE, (JKEAC) Department of Environmental Science University of Jammu, Jammu-180006 for favour of kind information please.
11. Professor M. A. Khan, Member, J&K Expert Appraisal COMMITTEE, (JKEAC) Khan House, A-27 Milatabad, Peerbagh "B" Srinagar for favour of kind information please.
12. Dr. Falendra Kumar Sudan, Member, J&K Expert Appraisal COMMITTEE, (JKEAC) Professor Department of Economics University of Jammu, Jammu for favour of kind information please.
13. Sh. Sheikh Sajid, PA for information and with direction to upload the minutes on the environmental clearance portal at parivesh.nic.in.
14. Concerned File.

Annexure-A

GENERAL TERMS OF REFERENCE FOR PREPARATION OF EIA/EMP WITH RESPECT TO RIVER BED MINING PROJECT

STANDARD TERMS OF REFERENCE

- 1) Year-wise production details should be given, clearly stating the highest production achieved in any one year.
- 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 plan, 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 Committee's.

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 alongwith 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 mining area measurements, (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. To submit a detailed site **appreciation note** supported with a video and photographs, describing in detail the physical features of the mining site and structures viz. bridges, canal headworks, Zamindari Khuls if any existing within a reach of 500mts. from the downstream and the upstream ends of the mining block. The appreciation note will also describe the environmental settings i.e. agricultural lands if any located on the two banks, green patches in close vicinity of the mining block. The site appreciation note shall form an integral part of the EIA report as per decision of JKEIAA taken in its 38th Meeting.
2. Before conducting Public Hearing, the G&M Dept. shall temporarily mark the boundaries of the mining block in consultation with the concerned Revenue Authority and the JKPCB so that locals know during the public Hearing where the mining block is located on ground as per decision of JKEIAA taken in its 38th Meeting.
3. A comprehensive chapter be included in the EIA report on Cost Benefit Analysis of the mining activity in the mining block underlining the environmental and social costs.
4. Impact of mining activity on adjacent agricultural land with particular reference to run off, soil erosion and top-soil loss due to change in topography.
5. Details of Gradient of riverbed and 3-D view draped on the satellite image

6. Details of excavation schedule & sequential mining plan with a maximum mine depth of 1 mtr.
7. 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.
8. Impact on mining activity on the existing land use in the study area.
9. Impact of mining on aquatic life.
10. NOCs from HoD/competent authority of Irrigation and Flood Control Dept. and Fisheries Dept. OR as specifically asked for in minutes of meeting should be obtained and submitted while applying for EC.
11. The quantification of river bed material be based on excavation only upto a **maximum depth of 1 m** in the riverbed or 1 m above water table whichever comes first to safeguard ecological conditions in view of non-availability of replenishment data in DSR.
12. A digitalised surface plan showing coordinates, physical measurements, river gradient and inter-cross sections at different intervals should be a mandatory part of mining plan
13. 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.
14. The Photography and videography of the mining block shall be part of the Terms of Reference.
15. The maps shall be submitted on a scale of 1: 3000 and 1: 1500 within 10 kms. Radius
16. The shortest extraction route leading to the main road but with minimum interference with human settlements should be identified and described in detail. This along with the map and its KML file be part of an exclusive chapter in the EMP with adequate budget.
17. Dust suppression measures should be prescribed in the EIA/EMP with adequate budget
18. Post project monitoring plan should be included in the study.
19. Occupational health impacts should be assessed and plan for implementation of COVID-19 SOPs in the mining activity should be detailed.
20. 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.
21. 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.
22. The impact of mining activity on the neighbouring villages needs to be studied and extraction road need to be such that it has least crossing through village settlements.
23. Mining shall be proposed manually minimally supported by semi-mechanized methods excluding heavy machinery like JBC or L&T hydraulic excavators etc.
24. The prescribed TORs would be valid for a period of four years for submission of the EIA/EMP reports, as per the S.O. No. 751(E) dated 17th of Feb., 2020.

ANNEXURE-B

STANDARD AND SPECIFIC CONDITIONS FOR GRANT OF ENVIRONMENTAL CLEARANCE WITH RESPECT TO RIVER BED MINING PROJECTS ON LEASE BASIS

STANDARD CONDITIONS:-

a) Statutory compliance

- i) This Environmental Clearance (EC) is subject to orders/ judgment of Hon'ble Supreme Court of India, Hon'ble High Court of J&K, Hon'ble NGT and any other Court of competent jurisdiction, **as may be applicable.**
- ii) The Project Proponent complies with all the statutory requirements and judgement of Hon'ble Supreme Court dated 2nd August,2017 in Writ Petition (Civil) No. 114 of 2014 in matter of Common Cause versus Union of India &Ors before commencing the mining operations.
- iii) The UT Government of J&K shall ensure that mining operation shall not be commenced till the entire compensation levied, if any, for illegal mining paid by the Project Proponent through their respective Department of Mining & Geology in strict compliance of Judgement of Hon'ble Supreme Court dated 2nd August, 2017 in Writ Petition (Civil) No. 114 of 2014 in matter of Common Cause versus Union of India &Ors.
- iv) This Environmental Clearance shall become operational only after receiving formal NBWL Clearance from MoEF&CC subsequent to the recommendations of the Standing COMMITTEE of National Board for Wildlife, **if applicable to the Project.**
- v) This Environmental Clearance shall become operational only after receiving formal Forest Clearance (FC) under the provision of Forest Conservation Act, 1980, **if applicable to the Project.**
- vi) Project Proponent (PP) shall obtain Consent to Operate after grant of EC and effectively implement all the conditions stipulated therein. The mining activity shall not commence prior to obtaining Consent to Establish / Consent to Operate from the concerned State Pollution Control Board/COMMITTEE.
- vii) The PP shall adhere to the provision of the Mines Act, 1952, Mines and Mineral (Development & Regulation), Act, 2015 and rules & regulations made there under. PP shall adhere to various circulars issued by Directorate General Mines Safety (DGMS) and Indian Bureau of Mines from time to time.
- viii) The Project Proponent shall obtain consents from all the concerned land owners, before start of mining operations, as per the provisions of MMDR Act, 1957 and rules made there under in respect of lands which are not owned by it.
- ix) The Project Proponent shall follow the mitigation measures provided in MoEFCC's Office Memorandum No. Z-11013/57/2014-IAJI (M), dated 29th October, 2014, titled "Impact of mining activities on Habitations-Issues related to the mining Projects wherein Habitations and villages are the part of mine lease areas or Habitations and villages are surrounded by the mine lease area".
- x) The Project Proponent shall obtain necessary prior permission of the competent authorities for drawl of requisite quantity of surface water and from CGWA for withdrawal of ground water for the project.

- xi) A copy of EC letter will be marked to concerned Panchayat / local NGO etc. if any, from whom suggestion / representation has been received while processing the proposal.
- xii) State Pollution Control Board/COMMITTEE shall be responsible for display of this EC letter at its Regional office, District Industries Centre and Collector's office/ Tehsildar's Office for 30 days.
- xiii) The Project Authorities should widely advertise about the grant of this EC letter by printing the same in at least two local newspapers, one of which shall be in vernacular language of the concerned area.
- xiv) The advertisement shall be done within 7 days of the issue of the clearance letter mentioning that the instant project has been accorded EC and copy of the EC letter is available with the State Pollution Control Board/COMMITTEE and web site of the Ministry of Environment, Forest and Climate Change (www.environmentclearance.nic.in). A copy of the advertisement may be forwarded to the concerned MoEFCC Regional Office for compliance and record.
- xv) The Project Proponent shall inform the MoEF&CC for any change in ownership of the mining lease. In case there is any change in ownership or mining lease is transferred than mining operation shall only be carried out after transfer of EC as per provisions of the para 11 of EIA Notification, 2006 as amended from time to time.

b) Air quality monitoring and preservation

- (1) The Project Proponent shall install a minimum of 3 (three) online Ambient Air Quality Monitoring Stations with 1 (one) in upwind and 2 (two) in downwind direction based on long term climatological data about wind direction such that an angle of 120° is made between the monitoring locations to monitor critical parameters, relevant for mining operations, of air pollution viz. PM10, PM 2.5, NO₂; CO and SO₂ etc. as per the methodology mentioned in NAAQS Notification No. B-29016/20/90/PC/I, dated 18.11.2009 covering the aspects of transportation and use of heavy machinery in the impact zone. The ambient air quality shall also be monitored at prominent places like office building, canteen etc. as per the site condition to ascertain the exposure characteristics at specific places. The above data shall be digitally displayed within 03 months in front of the main Gate of the mine site.
- (2) Effective safeguard measures for prevention of dust generation and subsequent suppression (like regular water sprinkling, metalled road construction etc.) shall be carried out in areas prone to air pollution wherein high levels of PM10 and PM2.5 are evident such as haul road, loading and unloading point and transfer points. The Fugitive dust emissions from all sources shall be regularly controlled by installation of required equipment's/ machineries and preventive maintenance: Use of suitable water-soluble chemical dust suppressing agents may be explored for better effectiveness of dust control system. It shall be ensured that air pollution level conform to the standards prescribed by the MoEFCC/ Central Pollution Control Board.

c) Water quality monitoring and preservation

- (1) In case, immediate mining scheme envisages intersection of ground water table, then Environmental Clearance shall become operational only after receiving formal

clearance from CGWA. In case, mining operation involves intersection of ground water table at a later stage, then PP shall ensure that prior approval from CGWA and MoEFCC is in place before such mining operations. The permission for intersection of ground water table shall essentially be based on detailed hydro-geological study of the area.

- (2) Regular monitoring of the flow rate of the springs and perennial nallahs flowing in and around the mine lease shall be carried out and records maintain. The natural water bodies and or streams which are flowing in an around the village, should not be disturbed. The Water Table should be nurtured so as not to go down below the pre-mining period. In case of any water scarcity in the area, the Project Proponent has to provide water to the villagers for their use. A provision for regular monitoring of water table in open dug wall located in village should be incorporated to ascertain the impact of mining over ground water table. The Report on changes in Ground water level and quality shall be submitted on six-monthly basis to the Regional Office of the Ministry, CGWA and State Groundwater Department / State Pollution Control Board.
- (3) Project Proponent shall regularly monitor and maintain records w.r.t. ground water level and quality in and around the mine lease by establishing a network of existing wells as well as new piezo-meter installations during the mining operation in consultation with Central Ground Water Authority/ State Ground Water Department. The Report on changes in Ground water level and quality shall be submitted on six-monthly basis to the Regional Office of the Ministry, CGWA and State Groundwater Department / State Pollution Control Board.
- (4) The Project Proponent shall undertake regular monitoring of natural water course/ water resources/ springs and perennial nallahs existing/ flowing in and around the mine lease and maintain its records. The Project Proponent shall undertake regular monitoring of water quality upstream and downstream of water bodies passing within and nearby/ adjacent to the mine lease and maintain its records. Sufficient number of gullies shall be provided at appropriate places within the lease for management of water. PP shall carryout regular monitoring w.r.t. pH and included the same in monitoring plan. The parameters to be monitored shall include their water quality vis-à-vis suitability for usage as per CPCB criteria and flow rate. It shall be ensured that no obstruction and/ or alteration be made to water bodies during mining operations without justification and prior approval of MoEFCC. The monitoring of water courses/ bodies existing in lease area shall be carried out four times in a year viz. pre- monsoon (April-May), monsoon (August), post-monsoon (November) and winter (January) and the record of monitored data may be sent regularly to Ministry of Environment, Forest and Climate Change and its Regional Office, Central Ground Water Authority and Regional Director, Central Ground Water Board, State Pollution Control Board and Central Pollution Control Board. Clearly showing the trend analysis on six-monthly basis.
- (5) Quality of polluted water generated from mining operations which include Chemical Oxygen Demand (COD) in mines run-off; acid mine drainage and metal contamination in runoff shall be monitored along with Total Suspended Solids (TDS), Dissolved Oxygen (DO), pH and Total Suspended Solids (TSS). The monitored data shall be uploaded on the website of the company as well as displayed at the project site in public domain, on a display board, at a suitable location near the main gate of the Company. The circular No. J- 20012/1/2006-IAJI

(M) dated 27.05.2009 issued by Ministry of Environment, Forest and Climate Change may also be referred in this regard.

- (6) Project Proponent shall plan, develop and implement rainwater harvesting measures on long term basis to augment ground water resources in the area consultation with Central Ground Water Board/ State Groundwater Department. A report on amount of water recharged needs to be submitted to Regional Office MoEFCC annually.
- (7) Industrial waste water (workshop and waste water from the mine) should be properly collected and treated so as to conform to the notified standards prescribed from time to time. The standards shall be prescribed through Consent to Operate (CTO) issued by concerned State Pollution Control Board (SPCB). The workshop effluent shall be treated after its initial passage through Oil and grease trap.
- (8) The water balance/water auditing shall be carried out and measure for reducing the consumption of water shall be taken up and reported to the Regional Office of the MoEF&CC and State Pollution Control Board/COMMITTEE.

d) Noise and vibration monitoring and prevention

- (1) The peak particle velocity at 500m distance or within the nearest habitation, whichever is closer shall be monitored periodically as per applicable DGMS guidelines.
- (2) The illumination and sound at night at project sites disturb the villages in respect of both human and animal population. Consequent sleeping disorders and stress may affect the health in the villages located close to mining operations. Habitations have a right for darkness and minimal noise levels at night. PPs must ensure that the biological clock of the villages is not disturbed; by orienting the floodlights/ masks away from the villagers and keeping the noise levels well within the prescribed limits for day /night hours.
- (3) The Project Proponent shall take measures for control of noise levels below 85 dBA in the work environment. The workers engaged in operations of HEMM, etc. should be provided with ear plugs /muffs. All personnel including laborers working in dusty areas shall be provided with protective respiratory devices along with adequate training, awareness and information on safety and health aspects. The PP shall be held responsible in case it has been found that workers/ personals/ laborers are working without personal protective equipment.

e) Mining plan

- (1) The Project Proponent shall adhere to the working parameters of mining plan which was submitted at the time of EC appraisal wherein year-wise plan was mentioned for total excavation **subject to changes recommended in the specific conditions herein below**. No change in basic mining proposal like mining technology, total excavation, mineral & waste production, lease area and scope of working (viz. method of mining, overburden & dump management , O.B & dump mining, mineral transportation mode, ultimate depth of mining etc.) shall be carried out without prior approval of the Ministry of Environment, Forest and Climate Change, which entail adverse environmental impacts, even if it is a part of approved mining plan modified after grant of EC or granted by State Govt. in the form to Short Term Permit (STP), Query license or any other name.

- (2) The Project Proponent shall get the Final Mine Closure Plan along with Financial Assurance approved from Indian Bureau of Mines/Department of Mining & Geology as required under the Provision of the MMDR Act, 1957 and Rules/ Guidelines made there under. A copy of approved final mine closure plan shall be submitted within 2 months of the approval of the same from the competent authority to the concerned Regional Office of the Ministry of Environment, Forest and Climate Change for record and verification.
- (3) The land-use of the mine lease area at various stages of mining scheme as well as at the end-of-life shall be governed as per the approved Mining Plan. The excavation vis-à-vis backfilling in the mine lease area and corresponding afforestation to be raised in the reclaimed area shall be governed as per approved mining plan. PP shall ensure the monitoring and management of rehabilitated areas until the vegetation becomes self-sustaining. The compliance status shall be submitted half-yearly to the MoEFCC and its concerned Regional Office.

f) Land reclamation

- (1) The Overburden (O.B.) generated during the mining operations shall be stacked at earmarked OB dump site(s) only and it should not be kept active for a long period of time. The physical parameters of the OB dumps like height, width and angle of slope shall be governed as per the approved Mining Plan as per the guidelines/circulars issued by D.G.M.S w.r.t. safety in mining operations shall be strictly adhered to maintain the stability of top soil/OB dumps. The topsoil shall be used for land reclamation and plantation.
- (2) The reject/waste generated during the mining operations shall be stacked at earmarked waste dump site(s) only. The physical parameters of the waste dumps like height, width and angle of slope shall be governed as per the approved Mining Plan as per the guidelines/circulars issued by DGMS w.r.t. safety in mining operations shall be strictly adhered to maintain the stability of waste dumps.
- (3) The reclamation of waste dump sites shall be done in scientific manner as per the Approved Mining Plan cum Progressive Mine Closure Plan. iv. The slope of dumps shall be vegetated in scientific manner with suitable native species to maintain the slope stability, prevent erosion and surface run off. The selection of local species regulates local climatic parameters and help in adaptation of plant species to the microclimate. The gullies formed on slopes should be adequately taken care of as it impacts the overall stability of dumps. The dump mass should be consolidated with the help of dozer/ compactors thereby ensuring proper filling/ levelling of dump mass. In critical areas, use of geo textiles/ geo-membranes / clay liners / Bentonite etc. shall be undertaken for stabilization of the dump.
- (4) The Project Proponent shall carry out slope stability study in case the dump height is more than 30 meters. The slope stability report shall be submitted to concerned regional office of MoEF&CC.
- (5) Catch drains, settling tanks and ponds of appropriate size shall be constructed around the mine working, mineral yards and Top Soil/OB/Waste dumps to prevent run off of water and flow of sediments directly into the water bodies (Nallah/ River/ Pond etc.). The collected water should be utilized for watering the mine area, roads, green belt development, plantation etc. The drains/ sedimentation sumps etc. shall be de-silted regularly, particularly after monsoon season, and maintain properly.

- (6) Check dams of appropriate size, gradient and length shall be constructed around mine pit and OB dumps to prevent storm run-off and sediment flow into adjoining water bodies. A safety margin of 50% shall be kept for designing of sump structures over and above peak rainfall (based on 50 years data) and maximum discharge in the mine and its adjoining area which shall also help in providing adequate retention time period thereby allowing proper settling of sediments/ silt material. The sedimentation pits/ sumps shall be constructed at the corners of the garland drains,
- (7) The top soil, if any, shall temporarily be stored at earmarked site(s) within the mine lease only and should not be kept unutilized for long. The physical parameters of the top soil dumps like height, width and angle of slope shall be governed as per the approved Mining Plan and as per the guidelines framed by DGMS w.r.t. safety in mining operations shall be strictly adhered to maintain the stability of dumps. The topsoil shall be used for land reclamation and plantation purpose.

g) Transportation

- (1) No Transportation of the minerals shall be allowed in case of roads passing through villages/ habitations. *(In such cases, PP shall construct a 'bypass' road for the purpose of transportation of the minerals leaving an adequate gap (say at least 200 meters) so that the adverse impact of sound and dust along with chances of accidents could be mitigated.)* All costs resulting from widening and strengthening of existing public road network shall be borne by the PP in consultation with nodal State Govt. Department. Transportation of minerals through road movement in case of existing village/ rural roads shall be allowed in consultation with nodal State Govt. Department only after required strengthening such that the carrying capacity of roads is increased to handle the traffic load. The pollution due to transportation load on the environment will be effectively controlled and water sprinkling will also be done regularly. Vehicular emissions shall be kept under control and regularly monitored. Project should obtain Pollution Under Control (PUC) certificate for all the vehicles from authorized pollution testing centers.
- (2) The Main haulage road within the mine lease should be provided with a permanent water sprinkling arrangement for dust suppression. Other roads within the mine lease should be wetted regularly with tanker-mounted water sprinkling system. The other areas of dust generation like crushing zone, material transfer points, material yards etc. should invariably be provided with dust suppression arrangements. The air pollution control equipment's like bag filters, vacuum suction hoods, dry fogging system etc. shall be installed at Crushers, belt-conveyors and other areas prone to air pollution. The belt conveyor should be fully covered to avoid generation of dust while transportation. PP shall take necessary measures to avoid generation of fugitive dust emissions.

h) Green Belt

- (1) The Project Proponent shall develop greenbelt in 7.5m wide safety zone all along the mine lease boundary as per the guidelines of CPCB in order to arrest pollution emanating from mining operations within the lease. The whole Green belt shall be developed within first 5 years starting from windward side of the active mining

area. The development of greenbelt shall be governed as per the EC granted by the Ministry irrespective of the stipulation made in approved mine plan.

- (2) The Project Proponent shall carryout plantation/ afforestation in backfilled and reclaimed area of mining lease, around water body, along the roadsides, in community areas etc. by planting the native species in consultation with the State Forest Department/ Agriculture Department/ Rural development department/ Tribal Welfare Department/ Gram Panchayat such that only those species be selected which are of use to the local people. The CPCB guidelines in this respect shall also be adhered. The density of the trees should be around 2500 saplings per Hectare. Adequate budgetary provision shall be made for protection and care of trees.
- (3) The Project Proponent shall make necessary alternative arrangements for livestock feed by developing grazing land with a view to compensate those areas which are coming within the mine lease. The development of such grazing land shall be done in consultation with the State Government. In this regard, Project Proponent should essentially implement the directions of the Hon'ble Supreme Court with regard to acquisition of grazing land. The sparse trees on such grazing ground, which provide mid-day shelter from the scorching sun, should be scrupulously guarded/ protected against felling and plantation of such trees should be promoted.
- (4) The Project Proponent shall undertake all precautionary measures for conservation and protection of endangered flora and fauna and Schedule-I species during mining operation. A Wildlife Conservation Plan shall be prepared for the same clearly delineating action to be taken for conservation of flora and fauna. The Plan shall be approved by Chief Wild Life Warden of the State Govt.
- (5) And implemented in consultation with the State Forest and Wildlife Department. A copy of Wildlife Conservation Plan and its implementation status (annual) shall be submitted to the Regional Office of the Ministry.

i) Public hearing and human health issues

- (1) The Project Proponent shall appoint an Occupational Health Specialist for Regular as well as Periodical medical examination of the workers engaged in the mining activities, as per the DGMS guidelines. The records shall be maintain properly. PP shall also carryout Occupational health check-ups in respect of workers which are having ailments like BP, diabetes, habitual smoking, etc. The check-ups shall be undertaken once in six months and necessary remedial/ preventive measures be taken. A status report on the same may be sent to MoEFCC Regional Office and DGMS on half-yearly basis.
- (2) The Project Proponent must demonstrate commitment to work towards 'Zero Harm' from their mining activities and carry out Health Risk Assessment (HRA) for identification workplace hazards and assess their potential risks to health and determine appropriate control measures to protect the health and wellbeing of workers and nearby community. The proponent shall maintain accurate and systematic records of the HRA. The HRA for neighbourhood has to focus on Public Health Problems like Malaria, Tuberculosis, HIV, Anaemia, Diarrhoea in children under five, respiratory infections due to bio mass cooking. The proponent shall also create awareness and educate the nearby community and workers for Sanitation, Personal Hygiene, Hand washing, not to defecate in open, Women Health and

Hygiene (Providing Sanitary Napkins), hazard of tobacco and alcohol use. The Proponent shall carryout base line HRA for all the category of workers and thereafter every five years.

- (3) The Proponent shall carry out Occupational health surveillance which be a part of HRA and include Biological Monitoring where practical and feasible, and the tests and investigations relevant to the exposure (e.g. for Dust a X-Ray chest; For Noise Audiometric; for Lead Exposure Blood Lead, For Welders Full Ophthalmologic Assessment; for Manganese Miners a complete Neurological Assessment by a Certified Neurologist, and Manganese (Mn) Estimation in Blood; For Inorganic Chromium Fortnightly skin inspection of hands and forearms by a responsible person. Except routine tests all tests would be carried out in a Lab accredited by NABH. Records of Health Surveillance must be kept for 30 years, including the results of and the records of Physical examination and tests. The record of exposure due to materials like Asbestos, Hard Rock Mining, Silica, Gold, Kaolin, Aluminium, Iron, Manganese, Chromium, Lead, Uranium need to be handed over to the Mining Department of the State in case the life of the mine is less than 30 years. It would be obligatory for the State Mines Departments to make arrangements for the safe and secure storage of the records including X-Ray. Only conventional X-Ray will be accepted for record purposes and not the digital one). X-Ray must meet ILO criteria (17 x14 inches and of good quality).
- (4) The Proponent shall maintain a record of performance indicators for workers which includes
 - a. there should not be a significant decline in their Body Mass Index and it should stay between 18.5 -24.9,
 - b. the Final Chest X-Ray compared with the base line X-Ray should not show any capacities,
 - c. At the end of their leaving job there should be no Diminution in their Lung Functions Forced Expiratory Volume in one second (FEV1) Forced Vital Capacity (FVC), and the ratio) unless they are smokers which has to be adjusted, and the effect of age,
 - d. their hearing should not be affected. As a proof an Audiogram (first and last need to be presented),
 - e. they should not have developed any Persistent Back Pain, Neck Pain, and the movement of their Hip, Knee and other joints should have normal range of movement,
 - f. they should not have suffered loss of any body part. The record of the same should be submitted to the Regional Office, MoEFCC annually along with details of the relief and compensation paid to workers having above indications.
- (5) The Project Proponent shall ensure that Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects.
- (6) Project Proponent shall make provision for the housing for workers/labors or shall construct labour camps within/outside (company owned land) with necessary basic infrastructure/ facilities like fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche for kids etc. The housing may be provided in the form of temporary structures which can be removed after the

completion of the project related infrastructure. The domestic waste water should be treated with STP in order to avoid contamination of underground water.

- (7) The activities proposed in Action plan prepared for addressing the issues raised during the Public Hearing, if applicable, shall be completed as per the budgetary provisions mentioned in the Action Plan and within the stipulated time frame. The Status Report on implementation of Action Plan shall be submitted to the concerned Regional Office of the Ministry along with District Administration.

j) Corporate Environment Responsibility (CER)

- (1) The activities and budget earmarked for Corporate Environmental Responsibility (CER) as per Ministry's O.M No 22-65/2017-IA. III dated 30/09/2020 or as proposed by EAC should be kept in a separate bank account. The activities proposed for CER shall be implemented in a time bound manner and annual report of implementation of the same along with documentary proof viz. photographs, purchase documents, latitude & longitude of infrastructure developed & road constructed needs to be submitted to Regional Office MoEF&CC annually along with audited statement.
- (2) Project Proponent shall keep the funds earmarked for environmental protection measures in a separate account and refrain from diverting the same for other purposes. The Year wise expenditure of such funds should be reported to the MoEFCC and its concerned Regional Office.

k) Miscellaneous

- (1) The Project Proponent shall prepare digital map (land use & land cover) of the entire lease area and KML file for recording the base line data and closure time data (after three years) and submit a report to concerned Regional Office of the MoEFCC.
- (2) The Project Authorities should inform to the Regional Office regarding date of financial closures and final approval of the project by the concerned authorities and the date of start of land development work.
- (3) The Project Proponent shall submit six monthly compliance reports on the status of the implementation of the stipulated environmental safeguards to the MOEFCC & its concerned Regional Office, Central Pollution Control Board and State Pollution Control Board.
- (4) A separate 'Environmental Management Cell' with suitable qualified manpower should be set-up under the control of a Senior Executive. The Senior Executive shall directly report to Head of the Organization. Adequate number of qualified Environmental Scientists and Mining Engineers shall be appointed and submit a report to RO, MoEFCC.
- (5) The concerned Regional Office of the MoEFCC shall randomly monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the MoEFCC officer(s) by furnishing the requisite data / information / monitoring reports.

SPECIFIC CONDITIONS: -

1	The Project Proponent must obtain NOCs from competent authority of all the concerned stake holder departments /Joint Inspection Report prior to grant of formal Environmental Clearance. The EC shall be subject to compliance of conditions of the NOCs issued by the stake holder departments.
2	The cremation ground if any in the vicinity be properly demarcated and left undisturbed and its map showing geographical coordinates be submitted to JKEIAA before issuance of formal EC. Besides, map showing extraction route bypassing village settlements and agricultural/horticultural land as far as possible be submitted to the JKEIAA before formal grant of EC.
3	The maximum exploitation of the RBM from the mining block shall be as per approved mining plan or <u>as per revised mining plan to be approved by competent authority denovo</u> within the prescribed area and depth recommended by the JK Expert Appraisal Committee, as the case may be and <u>whichever is less</u> . Mining depth mentioned above the recommended depth by JKEAC, if mentioned anywhere in any of the submitted documents whether by mistake or otherwise, shall be treated as omitted.
4	A green belt shall be developed under close supervision of the local panchayat.
5	The river bed material shall be sold to the local population within radial distance of 2 kms from the mine site for residential construction purpose at 50% concessional rates.
6	The formal lease shall be granted only after the Project Proponent deposits the funds earmarked under EMP / CER in a separate account to be opened for the purpose and funds be utilized in coordination with DFO, Social Forestry Dept. and concerned Chief Medical Officer (CMO) under supervision of local Panchayat Head. The funds earmarked for CSR shall also be utilized in accordance with CSR Policy Rules.
7	All the provisions of Minor Mineral Rules sanctioned under SRO105 with all amendments with respect to pertinent provisions of the legal framework relating to progressive mine closure shall be complied by the Project Proponent.
8	This Environmental Clearance is subject to final outcome of any litigation pending before Hon'ble Supreme Court of India, Hon'ble High Court of Jammu & Kashmir, Hon'ble NGT, or any other Court of Law, if any, as may be applicable to this project.
9	This Environmental Clearance is without prejudice to the standing instructions /orders from the competent authorities in the MoEF&CC, GoI and the UT of J&K w.r.t river bed mining activity.
10	An inspection Committee comprising of Additional Dy. Commissioner, District Mineral Officer, representative of Pollution Control Board, Executive Engineer

	Irrigation & Flood Control Dept. and District Fisheries Officer shall monitor the implementation of the EMP and also certify at the end of each monsoon, that sufficient replenishment of the minor mineral has taken place during monsoon and further mining in the mining block shall not adversely affect the hydrological and ecological settings in the area.
11	The Project Proponent shall take all precautionary measures during mining operations for conservation and protection of endangered fauna and flora in the area.
12	Masks and PPE shall be provided to the workers in view of COVID-19.
13	Social distancing norms and other standard operating procedures relating to COVID-19 shall be followed during mining activity.
14	The plan worked out and expenditure made under Occupational Health should be undertaken in consultation with the Local Health Institution/PHC/Sub-Centre for utilization for the health and welfare of the local workers involved in mining activity and villagers living in the close vicinity. Regular Medical checkups and free medicines shall be provided under the fund.
15	The Project Proponent must ensure that the biological clock of the villagers in the vicinity of the project is not disturbed by any unauthorized night operations and all measures must be taken for keeping the noise levels within prescribed levels.
16	Provision shall be kept for housing of the labour force, toilets, facilities for cooking, safe water, health care, crèche etc. for the labour force.
17	A final Mine closure Plan along with details of Corpus fund shall be communicated to the MoEF&CC in advance for approval.
18	The top soil in case of surface land mining shall be temporarily stored at the designated / appropriate site and concurrently used for land reclamation.
19	The mining operations shall be undertaken in a systematic manner so that it does not damage the aesthetic view of the area.
20	Adequate steps should be taken to check soil erosion and engineering structures shall be raised wherever required. The mining shall be restricted to 3/4th of the width of the river/riverlet or 7.5 m(inward) from river bank but upto 10% of the width of the river. While calculating targeted mineral production and while formulating the mining plan, the project proponent shall ensure that the area for removal of minerals shall not exceed 60% of the mine lease area, and any deviation or relaxation in this regard shall be adequately supported by the scientific report in accordance with Sand Mining Monitoring & Enforcement Guidelines of 2020.

21	The compliance report shall be submitted to the Regional Office of the MoEF&CC at Chandigarh with a copy to the Regulatory Authority.
22	The mining activity should in no case go beyond the area as mentioned in the Letter of Intent and a buffer area is maintained such that the slopes of adjoining area does not get disturbed.
23	All the provisions made and restrictions imposed as covered in the Minor Mineral Rules, shall be complied with, particularly regarding Environment Management Practices and its fund management.
24	The recommendations made in the District Survey Report on sustainable mining practices if any shall be complied.
25	The mining shall be done in bench form with maximum bench height within the mining depth as prescribed by the Expert Appraisal Committee
26	Mining should be initiated only after installation of signboards with demarcation pillars indicating the geo-coordinates of the plot as mentioned in the letter of intent, measurements (length /breadth) and should be laid in presence of the authorized official of the Geology & Mining Department. All vertices /corners of the mining block must be marked with concrete pillars of size 0.5mtx0.5mt x2.5mts (2.5 mts. is the depth below the NSL).The demarcation pillars site should mention the specific EC conditions and contact details of concerned authorities responsible for monitoring of compliance of EC conditions/district administration/Police at four corners of the mining block prominently on a large size durable display board for enabling the public to inform the authorities in case of violation of the EC conditions. The display board with details shall be maintained in perfect order throughout the period of lease/mining.
27	There should be no change in the method of excavation and quantity of minerals to be extracted.
28	The EC holder shall keep a correct account of quantity of mineral mined out, dispatched from the mine, mode of transport, registration number of vehicle, person in-charge of vehicle and mine plan. This should be produced before officers concerned for inspection.
29	The access to mining site should be controlled in a way that vehicles carrying mineral from that area are tracked and accounted for in accordance with standing guidelines issued by the Govt.
30	The Geology & Mining Department should use technology like Bar Coding, Information and Communications Technology (ICT), Web based and ICT enabled

	services, mobile SMS App etc. to account for weight of mineral being taken out of the plot and the number of trucks moving out with the mineral.
31	The PP should ensure no agriculture land in the area is used for any storage of sand or gets damaged due to any other transportation activity. Where ever, damages to agricultural land, assets or human or bovine life by way of plying of trollies and tippers etc. involved in transportation of minor mineral is reported, the Project Proponent shall pay adequate compensation with penalty to the effected persons as to be fixed up by the competent authority.
32	Waste generated will be collected on regular basis and will be disposed as per the Municipal Solid Waste Management (Management & Handling) Rule 2000 and its subsequent amendments.
33	Spring sources should not be affected due to mining activities. Necessary Protection measures are to be incorporated.
34	The mineral transportation shall be carried out through covered trucks only and the vehicles carrying the mineral shall not be overloaded.
35	Overloading of trucks and trolleys will be avoided.
36	All the instructions from authorities representing various government departments having stakes shall be complied with during the mining operations.
37	Haul road will be kept wide, compact and water spraying will be done. It shall be properly maintain by the PP and restored to original position after mining. Axel load on the roads should not exceed the prescribed load as per IRC
38	Restricted working hours. Mining operation has to be carried out between 6 am to 7 pm. during day light. Mining operations shall not be allowed at night.
39	No overhangs shall be allowed to be formed due to mining and mining shall not be allowed in area where subsidence of rocks is likely to occur due to steep angle of slope. Mining activity shall not be avoided in rainy season
40	Vehicles used for transportation of material are to be permitted only with fitness and PUC Certificates.
41	There shall be no extraction of stone / boulder in landslide prone areas.
42	Adequate facility for drinking water and toilets should be provided for the workers.
43	There should be controlled clearance of overground vegetation to be undertaken.

44	Transport of mineral will not be done through villages / habitations and any private productive or waste land.
45	Deep drilled handpump with sufficient funding provision should be earmarked for providing drinking facility to the labour force.
46	Recommendations of National Institute for Labour for ensuring good occupational environment for mine workers would also be adopted.
47	The PP shall be responsible for enforcement of COVID-19 standard operating procedures and guidelines with respect to safety of workers involved in the mining activity.
48	Project Proponent shall ensure that the road may not be damaged due to transportation of the mineral and transport of minerals will be as per IRC relevant guidelines if any in this regard.
49	Health and safety of workers should be taken care of. They should also be provided training in safety and health care aspects.
50	Junction at takeoff point of approach road with main road be properly developed with proper width and geometry required for safe movement of traffic by concession holder at his own cost.
51	No stacking shall be allowed on road side along National Highway or any public road.
52	Concealing of any information/data of submission of wrong/fabricated information by the Project Proponent and failure to comply with any of the above conditions may lead to withdrawal of the EC and attract action under the provisions of EP Act, 1986.
53	Mining shall be done manually minimally supported by semi-mechanized methods. Heavy machinery like JCBs, L&T hydraulic excavators etc. should not be allowed. Emphasis should be given to employment of locally available labour force to address the socio-economic concerns of the locals.
54	The progressive mine closure shall be as per Rules in vogue. All actions relating to progressive mine closure shall be taken well in advance during the final year of mining so that the site is rehabilitated ecologically.
55	The reasonable concerns expressed by the local population during public hearing or otherwise shall be addressed by the Project Proponent. No blasting operations shall be allowed.
56	No mining activity shall be carried out in flowing water channel area within the mining block and adequate measures shall be taken to safeguard water quality and aquatic life including fisheries if available in the same.

57	The PP shall earmark funds strictly as per the agreed Environmental Management Plan to be spent on environmental monitoring, dust sprinkling, green belt development, rehabilitation of mined out area and landscaping/regressing and haulage route maintenance. The detailed updated plan shall be submitted to JKEIAA as per above deliberations before grant of formal EC, if desired by the JKEAC. Further, the CSR funds shall be earmarked and utilized as per CSR Rules.
58	The hydraulic structures/embankments /protection bunds shall not be disturbed /damaged during mining operations.
59	The alignment of the bank of the river and water shall not be changed in any case.
60	The water way of the Nalla shall not be restricted.
64	The applicant is bound to abide by the J&K Water Resources (Regulation and Management) Act and Rules of 2011 and J&K Fisheries Act, 2016 and all other relevant Acts and Rules thereof.
61	The EC is subject to condition that the mining block is located on state land exclusively in river bed without any encumbrances of any sort.
62	Under CSR, within 2 km radial distance, activities like regular health check-up of local villagers once a week shall be undertaken with free medicines. Safe drinking water facility by way of renovation of existing tanks/wells, digging of new tube wells and installation of water filters shall be undertaken. Skill development trainings shall be organized for unemployed local youth. Further, construction of toilets in schools, solar street lighting, free distribution of books, note books, N95 masks, hand sanitizers and school bags among students within 2 km radius from the mine area shall be undertaken. Under EMP, with 2 kms radial distance from mine area; air, water, soil, noise pollution monitoring on half yearly basis, black topping of roads passing through villages and maintenance of haulage /extraction routes, water sprinkling, PPE to mine workers, bearing of school/college fee and allied costs on education of children of mine workers, bearing of all costs on ailments/healthcare of mine workers, creation of green belt by way of raising and maintenance of 2500 trees per hectare on land identified by DFO Social Forestry concerned in consultation with village panchayat during the period of mining, shall be undertaken.
63	The JKEIAA reserves the right to impose any other condition in the EC at any time during the period of mining lease. The JKEIAA reserves the right to revoke the EC in case any of the environmental clearance conditions are violated during the mining activity. Mere grant of Environmental Clearance does not entitle the Project Proponent for grant of mining lease unless he obtains all other clearances as required under other provisions of law.

64	The EC is subject to condition that the Project proponent shall not change the water course of the river and no mining activity shall be carried out in active channel area, if any in the mining block.
65	On the request of project proponent, the competent authority shall issue necessary corrigendum to the approved mining plan w.r.t mining depth and area excluding the active water channel /green patch/ flood control structures/maintenance of safe distance to bridges/hydraulic structures and quantification of the targeted mineral, if and where ever, recommended by the Expert Appraisal Committee.
66	The project proponent shall undertake an environmental audit at least once a year by a reputed third-party entity and report of such audit shall be placed in public domain.
67	To ensure that irrigation inlets are not left high and dry due to mining and resultant degradation of bed, the Project Proponent also must construct well-designed cut-off walls, stretching bank to bank, having depth 1.5 times the maximum scour depth below the bed level, both upstream and downstream, maintaining prescribed distance from irrigation inlet/s as per guidelines.
68	The District Mineral Officer shall monitor the replenishment of the mined-out areas, traffic management, levels of production, river bank erosion, exit point of the site and instruct the Project proponent for initiating measures for mitigating environmental concerns.
69	The PP shall not sub-let the mining block to any third party without written approval from the JKEIAA
70	After ceasing the mining operations, the project proponent shall undertake re-grassing of the mining lease area and any other area which may have been disturbed due to mining activities and restore the area to a condition fit for growth of flora, fauna and fodder as per rules in vogue.
71	The Project Proponent shall strictly adhere to the Sand Mining Guidelines of 2016 and Enforcement and Monitoring Guidelines of 2020 issued by the Ministry of Environment, Forest & Climate Change, GoI
72	An appeal against the EC shall lie with the Hon'ble NGT, if preferred within 30 days as prescribed under Section 16 of the NGT Act, 2010.
73	In the event any conflict in interpretation of Standard /General Conditions vis-a vis Specific Conditions, the Specific Conditions shall prevail.