



DIRECTOR GENERAL

Phone: 05822-921082

Fax: 05822-921686

Email: dgcpa.ajk@gmail.com



Protection of Environment is our
Moral and Legal Obligation

Azad Jammu & Kashmir Environmental Protection Agency

Ref #: EPA/504-14/2017

Date: 22-02-2017

- a. Name & Address of Proponent: **Neelum Green Energy Pvt. Ltd.**
- b. Description of Project: **Construction of 49 MW Luat Hydropower Project (LHPP) District Neelum.**
- c. Location of Project: **Weir/Intake on the confluence of Kandora Nullah with Chutiari Nullah at Luat Bala, and Powerhouse, near confluence of Chutiari Nullah with Neelum River at Luat Payen.**
- d. Date of Filing of Application: **17-08-2016**

CONDITIONAL ENVIRONMENTAL APPROVAL

(Under Section-11 of AJK-Environmental Protection Act, 2000 read with AJK Review of IEE/EIA Regulations, 2009)

WHEREAS, the *Neelum Green Energy Pvt. Ltd.*—the Proponent of 49 MW Luat Hydropower Project; hereinafter referred to as '*the Proponent*' has filed Environmental Impact Assessment Report (EIA) to the Azad Jammu & Kashmir Environmental Protection Agency; hereinafter referred to as '*the Agency*', under Section 11 (1) of the AJ&K Environmental Protection Act, 2000; hereinafter referred to as '*the Act*' read-with regulation 8 of the AJ&K Review of IEE& EIA Regulations, 2009; hereinafter referred to as '*the Regulations*'

2. AND WHEREAS, the Agency, in consultation with all stakeholders, has carefully reviewed the EIA based on quantitative and qualitative assessment of the documents and data furnished by the proponent, comments from the general public and the concerned Government Agencies received under Regulation 10 of the Regulations and while undertaking onsite visits of the concerned areas, i.e. weir, power house, tunnel, proposed camps sites, etc.

3. NOW THEREFORE, in exercise of powers conferred under Sections 5(1) and 11 of the Act, read-with Regulation 12 of the Regulations, after the review of Environmental Impact Assessment Report (EIA), the undersigned hereby accord Environmental Approval in favor of *Neelum Green Energy Pvt. Ltd.* (the proponent) for the **Construction Phase** of 49 MW Luat Hydropower Project (LHPP); subject to the fulfillment of conditions by the proponent as enumerated hereunder.-

A. Environmental Flow (e-flow):

- (i). The Proponent shall implement LHPP with a provision of agreed Environmental Flow downstream not less than $0.36 \text{ m}^3/\text{s}$, during lean period;
- (ii). Due to reduced flow during lean period, in case the Watermills and Mini Hydropower Plants situated downstream from the Diversion Weir get affected; the Proponent shall be liable to rehabilitate these or compensate to the satisfaction of owners.

B. Compensations, Resettlement Action Plan (RAP) and Grievance Redressal System:

- (i). The Proponent shall pay compensation to the owners for land, loss of crops, business, livelihood, property, usage rights etc. with rates as agreed upon under prevalent laws & practices to the satisfaction of affectees and owners;

- (ii). The Resettlement Action Plan (RAP), once finalized, shall be submitted to EPA for endorsement. The Resettlement Action Plan (RAP) should preferably be implemented through Public Grievances Redress and Settlement Committee (PGRSC);
- (iii). The Proponent shall establish and maintain a 'Grievance Redressal System' (CGRS). The Grievance Redressal Committee, formulated under CGRS, headed by respective Deputy Commissioner and should have the representation of Affectees, EPA, C&W, Forest & Wildlife and Agriculture Departments;
- (iv). To show the status of grievances and actions taken to redress them, the Proponent shall submit quarterly report to the EPA.

C. National Environmental Quality Standards (NEQSs):

- (i). The Proponent shall ensure compliance to National Environmental Quality Standards (NEQSs);
- (ii). The mechanized plants, machinery and other equipment must be fitted with noise abatement devices and should have the conformity to NEQSs;
- (iii). The Proponent/Contractor shall ensure water sprinkling to suppress dust at all construction sites;
- (iv). In case independent **Environment Specialist Companies** are to be hired as a compulsory arrangement to undertake measurements of different parameters. In order to ensure effective compliances of NEQSs, the findings of quality analysis and report of compliance to NEQSs should be shared with EPA AJK on regular basis during the construction phase of the project.

D. Environmental Management Plan (EMP):

- (i). All mitigation measures, as suggested in the EIA Report and Environmental Management Plan (EMP), shall be strictly adhered to. This should be indicated or reported as a "Commitment";
- (ii). Institutional arrangements for implementation of **Environmental Management Plan (EMP)** may be finalized well before the commencement of construction of project, so that an efficient & effective mechanism for environmental protection & management should be operative well on time.

E. Jobs/Employment for Local People:

- (i). The Proponent will take a policy measure, and, thereunder, it shall be obligatory on Contractor to provide employment to local people for all semi-skilled and unskilled jobs. Preference would also be given to local people for skilled jobs as well. Employment record for all positions shall be provided to EPA AJK on quarterly basis;
- (ii). For labor and all other types of workforce, the Contractor shall ensure strict compliance to Labor Laws.

F. Quarrying Sites & Spoil Dumps:

- (i). Given to geomorphology, topography & terrain and demography of project areas; pre-identified and EPA approved sites shall be used/utilized for quarrying purpose so that the issues like land degradation, soil erosion, sedimentation of water bodies and potential threats to human life & properties and public infrastructure could be avoided;
- (ii). The Proponent shall bound Contractor to strictly ensure dumping of spoil or excavated material on pre-identified and designated sites/places; duly approved by

EPA. In order to avert damage to vegetative cover, perennial & non-perennial drains, irrigation channels, communication routes and productive lands; the free roll-down of spoil on hill slopes shall be strictly prohibited. The dumping of spoil into water bodies like rivers or streams shall be considered a sheer violation of this Approval. During transportation of spoil, adequate measures must be in-placed to avoid littering of roads or dust emission, etc.;

- (iii). The Proponent shall bound Contractor to prepare Site-Specific Environmental Management Plan (SSEMP). In order to ensure best environmental management during construction phase, besides quarrying sites and spoils dumps, the SSEMP preferably be developed for all construction related activities as well and be submitted to AJK-EPA well before undertaking these activities;
- (iv). The Proponent/Contractor shall strictly avoid OPEN SOURCE acquisition of aggregate or construction material from sites other than identified and approved by EPA.

G. Vibration Impact on Property:

- (i). All public or private buildings within 200 m of the blasting site will be surveyed prior to start of blasting. The survey will be undertaken independently by the Owner's Engineer, the Proponent, or a Third Party and will be undertaken to determine the pre-Project conditions of the buildings structure including any pre-existing damages. The survey results will be used to settle any damage claims arising out of the blasting activities.

H. Springs Vanishing:

- (i). The phenomenon of spring vanishing under gravity affect has been noticed/reported under similar nature tunneling projects. Therefore, under LHPP, the location and present condition of all springs within 500 meters of the tunnel alignment shall be recorded and submitted to the EPA AJK. The flow rate of the springs within 100 m of the blasting or excavation zone will be regularly monitored to ascertain any change in the flow due to blasting. In case of any change in the flow, which can be directly attributed to the tunnel construction, the Proponent shall support the community in development of alternate water supply schemes.

I. Construction Camps, Sewage & Waste Management:

- (i). The Construction Camps shall be located/constructed at suitable distance from any settlement to avoid disturbance or intrusion into the privacy of local communities. Independent arrangements shall be made for sewage disposal/treatment and solid waste. The sewage treatment facilities/septic tanks shall be constructed at a suitable place from any permanent or seasonal water source and should not be located/constructed in the areas where high ground water table exists;
- (ii). For construction camps, instead putting the local resources under stress, independent arrangements should be made/laid for commodity services;
- (iii). The waste, chemical and oil spill generated during construction activities should be managed scientifically to avert any damage to flora & fauna and overall ecology of the area, etc.

J. Traffic Management:

- (i). The Proponent shall bound the Contractor to workout a proper Traffic Management Plan, during construction phase, while working near settlements, towns, schools and

hospitals. An early warning or announcement system shall be in-placed well before the time to avoid traffic jams and inconvenience for commuters and residents nearby;

- (ii). Special Traffic Management Measures should be taken on main Neelum Valley Road in order to ensure not to cause an obstruction or inconvenience for tourist and commuters. Adequate traffic signs, barriers, reflecting tapes should be in-placed particularly during peak working hours;
- (iii). The timings for transportation of construction material, aggregate & spoi, movement of heavy machinery and equipment should be fixed and predetermined to avert traffic jams, inconvenience for commuters and local community.

K. General Conditions:

- (i). The Proponent shall bound the Contractor to select sites for installation of the asphalt/concrete mixing plant in consultation with EPA AJK. In this respect, special consideration shall be given to critical installations like: school, hospitals, mosques, community hall, etc.;
- (ii). The Proponent shall bound Contractor to ensure efficient Occupational Health & Safety (OH&S) measures in-placed for workers and labor throughout the construction period;
- (iii). In the case, the articles of Archeological importance like: artifacts, coins rock-arts and other archeological relics are discovered, the work at the site shall immediately be stopped and the concerned department or agency shall be consulted for the appropriate action;
- (iv). The Proponent shall ensure all public utilities, such as water supply pipes, power/phone lines be not disturbed during any construction activity of the project. If removal of such installations is inevitable then alternative may be provided to the people of the area beforehand, in consultation with respective agencies under intimation to AJK EPA;
- (v). The Proponent/contractor shall make sure the safety & security of wild animals and their habitats at the project site and in its environs with the prior consultation and strictly adhering to the guidelines of Wildlife Departments;
- (vi). The proponent shall rehabilitate all sites to their natural conditions affected by temporary use during the construction phase.

L. Provision of Conditional Environmental Approval to Contractor:

- (i). The Proponent shall provide a copy of this Conditional Environmental Approval and EIA Report to the Contractor for efficient & effective implementation of obligatory mitigation measures. A regular Training Program preferably be devised for workers, labor, implementing & management staff of the Contractor to ensure effective compliance from them during construction activities.

M. Independent Environmental Monitoring Consultant (IEMC):

- (i). Reporting implementation progress of EMP and Environmental Approval is considered as a crucial aspect of the project implementation. In order to ensure transparency and accuracy in reported data or facts, this is strongly advised that the Proponent should appoint an independent Environmental Monitoring Consultant or Firm (IEMC), in consultation with EPA AJK. The role of IEMC shall be to monitor and report the impact of the project during construction on the socio-economic, ecological and physical environment;

- (ii). The scope of the IEMC will include monitoring of the impact on quality and quantity of water resources (in particularly springs), impact of ground vibration, ambient air quality, ambient noise levels, road and traffic conditions and community safety, and socio-economic conditions including local employment. The IEMC will prepare quarterly monitoring reports based on regular visits to the site and submit to EPA AJK.

N. Corporate Social Responsibility (CSR)/Community Investment Plan (CIP):

- (i). The Proponent shall submit a CSR or CIP within 06-Months from the date of Financial Close, to be implemented under LHPP for the socio-economic uplift of the project areas communities and as Confidence Building Measures (CBMs). The CSR or CIP supposed to be finalized, in consultation of EPA.


O. Biodiversity Management/Action Plan (BMP):

- (i). In view of ecological sensitivity of the project area, the Proponent shall prepare a Biodiversity Management or Action Plan for the protection and enhancement of biodiversity and ecological resources;
- (ii). The Proponent shall prepare and share for the endorsement of EPA AJK within 06 months from the issuance of this Approval;
- (iii). The proponent shall ensure not to cut the trees or remove the green vegetation cover unnecessarily. The tree lose should be compensated through planting 10 trees for the loss of one, i.e. with 10:1 ratio. The plantation activities may be done through Forest Department or, if done independently, must be in consultation with the department concerned;
4. The proponent shall be liable for the correctness and validity of the information furnished by the environmental consultant;
5. The Proponent shall be liable for compliance of regulations 13, 14, 17 & 18 of IEE/EIA Regulations 2009, which enunciate the conditions for approval, confirmation of compliance, entry, inspection and monitoring of the proposed project;
6. The Proponent shall facilitate EPA team during inspections and monitoring of the Project etc;
7. Any change hereinafter in the approved project shall be communicated to AJK-EPA and shall be commenced after obtaining the approval in respect thereof;
8. This approval does not absolve the proponent of the duty to obtain any other approval or clearance that may be required under any law in force or by any competent forum/Court of law, etc.
9. This Approval shall be valid for a period of three years from the date of issuance under Section 16 of IEE/EIA Regulation, 2009;
10. The EPA AJK, in continuation or supersession of any of the Conditions mentioned hereinbefore for the construction of LHPP, may impose additional conditions as and when the situation may warrant so;
11. The proponent shall be bound by Regulation 13 (2) read-with Schedule VII of the Regulations to furnish an UNDERTAKING to the Agency in terms that the proponent

solemnly affirms and declare that the proponent fully understands and accept conditions contained in the approval accorded by the AJK-EPA and undertake to design, construct and operate the project strictly in accordance with the said conditions and the EIA;

12. This approval shall stand null and void if any of the conditions, mentioned hereinbefore, are not fully complied with;

13. This Approval may be considered for review and withdrawal at any stage, as per stipulated procedure, if deemed appropriate in the larger public interest.


22.2.2017

(Raja Muhammad Razzaque)
Director General

Mr. Mohsin Khan
Chief Executive Officer,
Neelum Green Energy (Pvt.) Ltd.
Office #7, MB City Mall Plaza, I-8 Markaz,
Islamabad.

CC.-

1. Secretary Environment/ACS (Dev)
2. Senior Member Board of Revenue
3. Secretary Electricity/PDO
4. Secretary Forest, Wildlife & Fisheries
5. Managing Director, PPIB, Govt. of Pakistan, Islamabad.
6. Commissioner, Muzaffarabad Division, Muzaffarabad.
7. Director General, Private Power Cell/PDO, Muzaffarabad.
8. Deputy Commissioners, Muzaffarabad/Jhelum valley.
9. Master File.

Azad Govt. of the State of Jammu &
Kashmir.