



सत्यमेव जयते

File No: 483648/85-MINB2/06-2024

Government of India

Ministry of Environment, Forest and Climate Change

(Issued by the State Environment Impact Assessment Authority(SEIAA),
ODISHA)



Dated 15/01/2025



To,

Sri Satyandra Sardar
Mining Officer, Malkangiri
Office of the Mining Officer, Malkangiri At/Po/Dist-Malkangiri, ODISHA, 764045
mo.malkangiri21@gmail.com

Subject: Grant of EC under the provision of the EIA Notification 2006-regarding.

Sir/Madam,

This is in reference to your online application submitted to the SEIAA, Odisha vide proposal number SIA/OR/MIN/483648/2024 dated 25/06/2024 for Grant of EC for mining of stone from Maliguda Stone Quarry over an Area of 2.002 Acres or 0.810 Ha. located in Village- Maliguda, Tahasil- Chittrakonda, District- Malkangiri, Odisha under the provision of the EIA Notification 2006-regarding

2. The particulars of the proposal are as below :

(i) EC Identification No.	EC24C0108OR5261158N
(ii) File No.	483648/85-MINB2/06-2024
(iii) Clearance Type	EC
(iv) Category	B2
(v) Project/Activity Included Schedule No.	1(a) Mining of minerals
(vii) Name of Project	Proposal For Grant of Environmental Clearance for Maliguda Stone Quarry over an area of 2.002 Acres or 0.810 Ha. located in Village-Maliguda, Tahasil-Chittrakonda, District -Malkangiri
(viii) Name of Company/Organization	Mining Officer, Malkangiri
(ix) Location of Project (District, State)	Village-Maliguda, Tahasil-Chittrakonda, District - Malkangiri
(x) Issuing Authority	SEIAA, Odisha
(xii) Applicability of General Conditions	no
(xiii) Applicability of Specific Conditions	no

3. In view of the particulars given in the Para-1 above, the project proposal interalia including CAF, Form-2 were submitted to the SEAC for an appraisal by the State Level Expert Appraisal Committee (SEAC) under the provision of EIA

notification 2006 and its subsequent amendments thereto.

4. The above-mentioned proposal has been considered by SEAC in its meeting held on 19th & 20th November, 2024. The minutes of the meeting and all the project documents are available on Parivesh portal which can be accessed from the Parivesh portal by scanning the QR Code above.

5. Details of the minerals to be mined along with production capacity and the brief on the salient features of the project as submitted by the project proponent in Form- 2 and as presented before SEAC can be accessed from the Minutes of Meeting dated 19th & 20th November, 2024.

6. The proposal was considered for EC by SEAC in its meeting held on 19th & 20th November, 2024. The SEAC, based on the information submitted by the project proponent in Form-2, and after detailed deliberations, recommended the proposal for grant of Environment Clearance for the project valid upto the lease period under the provision of EIA Notification, 2006 and as amended thereof subject to stipulation of Specific and Standard EC conditions as detailed below.

7. The matter was further examined in the State Environment Impact Assessment Authority (SEIAA), Odisha in its 184th meeting held on 24.12.2024 in accordance with the EIA Notification, 2006 and further amendments thereto, and recommendation of SEAC. After detailed deliberation in the matter, the Authority decided to grant EC with usual stipulated conditions as applicable for stone quarry along with additional specific conditions.

8. Environmental Clearance (EC) is granted to the project under the provisions of EIA Notification No. S.O. 1533 (E) dated the 14th September, 2006 of the Government of India in the erstwhile Ministry of Environment and Forests, as amended from time to time for Proposed mining of Stone/road metal from "Maliguda Stone Quarry over an area of 2.002 Acres or 0.810 Ha. located in Village-Maliguda, Tahasil-Chittrakonda, District -Malkangiri of Mining officer,Malkangiri, Lease Holder" with the following stipulations (specific and standard), environmental conditions and safeguards as given in Annexure-1.

9. The EC is valid for a period of five years from the date of lease execution. The lease period of 5 years shall take effect from the date of registration of duly executed lease deed in this regard.

10. The SEIAA, Odisha reserves the right to alter /modify the above conditions or stipulate any further condition in the interest of environment protection.

11. The Environmental Clearance to the aforementioned project is under provisions of EIA Notification, 2006. It does not tantamount to approvals/consent/permissions etc. required to be obtained under any other Act/Rule/regulation. The Project Proponent is under obligation to obtain approvals /clearances under any other Acts/ Regulations or Statutes, as applicable, to the project.

12. The PP is under obligation to implement commitments made in the Environment Management Plan, which forms part of this EC.

13. This issue with an approval of the Competent Authority.

Copy To

1. Additional Chief Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.
2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information and necessary action.
3. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
4. Deputy D.G.Forest., Regional Office (RO), Ministry of Environment & Forests, A/3, Chandrasekharpur, Bhubaneswar for information and necessary action.
5. The Director of Mines, Mines & Geology Dept, Govt. of Odisha, Bhubaneswar for information and necessary action.
6. The Directorate of Minor Minerals, Govt.of Odisha, Bhubaneswar for information.
7. Collector & DM, Malkangiri/DFO, Malkangiri/ Sub Collector, Malkangiri /Tahasildar, Chittrakonda /Mining Officer,Malkangiri for Information and necessary action with specific reference to para in respect of year wise permitted quantity for extraction.
8. Guard file for record/Website/Parivesh Portal.

Annexure 1

Specific EC Conditions for (Mining Of Minerals)

1. Specific Condition.

S. No	EC Conditions
1.1	Maximum depth of stone mining shall be upto 6 meter from the surface and maximum quantity of production shall be limited to 3195 cum/annum with total production of 15795 cum valid upto the lease period subject to the quantity prescribed in the revised DSR or modified Mining Plan (approved by the competent authority) whichever is less.
1.2	<ul style="list-style-type: none"> i) Consent / NoC shall be obtained from the concerned authority if village road is to be used for transportation. The said road shall also be maintained by the lessee. ii) In view of likely revision of DSR the mention of this deposit with final coordinates is to be ensured iii) Plantation programme to be completed within first two years and to be maintained in remaining years. iv) Depth of Mining as proposed should not be beyond 6m from the ground level. v) Mitigation measures for flying Rock for safety be put in place. vi) Stone quarry project proponent need to maintain periodic health check-up records of their employees and ensure use of face mask by workers in crushing and handling sections of the stone quarry for ensuring that working personnel are not affected by silicosis. vii) The boundary area of the deposit as per the revised / updated DSR to be defined by geo coordinates based on DGPS survey superimposed on the cadastral map. viii) Construction of garland drains retaining wall and settling tank should be ensured to prevent erosion during rainfall and to collect silt generated during the mining activity. ix) All the dumps shall be covered by retaining wall, garland drains and settling ponds. x) Maximum depth of quarry shall not exceed 6 meters from ground level as per guidelines. xi) No explosives shall be stored without approval of competent authority and all the precautions for blasting shall be put in place. xii) Worked out pit shall be fenced. xiii) No tree growth in the lease area if present shall be damaged.
1.3	The boundary of the lease area shall be demarcated on ground at the project cost, by erecting 1.20 meter (4 feet approx.) high reinforced concrete pillars above ground, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates by any empanelled agency of ORSAC.
1.4	Quarry excavation shall not proceed below a level on the hill slope, and shall not touch the base of the hill in any case. The exploitation of stone material from the hill shall be carried out in a systematic manner, spreading the quarrying activity to cover all the economic veins of mineral and proceeding uniformly to more and more depths from all sides simultaneously. Maximum depth from the top surface, at any point, upto which quarrying may be permitted shall be 6 meters as stipulated in rule 37(1)(a) of the OMMC Rule, 2016.
1.5	Any change in the calendar plan, change in production quantity or method of mining shall not be made without prior approval of the SEIAA. Mining activity shall adhere to the working parameters of approved mining plan prepared for this project. The detailed production of road metal/stone from the lease area of each year shall be submitted in tabular form during submission of compliance report.
1.6	EMP shall be implemented by PP to ensure compliance with the environmental conditions specified above. The year wise funds earmarked for environmental protection measures shall be kept in separate account and shall be spent according to the plan proposed in coordination with mining officer. Year wise progress of implementation of EMP shall be reported to the SEIAA, Odisha and OSPCB along with the compliance report. The mining officer shall ensure the compliance of this condition along with all lease holders of his jurisdiction.

S. No	EC Conditions
1.7	The PP will implement the EMP with a budgetary allocation of Rs. 1.60 lakh (Capital cost) and Rs. 0.32 Lakh/annum(Recurring Cost),as proposed during the valid lease period of 5 years. The detailed expenditure on EMP shall be submitted with six monthly compliance report.
1.8	<p>No Mining Zone: The lessee shall ensure that no quarrying or mining is carried out in the areas as specified below:-</p> <p>a) 7.5 meters safety zone shall be kept from all side of the lease boundary as per the approved mining plan.</p> <p>b) within 100m (minimum distance criteria when blasting is not involved) and within 200m (minimum distance criteria when blasting is involved) from residential/ public buildings, inhabited sites, protected monuments, Heritage sites, National/State Highway, District roads, public roads, Railway line/area, Ropeway or Ropeway trestle or station, Bridges, Dam, Reservoirs, river, Canals, lakes or Tanks, or any other locations etc.</p> <p>c) below ground water table under any circumstances. If ground water table occurs /intervenes within the permitted mining depth, then the quarrying shall be stopped immediately;</p> <p>d) in the vicinity of natural /manmade archeological sites;</p>

Standard EC Conditions for (Mining of minerals)

1. Statutory Compliance

S. No	EC Conditions
1.1	The project proponent shall obtain Consent to Establish / Operate under the provisions of Air (Prevention & Control of Pollution) Act, 1981 and the Water (Prevention & Control of Pollution) Act, 1974 from the concerned State Pollution Control Board/ Committee. The SPCB, Odisha shall ensure that there is no change in the extraction quantity as given in the EC stipulations in respect of year wise permitted quantity before giving 'consent to operate' to this project.
1.2	The project proponent shall obtain clearance from the National Board for Wildlife, if applicable.
1.3	The project proponent shall obtain forest clearance under the provisions of Forest (Conservation) Act, 1986, in case of the diversion of forest land for non-forest purpose involved in the project.
1.4	This Environmental Clearance (EC) is subject to orders/ judgment of Honble Supreme Court of India, Honble High Court, Honble NGT and any other Court of Law, Common Cause Conditions as may be applicable.
1.5	The Project Proponent shall inform the SEIAA for any change in ownership of the mining lease. In case there is any change in ownership or mining lease is transferred. PP needs to apply for transfer of EC as per provisions of the para 11 of EIA Notification, 2006 as amended from time to time.
1.6	The State Government concerned 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 Judgment 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.

S. No	EC Conditions
1.7	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.
1.8	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.
1.9	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. 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.parivesh.nic.in). A copy of the advertisement may be forwarded to the concerned MoEFCC Regional Office for compliance and record.

2. Air Quality Monitoring And Preservation

S. No	EC Conditions
2.1	The project proponent use leak proof trucks/dumpers carrying minerals and cover them with tarpaulin.
2.2	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 equipments/ 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.
2.3	The project proponent shall carryout Ambient Air Quality monitoring for common/criterion parameters relevant to the main pollutants released (e.g., PM10 and PM2.5 in reference to PM emission, and SO2 and NOx in reference to S02 and NOx emissions) within and outside the plant area at least at four locations (one within and three outside the plant area at an angle of 120 each).covering upwind and downwind directions.

3. Water Quality Monitoring And Preservation

S. No	EC Conditions
3.1	Garland drains and collection pits shall be provided to arrest the run-off in the event of heavy rains and to check the water pollution due to surface run off.
3.2	The project proponent shall monitor regularly ground water quality at least twice a year (pre and post monsoon) at sufficient numbers of piezometers/sampling wells in the plant and adjacent areas through labs recognised under Environment (Protection) Act, 1986 and NABL accredited laboratories.
3.3	The project proponent shall practice rainwater harvesting to maximum possible extent.

4. Noise Monitoring And Prevention

S. No	EC Conditions
4.1	Noise level survey shall be carried as per the prescribed guidelines and report in this regard shall be submitted to Regional Officer of the Ministry as a part of six-monthly compliance report.
4.2	The ambient noise levels should conform to the standards prescribed under E(P)A Rules, 1986 viz. 75 dB(A) during day time and 70 dB(A) during night time.

5. Noise And Vibration Monitoring And Prevention

S. No	EC Conditions
5.1	The peak particle velocity at 500m distance or within the nearest habitation, whichever is closer shall be monitored periodically as per applicable DGMS guidelines.
5.2	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.
5.3	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.

6. Green Belt And Emp

S. No	EC Conditions
6.1	Green belt shall be developed in an area equal to 33% of the plant area with a native tree species in accordance with CPCB guidelines. The greenbelt shall inter alia cover the entire periphery of the plant
6.2	The PP shall plant " Ek Ped Maa Ke Naam " and the plantation shall be carried out in the earmarked greenbelt area(as proposed in EMP report or approved mining plan) as a part of tree plantation campaign and the details of the same shall be uploaded in the MeriLiFE Portal (https://merilife.nic.in).

7. Transportation

S. No	EC Conditions
7.1	Transport Safeguards: a) No transportation of the minerals shall be allowed on any road passing through

S. No	EC Conditions
	<p>villages/habitations without prior explicit permission.</p> <p>b) Transportation of minerals through existing rural roads can be allowed only by the concerned Govt. Department/ Gram Panchayat/BDO after required strengthening such that the carrying capacity of road is increased to handle the mineral carrying truck traffic. The project proponent shall bear the cost towards the widening and strengthening of existing public roads in case the same is proposed to be used for the project.</p> <p>c) Project proponent shall ensure that the transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and traffic density.</p> <p>d) Vehicles hired for transportation of minor mineral from the site should be in good condition and should have pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours. Speed of vehicle be regulated and in no case >30 Kms / hr be allowed.</p> <p>e) The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar may collect an appropriate additional road maintenance levy from the lessee as part of the lease conditions on the basis of quantum of mineral transported, and utilize the proceeds of the levy for proper maintenance of the extraction paths and roads to prevent their degradation on account of plying of mineral carrying trucks.</p> <p>f) Water spraying should be made on the village road to control particulate matter (dust particles) pollution in surrounding air during transportation from the quarry.</p>

8. Green Belt

S. No	EC Conditions
8.1	<p>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 2 years starting from windward side of the active mining area. The development of greenbelt shall be governed as per the EC granted by the SEIAA irrespective of the stipulation made in approved mine plan.</p>

9. Miscellaneous

S. No	EC Conditions
9.1	<p>The project proponent shall monitor the criteria pollutants level namely; PM10, SO2, NOx (ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the projects.</p>
9.2	<p>The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/High Court and any other Court of Law relating to the subject matter.</p>
9.3	<p>No further expansion or modifications in the production capacity or technology shall be carried out without prior approval of the SEIAA, Odisha.</p>
9.4	<p>It shall be mandatory for the project management to submit half yearly compliance reports on the status of implementation of the above stipulated environmental safeguards to the SEIAA, Odisha /</p>

S. No	EC Conditions
	Regional Office of the MoEF& CC, Bhubaneswar in soft copies on 1st day of June and December of each calendar year. No hard copy of six monthly compliance report shall be submitted to SEIAA. The proponent shall upload the six-monthly compliance report including results of monitored data, as applicable in the website of the Ministry for monitoring of EC Conditions, failing which EC is liable to be revoked.
9.5	The project authorities must strictly adhere to the stipulations made by the State Pollution Control Board and the State Government.
9.6	The copies of the environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.
9.7	The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/High Court and any other Court of Law relating to the subject matter.
9.8	The concerned Regional Office of the MoEF&CC shall randomly monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the MoEF&CC officer(s) by furnishing the requisite data / information / monitoring reports.
9.9	Concealing factual data failure to comply with any or submission of false/ fabricated data and of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.
9.10	In pursuant to Ministry's O.M No 22-34/2018-IA.III dated 16.01.2020 to comply with the direction made by Honble Supreme Court on 8.01.2020 in W.P. (Civil) No 114/2014 in the matter Common Cause vs Union of India, the mining lease holder shall after ceasing mining operations, undertake regrassing the mining area and any other area which may have been disturbed due to other mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc.
9.11	Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

1. Proposal in brief:

The highlights of the proposal as ascertained from the application and as revealed from proceedings/discussion held during the meeting of SEIAA, are given as under.

- (i) This is a proposal for mining of stone from Maliguda Stone Quarry over an Area of 2.002 Acres or 0.810 Hectares in Village Maliguda under Chittrakonda Tahasil of Malkangiri District, Odisha.
- (ii) The mining area is a part of Survey of India Toposheet No. E44K2 (65J/2) & E44K3 (65J/3) and is bounded between the Latitude- 18° 07' 29.81011" N to 18° 07' 34.03380" N and Longitude 82° 06' 12.92364" E to 82° 06' 15.69672" E bearing Khata no. 68 (AAA), Plot No. 720, Kissam- Parbata
- (iii) The mining lease is an identified sairat source in the DSR. The Maliguda Stone Quarry sairat source will be leased out under the OMMC Rules, 2016 by Mining Officer, Malkangiri to the successful bidder (lessee) on the basis of public auction for a lease period of 5 years.
- (iv) Documents submitted: -Form-1, EMP, DLC, PFR, checklist, Mining Plan and approval letter, DSR, Village sheet, Cluster certificate from Mining Officer, Malkangiri, topo map etc.
- (v) Whether submitted KML file of the lease area-Yes
- (vi) Whether submitted scrutiny fee- Not submitted
- (vii) Distance from nearest sanctuary/ESZ- -
- (viii) Whether the lease area coming in DLC report-No, as certified by the Mining Officer, Malkangiri vide letter no. Nil dated Nil
- (ix) Whether the lease area reflecting in DSR-Yes
- (x) Method of mining-Semi-mechanized **with drilling and blasting**
- (xi) Distance from nearest road bridge--
- (xii) Whether it is part of cluster – No
- (xiii) Whether EC obtained earlier-No
- (xiv) Date of approval of progressive mine closer plan- by the Joint Director of Geology, Zonal Survey, Korapat, vide letter no. 432 dt. 18.06.2024.
- (xv) Production capacity per annum-3159 cum/annum (max.), total production in 5 years period-15795 cum, Geological reserve-89299.8 cum and Mineable reserve-43351.2 cum.
- (xvi) The DSR has not been prepared as per the MoEF& CC, Govt. of India Notification S.O. 3611(E) dated 25.07.2018, Sustainable sand mining guidelines-2016 and Enforcement & Monitoring Guideline for sand mining-2020 and as per the Hon'ble Supreme Court order vide its order dated 10.11.2021 in Civil Appeal Nos. 3661-3662 of 2020 (State of Bihar Vrs. Pawan Kumar and Others).
- (xvii) Budget provision for EMP of Rs. 1.60 lakh (Capital cost) and Rs. 0.32 Lakh/annum (Recurring Cost)
- (xviii) Provision for plantation-50 no. of tree species in 5 years lease period.
- (xix) Any deficiencies/omission have been noticed in the above documents-Not submitted checklist

2. Whether SEAC recommended the proposal –Yes, the proposal was placed in SEAC meeting held on 19th & 20th November, 2024 and the SEAC **recommended** to grant EC valid from the date of EC accorded up to the lease period with following additional conditions.

- i) Consent / NoC shall be obtained from the concerned authority if village road is to be used for transportation. The said road shall also be maintained by the lessee.
- ii) In view of likely revision of DSR the mention of this deposit with final coordinates is to be ensured
- iii) Plantation programme to be completed within first two years and to be maintained in remaining years.
- iv) Depth of Mining as proposed should not be beyond 6m from the ground level.

- v) Mitigation measures for flying Rock for safety be put in place.
- vi) Stone quarry project proponent need to maintain periodic health check-up records of their employees and ensure use of face mask by workers in crushing and handling sections of the stone quarry for ensuring that working personnel are not affected by silicosis.
- vii) The boundary area of the deposit as per the revised / updated DSR to be defined by geo coordinates based on DGPS survey superimposed on the cadastral map.
- viii) Construction of garland drains retaining wall and settling tank should be ensured to prevent erosion during rainfall and to collect silt generated during the mining activity.
- ix) All the dumps shall be covered by retaining wall, garland drains and settling ponds.
- x) Maximum depth of quarry shall not exceed 6 meters from ground level as per guidelines.
- xi) No explosives shall be stored without approval of competent authority and all the precautions for blasting shall be put in place.
- xii) Worked out pit shall be fenced.
- xiii) No tree growth in the lease area if present shall be damaged.

