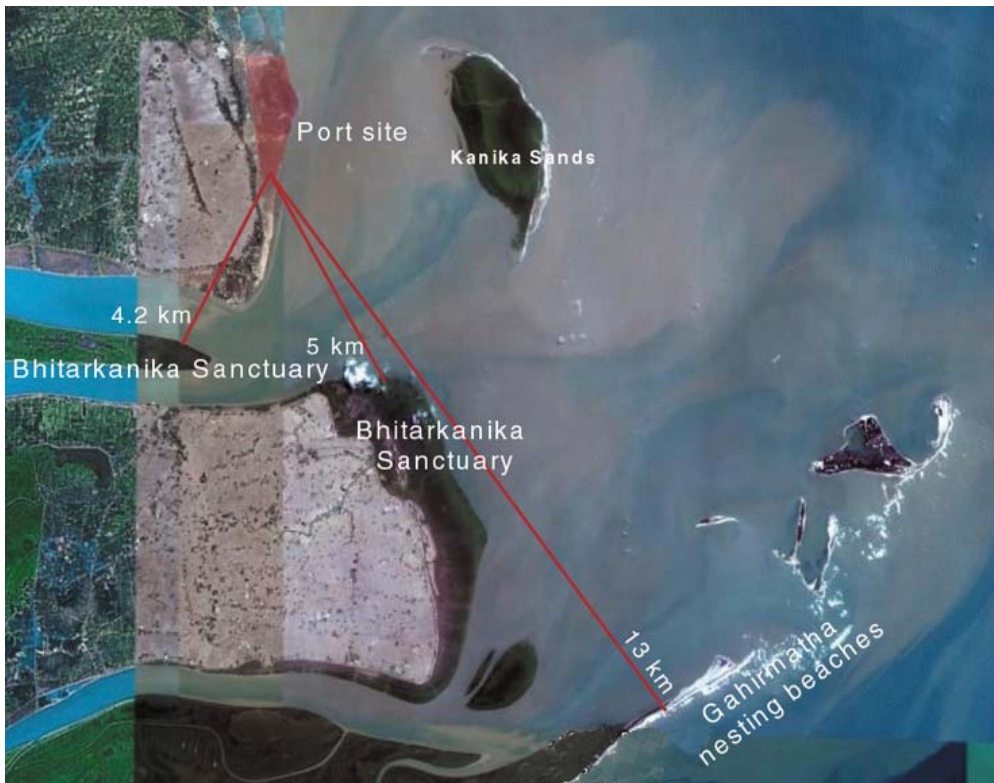


DHAMRA PORT PROJECT BACKGROUNDER

Orissa is probably the most significant habitat worldwide for the Olive Ridley Sea Turtle, an endangered species and afforded Schedule I status in India, on par with the tiger. The nesting beaches at Gahirmatha in Orissa are among the world's largest – and last – mass nesting grounds for the species.

The upcoming Dhamra port in Orissa's Bhadrakh district is a 50:50 JV between Larsen & Toubro and TATA Steel. It is located less than 5 km. from the Bhitarkanika Sanctuary (a Ramsar Wetland of International Importance) and less than 15 km. from the mass nesting beaches of the Gahirmatha Marine Sanctuary.



The Dhamra port has a long and controversial history.

- The area of the present port site was originally notified for inclusion in the Bhitarkanika National Park in October 1988.
- In June 1997, the Orissa state government officially instructed that the Dhamra area be excluded from the proposed Gahirmatha Marine Sanctuary.
- In December 1997, a fresh draft notification was issued for Bhitarkanika National Park, which excluded the port area.
- The Environment Impact Assessment study was undertaken by Kirloskar Consultants in 1997, with L&T and Singapore based International Seaports Ltd as the major stakeholders in the project.
- In April 1998, the Orissa government asked the MoST to clear the port.

- Five months later, the Orissa state government issued the final notification for the 145 sq. km. Bhitarkanika National Park, with the proposed port site now excluded from the park boundaries.
- In January 2000, the MoST granted environmental clearance to the port.
- In March 2000, the International Sea Turtle Symposium expressed its concern about the port being built so close to a major turtle nesting and feeding ground.
- In 2001, a study was conducted by the Wildlife Institute of India, wherein 4 turtles were fitted with satellite transmitters. Of these, one was reported in the waters off the Dhamra Port. To date, this is the only telemetry study which has been carried out on the turtles in coastal Orissa. The results of a new study, which is underway, are yet to be made public.
- In 2000, the National Environment Appellate Authority (NEAA) upheld the port's clearance, dismissing a petition filed by the Orissa Beach Protection Council which erroneously stated that the port was on a nesting ground. The NEAA only looked at the fact that the site was not a nesting ground, and did not consider any other issues, such as turtle presence offshore, impacts on Gahirmatha and Bhitarkanika and on the ecology of the port site itself, as these issues were not raised by the petition.
- In February 2004, Tata Steel expressed interest in a joint venture with L&T.
- Shortly after, several NGOs and turtle researchers had a series of meetings with Tata Steel expressing their concern.
- In a report in July 2004, the Supreme Court appointed Central Empowered Committee recommended, "The present site (Dhamra) will seriously impact Gahirmatha's nesting turtles and could lead to the beach being abandoned by the marine creatures. It is therefore necessary that an alternative site is located for this port."
- In October 2004 Tata Steel and L&T signed an agreement for construction of Dhamra port.
- At a meeting at the BNHS on 21st April, 2005, Tata Steel agreed to a study to assess turtle presence in the area of the port site, to be conducted under the aegis of the Bombay Natural History Society, incidentally an IUCN member. BNHS asked that Tata Steel commit to keeping the project's construction on hold pending completion of the study and release of the results, to avoid a 'fait accompli' situation, and interference with the study results. Tata Steel agreed to 'no project work on the seaward side' till March 2006. This was not acceptable and so BNHS refused to undertake the study in November 2005, citing commencement of other aspects of the port work as the reason.
- In December 2006, an IUCN team made a preparatory scoping visit to Dhamra and later, in 2007, Dhamra Port Company Limited announced the signing of a formal deal with the IUCN to undertake preparation of a mitigation plan and design environmental standards for the project.

Lack of a comprehensive Environment Impact Analysis

No comprehensive Environment Impact Analysis has ever been conducted for the project. There are serious and acknowledged flaws in the environment impact analysis conducted for the port in 1997. The main flaws relate to poor baseline ecological data, a complete

omission of the impacts on turtles, impacts of noise and chemical pollution and a poor hazard analysis and emergency plan. Further, the EIA, done in 1997, considers a port with significantly different specifications from the project currently being built. For instance, the 1997 EIA considered the port site on Kanika Sands, whereas the site is now on the mainland. The initial proposed capacity was 20 million tonnes per annum (mtpa) whereas the proposed capacity is now 83 mtpa. The original project was to handle bulk carriers up to 120,000 deadweight tons (dwt); the revised plan proposes handling ships up to 180,000 dwt.

Visit <http://www.greenpeace.org/india/press/reports/critique-of-the-environmental> for more information.

Independent biodiversity assessment

In 2007, Greenpeace commissioned a rapid biodiversity assessment of the Dhamra port site and its surrounding areas. The survey threw up several interesting findings: The presence of horseshoe crabs which use the area as a nesting ground in large numbers. The presence of rare species of snakes, including one *Fordonia leucobalia* that was recorded in Orissa for the first time.

The presence of rare species of amphibians, including the Crab-eating frog *F. cancrivora* that has never before been recorded in mainland India

Over 2,000 turtle carcasses were recorded on and near the port site, probably victims of mechanised fishing in offshore waters. However, this shows the presence of turtles in the waters off the port site, contrary to port officials earlier claims.

The full report is available at <http://www.greenpeace.org/india/press/reports/greenpeace-biodiversity>

This report was made public through the media, in a conference jointly addressed by Dr. S.K. Dutta, the principal investigator from the North Orissa University and Greenpeace Indian representatives.

Three weeks after the joint release of the assessment by Dr. S.K. Dutta and Greenpeace, the North Orissa University, reportedly under pressure from the state government and DPCL, alleged that Greenpeace had tampered with the report. However, the findings even as per the University are exactly the same as the report released by Dr. Dutta. For a detailed rebuttal of the allegations against Greenpeace, refer to <http://www.greenpeace.org/india/press/reports/email-exchange-on-report/summary-of-greenpeace-response> and <http://www.greenpeace.org/india/press/reports/link> which shows the link between TATA and the allegations leveled at Greenpeace.

TATA has yet to respond to the significant findings of the assessment.

TATA and the Precautionary Principle

Tata Steel is a member of the UN's Global Compact and as such professes to abide by the Precautionary Principle, which according to the Convention on Biological Diversity 1992, Preamble is explained as: "[W]here there is a threat of significant reduction or loss

of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat.”

As a member of the Global Compact, and the representative of India in its board, Tata Steel is honour bound to adopt the precautionary approach to environmental challenges (Principle 7 of the Compact) “Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.”

Further, the onus of providing evidence of no threat is always on the proponent and beneficiary of an activity. However, not only have the TATAs not bothered to get an independent, impartial and comprehensive assessment of environmental impacts done, they are now proceeding with construction.

JRD Tata’s words in his foreword to *The Creation of Wealth* in 1992 are pertinent here: “I believe that the social responsibilities of our industrial enterprises should now extend, even beyond serving people, to the environment. This need is now fairly well recognized but there is still considerable scope for most industrial ventures to extend their support not only to human beings but also to the land, to the forests, to the waters and to the creatures that inhabit them. I hope that such need will be increasingly recognized by all industries and their managements because of the neglect from which they have suffered for so long and the physical damage that the growth of industry has inflicted, and still inflicts on them.”

How does TATA reconcile its continued destruction of habitat in Dhamra with the Precautionary Principle and indeed with JRD’s own words?

Mitigation vs Precaution

The port authorities have engaged the IUCN to prepare a mitigation plan and are claiming this as proof that they are doing everything possible to protect turtles. However, the IUCN itself is of the opinion that “no port” in that area would be the best option. In the recent newsletter of the Marine Turtle Specialist Group it says, “It is IUCN's viewpoint that no port would be a great option, but if the port is to be developed, IUCN would much rather it be developed while taking on board the very best mitigation measures.....”

<http://www.seaturtle.org/mtn/PDF/MTN118.pdf>

Further, in the absence of a comprehensive EIA and proper baseline ecological data, any mitigation plan is likely to be inadequate at best. Further, the impacts of ancillary development that will accompany construction of such a major port have not and can not be taken into account or mitigated against. For example, the Paradeep port, built in the 1960s has led to the establishment of an entire township, with fertilizer factories and other industries, some of them very polluting. While turtles are still seen in offshore waters not far from Paradeep, there is no nesting that occurs anywhere close to Paradeep.

Opposition to Dhamra

As of now, several constituencies have expressed their concerns on the Dhamra Port Project, including

- The National Fishworkers Forum (the apex body for over a million traditional fishworkers in India) and the Orissa Traditional Fishworkers Union (representing the interests of over 100,000 traditional fishermen in the state) have stated their public opposition to the port. Please refer to <http://www.mangroveactionproject.org/news/action-alerts/stop-port-construction-save-ridley-sea-turtles-sept-oct-2007/> for the OTFWU's expression on this project.
- Over 100 leading scientists, including over 25 members of the IUCN's Marine Turtle Specialist Group have raised their concerns on this project and have asked for the relocation of the port. Please refer to http://salsa.democracyinaction.org/o/1541/t/4058/petition.jsp?petition_KEY=835 for further details on this.
- Several national and local environmental and conservation organizations, have at various points of time, publicly stated their concerns and opposition to this project. These include Ashoka Trust for Research in Ecology and the Environment (ATREE), Kalpavriksh, Wildlife Protection Society of India and the Bombay Natural History Society, besides GP India

Now, through an online Greenpeace campaign, over 85,000 concerned individuals have added their voice of support, calling for the port to be relocated.

www.greenpeace.org/turtles

Conclusion

In conclusion, the TATA performance on this issue, right from its involvement in 2004 till date, does not befit an entity that professes to follow high environmental and social standards. If the TATA group is genuine about its commitment to the environment, it needs to immediately halt construction at Dhamra and assess alternative, less destructive options to the port.