

### **TATA Position 1: Location of the Port**

The Dhamra port project is a joint venture between L&T and Tata Steel in public-private partnership with Government of Orissa. Let me assure you that we would not have become part of the port project had the location been harmful to the turtles as it is made out to be by some. Given below are some facts, which may help you to arrive at an informed opinion on the subject.

Location of the Port – It is alleged by some that the location of the Dhamra port, in the state of Orissa in Eastern India, is in close proximity to Gahirmatha Marine Sanctuary and Bhitarkanika National Park.

The State of Orissa, where we are building the port, has a coastline of 480 km on the east coast of India. Turtles which are known to come from the south for nesting along its beaches come in hundreds of thousands and nest along the Orissa coast, sporadically almost at all the places, and en masse, in what is called *arribada*, in three places of which Gahirmatha is the northern most. The only portion of Orissa's coast which is not visited by turtles for nesting is the northern most patch of the coast which is north of River Dhamra which is north of Gahirmatha. Considering this fact, it is significant that the port is located to the north of the River Dhamra and north of Gahirmatha nesting beach at a distance of 15 km as the crow flies. There is a 1400 sq.km sanctuary for turtles which extends from Gahirmatha to the south and the port location is well outside the sanctuary limits and again to the north of its northernmost limits.

To quote from the report of the Chief Wildlife Warden dated 30.12.1998, "The olive ridley turtles nest in the Gahirmatha beach which is about 15 km from the port site as the crow flies. But as there is dispersal of islands and sand bars, actual water route distance from the port site to the nesting beach is about 30 km. No other endangered marine life occurs or nests in close vicinity of the proposed port site. There is no likelihood of this project affecting the nesting of the sea turtles."

### **Greenpeace Response to the TATA Position on Issue 1**

The distance of Dhamra port from the nesting beaches at Gahirmatha is a matter of fact, it is between 12 to 15 km as the crow flies. The distance by sea is immaterial as that would vary upon the course navigated by the vessel concerned! There is no explanation or scientific basis to suggest that the project will not affect sea turtles, their congregation, mating and nesting or their dependent habitats. Further, many scientists, including those most familiar with the area, have expressed concern over the possible impacts of the port on the turtles, and the adjoining fragile and sensitive areas, and the fact that no proper assessment of these impacts has ever been done<sup>1</sup>.

It is misleading to suggest that the port site or adjoining areas do not harbour any biodiversity of significance. Neither the Environment Impact Assessment nor any report since has taken into account the fact that the port site is a habitat for large numbers of horseshoe crabs (an uncommon but globally important species about which little is known in India) as well as species of frog (*Fejervarya cancrivora*) and snake (*Fordonia leucobalia*) first records for mainland India and Orissa respectively.

TATAs track record on this issue appears to be far from good. Initially, media statements from the TATAs, when they got involved in 2004-2005, repeatedly voiced the opinion

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<sup>1</sup> Refer to <http://greenpeace.in/turtle/docs/scientists-statement-opposing-dhamra-port-project>

that turtles are not found near the port site, and hence it poses no threat. It is also interesting that with the discovery of over 2000 turtle carcasses on and near the port site, TATA is no longer denying the presence of turtles in the area, as it did prior to 2007. And subsequently, their stance has shifted to mitigation, a convenient and not very ethical shift in goal posts

### **TATA Position 2 : Port Waters and Dredging area and Turtle presence**

A WII (Wildlife Institute of India) report divides the coast of Orissa into eight sectors out of which turtles are shown to be visiting seven sectors along the coast either sporadically or en-masse. The only sector which turtles do not visit either sporadically or en-masse for nesting is the northern most sector north of river Dhamra, and that is where the port is located. The National Environment Appellate Authority (NEAA) after a visit to the site have clearly described it as “clay soil and very sticky, it (which) could never become a breeding center for turtles.” The NEAA has upheld the environment clearance.

### **Greenpeace Response to TATA Position 2**

The fact that the port site itself is not a nesting zone is a matter of public knowledge and has never been contested. The concerns raised are twofold

- i. The proximity of the Dhamra Port to Gahirmatha, Bhitarkanika and the nesting beaches.
- ii. The fact that the waters off the port site are foraging grounds of the turtles.

On the issue of scientific studies, two studies conducted by the Wildlife Institute of India, the first in 2001, and the second, currently ongoing, initiated in 2006, have unequivocally established the presence of turtles and conclusively proves that turtles do inhabit the waters near the port site and dredging areas. Incidentally, these two studies are the only scientific studies conducted till date in the region, involving satellite transmitters.

### **TATA Position 3 : Impacts on Bitharkanika National Park**

As far as Bhitarkanika National Park (BNP) is concerned, the same is south of river Dhamra and is not likely to be affected by the port.

### **Greenpeace Response to TATA Position 3**

This position is an opinion expressed by the TATA's and not a fact, as it lacks any kind of scientific backing. Until now, no impact analysis has been done to take into account possible impacts on BNP. That is why Greenpeace and other groups are demanding that construction work stop until such an analysis is conducted and the results available. Bhitarkanika is home to a high diversity of mangrove species and the largest population of saltwater crocodile in south Asia, aside from being a Ramsar wetland of international importance and a proposed World Heritage Site! Are the TATAs prepared to risk all this for a port, especially without conducting a credible, comprehensive and independent environmental assessment.

### **TATA Position 4 : Environmental Impact Assessment**

Environment Impact Assessment: The environment clearance for the port has been obtained from the competent authorities after proper EIA studies which included the facts narrated at 1 above. However, in deference to concerns expressed by some organizations, we welcome further studies and even agreed to finance the same and postponed our construction by one full season to facilitate such studies. Two of the organizations having agreed to lead such studies withdrew from the same. We have,

thereafter started the construction on the basis of the clearance and all available studies supporting the fact that the port is not a threat to the turtles. However, to make sure that we do it in the right way we have entered into an agreement with IUCN who are world's leading organization of scientists in this field to advise us during the construction and operation on measures to be taken to mitigate any adverse effect on environment in general and the olive ridley turtles in particular.

We have always been open to further studies and research on the subject and therefore we agreed to facilitate such further studies by the concerned organizations even at this stage. We even agreed at their instance that we can always reschedule or readjust any activity if the scientists undertaking such studies require such adjustment. While the dialogue was going on, these organizations suddenly came up with a new demand that the construction be forthwith stopped even before we finalize on who will constitute the study team. This was obviously to bring the dialogue to an end to continue the campaign against the port which seems to be the only agenda they are interested in.

#### **Greenpeace Response to TATA Position 4**

The flaws and loopholes in the EIA conducted for the project have been pointed out by many organizations, including the IUCN<sup>2</sup>. For a detailed analysis of why the EIA falls far short of any acceptable basic standard, refer to the critique<sup>3</sup>.

The EIA, on the basis of which this project was cleared in 1997, considers a port with significantly different specifications from the project currently being built. The table below illustrates the same.

<b>1997 EIA</b>	<b>Dhamra Port being built by TATAs now</b>
On Kanika Sand Banks Island	Port is now being built on mainland
14 M Depth, 7 Km Long Channel	18 M Depth, 18 Km Channel
Ships upto 120,00 DWT	Ships now upto 180,000 DWT
Capacity - 25 Million Tons Per Annum	Capacity now 83 Million Tons per annum
50 Million Tons of Dredging	60 Million Tonnes of dredging for phase I alone of the port project
2 Berths	Phase I - 2 Berths, Total - 13 Berths

In essence, it is evident that the port the TATAs are now building is radically different from the port for which clearance was procured. And therefore, the legal validity of the EIA/ Environment clearance for Dhamra port is highly questionable, and there exists absolutely no legitimate validity for this TATA project.

Greenpeace cannot comment on the reasons for the actions taken by other organizations. However, it is also a matter of public record that the construction work of this port commenced soon after financial closure was achieved, in early 2007. Hence, statements that construction was postponed until then for studies, as an indication of TATA's commitment to environmental issues do not hold good, as a critical aspect for

<sup>2</sup> [http://www.dhamraport.com/download/dhamraport\\_iucnreport.pdf](http://www.dhamraport.com/download/dhamraport_iucnreport.pdf)

<sup>3</sup> <http://www.greenpeace.org/india/press/reports/critique-of-the-environmental>

port construction to commence, financial closure, was obtained only in February 2007, and not prior to that<sup>4</sup>.

The demand to stop construction pending independent assessments is not a new one, it was in fact made at the very first meeting of the current phase of negotiation in October 2008, and is a matter of being on-record (which can be shared publicly) and has been a constant feature of the campaign against the port,. This is because there is little sense in continuing to construct a project while at the same time offering to analyse its potential impacts and reconsider the project if necessary. Creating a fait accompli appears to have been TATA's motive from the beginning and this is not becoming of a company that professes the highest ethics.

### **Tata Position 5**

Environment Management for Dhamra Port: As far as we are concerned, we are going by sound scientific advice and we cannot stop construction of a public infrastructure on the basis of non-scientific speculations and demands. The scientists of IUCN have made several visits to the site, identified activities which can have potential effect on environment and introduced best global practices in areas like dredging and lighting to mitigate such effects. The IUCN have also commissioned gap analysis study through Wildlife Institute of India and have undertaken awareness programme for fishermen and local community to prevent turtle catch during fishing which has been the chief cause of turtle mortality so far. We have also engaged reputed institutes to constantly study and monitor the effect of our activities on the air, water and particularly the sea water in terms of marine productivity. In a recently held stakeholders' workshop organized by IUCN, which was attended by scientists working on olive ridley turtles from India and abroad, the port project was indeed hailed as an exemplary exercise in sustainable development. No one suggested that the construction be stopped or suspended.

### **Greenpeace response to Tata position 5**

In suggesting that the project cannot be stopped because it is a public infrastructure, are the TATAs claiming that they do not stand to substantially make profits through this port?

Further, more specifically and importantly - what about the more long term and perhaps permanent impacts such as erosion/shoreline changes on the turtles nesting habitat ( or the coastline in general for that matter) and the Bitharkanika National Park, that the port can cause?. This is inevitable in any port -whatever be its design. Both the north and south of the port are sensitive habitats, including protected areas South of the Port.

These issues ought to have been studied in the EIA and a Environment Management plan (EMP) and mitigation options explored within that. Yes, an EMP has been developed, as indicated by the TATAs and mitigation is being done. But does this make any sense, when these are based on an invalid and inadequate EIA and environmental clearances.

On the involvement of the IUCN, as mentioned earlier, the IUCN's scope of involvement is restricted to mitigation, which would be inadequate at best, in the absence of a credible, comprehensive and independent environmental assessment of the port.

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<sup>4</sup> <http://www.tatasteel.com/newsroom/press341.asp>

It is also a matter of public record that IUCN Indian members and members of the Marine Turtle Specialist Group, of the IUCN's Species Survival Commission (Indian members) have gone on record publicly, to oppose the port, and the manner in which the IUCN has been involved in this process. Further, over 200 scientists and academics, including over 25 turtle experts of the IUCN's Marine Turtle Specialist Group have called for a halt on the project.

On the constant reference to “best scientific advice and inputs” that are being provided, such data should be made public, along with the authors. Despite requests from Greenpeace and others, no scientific evidence to support the claim that the port and dredging will not harm turtles, Gahirmatha or Bhitarkanika has been presented. If such evidence or studies exist, it must be shared with the public.

Similarly, if any scientific institute or organisation contracted by the TATAs has stated that there is no need to stop construction and dredging in particular, and that the port poses no environmental threat, the same should be made publicly available.

Additionally, the Dhamra Port Project is in violation of several laws, guidelines and recommendations, including

- a. the Dhamra port is in violation of the guidelines issued by the Ministry of Environment and Forests in 2003 in the Manual on Eco (Turtle) Friendly Coastal Development' produced together with the United Nations Development Fund, Wildlife Institute of India and the Madras Crocodile Bank Trust which states that *“No ports, harbours and jetties should be planned within a range of 25 km. from any important nesting and congregating site.” Given it's current proximity to the port, this is a clear violation.*
- b. In May 2000, the Regional Office (East) of the Ministry of Environment and Forests, in it's communication to the PCCF, Department of Forests – Wildlife, Government of Orissa, demanded action to be taken on account of a violation of the Forest Conservation Act, 1980, by the construction of the Dhamra Port. Despite these violations, the construction of this port is currently ongoing.
- c. Further, in 2004, the Supreme Court of India appointed Central Empowered Committee recommended that the port be relocated from it's current location, in lieu of it's potential impacts on the turtles. This has once again been ignored as well.

#### **TATA Position 6 : Professed concern and commitment to environmental aspects of the port**

You can rest assured that we are developing the port in the best interest of development and environmental management.

#### **Greenpeace Response to TATA Position 6**

In the absence of highlighted gaps, flaws, and threats, indicated above in this document, in the “**response**” sections, and with the current lack of scientific evidence from the TATAs, it is hard to believe such assurances.