

The Dhamra Port in Orissa

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The proposed Dhamra minor port is located just north of the boundary of the Bhitarkanika National Park on the Orissa coast and about 10 km away from the Gahirmatha Marine Sanctuary. The proposed port, located in the immediate vicinity of this extremely important and fragile zone, was granted environmental clearance not by the Ministry of Environment and Forests (MoEF), but by the Ministry of Surface Transport (MoST) of the Government of India. This bizarre situation has its origins in July 1997, when the MoEF amended the 1991 Coastal Zone Regulation (CRZ) notification under the Environment Protection Act (EPA), 1986 and handed over power to the MoST to grant environmental clearance to port projects. The MoST's clearance powers were finally taken back three years later in 2000, but before this happened the MoST had already granted clearance to the port at Dhamra. The other equally bizarre aspect is the nomenclature of the port project as 'minor'. Minor ports have another clear and rather exceptional exemption from the Environment Impact Assessment (EIA) notification also promulgated under the EPA, 1986. They don't need to go through the EIA process and as a result getting clearances for minor ports has been rather simple for state governments and project proponents.

In 1994, the Ministry of Environment and Forests (MoEF) issued its 'Environment Impact Assessment' (EIA) notification. Meant as a tool to ensure that developmental projects did not ride rough shod over environmental concerns it listed 29 (later increased to 32) industrial and developmental activities that needed environmental clearance from the Government of India. Clause 3, Schedule I of the notification contains this list of projects which includes ports, harbours, airports (except minor ports and harbours). Why an exception was made for minor ports is not very clear. However, this exception has created one of the biggest loopholes in

environmental legislation in the country, allowing for the development of at least a 100 such 'minor' ports along the country's coastline. Many, including Dhamra, in Orissa, Kulpi in West Bengal, Positra in Gujarat and Tadri in Karnataka are located in areas that are ecologically extremely sensitive.

Presumably, the reason to exclude a minor port from environment clearance is that it is 'minor', investment is limited, land requirements are negligible, not many people will be affected, and the overall environmental impact will be minimal if not negligible. The reality on the ground is different. The difference between a major and a minor port, strangely, is not of size or quantum of investment, but of jurisdiction alone. While the major ports (such as Kandla, Cochin, Chennai, Paradip and Vishakapatnam) are under the Central Government, minor ports are under the charge of state governments. The proposed port at Dhamra is to be developed over an area of nearly 1,000 acres, and another 3,000 acres are being acquired for other project-related development activities. The proposed investment is about Rs. 1,500 crores (~ USD 300 million). As per the original notification, all projects exceeding an investment of Rs. 50 crores (USD 10 million) have to go through the EIA process, yet minor ports with more than Rs. 1,000 crores (USD 200 million) investment are still exempt from the Environmental Impact Assessment process.

At present, the Indian corporate bodies involved in the port project at Dhamra are believed to include ICICI Bank, construction major Larsen & Toubro (L&T) and Tata Steel. In October 2004, Tata Steel and L&T were reported to have signed a deal for the construction of the port valued in excess of Rs. 1,500 crores. Tata Steel has also announced plans to set up a Rs. 8,000 crore (USD 1.6 billion), six million tonne, integrated steel plant at Duburi in the neighbouring Jajpur district and invest another Rs. 5,000-6,000 crore (USD 1 billion) to develop iron ore mines in the

Keonjhar and Sundergarh districts. In addition, there is a proposed Bhadrak-Dhamra railway line. Tata officials have been quoted as saying that the development of this port is critical to all their other investments in the region.

More recently, in August 2004, South Korean steel maker Posco and Australian mining major BHP Billiton jointly approached the Orissa Government with an even larger investment proposal: a 10 million tonne integrated steel plant, that would include iron ore mining, setting up a coke plant and power generation. The proposed investment is an enormous Rs. 39,000 crore (USD 8 billion) over 10 years. Like the Tata proposal, this too mentions a port at Dhamra. And their steel plant location is also Duburi, or perhaps Dhamra itself. This cumulative proposed investment of Rs. 55,000 crores (> US 10 billion) is obviously attractive to the state government.

Recent studies reveal congregations of nesting turtles up to six kilometre offshore and 12 km south of Gahirmatha. This is a fraction of the turtle population that would be affected. Researchers remind us repeatedly that we do not yet have enough data on offshore turtle movements. But it is not difficult to imagine the impact of port construction and operations activity. Some 50 million cubic metres (cu. m.) of silt are to be dredged initially, followed by an annual two million cubic metres every single year. Subsequent shipping traffic, oil spills, chemical leaks, illumination and pollution from townships and other habitation would further impact turtles and the marine ecosystem. The Central Empowered Committee's (CEC) July 2004 report to the Supreme Court states: "*The present site (Dhamra port)*", "*will seriously impact Gabirmatha'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*".

Chronology of events related to the Dhamra port

(Source: Petition filed in the Orissa High Court by Wildlife Society of Orissa and others, 2000)

Mar. 1881: Dhamra notified as a port (Chandbali).

Jun. 1931: Port limit extended, only a small fishing jetty on Dhamra river.

Sep. 1972: Olive ridley turtles included in Schedule I, Wildlife (Protection) Act.

Apr. 1975: Notification for the declaration of Bhitarkanika Sanctuary issued.

1978: Government establishes fishing jetty on Dhamra river within port limits.

Oct. 1988: Draft notification for the declaration of the 367 sq. km. Bhitarkanika National Park.

Present Dhamra site within national park boundary.

1994: Environment Impact Assessment notification issued under Environment Protection Act, 1986 exempting minor ports from its purview.

Jun. 1997: State government issues letter to reduce area of Bhitarkanika National Park to ensure Dhamra is outside the boundaries.

Jul. 1997: Coastal Regulation Zone notification amended conferring power on the Ministry of Surface Transport (MoST) to grant environmental clearance to ports.

Sep. 1997: Notification declaring the Gahirmatha Wildlife Sanctuary issued.

Oct. 1997: International Sea Ports Pvt. Ltd., (with Larsen & Toubro as major stake holder), gets an E I A report prepared by Kirloskar Consultants, Pune.

Dec. 1997: Fresh proclamation issued for Bhitarkanika National Park.

Apr. 1998: Orissa government asks the MoST to clear Dhamra port.

Sep. 1998: Final notification for 145 sq. km. Bhitarkanika National Park issued. Dhamra site now outside park boundaries.

Jan. 2000: The MoST grants clearance to Dhamra port.

Mar. 2000: 20th Annual Sea Turtle Symposium passes resolution expressing concern over Dhamra port

Dec. 2003: Lead financier ICICI Bank suggests modifications in the concession agreement for the project and interest in its construction is revived.

Feb. 2004: Tata Steel expresses interest in joint venture with L&T.

Jul. 2004: Supreme Court appointed Central Empowered Committee says: “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.”

Aug. 2004: Korean Steel Major Posco and Australian mining company BHP-Billiton express interest in an integrated iron ore mining, steel plant and Dhamra port construction project with proposed investment of Rs. 39,000 crores.

Sep. 2004: International campaign to save Dhamra gathers steam.

Oct. 2004: Tata Steel and L&T sign agreement for construction of Dhamra port.

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Operation Kachhapa & the Sea Turtles of Orissa

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The olive ridley in Orissa

The olive ridley turtle is known for its spectacular mass nesting behaviour. There are only three places in the world where this unique natural phenomenon - known as an *arribada* (Spanish for ‘arrival’) - occurs. One of them is in the state of Orissa on India’s eastern coast. But over the past decade the turtles have been facing increasing pressures off the coast of Orissa. Illegal trawling and gill netting has devastated their populations. While traditional fishing methods pose little problem to the turtles, large mechanised fishing vessels dragging trawl nets behind them trap and drown tens of thousands of turtles as they congregate offshore to mate. Large-scale development projects – such as the construction of a mega port, and offshore drilling for natural gas – situated in the turtle’s congregation areas and migration paths are creating increasing pressure for the sea turtles of Orissa.

Operation Kachhapa

To reduce turtle mortality and safeguard the future of the species, the Wildlife Protection Society of India (WPSI) launched “Operation Kachhapa” (OpK) in 1998. The programme is run in partnership

with the Wildlife Society of Orissa (WSO) and the Orissa Forest Department. Operation Kachhapa (*kachhapa* is the Oriya word for turtle) has successfully built up a public image for sea turtle conservation in Orissa. The programme’s main objectives are prevention of mortality by improving patrolling of illegal fishing zones, collecting data on turtle mortality and illegal fishing, building public support for turtle conservation, and fighting legal battles in court.

OpK assisted enforcement agencies by hiring sea-going patrol boats, providing equipment and support to patrol staff, and by serving as a co-ordination centre for the various enforcement agencies involved in turtle protection. OpK field staff also carry out turtle mortality counts outside the Gahirmatha Marine Sanctuary and provide the authorities with information on illegal trawler movement, illegal night fishing and gill netting. These time-consuming tasks involve walking and cycling along vast stretches of the coastline.

OpK receives immense support from the national and state media. It informs the media about mortality, nesting and hatching events, offshore mating and casualties. As a result of this continuous liaisoning, the mortality of the olive ridley along Orissa’s shores