

Letter to the Minister of Environment & Forests, Government of India

Biswajit Mohanty

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Dated: 22nd October, 2010

Shri Jairam Ramesh,
Hon'ble Minister for Environment and Forests,
Government of India,
Parayavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi - 110003

Please reply to email: kachhapa@gmail.com

Hon'ble Sir,

Re : Violation of CRZ regulations and Forest (Conservation) Act, 1980 by Essar Steel Orissa Ltd at Paradip, Orissa

Erosion of sea turtle nesting grounds at Gahirmatha Marine Sanctuary due to large scale sand dredging in Mahanadi river

Essar Steel Orissa Ltd (ESOL) is setting up a steel pellet factory at Paradip, Orissa with an annual production capacity of 6 million tonnes along with a captive power plant of 225 MW at a project cost of Rs.10,721 crores over a total land area of 1,925 acres. The factory shall be supplied iron ore in slurry form by a pipeline from Keonjhar district. This pipeline shall pass through both forest and non-forest areas.

ESOL was accorded environmental clearance on 29th May, 2008. The Company had suppressed and concealed material information while obtaining Environment Clearance as it has not disclosed that the project involves CRZ clearance. A part of the plant site is CRZ area and ESOL has dredged sand in CRZ area of Mahanadi river. The Forest and Environment Department, Government of Orissa has confirmed that no application for CRZ clearance has been received from ESOL for their Paradip project. (*Copy of RTI reply dated 1.1.2010 is attached – Annex I*).

State enforcement agencies though being aware of the violations have neither informed the MOEF nor have taken any penal step to stop work and prosecute the company for such violations.

The steel and power plant site is located on banks of the river Mahanadi whose mouth is only 8 km away. As there is tidal effect in these areas, this portion of Mahanadi river including the applicable shoreline lands are CRZ areas. We attach letter dated 3rd December, 2008 issued by ESOL to IDCO which reveals that the proposed site is CRZ. They have requested IDCO not to acquire private lands in the village of Udayabata since some plots had "*already gone under the water of Mahanadi*" (*Copy of letter dt 3.12.2008 is attached – Annex II*).

The state government is fully aware that CRZ land is involved since at a high level review meeting held on 11.1.2010 and 12.1.2010, the Secretary of Steel and Mines Department, Govt. of Orissa, had directed the company to seek CRZ clearance.

Quoting from the minutes... "*The Commissioner-Secretary advised the Company to obtain forest clearance without breaking the area to forest and non forest land and to obtain CRZ clearance*" (*A copy of the minutes is attached – Annex III*).

The Company started work in 2008 by filling up the site with sand dredged from the adjacent Mahanadi river. As per local reports, at least **12,00,000 cum of sand** has been dredged from the river. Two dredgers are working night and day for the last two and half years to excavate sand in CRZ areas and fill up the land, most of which is CRZ area. The local Tehsildar of Kujang has been receiving royalty on the sand dredged by the company since the last two and half years.

Mahanadi river washes down a huge quantity of sediment during monsoons, which is critical to the beach building process on the turtle nesting beaches of the Gahirmatha Marine Sanctuary. As the ocean currents flow for eight months of a year in a northward direction, such sediment load flushed out from the Mahanadi mouth is deposited on the shores of the marine sanctuary which lies to north of the river mouth.

Since the last two years, we have noticed a surprising and unprecedented erosion of the Kendrapada district coastline especially at Ekakula Pentha and Agarnasi areas which are known sea turtle mass nesting sites. Though sand isotope irradiation studies will reveal how much sediment from the Mahanadi bed ultimately lands up at the nesting beach, *prima facie*, there appears to be sufficient grounds to link the beach erosion with the enormous quantity of 1.2 million cum of sand which has been excavated since the last 30 months from the river bed by ESOL.

The Company has also violated the Forest (Conservation) Act, 1980. A total of 18.83 hectares of forest land is required (12.69 hectares for the steel plant and 1.42 hectares + 4.72 hectares for the pipeline). The company has illegally started work since 2008, on non-forest lands without obtaining forest clearance. The forest clearance diversion proposal and application was filed only on 7th December, 2009 (*Copy of covering letter is attached – Annex IV*).

The forest diversion proposal is yet to be forwarded to the Ministry as revealed by a recent letter dated 5th August, 2010 issued by the CCF, Nodal (*Copy of letter dated 5.8.2010 of the CCF, Nodal is attached – Annex V*).

Similarly, the pipeline construction has already been almost complete in the non forest areas of Keonjhar and Jajpur district and the forest patches are only left to be completed. This again violates guidelines issued under the Forest Conservation Act, 1980, since no work can be done on non forest land till forest clearance is obtained for the forest land comprised in the project.

We pray your honour to kindly consider our above

submissions and....

- a) Direct your officials to carry out a site inspection and use appropriate satellite imagery to uncover violations of CRZ, Forest Conservation Act, 1980 and the Environment Protection Act, 1986 and rules, guidelines and notifications framed thereunder;
- b) Consider a study by a reputed oceanography Institute to assess the impact of excavation of the huge quantity of sand from the Mahanadi river on the sea turtle nesting beaches of Gahirmatha Marine Sanctuary by carrying out radio isotope irradiation studies to assess dispersal of river sediment and role in beach building;
- c) Consider imposing penalties on the company for restoration of the illegal land use change of CRZ areas and loss of turtle nesting beaches;
- d) Direct the state government to provide the names of the officers who failed to enforce the CRZ regulations and the FC Act, 1980 provisions so that appropriate steps can be taken by the Ministry.

We further pray that based on the preliminary findings of the enquiry ordered you may be pleased to pass orders

- to keep in abeyance the environment clearance granted to Essar Steel Orissa Ltd. for their Paradip Steel Plant, captive power plant and slurry pipeline;
- and
- to issue a stop order to the project proponent till these violations are addressed.

With kind regards,

Yours sincerely,

Biswajit Mohanty, Secretary
Mobile No. : 9437024265

(Enclosed: Annexures I to V as referred above)