

The Dhamra Port Company Limited

(A joint venture of L & T and Tata Steel)

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Santosh K. Mohapatra
CEO

CEO/Greenpeace/2007
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Dear Mr. Ananthapadmanabhan,

Let me first thank you for marking a copy of your letter to Mr. Ratan Tata to me. I consider this to be the first communication from Greenpeace to DPCL who are actually building the Dhamra port.

Let me at the beginning make it very clear that Dhamra port is not an industrial unit belonging to any business house but a public infrastructure project on PPP (Public Private Partnership) mode which means that the government, in this case the State Government of Orissa first identifies the need and importance of an infrastructure, identifies its location, makes all preliminary studies including environmental aspects and then partners with a private company through a concession agreement to build and operate an infrastructure which it believes is in the public interest. The concession agreement provides not only for sharing of revenue but also the reversion of the asset to the State Government after the expiry of a certain period. Thus the ultimate ownership of the infrastructure remains with the Government and the private partner builds and operates it for a specified period. This is because an infrastructure by its very nature is for public use and belongs to the sovereign domain of the Government who are its ultimate owner.

I am explaining all this at such great length because your press notes and correspondences have time and again questioned the State Government's taking such interest in the project. This also explains why the people and their representatives in the legislature cutting across party lines support the project. This is just to give you the bigger picture about the project and its importance.

The private partner in this case is The Dhamra Port Company Ltd. (DPCL) which is a 50:50 joint venture of L&T and TATA Steel. It is an independent company building a port for all users and not for any particular business house as such.

Choice of Dhamra (to be accurate, it is Doshinga, north of river mouth of Dhamra) as a location was not a difficult one. The port limits within which the current facilities are going to be built owes its origin to a Government notification dating back to 1931. The Government decided about its development into a modern port after a detailed pre-feasibility study

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commissioned by itself. You may like to know that the applicant for the environment clearance in this case was the State Government itself and the clearance has also been issued in the name of the State Government. The process of Environment Clearance was a long drawn one during which a number of reports and studies were called for and examined. The EIA was supplemented three times with additional volumes. Of particular interest was one studied report which divided the Orissa coast into eight sectors depending on turtle activity. The Olive Ridley turtles which come in hundreds of thousands are believed to be coming from the south direction and visiting all parts of the Orissa coast both sporadically and en masse; and a patch called Gahirmatha is the northern most location where they come for nesting. The only sector of Orissa coast where no nesting takes place is the sector north of river Dhamra (which is north of Gahirmatha) and that is where the port is located. Considering all this the competent authorities have given environment clearance. This was also challenged before the Appellate Authority i.e. the National Environment Appellate Authority who visited the site and came to the same conclusion as the Empowered Committee for Environment Clearance and upheld the clearance given.

Now suddenly this long drawn process is pitted against a 38 page study report which is itself mired in controversy. Let me tell you what this report is about without going into the issue of tampering which I believe the state government is enquiring into. It is important that you should know all the facts because you are heading an organization which has a reputation to protect (even if as you have said in your letter DPCL does not have any to protect).

The report is bandied around the world as 'hard evidence' that turtles are there in the area who will be affected by the port. Have you yourself read this report? There is only a one line reference to live turtles and a one page reference to dead turtles and we call this a researched study! The one line reference to live turtles brings out the great revelation that no live turtles could be sighted. The original report of which we have a copy does not give any reason for this. The changed version says that this is because the peak season (November – January) was over. Did your colleagues check their facts right? Was the peak season really over? Why didn't the University say that? What prevented Greenpeace from conducting the study during the peak season? The truth is that the last nesting in Gahirmatha took place in the last part of February. And the study, as per the report itself started in February. So in the absence of data on live turtles the focus moves to dead turtles. Your colleagues who work in Orissa should know it better that dead turtles are found all along the coast of Orissa. You may find more of them south of Gahirmatha near and around Paradeep port. They are not

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killed by ships coming to Paradeep. They are killed by fishing trawlers. The study throws no light on the cause of death. It merely counts the dead turtles and gives a break-up. The original report says they are washed to the Dhamra side by the northward wind. This has been modified by the changed version to say that most of them are from Dhamra port area. I was amused to read in the explanatory note attached to your letter someone questioning how can a carcass float first north ward and then come left and then south. That is precisely how the tides behave and a floating object moves when you have a river mouth and an island. It moves in a circular manner, round the Kanika Island, anti-clockwise, during high tide meaning thereby that a dead carcass would indeed float north and then west and then south to complete its journey to the coast. (We had to get the tides and currents mapped as part of our design study). This is what happens when a study is conducted in a half-baked manner, and then arbitrarily modified, without a multi-disciplinary team vetting the findings.

But let me tell you something else. This entire hullabaloo about sighting of turtles (which this study failed to achieve) and proof of "presence" (which this report fails to provide) has little relevance to the main issue. I have sighted, as Chairman of the Paradeep Port Trust (a post I held for five and half years) more live turtles off Paradeep Port but that did not mean that the port was a hindrance to the movement or presence of turtles. Knowing that Gahirmatha is the northern most nesting area and Paradeep is immediate south to the southern limits of Gahirmatha Marine Sanctuary it is but natural that there would be more turtles near Paradeep. But nobody had to ban shipping activity, because ships are not known to be a cause of turtle mortality. What is banned within five kilometers even near Paradeep is fishing by trawlers because that is what kills turtles.

Intellectual dishonesty can take many forms. One of them is to quote a document to prove a point relying on the fact that others are not going to read that document. Same is true of the allegation that the State Government is contradicting itself by supporting the port on the one hand and proposing to notify the area as an eco-sensitive zone. First of all the proposal is intra-departmental, meaning that someone at some level has proposed it and the Government is yet to take a final decision. Secondly, even if it is accepted, what does it mean? If you read that proposal it only says that industries and similar activities in the zone shall be regulated. It doesn't say they would be banned. DPCL's self regulation will be more stringent than any statutory ones. But the issue is disinformation. How easily we tell the public that the Government is contradicting itself when indeed there is no contradiction.

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Talking of self regulation, we have associated ourselves with no less an expert body than IUCN to guide us in a holistic manner to take proactive measures in all areas pertaining to environment.

People who work for the same cause should come together. All it needs is that we have to be honest to ourselves and to others and not hide or distort the truth and we may find that we are together helping a cause. We don't have to have 'reputations' to protect to do the right things.

With regards.

Yours sincerely,

Sd/-
(Santosh K Mohapatra)

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