

Appendix I8



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Dear Mr
Graziano Delrio
Minister of Infrastructures and Transports
Piazzale di porta Pia, 1
00198 ROMA

Dear Mr
Gian Luca Galletti
Minister of the Environment and Protection of Land and Sea
Via C. Colombo, 44
00147 ROMA

Dear Mr
Dario Franceschini
Minister of Cultural Heritage and Activities and Tourism
Via del Collegio Romano, 27
00186 ROMA

p.c. Dear Mr
Enrico Pujia
DG for Port Authorities and Maritime transport
Minister of Infrastructures and Transports
Viale dell'Arte, 16
00144 ROMA

Francesco Scoppola
General Director of Fine Arts and Landscape
Via San Michele, 22
00153 ROMA

Dear Mr
Renato Grimaldi
DG Environmental Assessments
Minister of the Environment and Protection of Land and Sea

Lo scopo finale del WWF è fermare e far regredire il degrado dell'ambiente naturale del nostro pianeta e contribuire a costruire un futuro in cui l'umanità possa vivere in armonia con la natura.

Registrato come:
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Schedario Anagrafe Naz.le
Ricerche N. H 1890ADZ.

ONLUS in base al D.Lgs
4 dicembre 1997, n. 460

Via C. Colombo, 44
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Subject: request for withdrawal of the project for the Contorta-Sant'Angelo Canal, and to start a new procedure consistent with the objectives of the inter-ministerial decree 79/2012

Our association has always followed the events relating to the conservation of the fragile ecosystem of the Venetian lagoon and, most recently, the development of the project to realize the new Contorta-Sant'Angelo Canal. In the preliminary draft of the project, on November 27 2013, were already recorded the negative assessments prepared in the scoping phase by the Commission for the Environmental Impact Assessment EIA-SEA of the Ministry of the Environment. Later, on September 16 2014, the Port Authority of Venice nevertheless considered to present in the EIA project.

While checking the state of affairs, especially after the judgment of the Veneto Regional Administrative Court on 29 July (on which we will return later), our offices discovered, on the Web page of the Ministry of Environment dedicated to environmental assessments, the application by the Port Authority of Venice dated 06.23.2015 (Prot. APV U 0010023), and signed by Paolo Costa, President of the Port Authority (PA from now on).

In the above mentioned letter, in addition to the suspension of the EIA procedure that is still underway, the President of the PA requested to the Ministry of Environment “the opportunity to evaluate, within the project alternatives, the track that combine the *Malamocco-Marghera Canal with the Vittorio Emanuele III, through a Canal on the east side of the Island of Tresse as a further planning hypothesis* ”.

Just over a month later the Veneto Regional Administrative Court canceled all the authorization acts for the Contorta-Sant'Angelo Canal of “failure to conduct proper investigation, erroneous assumption, unreasonable and contrary to the principles of sound administration”, contesting the way in which the Port Authority has so far proceeded in presenting and supporting the Contorta-Sant'Angelo Canal project, as well as its own entitlement to proceed. Therefore, in presence of a first-instance judgment by the Administrative Justice, it appears completely opposed to the practice and the procedural logic to ask to continue with an EIA procedure widely contested on a project whose identification has been ruled illegal by the Administrative Court, with plus the addition of an alternative project, hitherto not considered, nor presented.

Moreover the documentation presented to date as part of the EIA process on the Contorta-Sant'Angelo Canal – now suspended by the Environment Ministry for 120 days starting from the letter of 26.06.2015 (Prot. DVA-2015-0016848) – turns out to be seriously flawed for the PA own admission (p. 2 of the 23.06.2015 letter of the President Paolo Costa) hitherto still missing of the impact study, ex art. 6 of the Directive 92/42/EEC. A deficiency enough by itself to definitively invalidate the underway process, not to mention the March 11 response of the PA to the very substantial request of integrations by the Environment Ministry on January 20 (Prot. CTVA-2015-0000139) that resulted, in our opinion, largely unsatisfactory.

In the light of the new alternative and because of the PA President admissions about incomplete filings for the existing procedure, the judgment of the Administrative Court of 29 July in which, with respect to this choice, it is noted that: "it has been priorly privileged a project solution assumed outside of all appropriate weighting in terms of costs, production times, as well as lower environmental impact, as indeed specifically imposed by inter-ministerial decree n. 79/2012 (Clini-Passera) to the extent that expressly requires the pursuit of the *'highest level of environmental protection of the lagoon'* "(p. 30 of the Judgment of the Veneto Regional Administrative Court) took a decisive weight in support of our critical assessments aimed at the withdrawal of the project Contorta-Sant'Angelo Canal.

It must also be consider that the alternative project of Canal Tresse proposed by the PA does not seem to overcome the same remarks about the protection of the lagoon, already made to the Contorta-S. Angelo Canal by the scoping evaluations of the National EIA Commission (as can be inferred from the same map attached to the letter of the President of the AP of 06/23/2015). In fact, even the junction between the Malamocco-Marghera Canal with the Vittorio Emanuele Canal implies heavy interventions on the same Malamocco Canal (Oil Canal) as well as interventions of excavation of the seabed in front of Porto Marghera SIN (Site of National Interest for land reclamation) which could cause further impairment on lagoon morphology, with damage to both health and the environment.

It seems clear that the lagoon environment will not be protected this way as established by inter-ministerial decree 79/2012 and that, because of the communitarian and international attention on this matter (also with reference to the inclusion of the Lagoon on the UNESCO List) the direct responsibility on how to report this matter to normality falls back on the Ministry of Environment and Ministry of Infrastructure and Transport, as well as to the Minister of Culture, but certainly not on the Port Authority. As shown once again by the Veneto Regional Administrative Court in its Judgment, being not "*just a work of local importance, but of national and international relevance they must be deemed necessary contributions that overcome the organization logics of port life alone.*" (pp. 32 and 33 of the Judgment of the TAR Veneto).

Exactly by virtue of the provisions of the Interministerial Decree 79/2012 we ask to the above mentioned Ministers to assume full responsibility for the withdrawal of the project of the Contorta-Sant'Angelo Canal and to launch a new procedure that will finally allow to consider all projects and alternative hypotheses comparatively, paying specific attention to those that, in line with the objectives of protection, locate the landing of large cruise ships out of the Lagoon.

The above described actions should be implemented, according to the signed Association, at the earliest because it would be really incredible that, because of the delays accumulated so far, it could even just be hipotized a full reopening of the Giudecca Canal to cruise traffic. **To this end, we also ask that Mr Franceschini would consider adopting a landscape bond that dramatically and permanently limits cruise ships transit for height, size and tonnage at least in the Giudecca Canal.**

I am looking forward to formal replies to these requests by the above mentioned administrations.

Yours faithfully,

Donatella Bianchi
President of WWF Italy