

Caltrans Work in Niles Canyon Halted by Alameda Creek Alliance Lawsuit

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The Alameda Creek Alliance has ample reason to be miffed about CalTrans' plans for Niles Canyon, as we explained in our April 2011 Eco Watch story "[Destroying Alameda Creek](#)." In short, CalTrans' road-widening project would destroy wildlife habitat throughout the canyon through the removal of hundreds of mature native trees and the construction of retaining walls and riprap banks along the creek. Jeff Miller, director of the Alameda Creek Alliance, worried that the project would jeopardize a decade's worth of efforts to restore the creek's steelhead trout run. At the time he warned a lawsuit could be in the works — and it turns out he wasn't bluffing.

The Alameda Creek Alliance filed a lawsuit in Alameda Superior Court last week challenging the adequacy of the environmental review completed for the first phase of the \$80 million project. CalTrans has completed a mitigated negative declaration for the first phase, which argues that the scope of work — involving the removal of hundreds of trees — will have no negative impact on the environment after subsequent mitigation measures (namely, re-planting the trees after the project's completion). Miller's group, however, argued in its lawsuit that a more strenuous environmental impact report is required.

Two days later, on June 9, Alameda Superior Court Judge Frank Roesch granted the nonprofit organization's request for a temporary restraining order. This bars CalTrans from resuming the controversial project until a June 23 hearing on whether the Alameda Creek Alliance may proceed to trial challenging the first phase's environmental review. Caltrans had originally intended to resume work today, June 15, after cutting down nearly 100 trees in the spring.

Judge Roesch's decision was a minor victory for project opponents, but another move came Friday when the Alameda Creek Alliance sued CalTrans a second time — this time for violations of the California Public Records Act. Miller alleged through the suit that CalTrans has illegally refused to allow him to inspect records and is illegally delaying the release of public documents

pertaining to the environmental review of the project's first phase, compliance with permits, and the adequacy of public notification. The Alameda Creek Alliance says it will seek a court order to release the documents to the public.