

## **Alameda Creek Alliance sues Caltrans over Niles Canyon highway project**

Fremont Bulletin Staff  
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The Alameda Creek Alliance filed a lawsuit in Alameda Superior Court on Tuesday against the California Department of Transportation, challenging the environmental review for the first phase of the \$80-million Niles Canyon highway widening project along Alameda Creek.

The group alleges Caltrans failed to prepare an environmental impact report for the state Route 84 Safety Improvement Project, and claims there is substantial evidence of potentially significant adverse environmental impacts to sensitive species including the California red-legged frog and Alameda whipsnake.

"Caltrans is trying to ram this ill-conceived project through with complete disregard for public input and over the continued objections of conservation groups, elected officials, and community groups from Niles and Sunol," said Jeff Miller, director of the Alameda Creek Alliance. "The highway widening would degrade important habitat for fish and wildlife, jeopardize a decade of steelhead trout restoration efforts in Alameda Creek, and ruin the natural beauty of Niles Canyon. We insist on a thorough environmental review and reevaluation of whether this type of highway widening project with drastic impacts is even necessary."

The lawsuit alleges violations of the California Environmental Quality Act. In 2006 Caltrans approved a negative declaration for the project, claiming no significant environmental impacts.

The U.S. Fish and Wildlife Service, California Regional Water Quality Control Board and Alameda Creek Alliance submitted comments about potentially significant adverse impacts and the need for further environmental review.

Caltrans cut nearly 100 native trees in the canyon this spring in preparation for the project, which Miller says violates several provisions of a permit issued by the water board.

Caltrans intends to commence the project June 15, including removing tree stumps and other vegetation, grading and filling in the creek channel and floodplain, and building retaining walls

Caltrans began an environmental review for phase two of the project last fall, which would cut nearly 500 more trees in the middle of the canyon and construct almost two additional miles of retaining walls and armoring along the creek.

Caltrans recently agreed to reopen the public comment period for phase two of the project through July 7.

Construction on the second phase is scheduled to begin in 2012.

City of Fremont sent a letter to Gov. Jerry Brown in May requesting he intervene to stop the project.

Fremont joined conservation and community groups in calling for a halt to the project and reevaluation of the need for road widening when a truck ban is in place. Nearly 400 residents showed up to oppose the project at meetings with Caltrans this spring and community groups held several protests against the tree cuttings.

The three phases of the project would widen much of Niles Canyon Road between Fremont and Interstate 680 to provide 12-foot lanes, a 2-foot median, and up to 8-foot shoulders. Caltrans proposes cutting 600 trees along Alameda Creek and filling the creek and floodplain with over four miles of cement retaining walls and rip-rap.