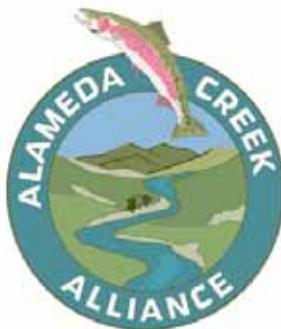




CITIZENS COMMITTEE TO  
COMPLETE THE REFUGE



March 1, 2017

Sent via email to [nilescanyonprojects@dot.ca.gov](mailto:nilescanyonprojects@dot.ca.gov)

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**Re: Comments on Draft Environmental Impact Report for Alameda Creek Bridge Replacement Project**

These are the comments of the Alameda Creek Alliance, Citizens Committee to Complete the Refuge and Ohlone Audubon Society regarding the Revised Draft Environmental Impact Report/Environmental Assessment ("RDEIR") for the proposed Alameda Creek Bridge Replacement Project ("Project").

This RDEIR for the project replaces a January 2015 Draft Environmental Impact Report ("DEIR") for which Caltrans received numerous scoping comments and formal public comments from the public, the Alameda Creek Alliance, other community groups, regulatory agencies, and traffic and wildlife experts, expressing concerns about the lack of meaningful alternatives and severe environmental impacts from the project. As noted in the RDEIR, recirculation of the DEIR means that Caltrans now will not respond to any formal comments made on the January 2015 DEIR, but that the comments are "considered to be part of the project record and are kept within the project's file." Given that the RDEIR fails to summarize the supposed new information that necessitated recirculation, and that the project appears to be substantially similar to the original project, we are very skeptical of the motivation for re-circulating the DEIR. The public perception is that Caltrans is using the recirculation of the RDEIR to attempt to dodge and discard the extensive and significant comments on the project and requests for information made by the public, rather than to fully inform the public about the impacts of the project. Many of the comments raised by the Alameda Creek Alliance and members of the public in scoping comments and comments on the 2015 DEIR remain unaddressed.

### **Failure to Summarize Revisions to DEIR, As Required Under CEQA**

Caltrans is re-circulating the RDEIR based on a claim that there is “significant new information” added to the project analysis. The summary and introduction of the RDEIR cite CEQA guidelines for recirculation of an EIR and claim that “This Revised Draft EIR/Environmental Assessment (EA) for the Alameda Creek Bridge Replacement Project provides new information relevant to the proposed project that was not included in the January 2015 Draft EIR. This document is substantially revised. Per CEQA Guideline 15088.5 (g), a summary of revisions to the previously circulated Draft EIR is located in the Preface of this document.” However, the preface to the RDEIR has no such information, just a partial table of contents of sections that have changes, with absolutely no useful or informative information for the public about changes to the project or project analysis from the 2015 DEIR. The current RDEIR does not even identify, let alone summarize the revisions made to the 2015 DEIR.

CEQA Guideline 15088.5 (g) requires that “when re-circulating a revised EIR, either in whole or in part, the lead agency shall, in the revised EIR or by an attachment to the revised EIR, summarize the revisions made to the previously circulated draft EIR.” This is significant because the purpose of a CEQA analysis is to allow the public to understand and intelligently comment on the impacts of the project. Caltrans has failed to provide or clearly identify any summary of revisions to the project or project analysis, anywhere in the RDEIR or by attachment. Nowhere in the RDEIR does the phrase “new information” appear, other than to falsely state in the summary that the preface contains the new information. The preface does not contain any such summary. The RDEIR does not comply with CEQA and Caltrans’ failure to comply with CEQA procedures thwarts informed public comment. Before proceeding, Caltrans must provide a summary of the significant new information and changes to the project analysis. Caltrans must also extend the public comment period to allow informed comment.

### **Failure to Justify Need for the Project**

Caltrans has changed the purpose of the project from correcting most deficiencies associated with the existing bridge facility and improving traffic safety for all transportation modes, to “correcting structural and geometric deficiencies” while “providing a facility that meets driver expectations of operating speed, to improve safety.” Thus the purpose of the project has effectively been changed from improving traffic safety to changing the road geometry and design speed of the roadway. This changed purpose for the project predetermines that the design speed of this road section will be increased, and that extensive road construction and expansion of the bridge and approach curve diameters will be made, regardless of the environmental impacts. This fuels the public perception that extensive construction and increasing the design speed of the road are the true purpose of the project, not safety.

The RDEIR purports to forecast and divine driver expectations of operating speed on Niles Canyon road. This results in a project design driven by the prognosticated demands of speeding motorists rather than the constraints and environment of Niles Canyon. Aside from the fact that Caltrans has provided no evidence in the RDEIR that motorists “expect” to be able to drive this section of roadway at 45 mph, the RDEIR directly contradicts Caltrans’ assertions that the current bridge approach speeds do not meet driver expectations of operating speed and that low design speeds are a “deficiency.”

The RDEIR notes that "Although the speed limit of the Niles Canyon corridor is 45 mph, the existing conditions at the Alameda Creek Bridge have posted advisory signs that recommend that the bridge be driven at 30 mph going eastbound and 35 mph going westbound." The RDEIR then claims that "Motorists driving at the 45 mph speed limit through the Niles Canyon corridor are not anticipating the 30 mph and 35 mph curves and as a result, do not have enough time to adjust to tight curve radii at the Alameda Creek Bridge." This contradicts the previous sentence, where Caltrans notes that drivers are in fact warned by posted advisory signs and do indeed anticipate lower speeds at the bridge curves.

The RDEIR discussion of "Driver Expectations of SR-84 Operating Speed" (pages viii-ix) relies on highway design speeds adhering rigidly to the surveyed 85th percentile "critical speed," which in the Niles Canyon project area was found to be 47.8 mph in the eastbound direction and 47.7 mph in the westbound direction. Under that logic, should then the entire SR 84 through Niles Canyon be redesigned for speeds of 48 mph to meet supposed driver expectations? Obviously, such design speed changes would result in allowing and encouraging drivers being able to drive faster than 48 mph, and in a few years, the 85th percentile speed would increase, necessitating another increase in design speed. This fuels the public perception that Caltrans intends to incrementally turn Niles Canyon into a freeway, through piecemeal projects to increase the design speed of the roadway, such as the current project, which will lead to increased driver speeds and will in turn increase the 85<sup>th</sup> percentile speed, necessitating never-ending road "improvements."

The RDEIR does not disclose that exceptions to what Caltrans claims are "mandated" design speeds on state highways can be and are used in special circumstances, such as in the narrow, constrained confines of Highway 84 in Niles Canyon, according to the Federal Highway Administration ("FHA") and Caltrans' own Highway Design Manual. The FHA 2012 Road Safety Analysis referenced in the RDEIR (*Final Quantitative Road Safety Analysis Study Report SR 84 – Niles Canyon Road Corridor (Value Management Strategies 2012)*) noted that a lower than "standard" design speed is allowed under "Exceptions to Mandatory Design Standards" and "was approved" by the FHA for projects such as the current project. Likewise, the Caltrans Highway Design Manual (Caltrans 2014) notes that "It is *preferable* that the design speed for any section of highway be a constant value. However, during the detailed design phase of a project, situations may arise in which engineering, economic, *environmental*, or other considerations make it impractical to provide the minimum elements for other design standards (e.g., curve radius, stopping sight distance, etc.) established by the design speed." (Emphasis added)

The RDEIR fails to adequately discuss whether mitigation measures other than increasing the design speed of the bridge approaches would be adequate to improve motorist anticipation of slower curves. In fact, the FHA report referenced by Caltrans (Speed Concepts: Informational Guide) provides other mitigation measures for safely reducing motorist speed, such as speed display signs, improving friction on roadway surfaces, and traffic calming. Additional mitigation measures suggested by the Alameda Creek Alliance and community members during scoping for the project include installation of flashing lights at speed advisory signs, pavement markings and horizontal rumble strips. Collectively, these measures could more than adequately meet driver expectations of lower operating speeds at the bridge curves, but the RDEIR fails to

discuss these measures. Instead, Caltrans presumes, without any meaningful analysis of other options, that “correcting geometric deficiencies” is the only option for the bridge approaches.

The other bridge facility deficiencies identified in the RDEIR as justifying the need for the project are: restricted sight distances, bridge railings that do not offer the structural integrity of modern railing, lack of width for vehicular maneuvers to avoid collisions, and room for bicyclists. These deficiencies could all be addressed in a project that replaces and widens the bridge in a revised alignment, without increasing the design speeds or widening the geometry of the bridge approaches, thereby avoiding unnecessary, and for most alternatives, severe, environmental impacts from the project.

### **Lack of Meaningful Alternatives Analysis**

The RDEIR fails to provide, evaluate or analyze meaningful alternatives which could meet the project need and purpose without severe environmental impacts. Instead the RDEIR evaluates four supposedly different alternatives that are essentially variants of the same project and presents them as project alternatives. All of the four alternatives analyzed in the RDEIR would require road design for the bridge and its approaches for 45 mph, all have essentially the same or similar bridge and road footprint and geometry, and all would realign SR-84 by increasing the curve radii of the bridge approaches and widening the roadway on the new alignment sections to 48 feet. All four alternatives would require extensive tree cutting, rock cuts, embankment fill, and retaining walls in Niles Canyon and all four have unnecessary, and sometimes severe, impacts on riparian trees, endangered species habitat, and the hydrology and habitat value of Alameda Creek. The only major differences between the four alternatives are variations in the treatments for the western and eastern alignments of “improved” approach curves to the bridge.

The requirement to identify and discuss alternatives to the project arises from California's stated policy that state agencies, such as Caltrans, should not approve projects - as proposed - if there are feasible alternatives available which would substantially lessen a project's significant environmental effects (Pub. Res. Code §21002). An EIR should explain how the project alternatives were selected for analysis. It should also briefly identify alternatives rejected as infeasible and explain why they were rejected (14 CCR 15126.6(c)). An EIR must focus on alternatives that would avoid or substantially lessen a project's significant effects, “even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly” (*Mira Mar Mobile Cnty. v. City of Oceanside* (2004) 119 Cal. App. 4th 477, 487, citing CEQA Guideline 15126.6, subd. (a) & (b); see also *Habitat & Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal. App. 4th 1277, 1283). Thus, alternatives must be able to implement most project objectives, but they need not be able to implement all of them. Alternatives presented in an EIR must also be potentially feasible (14 CCR 15126.6(a)). Among the factors taken into account when addressing alternative feasibility are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent) (14 CCR 15126.6(f)). “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors (Pub. Res. Code § 21061.1).

The CEQA Guidelines instruct that comments by the public “are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects” (14 CCR 15204). During formal scoping for the project and in formal public comments on the 2015 DEIR for the project, the Alameda Creek Alliance presented Caltrans with feasible project alternatives and mitigation measures that could significantly lessen the project’s environmental impacts, while meeting most or all of the project objectives.

A no-build alternative was provided in the RDEIR as an environmental baseline to compare the potential environmental impacts of project alternatives. The RDEIR evaluated and rejected four additional alternatives (Alternatives Considered but Eliminated from Further Discussion, pages 38-43). Other alternatives considered but rejected include: correct the western alignment approach and replace the bridge railing; construct a new bridge at the existing location; a southern bridge alignment; and transportation management and demand strategies. These alternatives were rejected as inadequate either: because they did not provide safety features or were piecemeal measures to improving safety at the bridge and its approaches; required construction of a compound curve; required excessive environmental impacts; or resulted in lengthy closure of Highway 84.

The most viable rejected alternative was the 35 mph Alternative to replace the existing Alameda Creek Bridge and construct a 35 mph alignment approach with advanced warning systems and/or traffic mitigation. This alternative would construct a new bridge north of the existing alignment and realign SR-84 on a 35 mph alignment (approximately a 450-foot-radius curve). Advanced warning measures would also be installed and a new bridge constructed. This alternative would have curve radii corresponding to a 35 mph speed at the westbound approach and a 41 mph speed at the center of the bridge and eastbound approach to the bridge, in order to conform to the existing roadway and minimize environmental impacts.

The 35 mph Alternative was rejected because Caltrans “determined that there would not be a substantial decrease in potential environmental impacts” between this 35 mph Alternative and preferred build Alternative 3B. However, Table 5 of the RDEIR (Comparison of 35 mph Alternative impacts to Alternative 3B) clearly shows that environmental impacts would be greater under Alternative 3B than the 35 mph Alternative: for native trees (25% greater), riparian trees (12% greater), vegetation and land cover types (41% greater), endangered species habitat (46% greater), designated critical habitat (53% greater) and steelhead trout habitat (46% greater). So the 35 mph Alternative is in fact the environmentally superior alternative. The RDEIR fails to discuss whether or not any cut and fill would be required for the 35 mph Alternative; or to compare that to the impacts of the 1,400 feet of grade and fill on the western approach and 300 feet of rock cut on the eastern approach which would be required for Alternative 3B. Likewise the RDEIR fails to compare the differences in aesthetic impacts to Niles Canyon within the scenic corridor from the two alternatives. Table 6 on page 45, Comparison of Environmental Impacts across the Alternatives Considered but Rejected, would have been more useful to the public if it had compared the most viable rejected alternative, the 35 mph Alternative, to the four alternatives analyzed in the RDEIR rather than to the infeasible rejected alternatives.

The RDEIR also purports to compare safety characteristics between the 35 mph Alternative and the preferred build Alternative 3B. The RDEIR claims (page 40) that a design speed of 35 mph on any segment of the bridge and its approaches would reduce the effectiveness of crash reduction, even with traffic calming measures and advanced warning measures, and could at best potentially reduce crashes by only 22 to 40%, referencing what are apparently Federal Highway Administration reports. However the RDEIR gives no basis or factual information to back up this assertion and gives no clue how the crash reduction values were generated, so it is impossible to tell if these statements are correct. The RDEIR also claims that increasing the radius of a horizontal curve could potentially reduce total curve related crashes by up to 80%, citing a National Cooperative Highway Research Program report. However, again no information is given as to how the 80% reduction was calculated, and under what circumstances that could be achieved. None of the reports cited are provided with the RDEIR nor are they listed in the citations section of the RDEIR. Further, these assertions in the RDEIR contradict traffic safety research given to Caltrans by the Alameda Creek Alliance during formal comment on the 2015 DEIR, finding that increases in vehicle speed (as proposed in the project) lead to an increase in crash severity (Renski et al. 1999), and that infrastructure improvements are not necessarily effective at reducing total fatalities and injuries (Noland 2002).

The RDEIR does not adequately or convincingly explain why the 35 mph Alternative was rejected as unfeasible, nor does it show that the 35 mph Alternative could not meet the project purpose and need. The 35 mph Alternative is clearly the environmentally superior alternative. A 35 mph Alternative that also included multiple measures to meet driver expectations of the operating speed (such as speed display signs, improving friction on the roadway surface, installing flashing lights at the speed advisory signs, pavement markings and horizontal rumble strips) would improve safety and meet the project objectives.

### **Piecemeal Approach to CEQA Analysis of Niles Canyon Corridor Projects**

Caltrans has failed to evaluate the whole of the Niles Canyon corridor traffic safety project. It is impermissibly segmenting the traffic safety deficiencies associated with the Alameda Creek Bridge Replacement Project from Caltrans' other planned and completed safety projects in the Niles Canyon corridor – the Niles Canyon Short-Term Safety Improvements Project, Niles Canyon Medium-Term Safety Improvements Project, and Arroyo de la Laguna Bridge Project. The Federal Highway Administration (FHA 2012) has identified another high priority safety hot spot in Niles Canyon requiring safety measures, at Rosewarne Underpass and its approaches, which Caltrans is likely to propose a project for at a future date.

CEQA forbids ‘piecemeal’ review of the significant environmental impacts of a project. Environmental considerations must not be submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have greater consequences. A project under CEQA is “the whole of the action” which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. An EIR must include an analysis of the environmental effects of other actions if (1) they are a reasonably foreseeable consequence of the initial project; and (2) the future action will be significant in that it will likely change the scope of the initial project or its environmental effects. In *Laurel Heights Improvement Assn. v. Regents of University of*

*California* ((1988) 47 Cal.3d 376, 396), officials had publicly announced their intention to use a whole building, but improperly piecemealed the project by only doing an EIR for a move into part of the building that was available yet excluding review of the use of the remaining area after a tenant's lease expired. The Supreme Court held that "the future expansion and general type of future use is reasonably foreseeable" and required analysis in the EIR.

There is improper project segmentation in this case because the Alameda Creek Bridge Replacement Project is a step toward future roadway construction by Caltrans throughout the Niles Canyon corridor. There is improper project segmentation because the Alameda Creek Bridge Replacement Project, Niles Canyon Short-Term Safety Improvements Project, Niles Canyon Medium-Term Safety Improvements Project, and Arroyo de la Laguna Bridge Project are all by the same project proponent, for the same purpose, in the same canyon corridor.

CEQA must be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language. An EIR's purpose is to provide the public with detailed information about the effect which a proposed project is likely to have on the environment. That purpose can best be served by circulation of an EIR that considers the whole of the Caltrans safety improvements in the Niles Canyon corridor.

#### **Promised Mitigation for Significant Tree Impacts Is Infeasible, Illegally Deferred**

The RDEIR acknowledges that construction of any of the four project alternatives would require extensive cutting of native trees, which would be a significant environmental impact under CEQA. The RDEIR quantifies the impacts to native trees for Alternatives 1, 2, 3A and 3B (tables 20 and 23, page 184-185): Alternative 1 would have permanent impacts to 142 native trees, temporary impacts to 253 native trees, for total impacts to 395 native trees; Alternative 2 would have permanent impacts to 118 native trees, temporary impacts to 265 native trees, for total impacts to 383 native trees; Alternative 3A would have permanent impacts to 166 native trees, temporary impacts to 278 native trees, for total impacts to 444 native trees; and Alternative 3B would have permanent impacts to 108 native trees, temporary impacts to 188 native trees, for total impacts to 296 native trees.

Caltrans proposes the following mitigation measures for these significant tree cutting impacts of removing 296-444 native trees:

UPLAND TREES-1. During the design phase of the project, Caltrans' Office of Biological Science and Permitting would work with the Caltrans Design team to avoid and minimize project impacts to upland trees. Efforts to preserve trees in place (by designating trees on plan sheets and marking trees with Environmentally Sensitive Area fencing) would be made to avoid or minimize project impacts to trees located in temporarily impacted areas. For upland trees that are removed, Caltrans would provide tree replacement on-site at a minimum 1:1 ratio in the existing SR-84 alignment, to maximize the given space available. Caltrans anticipates that no off-site planting would be needed for upland trees as of January 2017. However, in the event that off-site planting is determined necessary, potential planting locations would be identified working with

local stakeholders, private landholders, and public agencies including, but not limited to, East Bay Regional Parks District, Alameda County, and San Francisco Public Utilities Commission. Upland trees would be planted within two years of completion of the Alameda Creek Bridge Replacement Project construction and would be monitored for three years following the planting to ensure that the mortality rate does not exceed 30% of all upland trees planted.

RIPARIAN TREES-1. During the design phase of the project, Caltrans' Office of Biological Science and Permitting would work with the Caltrans Design team to avoid and minimize project impacts to riparian trees. Efforts to preserve trees in place (by designating trees on plan sheets and marking trees with Environmentally Sensitive Area fencing) would be made to avoid or minimize project impacts to trees located in temporarily impacted areas. Trees removed from the riparian zone would be replaced at a minimum 3:1 ratio onsite, to the maximum extent possible given space available. Caltrans anticipates a need for off-site riparian planting as of January 2017. Potential planting locations within the Alameda Creek watershed would be identified working with local stakeholders, private and/or public landholders, and public agencies including, but not limited to, East Bay Regional Parks District, Alameda County, and San Francisco Public Utilities Commission. On-site riparian trees would be planted within two years of completion of the Alameda Creek Bridge Replacement Project construction and would be monitored for three years following the planting to ensure that the mortality rate does not exceed 30% of all riparian trees planted. Details for off-site planting and riparian tree planting success criteria would be determined during the design and permitting phase of the project with CDFW (1602 Streambed Alteration Agreement) and RWQCB (401 Certification).

Both mitigation measures promise replacement trees will be planted within two years of project completion and monitoring of trees would occur for three years following planting. These promised mitigations constitute improperly deferred mitigation, since the RDEIR gives no specifics about where the replacement trees will be located, nor their habitat value relative to those trees removed for the project. The sufficiency of these promised mitigations cannot be assessed. Under CEQA, formulation of mitigation measures can not be deferred until some future time, but measures may specify performance standards which would mitigate the Project's effects (Guideline 15126.4(a)(1)(B). An EIR is inadequate where mitigation efforts largely depend upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92, citing *San Joaquin Raptor II*, *supra*, 149 Cal.App.4th at 670). "In the First District, an agency violates CEQA by deferring the formulation of mitigation measures without committing to specific performance criteria for judging the efficacy of the future mitigation measures" (*POET, LLC v. California Air Resources Board* (2013) 218 Cal.App.4th 681, 698-99).

The tree cutting mitigations UPLAND TREES-1 and RIPARIAN TREES-1 proposed in the RDEIR are similar to the mitigation Caltrans promised in the Negative Declaration and committed to in permits from the Regional Water Quality Control Board and California Department of Fish and Wildlife, for the cutting and removal of 143

native trees in 2011 along Alameda Creek in Niles Canyon, on SR-84 between post-miles 12.1 to 13.3, in preparation for the now-defunct Niles Canyon 1 Project.

These promised mitigations UPLAND TREES-1 and RIPARIAN TREES-1 for tree cutting are neither credible nor feasible. The Alameda Creek Alliance has met repeatedly with Caltrans since 2011 regarding promised mitigations for the impacts of cutting 143 riparian trees along Alameda Creek in 2011. After 6 years, Caltrans has failed to complete any of the promised mitigation measures for the significant, illegal impacts from the Niles I project.

See the attached December 2015 memo from Caltrans, *Caltrans Niles I Safety Project Tree Cutting Impacts and Remediation*, promising the Alameda Creek Alliance and the local community mitigation measures for the Niles I tree-cutting, including: replacing the Stonybrook Creek culvert under Palomares Road with a free-span bridge; removing invasive plants from the reaches with cut trees in the Niles I project area; conducting restoration tree plantings in the areas where trees were cut; monitoring restoration planting and invasive plant removal locations; monitoring cut sycamores in the Niles I project reach; and conducting public outreach. Caltrans has not yet, after 6 years, followed through on any of the promised tree planting and invasive plant removal mitigations. In the RDEIR (pages 255, 272 and 276), Caltrans is claiming that regrowth of trees cut in the Niles 1 project has limited impacts on aesthetics and visual quality, and implies regrowth has partially restored the functions and habitat values of the cut trees. The RDEIR also characterizes the riparian areas that were cut as “recovering.” Attached is a memo from the Alameda Creek Alliance based on our 2015 site visit by a forester, noting that Caltrans has not thoroughly surveyed or documented the cut trees, and documenting loss of riparian trees (stumps that have not re-sprouted), loss of riparian canopy, and loss of cover and shelter for wildlife. Of particular concern are cut California sycamores, since this tree species is limited in distribution, and sycamores in Niles Canyon likely generated from one or two flood events more than 130 years ago. Natural sycamore regeneration is unlikely in Niles Canyon due to the highly managed flood regime, making remaining sycamore trees even more valuable. The habitat values of mature sycamore trees in Niles Canyon (such as bank stabilization, shade, and bird and bat habitat) cannot be replaced by any mitigation once Caltrans has cut them.

Caltrans has acknowledged at public hearings for the Alameda Creek Bridge Replacement Project and other Niles Canyon projects that the agency is unable to mitigate in-kind in Niles Canyon or along Alameda Creek for loss of riparian trees. Caltrans has had difficulty finding suitable locations and projects that regulatory agencies will accept as mitigation for loss of riparian trees. Caltrans is unable to “replace” in habitat value any mature riparian trees that would be cut. CEQA requires that agencies not approve projects unless feasible mitigation measures have been adopted to reduce significant impacts (§§ 21002; 21002.1, subd (b); 21081, subd (b)(3)). “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, legal, social, and technological factors (CEQA Guideline 15364).

Caltrans now is proposing to replace a culvert at Stonybrook Creek with a clear span bridge as an out of kind mitigation for Niles 1 tree cutting impacts. Caltrans has demonstrated from its failure to mitigate on and off site with in-kind tree planting for the Niles I project and has admitted in the 2015 DEIR for the Alameda Creek Bridge Replacement Project that replacement planting of cut riparian trees is not feasible. The

promise that replacement trees will be planted within two years of project completion is not credible, as Caltrans promised similar mitigations for the Niles I project and has not yet provided these mitigations after 6 years. For these reasons, Caltrans should focus on avoidance of impacts to native upland trees and riparian trees in this project, rather than promise mitigation it cannot deliver. The community is not going to let Caltrans cut 296-444 more native trees.

### **Positive Project Elements**

The proposed project contains some environmentally beneficial elements, which should continue to be included in a meaningful project alternative. These include the proposed removal of a concrete weir in Alameda Creek which currently serves as a barrier to fish passage, removal of the existing Alameda Creek Bridge's in-stream piers, and removal of invasive giant reed and pampas grass from the project area. Removal of the concrete weir would allow the stream to take on a more natural morphology and would remove a low flow fish passage barrier. Removal of the existing bridge and building a replacement bridge that would reduce the in-stream footprint of the bridge piers would improve the geomorphology of Alameda Creek. Removal of the invasive plants would improve habitat for native fish and amphibian species.

### **Citations**

Alameda Creek Alliance. 2015. Response to Caltrans Niles I Safety Project Tree Cutting Impacts and Remediation. (**attached**)

California Department of Transportation. 2015. Caltrans Niles I Safety Project Tree Cutting Impacts and Remediation. (**attached**)

Federal Highway Administration. 2012. Road Safety Assessment (RSA) – SR 84 Niles Canyon Corridor. (**attached**)

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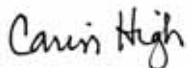
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