

## **Environmental Group Warns Caltrans Its Review of Niles Canyon Phase One Is Considered Inadequate**

May 26, 2011

Attorneys for the Alameda Creek Alliance sent a legal memo to Caltrans last week warning the agency that the 2006 environmental review for phase one of the Niles Canyon State Route 84 Safety Improvement Project is inadequate under state law and that work should be halted until an Environmental Impact Report is prepared. The letter also warns Caltrans that tree cutting operations in Niles Canyon this spring violated several provisions of a permit issued by the San Francisco Bay Regional Water Quality Control Board.

Caltrans intends to resume construction under phase one of the project beginning June 15, with removal of tree stumps and other vegetation and grading and filling in the Alameda Creek channel and floodplain, activities that will further damage trout habitat in Alameda Creek.

Following protests from the community and requests from state Senator Ellen Corbett and Assembly member Bob Weickowski, Caltrans recently agreed to reopen the formal comment period for phase two of the project for 45 days. Additional public comments on phase two will be taken beginning today through July 7.

The City of Fremont sent a letter to Governor Jerry Brown earlier this month requesting that he intervene to stop the Niles Canyon project, citing "extreme" and "shocking" environmental impacts and "blatant disregard for getting input from the public on this project." Fremont is investigating a ban on large trucks in the canyon, since trucks cause a disproportionate number of traffic accidents (38%) and most of the fatal accidents.

Caltrans approved phase one of the project in 2006 with a Negative Declaration, stating that there was no impact on the environment. The Alameda Creek Alliance was never notified that the project was approved. Caltrans plans further activity under phase one this summer including filling portions of the creek channel and floodplain with concrete retaining walls and rip-rap boulders. Despite severe inadequacies in the environmental review process and failure to adequately notify or inform the public of the project, Caltrans refuses to put the project on hold.

In fall 2010 Caltrans began environmental review for phase two of the project, which would take out nearly 500 more trees in the middle of the canyon and damage more irreplaceable trout habitat by adding nearly two additional miles of retaining walls and armoring along the creek. The Regional Water Quality Control Board announced it "would be unlikely to issue the necessary approvals for this project" due to significant environmental impacts. The second phase is scheduled to begin in 2012.

Alameda Creek Alliance, Save Niles Canyon, Save Our Sunol, Friends of Coyote Hills, Southern Alameda County Sierra Club, East Bay Chapter of the California Native Plant Society, Tri-City Ecology Center, and Local Ecology and Agriculture Fremont are opposing the project.

It would widen much of Niles Canyon Road between Fremont and Interstate 680 to provide 12-foot lanes, a 2-foot median, and 2-foot to 8-foot shoulders. It would require cutting 600 native trees from the Alameda Creek riparian corridor, filling the creek and floodplain with over four miles of cement retaining walls and rip-rap, and damaging habitat for steelhead trout, California red-legged frog, Alameda whipsnake, rare sycamore forest habitat, and other native wildlife.