Alameda Creek Alliance

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Alameda Creek Alliance Scoping Comments on ACEforward EIR

These are the comments of the Alameda Creek Alliance on the Environmental Impact Report for the ACEforward project. The Alameda Creek Alliance is a community watershed group with over 2,000 members, dedicated to protecting and restoring the natural ecosystems of the Alameda Creek watershed. Our organization has been working to restore steelhead trout and protect endangered species in the Alameda Creek watershed since 1997. A consortium of local, state and federal agencies has been working since 1999 to restore steelhead trout and salmon to Alameda Creek, which is considered an "anchor watershed" for salmonids restoration in the entire Bay Area.

Increasing passenger rail is a worthy conservation goal, but this project has a hidden element of increasing freight access to the Port of Oakland and dramatically increasing freight train traffic through Niles Canyon. Increasing freight traffic through Niles Canyon is a spectacularly bad idea, and will almost certainly lead to derailments and spills that will damage water quality and wildlife habitat in Alameda Creek, as well as put the communities of Niles and Sunol at risk from toxic and flammable materials.

Just three months ago, an ACE passenger train derailed into Alameda Creek in Niles Canyon. Just last week an oil train derailed and exploded in Oregon in the Columbia River Gorge. The proposed project will promote traffic of dangerous oil trains through Niles Canyon. In the past year, we have documented freight trains crossing Alameda Creek in Niles on the Warms Springs Subdivision line carrying xylenes (a flammable liquid), nitric acid, phosphoric acid, chloropicrin (a class 6 poisonous material), and other toxic and corrosive materials.

We have concerns about the potential impacts of the project on native fish and wildlife, aquatic habitat, and water quality in Alameda Creek. The project could have significant impacts to Alameda Creek, both through construction of the proposed Niles Junction Connections and by facilitating a dramatic increase in freight rail carrying hazardous and toxic materials through Niles Canyon adjacent to the creek, leading to an increased potential for toxic spills into Alameda Creek. We look forward to a full analysis of these potential impacts in the Environmental Impact Report for the project.

In order to be complete, the Environmental Impact Report for the project must disclose and analyze the following:

- As a result of the project, how many freight trains would run through Niles Canyon daily? How many freight trains would cross Alameda Creek daily, and how many crossings?

- As a result of the project, exactly what toxic materials would freight trains carry through Niles Canyon, how often would trains carry toxic materials and in what quantities?
- Would trains carrying Bakken crude, tar sands oil, or other combustible materials travel through Niles Canyon as a result of the project?
- What safety measures and upgrades would the project provide for tracks over Alameda Creek and through Niles Canyon to ensure there are no freight train derailments?
- Would the dramatic increase in passenger and freight train traffic through Niles Canyon result in unsafe conditions or increase the likelihood of train accidents? What measures would ensure there is no increased risk to human health or to the environment?
- What would the impacts be from a train derailment and a spill of toxic materials into Alameda Creek? What would the impacts be on water quality, on fish and wildlife habitat, on steelhead trout and other endangered species, and on human health? How will the risk of wildfire in Niles Canyon increase, either via the potential derailment of flammable materials or the increase in routine train operations?
- What cleanup and emergency response measures would the project provide for derailments of freight trains in Niles Canyon or into Alameda Creek? Where would the necessary emergency response material be stored, and who would be responsible for their maintenance and upkeep?
- How would a train derailment and spill of toxic materials into Alameda Creek affect the local water supply? What would the effect of a spill or clean-up operations have on the downstream water supplies and water supply infrastructure?

The Environmental Impact Report should discuss how any rail bridges across Alameda Creek will be constructed and whether and how they would affect the hydrology of Alameda Creek; as well as whether they would impair anadromous fish passage in any way. The current Warms Springs Subdivision rail line crossing of Alameda Creek has an associated concrete drop structure below the bridge piers in Alameda Creek that has blocked migratory fish passage for steelhead trout and salmon up Alameda Creek for more than 40 years.

The project exhibit shows a curved bridge across Alameda Creek. An alternative with a straight bridge should also be evaluated. The risks of derailment for a straight bridge and a curved bridge should be compared and evaluated.

If the rail grade currently used by the Niles Canyon Railroad is to be used for other rail purposes, either freight or passenger rail, what improvements would need to be made to the existing track infrastructure? What impacts are possible to Niles Canyon, Alameda Creek, or Highway 84 from construction activities or infrastructure improvements along those tracks?

ACE should also contact the National Marine Fisheries Service to determine whether a consultation is necessary under the Endangered Species Act regarding potential impacts to federally threatened steelhead trout (*Oncorhynchus mykiss*), which are present in Alameda Creek throughout lower Alameda Creek and occasionally in Niles Canyon, within the project area.

The Alameda Creek Alliance was not notified of the original scoping period for this project, despite the fact that the project has potentially significant impacts on Alameda Creek, and the fact that we have been working with the community and local agencies to protect and restore the creek within the project area for the past 18 years. Additionally, many of the residents of Niles and Sunol, as well as other residents of the Alameda Creek watershed, have not heard about this project nor has the public heard of the potential impacts. For these reasons, we request that the comment period on the EIR be extended so that local residents can take a careful look at this proposal.

Sincerely,

Jeff Miller, Director