

Judge orders temporary halt in Niles Canyon

Fremont Bulletin Staff
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The California Department of Transportation was ordered by an Alameda County judge to temporarily halt progress on its project in the Niles Canyon.

Superior Court Judge Frank Roesch granted the Alameda Creek Alliance's request for a temporary restraining order June 9, keeping Caltrans from starting the first phase of its \$80-million highway widening project in Niles Canyon along Alameda Creek.

The county also granted a preliminary injunction yesterday, according to Alameda Creek Alliance Director Jeff Miller.

Construction on the Niles Canyon roadway widening has been halted temporarily, until the case goes to trial. Miller said the trial date has not been set.

The Alameda Creek Alliance challenges the adequacy of the environmental review for the state Route 84 safety improvement project.

Prior to Thursday's ruling, Miller said, "We are pleased the judge recognized that protection of Alameda Creek wildlife habitat should get its day in court and prohibited any further Caltrans destruction in Niles Canyon until a hearing on the merits of the case. A project of this magnitude with severe impacts on the ecology and beauty of the canyon needs a proper environmental review."

Caltrans cut down nearly 100 trees in the canyon this spring and intended to resume the project June 15.

The Alameda Creek Alliance filed a lawsuit June 7, alleging violations of the California Environmental Quality Act. The Alameda Creek Alliance and regulatory agencies submitted comments about impacts to sensitive species such as steelhead trout, California red-legged frog and Alameda whipsnake.