

# County taking legal means to keep highway work on track

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The State Route 4 “Wagon Trail” Realignment Project, plagued by construction delays and cost overruns, is forcing an adjacent property owner to extend a pair of temporary construction easements.

The Calaveras County Board of Supervisors voted 4-1 last week to use the power of eminent domain to compel Tiscornia Ranches to extend leases on their properties for another two years as the first phase of the highway realignment project between Angels Camp and Copperopolis is completed.

The vote came after a representative of Tiscornia Ranches spent more than 10 minutes before the board April 23 outlining numerous written, but as of yet, unfulfilled promises the county had made the past two years regarding use of the Tiscornia ranchland and damages the county’s actions have caused to the ranching operation.

The representative accused the county of failing to install and maintain fencing of the area so the family could continue its ranching operation on lands outside of the project, allowing people associated with the construction project to trespass and disturb ranch property not within the easements, cutting trees on property outside the easements, blocking access to portions of their property not within the construction easements, failing to restore their property to preconstruction conditions and failure to pay for the easements.

The county and Tiscornia family have not come to an agreement on what the original payment should have been for more than a half-dozen easements and the matter is in Superior Court heading for a potential jury trial.

With the vote last week, the county is offering \$4,290 to extend the easements on two portions of Tiscornia property for another two years.

Construction of the project was supposed to last 19 months over a two-year period, but the county’s latest move will prohibit the Tiscornia family from using portions of their property for a total of five years.

District 1 Supervisor Gary Tofanelli and District 4 Supervisor Amanda Folendorf said the easements were needed to keep the project moving forward without any further construction delays.

“It will only cost all the taxpayers more, it will be more burdensome on the ranchers, it will delay operations and I don’t want to be coming back next year having to have this same discussion,” were Folendorf’s comments in support of the resolution.

“I understand the issues,” said Tofanelli. “Some of them we may have had some control over, some of them we may have not had control over.”

He cited the discovery of a substantial amount of Native American cultural artifacts as causing the construction delays and cost overruns.

The first phase of the highway realignment project from Bonanza Mine Way to Appaloosa Road west of Angels Camp was expected to cost \$10 million. However the California Transportation Commission last fall approved supplemental funding of \$14 million to cover earlier identified cost overruns.

Tofanelli asked the family to work with the county to avoid prolonging the project and “making it more of a misery for everyone involved.”

Without the easements, the project could be shut down for this construction season, Tofanelli added.

“There were certain hurdles we could have definitely managed better going forward,” said District 5 Supervisor Benjamin Stopper. He was the lone supervisor against the eminent domain resolution, which needed a four-fifths vote to proceed.

District 2 Supervisor and Board Chair Jack Garamendi voiced his displeasure with having to cast the deciding vote to keep the construction project moving forward.

“I don’t like the fact we’re in litigation with our neighbors,” Garamendi said. “I’m frankly not real happy with this whole project and I feel like I’m backed in a corner cause we don’t have much time and this whole thing could stop so I have grave philosophical concerns about this.”

The current phase of the Wagon Trail Project is anticipated to be completed in one year, but the Tiscornia land is needed for two years because of ongoing environmental monitoring.