

# State agencies OK water permits, land condemnation for high-speed rail

**Tim Sheehan, Fresno Bee, 3-14-15**

A pair of state agencies announced actions Friday to advance the California High-Speed Rail Authority's efforts to begin construction of its bullet-train line in the central San Joaquin Valley.

The state Water Resources Control Board approved one of several environmental permits needed by the rail authority before dirt can fly between Madera and Fresno -- the first 24-mile stretch of the proposed statewide rail system.

Also in Sacramento on Friday, the state Public Works Board adopted resolutions declaring a public need to condemn nine pieces of property in downtown Fresno that the rail authority needs for right of way for its controversial rail project.

A closer look at Friday's developments:

## **Water permits**

The issuance of a "401 certification" was approved Wednesday by the Water Resources Board and announced on Friday. The permit is required by the federal Clean Water Act for a project to capture any contaminants or debris that washes away in storm water during construction so they don't pollute nearby waterways.

"Our concern is that the proposed project is going to have construction impacts on storm water runoff," said George Kostyrko, a spokesman for the water board. "The permit addresses the work and how the authority will minimize effects on nearby water bodies, both in construction and post-construction."

The permit covers a 24-mile stretch of the rail route from Madera to Fresno, where the authority hopes to begin building this year. The decision was based on a plan submitted to the Water Resources Board, the state Department of Fish & Wildlife, the U.S. Army Corps of Engineers and the U.S. Fish & Wildlife Service. Each of those agencies approved the plan, which describes provisions for restoring vernal pools and riverland habitat in Madera and Merced counties, on sites other than in the construction zone.

Lisa Marie Alley, a spokeswoman for the rail authority, said the Water Board's permit approval on Wednesday triggered the issuance later in the week of several other required environmental permits by state and federal agencies, including a wetlands protection permit from the Army Corps of Engineers, a streambed alteration permit and an endangered species permit from the state Department of Fish & Wildlife, and a biological opinion on mitigation measures from the U.S. Fish & Wildlife Service.

The permits represent "the culmination of months and years of work," said Alley. "It's a huge win. We had to prove to (the agencies) that we're going to do all we can to protect water quality and wildlife in the area as we build high-speed rail."

Kostyrko said the rail authority must obtain similar permits for each of its subsequent sections of the statewide system where construction has the potential to alter stormwater runoff or waterways.

## **Land condemnation**

The Public Works Board, meeting Friday at the state Capitol, adopted eight separate resolutions declaring a public need for the state to take nine parcels in downtown Fresno to make way for the high-speed rail line.

All but one of the properties are on or near G Street between Fresno and Mono streets, in Fresno's historic Chinatown district.

Four of the parcels are vacant lots: 1625 Tulare St., at the northeast corner of Tulare and G streets; a lot next to 1545 Tulare St., at the northwest corner of Tulare and G streets; 808 G St. between Mono and Kern streets and 1620 Kern St., at the southeast corner of Kern and G streets.

Several of the other lots are occupied by active businesses, including a Producers Dairy trucking warehouse at 302 N. Thorne Ave., north of Highway 180 and west of the Union Pacific freight railroad tracks; the Quick N Save liquor store at the corner of Tulare and G streets; and Transtar Industries at the corner of Mono and G streets.

Eminent domain or condemnation typically is a last resort that government agencies can use to acquire property for public works or transportation projects when the agency and property owners cannot agree on the price and terms for the land.

Eminent domain law requires that owners receive "just compensation" for their condemned property, and if the sides remain in disagreement, a trial determines what the government must pay. A judge could allow the state to take possession of the property within months, long before a trial on compensation.

The authority's grant agreements for more than \$3 billion in federal stimulus and transportation money include a deadline of September 2017 for substantial completion of its initial Merced-Bakersfield construction segment. But the pace at which the rail authority is buying the land it needs for the bullet-train route and related overpasses and tunnels is becoming "a schedule risk" for the project, according to a February memo to the authority's board.

In early 2013, the agency identified more than 400 parcels that it needs to acquire, in whole or in part, for its Madera-Fresno section. Of those, the authority wanted to have more than 200 in hand by the end of last year.

Alley said that as of March 6, the agency had reached signed agreements with owners of 47 properties, and has made initial written purchase offers to owners of 166 properties.