



Resolution # HSRA 14-03
Delegation of Authority to Finalize and Approve
the “Lazy K” Mitigation Agreements

Whereas, under the California High-Speed Rail Act, the California High-Speed Rail Authority is responsible for planning, constructing, and operating an intercity high-speed passenger train network that is fully integrated with the state’s existing intercity transportation services [Pub. Util. Code, §§ 185030, 185031];

Whereas, the Chief Executive Officer administers the affairs of the Authority, as directed by the Authority Board, to carry out the Authority’s responsibilities under the California High-Speed Rail Act;

Whereas, the Authority Board approved the first section of the high-speed rail system between Merced and Fresno Final in May 2012, pursuant to Resolution # HSRA 12-21;

Whereas, in Resolution # HSRA 12-21, the Authority adopted mitigation measures for biological resources and wetlands and identified that it would obtain all necessary permits and approvals related to biological resources and wetlands;

Whereas, it is necessary to obtain permits and approvals from the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, the California Department of Fish and Wildlife, and the State Water Resources Control Board (“regulatory agencies”) to construct the high-speed rail system between Merced and Fresno;

Whereas, the Lazy K Mitigation Proposal presents a unique opportunity to fulfill regulatory requirements that are necessary preconditions to the regulatory agencies issuing permits and approvals on a single site;

Whereas, the Authority Board has complied with CEQA for the Lazy K Mitigation Proposal through the previously certified Merced to Fresno Section EIR and Lazy K Mitigation Proposal Addendum, and none of the conditions described in CEQA Guidelines section 15162 have occurred.

Whereas, at the November 2013 meeting the Board delegated in Resolution # HSRA 13-31 the authority to finalize and execute a single contract with for the Lazy K Mitigation Proposal for a total contract not to exceed ten million dollars.

Whereas, through negotiations and combined efforts of various stakeholders, the Authority staff has determined that it may be a more effective approach to execute more than one agreement or instrument to meet the biological mitigation obligations outlined in the November 7, 2013 Board

briefing memorandum. Therefore staff seeks approval to enter more than one agreement or instrument to be executed within the framework of the existing policies, regulations and total approved contract amounts currently in place through Resolution HSR # 13-31;

Therefore, it is resolved:

The Chief Executive Officer, or designee of the Chief Executive Officer, is hereby authorized to finalize negotiations and execute one or more contracts, easements, or instruments with one or more parties for the Lazy K Biological Resources Mitigation Project, rather than a single contract, with the total maximum amount authorized to remain as previously approved through resolution # HSRA 13-31.

Vote: 8-0

Date: 1/14/2014

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