

# Anderson Dam Seismic Retrofit Project

## Required Permits, Approvals, and Consultations

Agency		Action/Permit	Purpose
Federal Agencies	Federal Energy Regulatory Commission Department of Hydropower Administration & Compliance (FERC DHAC)	Amendment to the Exemption for licensing the hydropower facility.	NEPA Lead Agency; Consultation with USFWS and NMFS via Section 7 of the ESA. Consultation with ACHP and SHPO via Section 106 of the National Historic Preservation Act.
	Federal Energy Regulatory Commission Dam Safety and Inspection (FERC)	Oversight of dams	Approval of dam safety, dam repairs, or modifications.
	U.S. Army Corps of Engineers (USACE)	Clean Water Act Section 404	Individual Permit for filling of Waters of the U.S. The District will also be required to prepare a 404(B)(1) Analysis to demonstrate that the proposed project is in fact the “least environmentally damaging practicable alternative”. Project will need to mitigate for impacts to waters of the U.S. Also, this will invoke coordination of Section 7 and Section 106 consultation with FERC DHAC (the likely Federal Lead Agency for the Project).
	U.S. Fish and Wildlife Service (USFWS)	Incidental take permit (covered species of the VHP)	A Biological Opinion will be issued relying on the Valley Habitat Plan (VHP) noting that the project will not result in the Jeopardy of the covered species nor will it result in adverse modification of critical habitat for any of the covered species. Take will ultimately be obtained through the VHP for covered species (i.e. California tiger salamander, California red-legged frog, western pond turtle, Coyote ceanothus, Mount Hamilton thistle, smooth lessingia, etc.)
	National Marine Fisheries Service	Incidental take permit (steelhead trout)	A Biological Opinion will be issued noting that the project will not result in the Jeopardy of the steelhead trout nor will it result in adverse modification of critical habitat for the species.

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State Agencies	California Department of Water Resources, Division of Safety of Dams (DSOD)	Oversight of dams	Approval of repairs or alterations to a dam or reservoir. Approval of dam safety and dam repairs or alterations.
	California Department of Fish and Wildlife (CDFW)	Incidental take permit for state listed species	Take of state listed species will be obtained through the VHP.
		Lake and Streambed Alteration Agreement (LSAA)	Impacts to the bed and bank of a lake or stream. CDFW will issue a Draft LSAA within 60 days, once the application is deemed complete, which will provide a number of terms and conditions that will be required to follow related to preconstruction surveys, construction activities and any compensatory mitigations.
	State Water Resources Control Board	General Construction NPDES Stormwater Permit	
	SF Regional Water Quality Control Board (RWQCB)	Clean Water Act Section 401 water quality certification	Fill of waters of the state.
	State Office of Historic Preservation (SHPO)	Section 106 of the National Historic Preservation Act including Consultation with Local Tribes	Impacts to cultural resources.

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Local Agencies	City of San Jose	Municipal Approvals	
		Encroachment permit	
	City of Morgan Hill	Encroachment permit, temporary right of entry	
		Municipal Approvals	
	Santa Clara County	Encroachment permit, temporary right of entry / memorandum of understanding	Temporary use of Santa Clara County property for construction staging and stockpiling, temporary closure of Santa Clara County Parks facilities, permanent impacts to Santa Clara County Parks facilities
	Santa Clara Valley Habitat Plan	State and Federal Incidental Take Permits for non-fish terrestrial and aquatic species.	Take authorization will be obtained through the VHP for covered species (i.e. California tiger salamander, California red-legged frog, western pond turtle, Coyote ceanothus, Mount Hamilton thistle, smooth lessingia, etc.)
	Bay Area Air Quality Management District (BAAQMD)	Asbestos Dust Mitigation Plan (ADMP)	To document the dust mitigation plan for asbestos during construction.

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