



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Bay Delta Region  
2825 Cordelia Road, Suite 100  
Fairfield, CA 94534  
(707) 428-2002  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



December 1, 2023

Kevin Iler, Site Manager  
Potrero Hills Landfill  
[Kevin.Iler@wasteconnections.com](mailto:Kevin.Iler@wasteconnections.com)

Subject: Incidental Take Permit for 2081-2011-073-03 Potrero Hills Landfill Phase II  
Expansion Project, Solano County, Amendment No. 2

Dear Mr. Iler:

Enclosed you will find an electronic copy of the Incidental Take Permit Amendment (Amendment) for the above referenced Project, which has been digitally signed by the California Department of Fish and Wildlife (CDFW). Please read the Amendment carefully and sign the acknowledgement **no later than 30 days from CDFW signature** and prior to continuation of ground-disturbing activities. You may return an electronic copy of the Amendment with digital signature to [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). Digital signatures shall comply with Government Code section 16.5. Digital signatures facilitated by CDFW will be automatically returned. Alternatively, you may return a hard copy of the permit via mail to:

California Department of Fish and Wildlife  
Habitat Conservation Planning Branch, CESA Permitting  
Post Office Box 944209  
Sacramento, CA 94244-2090

You are advised to keep the permit and Amendment in a secure location and distribute copies to appropriate project staff responsible for ensuring compliance with the conditions of approval of the permit. Note that you are required to comply with certain conditions of approval prior to continuation of ground-disturbing activities. Additionally, a copy of the Amendment must be maintained at the project work site and made available for inspection by CDFW staff when requested.

The Amendment will not take effect until the signed acknowledgement is received by CDFW. If you wish to discuss these instructions or have questions regarding the permit, please contact Mia Bianchi, Senior Environmental Scientist (Specialist), at (707) 815-8722 or [Mia.Bianchi@wildlife.ca.gov](mailto:Mia.Bianchi@wildlife.ca.gov); or Michelle Battaglia, Senior Environmental Scientist (Supervisory), at [Michelle.Battaglia@wildlife.ca.gov](mailto:Michelle.Battaglia@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
*Erin Chappell*  
Erin Chappell  
Regional Manager  
Bay Delta Region

*Conserving California's Wildlife Since 1870*

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

BAY DELTA REGION

2825 CORDELIA ROAD, SUITE 100

FAIRFIELD, CA, 94534



**AMENDMENT NO. 2  
(A Minor Amendment)**

**California Endangered Species Act  
Incidental Take Permit No. 2081-2011-073-03  
Potrero Hills Landfill, Inc.**

**Potrero Hills Landfill Phase II Expansion Project in Solano County**

**INTRODUCTION**

On February 24, 2011, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2011-073-03 (ITP) to Potrero Hills Landfill, Inc. (Permittee) for take of California tiger salamander (*Ambystoma californiense*) (Covered Species) associated with the Potrero Hills Landfill Phase II Expansion Project in Solano County, California (Project). The Project as described in the ITP includes the development of 167.63 acres of undeveloped land for increased waste disposal capacity. Project activities include filling and relocating Spring Branch Creek drainage, upsizing existing off-site Pacific Gas and Electric Company power lines, installing a water supply well and conveyance pipeline system, constructing 4.7 miles of temporary access road, and creating, enhancing, and restoring ponds and enhancing grassland habitat on mitigation lands. In issuing the ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species. The Project consists of construction-related activities on mitigation lands as well as landfill expansion. There are six mitigation areas: Director's Guild, Griffith Ranch, Pond 5 Buffer Area, Easter Valley, Eastern Hills, and Southern Hills.

On October 15, 2012, the Permittee submitted a Minor Amendment No. 1 request to amend the following Conditions of Approval: 8.11 (Temporary Impacts), 9.6 (Habitat Restoration), 8.1 (Seasonal Work Restriction), and 8.14 (Spoil Pile Stabilization). These four Conditions of Approval are all related to extending the seasonal work period for protection of the Covered Species. Therefore, the Minor Amendment No. 1 moved the seasonal work restriction from June 15 through October 15 to June 15 through November 15 for 2012; modified the date which the Permittee was required to restore and stabilize temporary impacts from October 15 to November 15 for 2012; and modified the date which the Permittee was required to restore habitat on mitigation land from October 15 to November 15 for 2012.

On December 9, 2021, the Permittee requested the ITP be extended for another 10-year term due to the start of Covered Activities being delayed until August 2021.

The remaining Phase II construction activities are within the same project scope as described in the original ITP. The Permittee is not seeking additional changes to the permit scope.

Remaining work is limited to the following: placement of gravel liner, survey gravel layer, fill liner, deployment, additional leak location surveys in the flexible membrane liner and repair of any detected leak signals; asphalt paving and drainage improvements; placement of permanent exclusion fencing and installation of erosion control measures. Liner construction includes placement of a 2-foot-thick low permeability layer, geosynthetics installation, importation and placement of gravel drainage layer, trenching and backfilling of liner terminations and placement of a 2-foot-thick protective cover soil above the liner system. All covered activities will adhere to the mitigation measures and stipulations outlined in the original ITP. All remaining activities will occur within an area spanning approximately 154.85 acres onsite, where a portion of this area has already been disturbed by prior stockpiling activities conducted under the ITP.

This Minor Amendment No. 2 (Amendment) makes the following change to the existing ITP:

This Amendment extends the term of the ITP from December 31, 2021 to December 31, 2032, for the purpose of completing all remaining work as identified in the 2081-2011-073-03 ITP.

## AMENDMENT

The ITP is amended as follows (amended language in ***bold italics***; deleted language in ~~strikethrough~~):

1. The Effective Date and Expiration Date of this ITP shall be amended to read:

This ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to DFG's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by DFG, this ITP's authorization to take the Covered Species shall expire on ~~December 31, 2021~~ ***December 31, 2032***.

2. The corresponding MMRP shall be amended to read the same as the above.

All terms and conditions of the ITP and MMRP that are not expressly amended herein remain in effect and must be implemented and adhered to by the Permittee.

## FINDINGS

*Issuance of this Amendment will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will this Amendment increase other Project impacts on the Covered Species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)).*

Discussion: This Amendment makes one specific change to the ITP as originally issued. The ITP's authorization to take CTS shall be extended from December 31, 2021 to December 31, 2032. Resulting impacts to the Covered Species, however, including the scope of activities and number of acres of habitat that will be lost as a result of the Project, will remain the same.

CDFW has determined that extending the project term to December 31, 2032, will not increase the amount of take or the severity of other impacts of the taking on the Covered Species. Given the circumstances of this Project, CDFW believes that the changes to the Project or Conditions of the ITP described in this Amendment, including project term extension, will not increase impacts to the Covered Species.

*Issuance of this Amendment does not affect CDFW's previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).*

Discussion: CDFW determined in February 2012 that the Project, as approved, met the standards for issuance of an ITP under CESA. This determination included findings that, among other things, the impacts of the taking would be minimized and fully mitigated and that the Project would not jeopardize the continued existence of the Covered Species. Those findings are unchanged with respect to this Amendment because the Project and ITP as amended: (1) will have no effect on the total amount or severity of Project impacts on the Covered Species, as discussed above, and (2) does not substantively alter the measures that will be undertaken to minimize and mitigate previously authorized impacts on the Covered Species. Permittee's continued adherence to and implementation of the avoidance and minimization measures set forth in the ITP's Conditions of Approval and MMRP will minimize and fully mitigate impacts of the taking on the Covered Species.

*None of the factors that would trigger the need for subsequent or supplemental environmental analysis of the Project under Public Resources Code section 21166 or California Code of Regulations, title 14, sections 15162 and 15163, exist as a result of this Amendment.*

Discussion: CDFW issued the ITP in February 2012 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). After, among other things, considering the Revised Recirculated Environmental Impact Report certified by Solano County Department of Resource Management as the lead

agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment is a minor change to the original ITP. CDFW finds for the same reasons as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment is a minor change to the original ITP. CDFW finds for the same reasons under CEQA that approval of the Amendment will not result in and does not have the potential to create any new significant or substantially more severe environmental effects than previously analyzed and disclosed by Solano County Department of Resource Management during its lead agency review of the Project, particularly with respect to the impacts authorized by CDFW pursuant to the ITP as amended. As a result, CDFW finds that no additional subsequent or supplemental environmental review is required by CEQA as part of CDFW's approval of this Amendment.

*CDFW finds that this Amendment is a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).*

Discussion: This Amendment extends the term of the ITP to December 31, 2032. This change to the ITP will not: (1) significantly increase the level of take or other Project impacts on Covered Species previously analyzed and authorized by the ITP, (2) affect Permittee's substantive mitigation obligations under the ITP, (3) require further environmental review under CEQA, or (4) increase temporal impacts on the Covered Species. Therefore, this Amendment will not significantly modify the scope or nature of the permitted Project or activity, or the minimization, mitigation, or monitoring measures in the ITP. CDFW has determined that the change to the ITP constitutes a Minor Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

The authorization provided by this Amendment is not valid until Permittee signs and dates the acknowledgement below, and returns one of the duplicate originals of this Amendment by registered first class mail to CDFW at:

California Department of Fish and Wildlife  
Habitat Conservation Planning Branch  
Attention: CESA Permitting Program  
Post Office Box 944209  
Sacramento, CA 94244-2090

Alternatively, the Permittee shall email the digitally signed ITP to [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). Digital signatures shall comply with Government Code section 16.5. Digital signatures facilitated by CDFW will be automatically returned.

**APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

on 12/4/2023.

DocuSigned by:

*Erin Chappell*

B77E9A0211EF486...

Erin Chappell, Regional Manager  
Bay Delta Region

**ACKNOWLEDGMENT**

The undersigned: (1) warrants that he or she is acting as a duly authorized representative of the Permittee, (2) acknowledges receipt of the original ITP and this Amendment, and (3) agrees on behalf of the Permittee to comply with all terms and conditions of the ITP as amended.

DocuSigned by:

By: *Kevin Iler*

42B7709FB1D94D9...

Date: 2/29/2024

Printed Name: Kevin Iler

Title: Site Manager

Minor Amendment No. 2  
Incidental Take Permit 2081-2011-076-03  
POTRERO HILLS LANDFILL  
POTRERO HILLS LANDFILL PHASE II EXPANSION PROJECT