

## APPENDIX D

### PROPOSED CERTIFICATE CONDITIONS

The Certificate of Environmental Compatibility and Public Need (the “Certificate”) for Case 25-T-0241 granted to PSEG Long Island LLC on behalf of and as agent for the Long Island Power Authority f/k/a Long Island Lighting Company d/b/a Long Island Power Authority (“LIPA” or the “Certificate Holder”), pursuant to Article VII of the New York Public Service Law (“PSL”), authorizing the construction, operation and maintenance (the “Project”) of a new approximately 2.8-mile 138kV underground electric transmission line primarily within roadway ROW between Woodbury Tap and Oakwood Substation; the installation of new riser and transmission poles at Woodbury Tap; the installation of new facilities at Oakwood Substation on property to the north of the current substation facilities; and modifications to portions of existing Lines 138-675 and 138-676 located between Woodbury Tap and Oakwood Substation (the “Facility”), is subject to the following conditions:

#### A. Conditions of the Order

1. The Certificate Holder shall, within 30 days after the issuance of the Certificate, file with the Secretary to the Commission (the “Secretary”) either a petition for rehearing or a verified statement that it accepts and will comply with the Certificate. Failure to comply with this condition shall invalidate the Certificate.

2. If the Certificate Holder decides not to commence construction of any portion of the Facility, it shall so notify the Secretary in writing within 30 days of making such decision and shall serve a copy of such notice upon all parties in the same manner and at the same time as it files with the Secretary.

3. If construction of the Project hereby certified is not commenced within 24 months after the Certificate Holder files a verified statement that it accepts and will comply with the Certificate, the Commission may vacate the Certificate upon notice to the Certificate Holder and active parties to the proceeding.

4. Except for deadlines established by statute, the Secretary may extend any deadlines established by this Certificate for good cause shown. Any request made by the Certificate Holder to extend a deadline in this Certificate must be in writing, must include a justification for the extension, and must be submitted to the Secretary at least 48 hours prior to the affected deadline.

#### B. Description and Location of Project

5. Appendix B, entitled “Description and Location of Project,” describes and depicts the location, configuration and components of the Project. The Project location, configuration and components have not been changed as a result of this Settlement and are approved. For purposes

of these Certificate Conditions, the following terms and definitions shall apply:

- a. The Project Area shall mean the locations within which the Certificate Holder will conduct authorized Project activities, including any laydown yards, construction staging areas, and access roads, pursuant to any permanent and/or temporary easements, crossing agreements, leases, licenses, right-of-way agreements, other land use authorizations, or permits received. The Project Area will correspond to the limits of disturbance that will be further defined in the Environmental Management and Construction Plan (“EM&CP”), and the Certificate Holder shall confine construction activities to such Project Area.
- b. The Project ROW shall mean the permanent siting corridor within which the transmission facility will be located, as shown in Appendix B. The Project ROW may not be expanded without amending the Certificate. Installation of all transmission Facility components shall be limited to within the Project ROW.
- c. Should the Certificate Holder determine a need to acquire permanent access rights beyond the Project ROW to enter onto and use certain additional lands for repair and maintenance purposes, such access rights shall be delineated in the EM&CP.

### **C. Laws and Regulations**

6. Notwithstanding any contrary provision of the Certificate, each substantive Federal, state, and local law, regulation, code, and ordinance applicable to the Project shall apply, except to the extent that the Commission has expressly refused to apply any substantive local law or regulation as being unreasonably restrictive or to the extent the Certificate Holder is not otherwise subject to such local law.

7. No state or municipal legal provision purporting to require any approval, consent, permit, certificate or other condition for the construction or operation of the Project authorized by the Certificate shall apply, except (i) those of the PSL and regulations and orders adopted thereunder, (ii) those provided by otherwise applicable state law for the protection of employees engaged in the construction and operation of the Project, and (iii) those permits issued under a Federally delegated or approved environmental permitting program.

8. The Certificate Holder shall construct the Facility in a manner that conforms to the then-current Building Code of New York State and all applicable standards of the American National Standards Institute (“ANSI”) including, without limitation, the National Electrical Safety Code (“NESC”), Institute of Electrical and Electronics Engineers (“IEEE”) Standard IEEE C2-2023, and any stricter standards adopted by the Certificate Holder.

a. The Certificate Holder shall coordinate all work performed at state and municipal road and highway crossings with the appropriate state and municipal officials and shall obtain the required authorization, if any, for such work, subject to the Commission’s continuing jurisdiction as appropriate. A copy of each such authorization shall be provided to the Secretary by the Certificate Holder before commencement of construction across the affected municipal road or highway.

b. The Certificate Holder shall coordinate with the appropriate municipal agencies, school districts and police departments for traffic management of roads under municipal jurisdiction; such coordination shall address the requirements of Condition 20 below.

9. A copy of each permit or approval received by the Certificate Holder from the issuing agencies, including evidence of coverage under the State Pollutant Discharge Elimination System (“SPDES”) General Permit for Stormwater Discharges from Construction Activities (Permit No. GP-0-25-001 or the then-effective general permit number) or any applicable permit renewal (“SPDES Permit”), shall be provided to the Secretary by the Certificate Holder before commencement of any Project construction that requires such permit or approval.

10. The Certificate Holder’s maintenance of the Project ROW will be in accordance with Applicant’s then effective “Right-of-Way and Grounds Maintenance Procedures,” as they may be amended from time to time (“ROW Maintenance Procedures”).

11. If the Certificate Holder believes that any action taken, or determination made, by a State or municipal agency in connection with this Certificate is unreasonable or unreasonably delayed, the Certificate Holder may petition the Commission, upon reasonable notice to that agency, to seek a resolution of any such unreasonable or unreasonably delayed action or determination. Such agency may respond to the petition, within five (5) business days, to address the reasonableness of its action, determination or delay.

#### **D. Public Health and Safety**

12. The Certificate Holder shall design, engineer and construct the Project such that its operation shall comply with the electric and magnetic field standards established by the Commission in Opinion No. 78-13, issued June 19, 1978, and the Statement of Interim Policy on Magnetic Fields of Major Electric Transmission Facilities, issued September 11, 1990.

13. The Certificate Holder shall engineer and construct the Project to be compatible with the operation and maintenance of infrastructure within the Project ROW including, but not limited to, electric, gas and petroleum products, telecommunication, water, sewer, railroads, and related facilities (“Third-Party Infrastructure”). To maintain and protect the integrity, operation, and maintenance of such Third-Party Infrastructure within the Project ROW, the Certificate Holder will use good faith efforts to consult with the owner of any such Third-Party Infrastructure discovered during Project pre-construction surveys or construction activities. Such consultations will include good faith efforts, if appropriate, to obtain a letter of no objection (“Letter of No Objection”) or crossing agreement from Third-Party Infrastructure owners wherever the Project is expected to cross Third-Party Infrastructure or is expected to come in such proximity to Third-Party Infrastructure that Good Utility Practice, as defined in the NYISO Open Access Transmission Tariff (“OATT”) and as required by applicable utility specifications or requirements, would require a specific design, physical support for the integrity of the Third-Party Infrastructure and/or protection measures to be developed and implemented by Certificate Holder or the Third-Party Infrastructure owner for the crossing.

- a. The Certificate Holder shall submit to the Commission as part of the EM&CP:
  - i. A figure or map detailing all known Third-Party Infrastructure locations within the Project ROW;
  - ii. A listing of all Third-Party Infrastructure crossings and any associated Letters of No Objection or crossing agreements;
  - iii. Details of Third-Party Infrastructure, as well as measures to be implemented by Certificate Holder or the Third-Party Infrastructure owner to protect the integrity, operation, and maintenance of such Third-Party Infrastructure;
  - iv. An explanation of the safety procedures related to Third-Party Infrastructure that will be implemented by Certificate Holder or the Third-Party Infrastructure owner during construction, operation and maintenance of the Project; and
  - v. A demonstration that the crossings will comply with Certificate conditions and permit requirements. If any Project designs finalized through consultations with Third-Party Infrastructure owners result in modification to the proposed location or design of the transmission route or related facilities in the EM&CP, then the Certificate Holder shall address and request approval for such changes in accordance with this Certificate and any applicable Commission regulations.
  - vi. For instances when a Letter of No Objection or crossing agreement is not secured due to unresponsive or uncooperative Third-Party Infrastructure owners, the Certificate Holder shall file, at least ten (10) days prior to requesting a Notice to Proceed, a narrative describing the status of its efforts made to contact such owners and the outcome of its consultations with the owners of the Third-Party Infrastructure, and final designs stamped and signed by a Professional Engineer registered in the State of New York for such crossings and installations.
  - vii. Requests for a Limited Notice to Proceed may be submitted for construction activities in locations that: (a) do not have Third Party Infrastructure in the Project ROW, or (b) where there is Third-Party Infrastructure in the Project ROW and the Certificate Holder has secured and filed a Letter of No Objection, a crossing agreement, or the narrative and final designs described in (vi), above.

14. During operation of the Project, the Certificate Holder will provide at least thirty (30) days' prior notice to Third-Party Infrastructure owners of any planned repair, construction, or maintenance activity relating to the Project that has the potential to impact such owner's Third-Party Infrastructure and the measures the Certificate Holder will undertake, or require the Third-Party Infrastructure owner to take, to prevent any impacts and/or protect the Third-Party

Infrastructure. In the event there is a need for unplanned repair, construction, or maintenance activity relating to the Project that has the potential to impact Third-Party Infrastructure, the Certificate Holder will provide notice to owners of such Third-Party Infrastructure immediately upon knowledge or discovery of the need for unplanned repair, construction, or maintenance activities and include the same information as stated above.

15. The Certificate Holder shall keep local fire department and emergency management teams apprised of on-site hazardous chemicals and waste. All such chemicals and waste shall be secured in a locked and controlled area.

16. The Certificate Holder shall notify the New York State Department of Environmental Conservation (“NYSDEC”) Spill Hotline (1-800-457-7362) and the Bureau of Energy Project Management ([DEPEnergy@dec.ny.gov](mailto:DEPEnergy@dec.ny.gov)) of any fuel or chemical spill it is required to report in accordance with NYSDEC regulations and guidance, and it shall notify New York State Department of Public Service staff (“DPS Staff”) as soon as possible but not to exceed two hours thereafter.

17. The Certificate Holder shall take appropriate measures to minimize fugitive dust and airborne debris from construction activity. Exposed soils and roadways shall be wetted as needed during extended dry periods to minimize dust generation. To the extent practicable, water for dust control shall come from municipal water supplies/sources.

18. The Certificate Holder shall ensure that parking for Project construction workers’ personal vehicles shall be in designated areas where the parking of such vehicles will not interfere with normal traffic or cause a safety hazard and will minimize impacts to existing land uses to the extent practicable. These parking areas shall be designated in the EM&CP.

19. The Certificate Holder shall minimize direct vehicular disturbance to properties by accessing the Project ROW from existing roadways or approved off-ROW access roads identified in the EM&CP.

20. The Certificate Holder shall minimize the impact of Project construction on traffic circulation. For each road crossing and location where construction vehicles will access the Project ROW frequently from local roadways, the Certificate Holder shall implement a Maintenance and Protection of Traffic (“MPT”) plan that identifies procedures to be used to maintain traffic and provide a safe construction zone for those activities within the roadway right-of-way. The MPT plan shall address temporary signage, lane closures, placement of temporary barriers and traffic diversion, the use of temporary electronic mobile traffic signals, and the transportation needs of emergency and school vehicles. The Certificate Holder shall ensure that:

a. All signage and electronic mobile traffic signals utilized comply with the New York State Department of Transportation (“NYSDOT”) Manual of Uniform Traffic Control Devices.

b. Flagmen are present at all times when equipment is crossing any road, when equipment is being loaded or unloaded, and where two-lane traffic has been reduced to one lane, unless an electronic mobile traffic signal is utilized in lieu of such flagmen. All flagging operations shall comply with 17 NYCRR Part 131.

21. Blasting shall not be utilized during construction of the Project.

**E. EM&CP**

22. The EM&CP shall be developed in accordance with these Certificate Conditions and, except where this Certificate requires otherwise, the environmental protection measures contained in the Application shall be incorporated into the EM&CP. Applicable provisions of the Certificate, EM&CP, and Commission Order(s) approving the EM&CP shall be accommodated in any design, construction, operation, or maintenance contracts associated with the Project. The EM&CP shall be prepared in accordance with the Specifications for the Development of Environmental Management and Construction Plan attached as Appendix E to the Certificate order (“EM&CP Specifications”). The EM&CP shall be consistent with the ROW Maintenance Procedures.

23. Prior to filing the EM&CP, the Certificate Holder shall contact the NYSDEC, NYS Natural Heritage Program and the United States Fish and Wildlife Service (“USFWS”) to check for any updates or changes of known threatened or endangered plant or animal species or habitat (collectively, “T&E” species) or Significant Natural Communities in the Project Area to be utilized for construction including marshalling and staging yards. After the Certificate Holder learns of any updates regarding T&E species, it will inform DPS Staff of such updates. The Certificate Holder may meet its obligation to inform DPS of such an update by including it in the EM&CP.

24. The Certificate Holder shall develop the EM&CP in accordance with the SWPPP requirements of the SPDES Permit and include a draft Stormwater Pollution Prevention Plan (“SWPPP”) with the EM&CP. Any changes to the draft SWPPP required as a result of NYSDEC review will be submitted prior to approval of the EM&CP, provided, however that such changes may be submitted after approval of the EM&CP if necessary and agreed to by DPS Staff after consultation with DEC staff. In no event, however, shall a Notice to Proceed with construction be issued for any area covered by the SWPPP until Certificate Holder files the final SWPPP, NYSDEC’s Letter of Authorization, and a copy of the filing receipt for the electronic Notice of Intent requesting coverage under NYSDEC’s then-current SPDES Permit for Stormwater Discharges from Construction Activity (“CGP”) with respect to the SPDES Permit. .

25. Deviations from the certified centerline, design, location, number/type of structures, and site-specific details shall be allowed for appropriate environmental or engineering reasons, except where a conflict with a provision of the Certificate would be created. An explanation for the proposed deviation and supporting documentation shall be provided in the EM&CP.

26. The Certificate Holder shall not commence construction of any portion of the Project, the preparation of the site for the construction of any portion of the Project, or any proceedings under the Eminent Domain Procedure Law (“EDPL”) to acquire permanent ROW, temporary ROW, or off-ROW access with respect to any portion of the Project until the Commission has approved the EM&CP for such portion of the Project. To calculate the three-year period for acquisition of property pursuant to the EDPL, the date of Commission approval of the EM&CP covering the affected parcel shall be regarded as the date on which this Article VII

proceeding was completed.

27. The Certificate Holder shall provide as part of the EM&CP:

- a. A final design plan that conforms to the Project design set forth in the Certificate and to applicable Federal, State, and local requirements, including applicable NYSDEC, New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”), New York State Department of Agriculture & Markets (“NYSAGM”), Commission, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Occupational Safety and Health Administration, NYS Department of Labor, and local government chemical and waste-storage use and handling regulations;
- b. A discussion of the status of the Certificate Holder’s efforts to obtain permits necessary for construction of the Project from Federal agencies and State agencies with Federally-delegated authority;
- c. The URL address for the Certificate Holder’s website containing Project information; and
- d. The location of document repositories.

28. The EM&CP will include a description of a video assessment the Certificate Holder will conduct of the preconstruction condition of municipal roads. The assessment will record video imagery of visible facilities found in the road right-of-way, including (where present and visible) road pavement, stormwater facilities, sidewalks, and street furniture (i.e., items and structures that are installed or placed in public areas for various purposes).

29. The Certificate Holder shall file an electronic copy of its proposed EM&CP with the Secretary and will contemporaneously notify all parties to this proceeding of the DPS website page(s) where the proposed EM&CP is available. Additionally, unless otherwise directed by the Secretary, the Certificate Holder shall serve one electronic copy on each of: the Permit Administrator, Bureau of Energy Project Management of the NYSDEC Central Office in Albany; the Natural Resources Supervisor of the Region 1 office of the NYSDEC; the staff of the NYSAGM; the staff of the Region 10 office of the NYSDOT; any other New York State agency that requests the document. Within seven days after the Certificate Holder files the proposed EM&CP with the Secretary, it shall deliver one hard copy with full-scale drawings to DPS Staff. The Certificate Holder also shall deliver one electronic copy and in the alternative one hard copy to be made available for inspection by the public at the public repositories listed in the Application or in a convenient location in each municipality in which construction will take place, which location for a given municipality may be a repository (e.g., library or town hall) in such municipality. The Certificate Holder will also make the EM&CP accessible on its Project website by way of direct PDF download(s) and a web link to the DPS website page(s) where the EM&CP is available.

30. Contemporaneously with filing and serving the proposed EM&CP, the Certificate Holder shall disseminate, in the manner specified below, a written notice, in language reasonably understandable to the average person, that the proposed EM&CP has been filed (the “EM&CP Filing Notice”).

a. The Certificate Holder shall serve a copy of the EM&CP Filing Notice on all persons required to be served with the Application by statute or regulation (except those state agencies to which the Certificate Holder is required to send one or more copies of the EM&CP).

b. The Certificate Holder shall deliver a copy of the EM&CP Filing Notice to the owners and residents (if different from the owners) of all properties that are crossed by or abut the Project ROW, and all properties on which new property rights are required for the Project. The Certificate Holder shall deliver such notice to property owners by first class mail, and if the names and mailing addresses are known to the Certificate Holder, residents (if different from the owners) by first class mail. If the Certificate Holder knows that the residential structure on the property is an apartment building with multiple separate dwelling units, then the Certificate Holder shall also affix the notice to the main publicly accessible door of such apartment building or prominently post it in another common area as permitted by the owner.

c. The Certificate Holder shall include a copy of the EM&CP Filing Notice in the proposed EM&CP.

d. The Certificate Holder shall publish a copy of the EM&CP Filing Notice in a newspaper or newspapers of general circulation, including a free publication (if available), near the Facility.

e. The EM&CP Filing Notice delivered to the owner of each property on which property rights are to be acquired shall be accompanied by a description of the type of property rights required for the Project with respect to such property (e.g., fee, easement, lease, etc.).

31. The EM&CP Filing Notice shall contain, at a minimum, the following:

- a. a statement that the proposed EM&CP has been filed;
- b. a general description of the certified Facility and of the content of the proposed EM&CP;
- c. a listing of the locations and the websites where the Certificate Holder and DPS have made the proposed EM&CP available for public inspection;
- d. a statement that any person desiring additional information about a specific geographical location or specific subject may request it from the Certificate Holder;
- e. the URL address for the Certificate Holder's website containing Project information;
- f. the name, address, email address, and local or toll-free telephone number(s) of an appropriate Certificate Holder representative;
- g. the email address and postal address of the Secretary and the DPS website URL address; and
- h. a statement that any person may be heard by the Commission on any matter or

objection regarding the proposed EM&CP by filing written comments with the Secretary and the Certificate Holder within thirty (30) days of the date the proposed EM&CP was filed with the Commission, or within thirty (30) days of the date of the newspaper publication of a copy of the EM&CP Filing Notice, whichever is later.

32. A certificate of service indicating upon whom all the EM&CP Filing Notices were served and delivered shall be filed with the Secretary within 15 days after the time the proposed EM&CP is filed, and shall be a condition precedent to approval of the EM&CP; provided that, when the Certificate Holder delivered EM&CP Filing Notices to the owners and residents of apartment buildings with multiple separate dwelling units by affixing them to the main publicly-accessible doors of such buildings or by prominently posting same in other common areas of such buildings, the certificate of such service filed with the Secretary shall indicate the manner of such delivery and identify all such owners and residents whose identities are known to the Certificate Holder. When available, proof of publication of the newspaper notice(s) of filing the proposed EM&CP, including a copy of such notice, shall be filed with the Secretary.

33. After the EM&CP has been approved by the Commission:

a. The Certificate Holder shall submit a written report of any proposed changes (each a “Notice of Change”) to the approved EM&CP to DPS Staff. DPS Staff will refer any Notice of Change that will not result in any increase in adverse environmental impacts or are not directly related to contested issues decided during the proceeding to the Deputy Director of Transmission of the Office of Renewable Energy Siting and Electric Transmission or their designee for approval (each a “Minor EM&CP Change”). DPS Staff will refer all other Notices of Change to the Commission for approval.

b. Upon being advised that DPS Staff will refer a Notice of Change to the Commission, the Certificate Holder shall notify all parties. The Certificate Holder shall also notify property owners whose property is affected by the proposed change by first class mail, and if the names and mailing addresses are known to the Certificate Holder, residents (if different from the owners) by first class mail. The Certificate Holder shall also give such notices to residents of apartment buildings with multiple separate dwelling units by affixing such notices to the main publicly accessible doors of such buildings or by prominently posting same in other common areas of such buildings as permitted by the owners. The notice shall: (1) describe the original conditions and the requested change; (2) state that documents supporting the request are available for inspection at specified locations, (3) state that persons may comment by writing or calling (followed by written confirmation) to the Commission within twenty-one (21) days of the notification date, and (4) provide the Secretary’s email address, phone number, and mailing address. Any delay in receipt of written confirmation will not delay Commission action on the proposed change.

c. The Certificate Holder shall not execute any proposed change until it receives written approval from the Deputy Director of Transmission of the Office of Renewable Energy Siting and Electric Transmission, or a designee or the Commission except in emergency situations threatening personal injury, property damage, or severe adverse

environmental impact, or as specified in the approved EM&CP.

34. The Certificate Holder shall develop a Dewatering Plan in consultation with DPS Staff and NYSDEC staff, and shall submit such plan as part of the EM&CP. Such plan will be in compliance with the applicable substantive provisions of 6 NYCRR Parts 601 and 602, and shall provide that:

a. Dewatering operations from any construction related activities must be discharged into an approved dewatering device (i.e., temporary sediment trap or filter bag) as detailed in the New York State Standards and Specifications for Erosion and Sediment Control (“Blue Book”). To the extent practicable, the dewatering device shall not be placed on or near the top of the stream bank and shall be located a minimum of 50ft from all wetlands, streams, and waterbodies while remaining within the Project Area. If discharge into a wetland or waterbody is necessary, the Certificate Holder must provide reasonable justification and appropriate mitigation for any unavoidable impacts, which must be established through consultation with NYSDEC staff and DPS Staff. Return water from dewatering activities shall not be contaminated, as defined in NYSDEC regulations and guidance, and shall not cause a substantial visual contrast to natural conditions of any wetland or stream.

b. Water resulting from dewatering operations, equipment washing, or other construction related activities shall not be directly discharged into any wetland or waterbody. In-stream work shall only occur during dry conditions or in “the dry.” Diversion measures (e.g., dam and pump or flume) must be used. If approved measures fail to divert all flow around the work area, instream work must immediately stop until diversion and dewatering measures are fully in place and properly functioning again.

c. The need for site-specific groundwater sampling and any testing, treatment, sampling, and/or disposal practices, as necessary, will be established in consultation with NYSDEC staff.

d. Water generated from dewatering operations that exceeds NYSDEC standards, criteria, or guidance values must be treated and disposed of in compliance with the approved Dewatering Plan.

e. In the case of known or encountered contamination, the water will be retained and hauled to off-site location(s) for disposal identified in the EM&CP.

f. The EM&CP shall identify the property locations, if any, where the Certificate Holder anticipates that it will install one or more wells to conduct temporary or permanent dewatering activity for the Project at a total withdrawal capacity of such well or wells on any one property in excess of 45 gallons per minute (GPM) (with capacity based on the capacity of the pumps to be installed, not on the contemplated draft). Prior to commencement of such activities, DPS Staff, in consultation with NYSDEC staff, will determine, based on the standards of issuance in Environmental Conservation Law (“ECL”) § 15-1527(4), whether to impose any conditions or restrictions on such activities.

g. Dewatering operations involving water withdrawal from one or more

dewatering wells on a single property with a total capacity in excess of 45 GPM or 64,800 gallons per day (GPD), will be conducted in compliance with applicable substantive state law.

h. Meters or other appropriate measuring devices must be installed, calibrated, and maintained on all sources of supply to any wells in the dewatering system. Source meters or measuring devices must be read on a weekly basis and records kept of those readings. Records of water withdrawn from well points, including a daily pump log, must be maintained and available upon request to DPS Staff and NYSDEC staff.

i. Water wells must be properly capped, sealed, and disconnected from the dewatering system. Wells must be decommissioned in a manner consistent with the NYSDEC Water Supply Well Decommissioning Recommendations.

j. If required, the drilling of wells for dewatering operations shall be performed by Well Drillers duly registered in accordance with ECL §15-1525.

## **F. Notices and Public Complaints**

35. The Certificate Holder shall make available to the public a toll-free or local phone number of an agent or employee who will, for the duration of construction of the Project, be available to receive inquiries or complaints, if any, from any member of the public about the construction of the Project, and such agent or employee shall respond to such members of the public with acknowledgement of the receipt of the inquiry or complaint within one (1) business day. That phone number shall include a recorded outgoing message that will, when a call is not answered by a person, provide the caller with: (i) the number to be called at any time in case of emergency, (ii) the phone number and email address of the Secretary, and (iii) the phone number of the Commission's Environmental Compliance Section.

36. The Certificate Holder's Project website shall provide a means for the public to communicate to the Certificate Holder about the Project (e.g., to register complaints or ask questions) through either a direct link to a complaint form or email or by providing the contact information (phone and/or email address) of a representative of the Certificate Holder who can respond to communications that include questions and concerns about the Project from members of the public. The Certificate Holder shall post construction notices and other publicly relevant information (e.g. schedule, night-time work, traffic information) to the Project website. The Project website shall allow users to subscribe (or unsubscribe) to a mailing list for Project updates and/or notifications.

37. The Certificate Holder shall create a Complaint Management and Resolution Plan to be included as part of the EM&CP. The Complaint Management and Resolution Plan shall:

a. Identify and include procedures for filing a complaint (e.g. by telephone, email, website, mail, or in-person) including protocols, if any, that may be unique based on the type of complaint (e.g. noise, dust) or Project phase (e.g. pre-construction, construction, post-construction); communication protocols the Certificate Holder will follow to inform the complainant of actions taken to address the complaint; and the steps the Certificate

Holder will take if the complaint remains unresolved. The Plan shall also include a description of how the complaint process will be communicated to the public (i.e. via the Project website, community meetings, NOI to Commence Construction, etc.) as well as copies of any public materials informing potential complainants how or when to contact the Certificate Holder to file a complaint. A copy of a blank complaint form and log form will be included in the Complaint Plan.

b. Require the Certificate Holder to report to DPS Staff every complaint that cannot be resolved after reasonable attempts to do so, and describe the actions taken to address the complaint, within ten (10) business days after receipt of the complaint. The Certificate Holder shall retain a record of complaints received, which record shall be made available during monthly audit meetings.

c. Require the Certificate Holder to retain, for a period of five (5) years from receipt of the complaint, electronic copies of: (i) the telephone logs for any calls made to the Project's local or toll-free number(s); and (ii) any submission to the Project email/website. Such records shall be made available to DPS Staff upon request. The requirement to retain such electronic copies shall terminate five (5) years from the date the notice required by Condition 44 has been provided to the Secretary.

38. The Certificate Holder shall comply with the following Notice of Intent to Commence Work ("Construction NOI") requirements:

a. No less than two weeks before commencing site preparation, the Certificate Holder shall prepare and disseminate the Construction NOI to notify the public of the date it anticipates that Project construction will commence, as follows: (1) provide the Construction NOI to all parties to the proceeding and to all local officials, school districts and emergency personnel along the entire Facility route; (2) provide the Construction NOI to local media for dissemination, including local newspapers of general circulation and a free publication (if available); (3) provide the Construction NOI for display in the repositories identified in the Application, the Certificate Holder's Project website, and other public places (such as general stores, post offices, libraries, town halls, community centers and conspicuous community bulletin boards); and (4) provide the Construction NOI to property owners (and residents, if different from owners) whose properties are crossed by or abut the Project ROW. The Certificate Holder shall deliver the Construction NOI to property owners and residents by first class mail or by affixing it to the doors of the residences. If the Certificate Holder knows that the residential structure on the property is an apartment building with multiple separate dwelling units, then the notice may be affixed to the main publicly-accessible door of such apartment building or prominently posted in another common area as permitted by the owner.

b. The Construction NOI shall be written in language reasonably understandable to the average person and shall contain: (1) a map of the Project; (2) a brief description of the Project; (3) the anticipated date for start of site preparation and estimated date for Project completion (inclusive of restoration); (4) the name, mailing address, local or toll-free telephone number, and email address of an employee or agent of the Certificate Holder

who will, for the duration of construction of the Project, be available to receive complaints, if any, from the public about the construction of the Project; (5) a description of where to get more information about the Project, including the Project website address and the locations of document repositories; and (6) a statement that the Project is under the jurisdiction of the New York State Public Service Commission, which is responsible for enforcing compliance with environmental and construction conditions, and which may be contacted at an address, email, and telephone number to be provided in the notice.

c. Upon distribution and prior to the commencement of construction, a copy of the Construction NOI shall be submitted to the Secretary.

39. For the duration of Project construction, the Certificate Holder shall post and maintain on its Project website a schedule that includes at least general-level information for the public about Project activities scheduled to occur during the upcoming two-week period.

40. The Certificate Holder shall provide all contractors providing services for construction of the Project (“Contractors”) with complete copies of the Certificate, the approved EM&CP, the order(s) approving the EM&CP, updated construction drawings, any site-specific plans, and the SPDES Permit, any permit issued pursuant to Section 404 of the Federal Clean Water Act, any issued Section 401 Water Quality Certification. To the extent that the listed documents are available before contracts for construction services are executed, such copies shall be provided to the Contractors prior to the execution of such contracts.

41. The Certificate Holder shall notify all Contractors that the Commission may seek to recover penalties for violation of the Certificate and other orders issued in this proceeding, not only from the Certificate Holder, but also from its Contractors, and that Contractors also may be liable for other fines, penalties and environmental damage.

42. The Certificate Holder shall inform the Secretary in writing at least five (5) days before commencing construction of the Facility.

43. The Certificate Holder shall provide DPS Staff and the NYSDEC staff with weekly status reports summarizing construction of the Facility and indicating construction activities and locations scheduled for the next week.

44. Within ten (10) days after the Facility is fully constructed and placed in service, the Certificate Holder shall notify the Secretary in writing of that fact.

45. Within ten (10) days of the completion of final restoration of the Facility, the Certificate Holder shall notify the Secretary in writing that all restoration has been completed in compliance with this Certificate and the order(s) approving the EM&CP.

46. Within twelve (12) months of the completion of the Project, the Company shall provide DPS Staff with “as-built” drawings for the entire Facility.

## **G. Construction, Operation, Maintenance, and Restoration**

47. The Certificate Holder shall not commence construction for any portion of the Project until the Deputy Director of Transmission in the Office of Renewable Energy Siting and

Electric Transmission, or a designee, has issued the relevant “Notice to Proceed with Construction.” Construction means the beginning of tree clearing, site clearing, ground disturbance, site preparation, and grading activities related to installation of the Project. Commencement of construction does not include soils or groundwater testing, surveying (such as geotechnical drilling) and similar preconstruction activities to determine the adequacy of the site for construction and to prepare filings (including final design plans for the EM&CP) pursuant to this Certificate. Commencement of construction also does not include (a) activities such as limited amounts of staging, tree cutting, mowing, clearing and matting that are required to perform such preconstruction activities (provided advance notice of such activities is provided to DPS Staff and DEC); (b) receiving Project construction materials or construction equipment at a pre-existing storage location that is not specific to the Project (provided the Certificate Holder notes such storage location in the EM&CP); and (c) routine mowing of the existing ROW pursuant to the ROW Maintenance Procedures.

48.

a. At least two (2) weeks prior to the start of construction of the Project, the Certificate Holder shall hold a preconstruction meeting to which it shall invite its Contractors, DPS Staff, the staffs of NYSAGM, and NYSDEC, and representatives from the municipalities in which the Project is located. An agenda, the location, and an invitee list shall be agreed upon between DPS Staff and the Certificate Holder. Notification of the meeting shall be provided to all invitees at least 10 days prior to the meeting date.

b. Maps showing designated travel routes, construction worker parking and access road locations and a general project schedule will be available at the meeting for the attendees.

c. The Certificate Holder shall supply draft minutes from this meeting to a representative of each party in attendance for corrections or comments, and thereafter the Certificate Holder shall issue the finalized meeting minutes to all attendees and make them available to any state agency or municipality not in attendance that requests them.

d. If, for any reason, the Contractors cannot finish the construction of the Project, and one or more new contractors are needed, there shall be another preconstruction meeting with the same format as outlined above.

49. At least 2 weeks prior to construction beginning in any area, the Certificate Holder shall, in such area: (a) mark out or delineate both edges of the Project ROW, as certified; (b) mark out or delineate all off-ROW access roads and all work pads and pulling pads; and, provided the Certificate Holder has the necessary rights of access to allow markings in such areas (c) mark with appropriate flagging or other signage environmentally sensitive areas, including known archeological sites, T&E species habitat, wetlands and regulated adjacent areas associated with wetlands pursuant to 6 NYCRR Part 664 (“Regulated Adjacent Areas”), based on approved plans; and (d) mark all known danger trees. The Certificate holder shall notify DPS Staff when the above-described field mark out and delineation is completed in such area.

50. The Certificate Holder shall schedule Project activities to occur between the hours

of 7:00 a.m. through 7:00 p.m. Monday through Saturday, except July Fourth, Thanksgiving day, Christmas day, and New Year's day. If, due to safety, planned outage restrictions, or as a result of consultations with the affected municipality as set forth in the EM&CP, Project activities are to occur beyond the allowable work hours ("Extended Work"), the Certificate Holder shall notify DPS Staff, affected landowners, and affected municipalities. Such notice shall be given at least twenty-four (24) hours in advance of such activities, unless such activities are required to address emergency situations threatening personal injury, property necessary to maintain electric reliability, or severe adverse environmental impacts that arise less than twenty-four (24) hours in advance. In such cases, as much advance notice as is practical shall be provided. Unless otherwise directed by DPS Staff, the Certificate Holder may proceed with the Extended Work activities following the required notice period described above. Subject to the above notice requirements, Extended Work for Project activities such as continuous operation at each trenchless operation, splicing location, and the installation of duct banks and splice vaults are permitted.

51. In connection with the ROW vegetation clearing for the Project, the Certificate Holder shall:

- a. comply with the provisions of 6 NYCRR Part 192, "Forest Insect and Disease Control," and ECL § 9-1303, with any quarantine orders issued thereunder;
- b. note on the EM&CP drawings the clearing and disposal techniques;
- c. not create a maximum wood chip depth greater than three (3) inches, except for wood chip roads or for invasive species control, nor store or dispose of wood chips in wetlands, Regulated Adjacent Areas, floodways, agricultural lands, or within 50 feet of stream banks;
- d. utilize the wood resource generated by the clearing in accordance with sound environmental techniques;
- e. limit clearing of natural vegetation during construction to that material which poses a hazard or hindrance to the construction, operation or maintenance of the Facility. Snags which provide shelter in streams for fish shall not be disturbed unless they cause serious obstructions, scouring or erosion;
- f. during construction, the Certificate Holder shall not remove any identified danger trees after the initial phase of tree clearing until it has received authorization from DPS Staff, unless such removal is necessary as part of storm response or to prevent an imminent threat to human life. The Certificate Holder shall report any additional danger trees it identifies to DPS Staff and DEC staff as soon as practicable. The Certificate Holder shall allow for a site inspection or provide materials DPS Staff requires to support authorization for removal, such as photographic documentation;
- g. not remove or grind stumps unless construction of an access road or work pad necessitates removal below grade, or is needed for residential restoration; and
- h. not fell any trees into any stream or onto the immediate stream bank.

52. Unless described otherwise in the EM&CP, all trees over four inches in diameter

breast height or shrubs over four feet in height damaged or destroyed by activities during construction, regardless of where located, shall be replaced within one year after completion of Project construction by the Certificate Holder with the non-invasive equivalent type of trees or shrubs, preferably native, (though not necessarily the same size), except if:

- a. the Certificate Holder determines that equivalent type replacement trees or shrubs would interfere with the proper clearing, construction, operations or maintenance of the certified Project;
- b. replacement would be contrary to sound ROW management practices, or to the ROW Maintenance Procedures; or
- c. after consultation with the owner of land where the damaged or destroyed trees or shrubs were located, such owner declines replacement (or other recorded easement or license holder with the right to control replacement declines replacement).

53. The Certificate Holder shall ensure that the EM&CP: (a) identifies plans for tree protection; and (b) indicates on the drawings where tree protection measures will be applied (if any are known at the time of EM&CP preparation).

54. During construction, Certificate Holder shall remove or cause to be removed debris in the Project ROW that will interfere with maintenance or restoration of the Project ROW. Certificate Holder shall conduct clean-up activities along the Project ROW prior to completion of restoration activities. Construction debris shall be properly disposed of at a waste disposal facility authorized to receive such material and identified in the EM&CP. The Certificate Holder shall not bury construction debris in the Project ROW.

55. Neither the Certificate Holder, nor any Contractors in its employ, shall construct any new, or improve any existing, access road unless such road is described in the EM&CP. Should the need arise for additional off-ROW access, the Certificate Holder shall follow the EM&CP change procedures recited in Condition 33.

56.

a. The Certificate Holder shall adhere to the NYSDEC then-effective "Blue Book" and the New York State Stormwater Management Design Manual ("Design Manual"), or take such alternative measures as identified in the SWPPP. A final SWPPP shall be prepared as part of the SPDES Permit and in accordance with the then most recent version of the Blue Book and Design Manual.

b. The Certificate Holder shall ensure that all erosion control devices in areas of disturbance are in place and functional by the end of the workday.

c. Erosion and sediment controls with respect to the Project shall be prescribed on the EM&CP Plan and Profile drawings.

d. The Certificate Holder shall install temporary erosion control devices (e.g., silt fence, straw bales, and structural diversions) as soon as practicable or by the end of the workday for newly disturbed areas, as indicated in the EM&CP.

e. Use of hay bales is strictly prohibited.

f. All erosion control fabric or netting must be 100% biodegradable natural product or photodegradable, excluding geotextiles used for road construction and temporary erosion control devices such as silt fence and silk sock.

57. The Certificate Holder shall restore disturbed construction areas to original grades and conditions with permanent re-vegetation and erosion controls appropriate for those locations unless the EM&CP specifies otherwise. Disturbed pavement, curbs and sidewalks shall be restored to their original preconstruction condition or better.

58. The Certificate Holder shall be responsible for checking all culverts and assuring that they are not crushed, blocked, or otherwise damaged during construction and restoration of the Project. If a culvert is crushed, blocked or otherwise damaged during construction or restoration of the Project, Certificate Holder shall repair the culvert or replace it with alternative measures appropriate to maintaining proper drainage, aquatic connectivity and stream flow, as applicable. Culvert repairs or replacements shall follow specifications in the EM&CP.

59. The Certificate Holder shall, upon completion of construction of the Facility:

a. conduct an assessment of the need for additional restoration work, and landscape improvements, including vegetation planting, earthwork or installed features to screen or landscape the Facility with respect to the substations;

b. prepare plans for any visual mitigation found necessary, and, in connection therewith, removal, rearrangement and supplementation of existing landscape improvements or plantings should be considered, as appropriate;

c. in the event that vegetative screening is proposed, consult with DPS Staff on content and execution of its assessment, resultant landscaping plan specifications and materials list; details shall include measures for third party or wildlife damage or other causes of damage to any landscape and vegetation plantings; and

d. present draft assessments and plans to DPS Staff for review and file a final plan with the Secretary within one year after the completion of construction of the Facility.

## **H. Herbicide Use**

60. The Certificate Holder shall not perform aquatic application of pesticides (which includes herbicides) on the Project ROW. For all other pesticides, the Certificate Holder shall (i) ensure that all applicable applicator license(s) including any federally delegated permits from NYSDEC are secured and (ii) apply the pesticide consistent with its label. The supervising certified applicator shall be familiar with and understand the applicable provisions of this Certificate and the most recent version of the Certificate Holder's ROW Maintenance Procedures or TROWMP, as applicable.

## **I. Oversight and Supervision**

61. The Certificate Holder shall use at least four (4) inspectors (or fewer if the Certificate Holder elects to use the same individual in more than one role and that individual is qualified and has sufficient time and resources to adequately fulfill each role): (a) at least one environmental inspector employed full-time on the Project; (b) at least one construction inspector employed full-time on the Project; (c) at least one safety inspector who will inspect the work site from time to time; and (d) at least one quality assurance inspector who will inspect the work site from time to time. The environmental inspector may be used to perform agricultural inspections, if they become necessary, and if the person who performs such inspections is qualified to do so and is approved by DPS Staff and NYSAGM. The environmental inspector shall have stop work authority over all aspects of the Project.

62. During periods of relative inactivity on the Project, after consultation with and acceptance from DPS Staff, the Certificate Holder may temporarily decrease the number of hours worked by inspectors and the extent of their presence at the Project site commensurate with the decline in Project activity; likewise, during periods of relatively high activity on the Project, the number of inspectors and the extent of their presence at the Project site may temporarily increase commensurate with the increase in Project activity. The Certificate Holder shall describe in the EM&CP how it will ensure adequate coverage by inspectors.

63. The environmental inspector(s) and the construction inspector(s) shall be equipped with sufficient documentation and transportation and communication equipment to effectively monitor each Contractor's compliance with the provisions of every order issued in this proceeding and applicable sections of the PSL, the ECL and regulations issued thereunder, and the EM&CP.

64. The Certificate Holder shall provide DPS Staff the environmental inspector's daily reports within 48 hours of completion.

65. The names and qualifications of the environmental inspector(s) and the construction inspector(s) shall be submitted to DPS Staff for review and approval at least two weeks prior to the start of construction. The environmental inspector's qualifications shall satisfy those of a "Qualified Inspector" pursuant to the applicable SPDES Permit.

66. The Certificate Holder shall provide to DPS Staff, NYSAGM, and NYSDEC staff the cell phone numbers of the Certificate Holder's environmental inspector(s) and construction inspector(s). The environmental inspector(s) and construction inspector(s) may have direct communication with DPS Staff, NYSAGM, and NYSDEC staff throughout the duration of construction.

67. The Certificate Holder's employees, contractors and subcontractors assigned to the construction of the Project and inspection of such construction work shall be properly trained in their respective responsibilities.

68. The Certificate Holder shall regard DPS Staff representatives (authorized pursuant to PSL §8) as the Commission's designated representatives in the field. In the event of any emergency resulting from specific construction or maintenance activities that violate or may violate the terms of the Certificate or any other order in this proceeding, such DPS Staff representatives may issue a stop work order for that location or activity.

69. A stop work order shall expire 24 hours after issued unless confirmed by a single Commissioner. If a stop work order is so confirmed, the Certificate Holder may seek reconsideration from the confirming Commissioner or the whole Commission.

70. Before exercising stop work authority, DPS Staff representatives will consult (wherever practicable) with the Certificate Holder's representatives possessing comparable authority. Within reasonable time constraints, all attempts will be made to address any issue and resolve any dispute in the field. In the event the dispute cannot be resolved in the field, the Certificate Holder may bring the matter to the attention of the Certificate Holder's Project Manager and the Deputy Director of Transmission of the Office of Renewable Energy Siting and Electric Transmission, or a designee. However, DPS Staff representatives may nonetheless issue the stop work order. In the event that a DPS Staff representative does issue a stop work order, neither the Certificate Holder nor the Contractor will be prevented from undertaking any safety-related activities as they deem necessary and appropriate under the circumstances. The issuance of a stop work order or the implementation of measures described below may be directed at the sole discretion of the DPS Staff representative during these discussions.

a. If a DPS Staff representative discovers a specific activity that represents a significant environmental threat that is or immediately may become a violation of the Certificate or any other order in this proceeding, the DPS Staff representative may -- in the absence of responsible Certificate Holder supervisory personnel, or in the presence of such personnel who, after consultation with the DPS Staff representative, refuse to take appropriate action -- direct the field crews to stop the specific potentially harmful activity immediately. If responsible Certificate Holder personnel are not on site, the DPS Staff representative will immediately thereafter inform the construction inspector or environmental inspector of the action taken. The stop work order may be lifted by the DPS Staff Representative if the situation prompting its issuance is resolved;

b. If the DPS Staff representative determines that a significant threat exists such that protection of the public or the environment at a particular location requires the immediate implementation of specific corrective measures, the DPS Staff representative may, in the absence of responsible Certificate Holder supervisory personnel, or in the presence of such personnel who, after consultation with the DPS Staff representative, refuse to take appropriate action, direct the Certificate Holder or its Contractors to implement the corrective measures identified in the approved EM&CP. The field crews shall comply with the DPS Staff representative's directive immediately. The DPS Staff representative will immediately thereafter inform the Certificate Holder's construction inspector or environmental inspector of the action taken.

71. The Certificate Holder shall organize and conduct construction progress meetings and site-compliance audit inspections for DPS Staff as needed, but not less frequently than once per month during the site preparation, construction, and restoration phases, or as otherwise agreed between the Certificate Holder and DPS Staff. Such inspections shall conclude upon the final sign-off of the SWPPP by the SWPPP inspector or as agreed to by the Certificate Holder and DPS Staff.

a. The monthly inspections shall include a review of the status of compliance with

all conditions contained in the Certificate and any other order issued in this proceeding and with all other legal requirements and commitments, as well as a field review of the Facility site, if necessary. The inspections also shall include: (1) review of all complaints received, and their proposed or actual resolutions; (2) review of any significant comments, concerns or suggestions made by the public, local governments, or other agencies, and the Certificate Holder's response(s); (3) review of the status of the Project in relation to the overall schedule established prior to the commencement of construction; and, (4) other items the Certificate Holder or DPS Staff considers appropriate.

b. The Certificate Holder shall provide a written record of the results of the inspection, including resolution of issues and additional measures to be taken, to all agencies involved in the inspection audit (and uninvolved agencies requesting copies) and as part of its scheduled construction update reports.

72. The Certificate Holder shall ensure that each inspector, before entering onto any work site to work on the Project, has received the required safety rules and regulations in a documented meeting particular for such work site. The Certificate Holder also shall ensure that these rules and regulations have been interpreted for non-English speaking and reading-impaired personnel working on the Project. A separate meeting is required for each Project work site.

73. The Certificate Holder shall, within 2 calendar days, notify DPS Staff and, for NYSDEC-jurisdictional areas or SWPPP violations, NYSDEC staff of any activity that involves a violation of the Certificate.

## **J. Roads and Highways**

74. The Certificate Holder shall delineate on the EM&CP drawings the locations of proposed temporary roads, proposed permanent roads and existing access roads. Proposed access road improvements and measures for environmental impact minimization and access control shall be included in the EM&CP.

75. The Certificate Holder shall consult periodically with municipal highway transportation agencies about traffic conditions near the Project site and shall notify each such transportation agency of the approximate date work will begin in its jurisdiction, using access points that take direct access from the highways in that jurisdiction.

76. In preparing the proposed EM&CP, the Certificate Holder shall consult with each transportation department or agency normally having jurisdiction over the roads proposed to be used as Project ROW as well as any roads in the Project vicinity that will be crossed by the certified Project ROW, used for direct access to the Project otherwise affected by Project construction.

77. The EM&CP shall provide details regarding the results of consultations with municipal transportation departments, including Extended Work, time of year restrictions, provisions for minimizing the duration and extent of open excavation, traffic disruptions, and work within adjoining public streets and rights-of-way. Should a Project-specific written agreement be entered into between Certificate Holder and any such municipal transportation department, such

agreement will be provided to DPS Staff upon request.

## **K. Cultural Resources**

78. The Certificate Holder shall not undertake construction in previously undisturbed areas where archeological surveys have not been completed until such time as the appropriate authorities, including OPRHP and DPS Staff, have reviewed the results of any additional historic properties and archeological surveys that are required.

79. Should archeological materials be encountered during construction, the Certificate Holder shall stabilize the area and cease all construction activities in the immediate vicinity (50-foot buffer from maximal extent) of the find and protect the find from further damage. Within twenty-four (24) hours of such discovery, the Certificate Holder shall notify and seek to consult with DPS Staff and the OPRHP Field Services Bureau to determine the best course of action. No construction activities shall be permitted in the immediate vicinity of the archeological materials, except in situations threatening human life or in an emergency situation for the protection of property, until such time as the significance of the resource has been evaluated and the need for, and scope of, impact mitigation has been determined.

80. Should human remains or evidence of human burial(s) be encountered during the conduct of archeological data recovery fieldwork or during construction, all work in the vicinity (i.e., 50 feet) of the find shall be halted immediately and the remains shall be protected from further disturbance. Within twenty-four (24) hours of any such discovery, the Certificate Holder shall notify and consult with DPS Staff and the OPRHP Field Services Bureau. Treatment and disposition of any human remains that may be discovered shall be managed in a manner consistent with the OPRHP's then-current Human Remains Discovery Protocol. All archaeological or remains-related encounters and their handling shall be reported in the status reports summarizing construction activities and reviewed in the site-compliance audit inspections.

81. The Certificate Holder shall avoid creating adverse impacts on heritage resource sites, archeological sites, and historic structures in the vicinity of the Project by implementing specific Project location, design, vegetation management, resource protection, and construction scheduling measures described in the EM&CP.

82. The Certificate Holder shall have a continuing obligation during the duration of Project construction to respond promptly to complaints of negative archeological impacts and to mitigate any negative archeological impacts through on-site design modifications and off-site mitigation techniques developed in consultation with the OPRHP Field Services Bureau.

## **L. Terrestrial Wildlife Resources**

83. Except as may be otherwise specified in Conditions 86 and 87 herein, or if activities are subject to a Net Conservation Benefit Plan ("NCBP"), if any (1) T&E animal species identified in 6 NYCRR Part 182 whether found dead or alive; (2) T&E plant species identified in 6 NYCRR Part 193; or (3) any Federally listed T&E species (including dead, injured and/or damaged species) are observed by the Certificate Holders (including an agent thereof, such as consultants and

employees) during preconstruction, construction operation or maintenance activities, the Certificate Holders or their designee shall:

a. Notify NYSDEC staff and DPS Staff of any State or Federally protected species within twenty-four (24) hours during preconstruction or construction activities and within forty-eight (48) hours during operation or maintenance activities, unless DPS Staff, in consultation with NYSDEC staff, directs otherwise.

b. Notify USFWS, the National Marine Fisheries Service (“NMFS”), and the United States Army Corps of Engineers (“USACE”) of any Federally protected species within twenty-four (24) hours during preconstruction or construction activities and within forty-eight (48) hours during operation or maintenance activities, or as otherwise directed by the applicable Federal agency.

c. Secure the immediate area where Certificate Holders hold rights and safely cease activities in that area until DPS Staff, in consultation with NYSDEC staff, authorizes recommencement of activities, unless such activities are necessary for protection of human life or property necessary to maintain electric reliability.

d. Prior to the recommencement of activities in the secured area, provide all authorized on-site personnel with pertinent information on the species encountered and indicate measures to minimize risks to the T&E animal or plant species.

84. If the Certificate Holder observes any T&E animal species on or near the Project ROW, including any dead, injured, and damaged T&E species, their eggs, or nest, the Certificate Holder shall maintain a record of such observation. All such records of observations of T&E animal species shall include the following information, to the extent known and practicable: species; number of individuals; age and sex of individuals; observation date(s) and time(s); GPS coordinates (as property rights allow) of each individual observed (if GPS coordinates are not readily ascertainable, the report should include the nearest Facility structure number and cross road location); behavior(s) observed; identification and contact number of the observer(s); the nature of and distance to any Project construction activity; and whether the death, injury, or damage to the T&E species, their eggs, or nest was caused by such activity. The records of observations shall be provided to NYSDEC staff no later than 30 days following the observation of a T&E species.

85. In the event that an Indiana or Northern long-eared bat (NLEB) hibernaculum or tree roost is identified on or near the Project ROW during the construction, operation, or maintenance of the Project, the Certificate Holder will notify DPS Staff and NYSDEC staff within 24 hours of discovery during preconstruction or construction activities and within forty-eight (48) hours during operation or maintenance activities, and consult with DPS Staff and NYSDEC staff to comply with the substantive requirements of the ECL Article 11, and 6 NYCRR Part 182, or any other regulations or guidance as then applicable. An area of at least 500 feet in radius around the roost tree(s) shall be marked to the extent that the Certificate Holder has property rights to allow such marking, and avoided until notice to continue construction, ground clearing, grading, maintenance or restoration activities, as applicable, at that site is granted by DPS after consultation with NYSDEC staff, except if necessary for the protection of human life or property necessary to maintain electric reliability.

86. To avoid impacts to the Northern long-eared bat (NLEB), the Certificate Holder shall implement the following measures:

a. During preconstruction and construction subject to subsection (b) below, in an effort to avoid impacts to the NLEB, the Certificate Holder shall not conduct any tree clearing activities within one 150 feet from any known NLEB maternity roost and 0.25 miles from any known NLEB hibernaculum unless such tree clearing activities are necessary to protect human life or property necessary to maintain electric reliability.

b. During preconstruction and construction, all other clearing of trees considered suitable roost habitat (i.e., trees or snags greater than or equal to 3 inches diameter breast height with exfoliating bark, cavities, and crevices or hollows) within 1.5 miles of a known NLEB maternity roost site or 5 miles of a NLEB hibernaculum site shall occur within the approved clearing window of December 1 to February 28. If avoidance, as set forth in subsection (a), above, cannot be achieved, the Certificate Holder shall consult with NYSDEC and, if applicable, USFWS, to determine what, if any, permits and/or additional authorizations are required to minimize impacts.

c. During preconstruction and construction, in addition to subsections (a) and (b), above, from December 1 to February 28 the Certificate Holder shall leave uncut all snag and cavity trees as defined under NYSDEC Program Policy ONRDLF-2 Retention on State Forests, within the Project Area unless their removal is necessary for the protection of human life or property necessary to maintain electric reliability. When necessary, snag and cavity trees may be removed after being cleared by the Environmental Monitor, who shall conduct a survey for bats exiting the tree. This survey shall begin 1/2 hour before sunset and continue until at least 1 hour after sunset or until it is otherwise too dark to see emerging bats. Unoccupied snag and cavity trees in the approved clearing areas shall be removed within 24 hours of the exit-count survey.

d. During operations and maintenance, the Certificate Holder shall consult with DPS Staff and NYSDEC staff to determine the appropriate measures to implement to ensure compliance with the substantive requirements of the ECL and its implementing regulations or other guidance then applicable.

e. Except as otherwise specified, if NYSDEC staff determines and informs DPS Staff and the Certificate Holder that a take of occupied habitat or individual NLEB will occur, the Certificate Holder will develop a Net Conservation Benefit Plan (NCBP) as provided in Condition 88 below.

87. For the avoidance of impacts to bald eagles, the Certificate Holder shall implement the following measures during construction:

a. At least two weeks prior to the commencement of construction activities in any area, the Certificate Holder shall conduct a visual inspection in the area to determine if any bald eagle nests are present and consult with NYSDEC staff to determine if NYSDEC has records of any nests within one mile of the Project Area that may not have been detected by the visual inspection.

b. To avoid impacts to bald eagles from construction during breeding season, the Certificate Holder shall maintain the following buffers from nests during the period of January 1 to August 31:

- i. no blasting shall occur within 0.5 miles of a nest;
- ii. no aircraft or drones shall be operated within 1,000 feet of a nest; and no construction activities shall occur within 330 feet of a nest.

c. To avoid impacts to bald eagles from construction during the nonbreeding season from September 1 to December 31, no construction activities shall occur within 50 feet of a nest

d. If a federal permit requires a larger buffer than those noted in subsections (b) or (c) of this condition, the Certificate Holder shall indicate the buffer required by the federal permit in the EM&CP.

e. In the event that implementing the setback areas set forth above are impracticable, the Certificate Holder shall comply with Condition 88 below.

88. In the event that full avoidance of impacts to any individual T&E animal species or its habitat is impracticable, Certificate Holder shall justify in the EM&CP why avoidance is impracticable and shall propose impact minimization and mitigation measures, as applicable, which may include the utilization of a bird monitor (whose qualifications are approved by DPS Staff and NYSDEC staff) to monitor such nest in the vicinity of active construction activities. If NYSDEC staff determines and informs DPS Staff and the Certificate Holder that a take will occur, then Certificate Holder shall prepare an NCBP, developed in consultation with and accepted by DPS Staff and NYSDEC staff. Any required NCBP must satisfy the requirements of 6 NYCRR Part 182, and shall be submitted within six months of completion of construction of the Project except as otherwise extended by the Secretary under Condition 4.

#### **M. Waterbodies and Wetlands**

89. The Certificate Holder shall perform all construction, operation or maintenance activities in a manner that avoids and minimizes adverse impacts to streams, waterbodies, wetlands, and Regulated Adjacent Areas. The Certificate Holder shall ensure the provisions to protect wetlands, waterbodies, and Regulated Adjacent Areas are followed as specified in the approved EM&CP. In addition, the Certificate Holder shall ensure the following provisions to protect wetlands, waterbodies, and Regulated Adjacent Areas are followed as specified in the approved EM&CP:

a. Wetland locations and Regulated Adjacent Areas located within the Project Area or crossed by the Project ROW or any off-ROW access road constructed, improved, or maintained for the Project, shall be delineated in the field prior to construction and indicated on the approved EM&CP drawings.

b. If access roads or work pads in wetlands cannot be avoided, it shall be done with temporary construction mats, tracked or low ground pressure equipment, or in dry or frozen conditions following approval by the environmental monitor and construction

supervisor after consulting with DPS Staff. Such locations shall be as set forth on the EM&CP drawings; provided, however, if geotextile/gravel access roads are proposed, such proposal shall be justified in the EM&CP.

c. The Certificate Holder shall notify DPS Staff and NYSDEC staff within 2 hours of observing or being made aware of a discharge to a wetland or waterbody resulting in a violation of New York State Water Quality Standards. In the event that construction results in an alteration to (i.e., lowering) of wetland hydrology, then the breach shall be immediately sealed and no further activity shall take place until DPS Staff and NYSDEC staff are notified and a remediation plan to restore the wetland and prevent future dewatering of the wetland has been approved by DPS Staff in consultation with NYSDEC staff. For each occurrence of discharge to a wetland or waterbody, the Certificate Holders shall as soon as practicable, but within 14 days, provide a follow-up report via email to DPS Staff and NYSDEC staff that includes a written description of the occurrence, photographs, and a summary of the corrective or remedial actions taken.

d. Unless otherwise specified in the approved EM&CP, all work in state regulated streams, as defined in 6 NYCRR §§ 608.1(u) and Part 608.1(aa), is prohibited from October 1 through May 31 in cold water fisheries, and from March 1 through July 31 in warm water fisheries. Regulated streams include streams which are not navigable and do not have a mapped Standard and Classification, but were identified by NYSDEC as perennial and tributary to a protected stream.

e. Where impacts to streams are unavoidable or otherwise approved, all work in streams shall be conducted in dry conditions, using appropriate water handling measures to isolate work areas and direct stream flow around the work area, unless approved otherwise in the approved EM&CP.

f. There shall be no substantial increase in visible contrast in water clarity or variation of flow volume due to construction activities between upstream reaches of work areas and downstream reaches of work areas.

g. All necessary precautions shall be taken to preclude contamination of any wetland or waterbody by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate, or any other environmentally deleterious materials associated with the Project.

h. Bridges shall be installed wherever a new permanent crossing is required for state-regulated streams (Class C(T) or higher and/or navigable), as defined in 6 NYCRR Part 608.1(u) and Part 608.1(aa). The bridge shall span the bed and banks of the stream. If a bridge is not practicable the approved EM&CP shall provide justification for a non-bridge crossing, or if the installation of a bridge would require major re-configuration of the stream channel and banks, the permanent culvert shall be designed in accordance with the approved EM&CP.

i. When installation of a bridge to span a state-regulated stream is not practicable and a culvert is the only practicable option, it shall be designed as follows: i. To safely pass

the 1% annual (100-year return) chance storm event; ii. To contain native streambed substrate or equivalent using an open bottom arch, three-sided box culvert, or round/elliptical culvert with at least 20% of the culvert height embedded beneath the existing grade of the stream channel at the downstream invert; iii. Shall be a minimum width of 1.25 times the width of the stream bank full width; iv. The slope shall remain consistent with the slope of the pre-existing channel (upstream and downstream). For slopes greater than 3%, an open bottom culvert shall be used, where practicable; and v. Shall facilitate downstream and upstream passage of aquatic organisms.

j. Concrete washout areas shall be located 100 feet away from any waterbody and outside of the wetland Regulated Adjacent Area; provided that if a minimum 100 foot setback cannot be achieved, the approved EM&CP shall provide justification and demonstrate that impacts to wetlands and waterbodies from concrete washout areas shall be avoided or minimized to the maximum extent practicable.

k. Fuel tanks with storage capacities under 1,100 gallons and chemical storage shall be appropriately contained and located 100 feet away from any waterbody and outside of the wetland Regulated Adjacent Area. If a minimum 100 foot setback cannot be achieved, the approved EM&CP shall provide justification and demonstrate that impacts to wetlands and waterbodies shall be avoided or minimized to the maximum extent practicable, including the use of secondary containment.

l. Equipment fuel tanks, whether handheld or non-handheld, will initially be filled in an upland location outside of the wetland Regulated Adjacent Area and no less than 100 feet from streams in order to minimize the amount of refueling within these sensitive areas.

m. In general, refueling of equipment, mixing, or handling of open containers of pesticides, chemicals labeled “toxic,” or petroleum products, shall be conducted 100 feet away from a stream, or waterbody, and outside the wetland Regulated Adjacent Area. Refueling within 100 feet of freshwater wetlands or streams will be allowed under certain circumstances identified below, subject to the practices set forth in the approved EM&CP.

(i)

Refueling of hand equipment will be allowed within 100 feet of freshwater wetlands or streams when secondary containment is used. Secondary containment will be constructed of an impervious material capable of holding the hand equipment to be refueled and at least 110% of the fuel storage container capacity. Crews will have sufficient spill containment equipment on hand at the secondary containment location to provide prompt control and cleanup in the event of a release.

(ii)

Refueling of non-handheld equipment will be allowed within 100 feet of freshwater wetlands or streams when necessary to maintain continuous operations and where removing equipment from a sensitive area for refueling would increase adverse impacts to the sensitive area. All refueling within 100 feet of freshwater wetlands

and streams will be done under the direct supervision of the environmental monitor. Absorbent pads or portable basins will be deployed under the refueling operation. In addition, the fuel nozzle will be wrapped in an absorbent pad and the nozzle will be placed in a secondary containment vessel (e.g., bucket) when moving the nozzle from the fuel truck to the equipment to be refueled. All equipment operating within 100 feet of a freshwater wetland or stream will have sufficient spill containment equipment on board to provide prompt control and cleanup in the event of a release.

n. For each crossing of a stream by a new permanent access road, design details shall be included in the EM&CP. All structures must be able to safely pass the 1% storm event and be capable of withstanding any higher flow intervals likely to be experienced within a specific waterbody without causing damage to the stream bed or banks. Bridges or culverts may not be dragged through the stream and must be suitably anchored to prevent downstream transport during a flood. Fill may not be placed within the stream channel below top of bank elevation and placement of abutments or fill is authorized only above and outside top of bank boundaries. Geotextile fabric must be placed below and extending onto the bank and suitable side rails built into the bridges to prevent sediment from entering the waterbody. The permanent stream crossing shall facilitate downstream and upstream passage of aquatic organisms.

o. Temporary air bridges should be installed without causing damage to the stream bed or banks. Temporary culverts should be appropriately sized to handle 10-year design storm. Culverts or bridges that will remain in place for more than 180 calendar days shall be installed in accordance with Appendix E. Fill may not be placed within the stream channel below top of bank elevation and placement of abutments or fill is authorized only above and outside top of bank boundaries. The temporary stream crossing shall facilitate downstream and upstream passage of aquatic organisms.

p. Any in-stream work or restoration shall not result in an impediment to passage of aquatic organisms.

q. Disturbed streams shall be restored to equal width, depth, gradient, length and character as the pre-existing stream channel and tie in smoothly to the profile of the stream channel upstream and downstream of the disturbance. All disturbed stream banks shall be mulched within (2) days of final grading, stabilized with 100% natural/biodegradable fiber matting, and seeded with an appropriate riparian seed mix specified in the approved EM&CP. In areas where vegetation has been uprooted or grubbed on stream banks, the vegetation shall be replaced with ROW compatible native plantings as site conditions and facility design allow, as appropriate and consistent with the use of the Facility. A minimum of 50 feet of upland adjacent to restored streambanks will be stabilized using natural elements, mulching, and seed.

r. Disturbed wetlands and Regulated Adjacent Areas shall be immediately stabilized and restored to pre-construction contours as soon as practicable. Immediately upon completion of grading, and as consistent with existing land uses, the area shall be seeded with a seed mix of native plants specified in the approved EM&CP that is

appropriate for wetlands and the Regulated Adjacent Area. Overall vegetative cover in restored areas shall be monitored until an 80% cover of plants with the appropriate wetland indicator status has been reestablished over all portions of the restored area. If 80% cover of plants with the appropriate wetland indicator status has not been achieved at the end of the second year of monitoring, a Wetland Planting Remedial Plan (WPRP) shall be prepared that evaluates the reasons for the results, including an analysis of poor survival; corrective actions to ensure successful restoration; and a schedule for conducting remedial work. Once approved by DPS Staff, in consultation with NYSDEC staff, the WPRP shall be implemented according to an approved schedule.

s. Marshalling yards and staging areas constructed on previously undisturbed lands shall not be sited within wetlands or Regulated Adjacent Areas, or within fifty feet of waterbodies, streams, or floodplains.

t. Construction through wetlands shall be restricted to access roads and work areas set forth in the EM&CP and shall be done with low ground pressure equipment or on temporary mats, or geotextile/gravel access roads. In the event that temporary matting will be placed in wetlands, those mats will be removed, and wetlands hydrology soils and vegetation will be restored to the extent practicable. Where new permanent access roads are to be constructed through wetlands, geotextile fabric or equivalent underlayment shall be used.

u. All excess fill materials and spoils shall be completely removed to upland areas greater than 100 feet from waterbodies and outside of Regulated Adjacent Areas.

v. Equipment shall not be washed in any stream, waterbody, wetland or Regulated Adjacent Area. No runoff resulting from washing operations shall directly enter into these areas.

w. Excavated soil material shall not be stored within one hundred (100) feet of streams or waterbodies, or within Regulated Adjacent Areas, to prevent runoff into such areas; provided that if soil storage is required in wetlands, the soil is to be temporarily stored on construction mats and properly contained to prevent runoff.

x. Vegetation cut in wetlands areas may be left in place (drop and lop) or removed from wetlands to upland areas. Cut vegetation shall not be permanently piled in the wetland areas.

y. Construction vehicle access across protected streams and waterbodies (streams classified as C(T) or higher) shall be limited to existing bridges, culverts or fords and to crossings installed in accordance with the provisions set forth in the EM&CP, except fords are not permitted in protected streams.

z. The EM&CP shall include measures to minimize impacts to fish and wildlife during wetland and waterbody construction including, where practicable, returning animals that become trapped within work areas to an appropriate and safe location outside of the work area determined in consultation with DPS Staff and NYSDEC staff. If it is determined that it is not practicable to return the animal, or if the animal is a T&E Species, the

environmental inspector shall consult with DPS Staff and NYSDEC staff.

aa. The Certificate Holders shall work with NYSDEC staff to develop a Wetland Mitigation Plan, if necessary, following the wetland mitigation guidelines and the specifications contained in Appendix E and will submit the Plan within six months of the start of construction of the segment requiring such wetland mitigation for NYSDEC staff acceptance.

## **N. Agricultural Resources**

90. The Applicant will comply with any applicable provisions of current published NYSAGM Guidelines/Standards, including the following:

a. Whenever the Certificate Holder submits a request for an EM&CP change concerning agriculture, it shall notify and consult with NYSAGM.

b. During preparation of the EM&CP, a detailed drainage line repair procedure shall be developed, in consultation with the local Soil and Water Conservation District, for the repair of crushed/severed clay tile and plastic drain lines. Drawings showing the generic technique to be implemented for drain line repairs shall be provided by the Certificate Holder. All new plastic drain tubing shall meet or exceed the American Association of State Highway Transportation Officials (AASHTO) M252 specifications. The plan for the replacement of functional stone drainage systems severed during construction shall be prepared during the restoration phase, in consultation with NYSAGM and/or the Soil and Water Conservation District.

c. Where construction entrances are required from public roadways to the Project ROW in agricultural fields, an underlayment of durable, geotextile fabric shall be placed over the exposed subsoil surface prior to the use of temporary gravel access fill material. Complete removal of the construction entrance upon completion of the Facility and restoration of the affected site is required prior to topsoil replacement, except where retention of the construction entrance as a permanent driveway is requested by the agricultural landowner, is agreeable to the Certificate Holder and would be more conducive to the existing land use than removal, provided that such retention is allowed by the appropriate State or municipal owner of the public roadway and the agricultural landowner obtains (with reasonable cooperation from the Certificate Holder), in advance of the time when complete removal of the construction entrance is required, any required permits, including permits for the retention of the construction entrance from the appropriate State or municipal authority with jurisdiction over such public roadway and for post-construction stormwater management, as necessary..

d. Segments of existing farm roads utilized for access shall be improved as required following consultation with the farm operator and NYSAGM prior to use. Such improvements shall include the installation of geotextile fabric and crushed stone.

e. Farm drainage features, fences and gates affected by construction shall be rebuilt to like new condition upon completion of construction. The base of all new posts

shall be secured to a reasonable depth below the surface to prevent frost heave.

f. Mats may be installed as an alternative to topsoil stripping. If so, the mats shall be layered where necessary to provide a level access surface. Once access is no longer required across agricultural areas, the mats shall be removed in accordance with NYSAGM Guidelines/Standards and the agricultural inspector shall use a soil penetrometer to determine if soil compaction has occurred as a result of construction activities. All compacted areas shall be remediated as specified below.

g. During the restoration phase of the Project, the Certificate Holder shall remove the crushed stone and geotextile fabric. In all agricultural sections of the Project Area disturbed during construction, the Certificate Holder shall break up the subsoil compaction with deep tillage by such devices as a deep-ripper (subsoiler). Soil compaction results should be no more than 250 pounds per square inch (PSI) as measured with a soil penetrometer. Following the deep ripping (with tractor-drawn farming equipment), all stone and rock material 4 inches and larger in size which has been lifted to the surface shall be collected and taken off site for disposal. The topsoil that has been temporarily removed for the period of construction shall then be replaced. Finally, deep subsoil shattering shall be performed, if the decompaction requirements are not met, with a subsoiler tool having angled legs. Stone removal shall be completed, as necessary, to eliminate any additional rocks and stones brought to the surface as a result of the final subsoil shattering process. In the event that subsequent construction or clean-up activities result in additional compaction, additional deep tillage should be performed to alleviate such compaction.

h. Soil compaction should be tested using an appropriate soil penetrometer or other soil compaction measuring device. Compaction tests will be made for each soil type identified on the affected agricultural fields. The soil compaction test results within the affected area will be compared with those of the adjacent unaffected portion of the farm field/soil unit. Where representative subsoil density of the affected area exceeds the representative soil density of the unaffected areas, additional shattering of the soil profile will be performed using the appropriate equipment. Deep shattering will be applied during periods of relatively low soil moisture to ensure the desired mitigation and to prevent additional soil compaction. Oversized stone/rock material which is uplifted to the surface as a result of the deep shattering will be removed.

i. After topsoil replacement and seedbed preparation, apply seed and soil amendments in accordance with the NYSAGM recommendations contained in Construction Mitigation for Projects on Agricultural Lands (revised July 2025) or as specified by the landowner.

j. At the end of all construction, the Project ROW and Project Area shall be thoroughly cleared of debris and other assorted items.

k. The Certificate Holder shall provide all farm owners/operators with a telephone number to facilitate direct contact with the Certificate Holder through all of the stages of the Project. The farm owner/operators shall also be provided with a telephone number to facilitate direct contact with the Certificate Holder's Project Manager (or other

representative of the Certificate Holder) for the Project during operation and maintenance of the transmission line.

**O. Petroleum and Hazardous Substances**

91. The EM&CP shall include Fuel and Chemical Handling Procedures, and a spill response and route emergency plan, including the NYSDEC spill reporting contact number and the Certificate's reporting requirements. This plan shall provide proposed methods of handling spills of petroleum products and any hazardous or controlled substance which may be stored or utilized during construction, operation, or maintenance of this Facility. Spills are required to be reported within 2 hours of identification.

92. All Certificate Holder and Contractor vehicles working on the Project shall have a spill kit that is appropriate for the volume of fuel carried by the vehicle.

93. The Certificate Holder's contractor will retain a qualified spill response company for the duration of the Project and provide that company with maps showing access roads, marshalling yards, and other information that will facilitate response to a spill location.

94. Fuel tanks with storage capacity over 1,100 gallons shall comply with the minimum setbacks under applicable petroleum bulk storage regulations.

**P. Contractors and Contractor Supplies/Materials**

95. If an OSHA Reportable accident occurs in connection with work on the Project, the Certificate Holder shall report any such accident to DPS Staff as soon as possible. A copy of the accident report, if any, shall be provided to DPS Staff after it has been finalized.

96. The Certificate Holder shall provide DPS Staff with a copy of any police report and any insurance claim filed in connection with any theft of Project-related materials, as well as a list of the stolen items.

97. A field review shall be conducted by the Certificate Holder to determine compliance with its design on a monthly basis and prepare a written report of the Company's findings on whether the Project is being constructed in accordance with the EM&CP design for the Project. The Certificate Holder shall provide a copy of each such report to DPS Staff within three (3) business days after the Certificate Holder receives the report. The Certificate Holder shall notify DPS Staff of when the field reviews will occur.

98. If the Contractor installs materials, structures, or components that do not conform to the specifications described in the EM&CP, the Certificate Holder shall, after becoming aware of such incident, prepare and deliver to the Deputy Director of Transmission of the Office of Renewable Energy Siting and Electric Transmission, or a designee a summary report, within 30 days, detailing the incident, the steps to be taken to rectify the mistake, the material and labor costs associated with rectifying the incident, and the manner in which such costs will be accounted for separately from other Project costs.

99. The Certificate Holder shall develop a quality control plan ("Quality Control Plan")

for inclusion in the EM&CP describing how it will ensure that the major transmission line components it purchases for the Project conform to the specification for such components described in such EM&CP. At a minimum, the Quality Control Plan shall include: (i) the qualifications of the individual(s) who will conduct audits under the Quality Control Plan (“Quality Control Audits”); and (ii) the frequency with which the Quality Control Audits will be performed.

100. Manufacturer recommendations for materials storage will be followed and materials will be stored in an orderly fashion, secured and protected from damage.

101. To better ensure a safe working environment for all persons at each Project work site, the Certificate Holder shall require its contractors or subcontractors, before any person who is authorized by the Certificate Holder to be present at the site that day, or any representative of a regulatory agency present on official business, commences performing or observing Project activities, to give such person an on-site tailboard safety briefing. The Certificate Holder shall ensure that: (a) any document that a person participating in a tailboard safety briefing is required to sign at such briefing is legible; and (b) the person conducting the briefing shall use his/her best efforts to give accurate and complete responses to all requests by such persons for clarification of the scope of work, construction methodology, and other pertinent personal safety information. If a person participating in a tailboard safety briefing who signed such a document desires a copy thereof, he/she shall request it in writing and the Certificate Holder shall provide a copy thereof to the requester within 48 hours of the request. DPS Staff, NYSDEC staff and NYSAGM staff who are present at the Project site are appropriately trained for the purposes of this Condition.

#### **Q. Invasive Species**

102. The Certificate Holder shall prepare an Invasive Species Management Plan in accordance with the Invasive Species Management Plan Specifications in Appendix E.

#### **R. Decommissioning**

103. In the event of future decommissioning of the Facility, the final operational decision regarding how the Facility will be decommissioned, which could include leaving some or all of the Facility components in place, will remain within the discretion of LIPA; prior to any decommissioning activities in the field or Facility abandonment, the Certificate Holder will consult with DPS Staff regarding its proposed decommissioning plan.