

## CERTIFICATE CONDITIONS COMPLIANCE MATRIX

Specification Section	Requirement/Condition	Response/ EM&CP Section
<b>A</b>	<b>Conditions of the Order</b>	
1	Subject to the conditions set forth in this Order, Central Hudson Gas & Electric Corporation (the "Certificate Holder") is granted a Certificate of Environmental Compatibility and Public Need (the "Certificate"), pursuant to Article VII of the New York Public Service Law ("PSL"), authorizing the construction, reconstruction, and operation of the A and C Line Rebuild Project, approximately 10.85 miles of 115 Kilovolt Transmission Lines in the Towns of Pleasant Valley, LaGrange, Wappinger and East Fishkill, in Dutchess County (the "Project").	
2	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.	The Certificate Holder will comply.
3	The Certificate Holder shall notify the Secretary in writing within 30 days of any decision not to complete construction of all or any portion(s) of the Project and shall serve a copy of such notice upon all parties in the same manner and at the same time as it files its notice with the Secretary.	The Certificate Holder will comply.
4	If construction of the Project hereby certified is not commenced within 18 months after the Certificate Holder files a verified statement that it accepts and will comply with the Certificate, the Commission may vacate the Certificate with notice to the Certificate Holder.	The Certificate Holder will comply.
5	The Secretary may extend any deadlines established by this order for good cause shown.	
<b>B</b>	<b>Description of Route</b>	
6	The proposed location of the Project is described in Appendix B of the Application, "Description and Location of Project."	Section 1.2 and EM&CP Vol. II
<b>C</b>	<b>Laws and Regulations</b>	
7(a)	Each substantive federal, state and local law, regulation, code and ordinance applicable to the Project authorized by the Certificate shall apply, except any substantive local law or regulation which the Commission expressly has refused to apply as being unreasonably restrictive as discussed herein.	The Certificate Holder will comply.
7(b)	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.	The Certificate Holder will comply.

7(c)	The Certificate Holder shall construct the Project in a manner that conforms to 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 C2-2012, 2012 Edition and any stricter standards adopted by the Certificate Holder. Upon completion of the Project, the Certificate Holder shall certify to the Secretary that the Project was constructed in full conformance with the NESC.	The Certificate Holder will comply.
8(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 for such work, subject to the Commission's continuing jurisdiction as appropriate.	The Certificate Holder will comply. Section 18.1
8(b)	The Certificate Holder shall coordinate with the appropriate municipal agencies and police departments for traffic management of roads under municipal jurisdiction.	The Certificate Holder will comply.
8(c)	A copy of each permit or approval received from the issuing agencies shall be provided to the Secretary by the Certificate Holder promptly after receipt by the Certificate Holder of such permit or approval and before commencement of construction across any affected area.	The Certificate Holder will comply.
9	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 requirement. Such agency may respond to the petition, within five (5) business days, to address the reasonableness of any requirement or delay.	
<b>D</b>	<b>Public Health and Safety</b>	
10	The Certificate Holder shall design, engineer and construct the Project such that its operation shall comply with the electric field standards established by the Commission in Opinion No. 78-13, issued June 19, 1978, and in the Commission's Statement of Interim Policy on Magnetic Fields of Major Electric Transmission Facilities, issued September 11, 1990.	The Certificate Holder will comply.
11	The Certificate Holder shall engineer and construct the Project to be fully compatible with the operation and maintenance of nearby electric, gas, telecommunication, water, sewer, and related facilities; details of such other facilities and measures to protect the integrity, operation and maintenance of those facilities are presented in the approved Environmental Management & Construction Plan ("EM&CP"). The Project shall be designed and constructed to avoid adverse effects on the cathodic protection system and physical conditions of existing structures and any fuel gas pipelines. The EM&CP provides the details and design measures that will be implemented to protect nearby facilities and structures.	Sections 18.0 – 18.3 and 18.6
12	The Certificate Holder shall keep local fire department and emergency management teams apprised of on-site hazardous	Sections 15.1 and 15.3

	chemicals and waste. All such chemicals and waste shall be secured in a locked and controlled area.	
13	The Certificate Holder shall notify Department of Public Service Staff ("DPS Staff") and the New York State Department of Environmental Conservation ("DEC") of any fuel or chemical spills immediately, but no later than 2 hours, in accordance with applicable laws, DEC or other regulations and guidance.	Section 15.6
14	The Certificate Holder shall comply with the requirements for the protection of underground facilities set forth in 16 NYCRR Part 753 "Protection of Underground Facilities".	Sections 18.0 and 18.1 and EM&CP Vol. II
15	The Certificate Holder shall adhere to DEC's then effective "New York State Standards and Specifications for Erosion and Sediment Control," also known as the Blue Book ("NYSSEC"), or take such alternative erosion and sediment control measures as approved in the EM&CP	Section 3.0
16	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. Water for dust control shall come from municipal water supplies/sources.	Section 17.0
17	Parking for Project construction workers shall be in designated areas which do not interfere with normal traffic, cause a safety hazard or interfere with existing land uses. These areas shall be designated in the EM&CP.	EM&CP Vol. II (Marshalling yards and designated access routes)
18	Direct disturbance to properties shall be avoided by accessing the ROW from existing roadways or off-ROW access roads listed in the EM&CP.	Section 6.0 and EM&CP Vol. II
19	For each road crossing and location where construction vehicles will access the Facility 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 plans shall address temporary signage, lane closures, placement of temporary barriers and traffic diversion.	Section 19.0
19(a)	All signage utilized shall comply with New York State Department of Transportation ("DOT") Manual (No. 7155) of Uniform Traffic Control Devices ("DOT Manual"). Placement of signs shall be determined in consultation with the jurisdictional agency. Unless otherwise inconsistent with the DOT Manual, at a minimum, signs shall be placed at the following distances: <ol style="list-style-type: none"> <li>1) Signs announcing construction at 500 feet and 1,000 feet;</li> <li>2) Signs depicting workers at 300 feet;</li> <li>3) Where blasting is to take place within 50 feet of a road, a blast-warning sign at 1,000 feet.</li> </ol>	Section 19.0

19(b)	Flagmen shall be present at all times when equipment is crossing any public road, when equipment is being loaded or unloaded from a vehicle parked on a public road, and where two lane traffic has been reduced to one lane. All flagging operations shall comply with 17 NYCRR Part 131.	Sections 18.4 and 19.0
20	To the extent required in connection with the delivery of oversized components, the Certificate Holder or its suppliers shall obtain any necessary permits from applicable state or local agencies.	The Certificate Holder will comply. Section 18.0
21	The Certificate Holder shall have the right to require that any person seeking to access the Project area first be appropriately trained in environmental protection and safety.	Sections 2.2 and 2.3.
<b>E</b>	<b>Environmental Management and Construction Plan</b>	
22	The EM&CP attached as Appendix A to the Joint Proposal is hereby approved.	
23	If the Certificate Order approves the EM&CP attached to the Joint Proposal, to the extent necessary, any additional conditions of the Certificate shall be incorporated into a revised EM&CP and the revised EM&CP shall be filed according to this Certificate Condition. If no revisions are necessary, then the Certificate Holder shall file a letter with the Commission certifying to that effect.	The Certificate Holder will comply.
24	In preparing the EM&CP, the Certificate Holder has consulted with each transportation department or agency normally having jurisdiction over any roads in the Project vicinity that will be crossed by the certified facilities, or used for direct access to the ROW. Such consultation shall continue as necessary during construction or as otherwise necessitated by these Conditions. If the access road takes direct access from, or lies within the limits of, such roads, the Certificate Holder shall notify each relevant transportation department or agency of the approximate date when work will begin.	Sections 18.1 and 18.4
25	The EM&CP shall include a discussion of the status of efforts by the Certificate Holder to obtain permits necessary for Project construction from Federal agencies (such as the U.S. Army Corps of Engineers ("USACE")) and state agencies with federally-delegated authority (such as DEC).	Section 1.4
26	During construction of the Project, paved surfaces of all public and private roads shall be protected from heavy equipment damage. Should any pavement damage occur, it shall be restored by Certificate Holder.	Sections 6.2, 18.4 and 22.2.4 and EM&CP Vol. II (Rail Trail and Driveway Protection)
27	The Certificate Holder shall not begin site preparation or construction with respect to any portion of the Project except for surveying, soils testing, and such other related activities as are necessary for preparation of the final design plans and shall not commence any proceedings under the Eminent Domain Procedure Law to acquire permanent ROW, temporary ROW, or off-ROW access until the Commission has approved the EM&CP. If only revisions are required to conform the EM&CP that is attached to the Joint Proposal and has been approved with the issuance of the	The Certificate Holder will comply.

	<p>Certificate, with any additional environmental protection measures that are included in the Certificate, but no route changes, the Certificate Holder may proceed immediately with site preparation activities and, if necessary, eminent domain. To calculate the three-year period for acquisition of property pursuant to the Eminent Domain Procedure Law, the date of Commission approval of an EM&amp;CP covering the affected parcel shall be regarded as the date on which this Article VII proceeding was completed.</p>	
28	<p>Should the EM&amp;CP attached to the Joint Proposal need to be revised to account for any additional requirements in the Certificate, the EM&amp;CP shall be filed as directed by the Secretary, and unless directed otherwise by the Secretary, two searchable electronic copies and one hard copy shall be served on DPS Staff of the DEC at the Central Office in Albany, one searchable electronic and one hard copy on the Region 3 office of the DEC, one hard copy on the Commissioner of the OPRHP, one hard copy on DPS Staff of the New York State Department of Agriculture and Markets (NYSDAM), one hard copy on the Region 4 office of the DOT; one hard copy on any other New York State agency (and its relevant regional offices) that requests the document; and one searchable electronic copy on active parties on the service list who request the document. Service upon state agencies shall be in the same manner and at the same time as filing with the Secretary. The Certificate Holder also shall place one electronic copy and one hard copy for inspection by the public at the same public library repositories where the Application has been made available.</p>	<p>The Certificate Holder will comply.</p>
29	<p>Contemporaneously with the filing and service of the revised EM&amp;CP as specified in Condition 28, the Certificate Holder shall provide notice, in the manner specified below, that the revised EM&amp;CP has been filed.</p>	<p>The Certificate Holder will comply.</p>
29(a)	<p>The Certificate Holder shall serve written notice(s), in language reasonably understandable to the average person, of filing the revised EM&amp;CP on all parties to this proceeding, on each person on the Commission's service list considered potentially affected by the revised EM&amp;CP, on all statutory parties to this proceeding, and on each additional person from whom property rights are required as a result of revisions to the EM&amp;CP, and shall attach a copy of the notice to each copy of the revised EM&amp;CP. Further, the Certificate Holder shall publish the notice(s) in a newspaper or newspapers of general circulation in the vicinity of the Project.</p>	<p>The Certificate Holder will comply.</p>
29(b)	<p>The written notice(s) and the newspaper notice(s) of filing the revised EM&amp;CP shall contain, at a minimum, the following:</p> <ol style="list-style-type: none"> <li>(1) A statement that the revised EM&amp;CP has been filed;</li> <li>(2) A general description of the authorized Project, the need for the Project and the revisions contained in the EM&amp;CP since the Certificate was issued;</li> <li>(3) A listing of the locations where the revised EM&amp;CP is available for public inspection, including the Project website address;</li> <li>(4) A statement that any person desiring additional information about a specific geographical location or</li> </ol>	<p>The Certificate Holder will comply.</p>

	<p>specific subject may request it from the Certificate Holder;</p> <p>(5) The name, address, and telephone numbers of an appropriate Certificate Holder representative, including the Project's toll-free number or local phone number;</p> <p>(6) The email and physical address of the Secretary; and</p> <p>(7) A statement that any person may be heard by the Commission on any matter or objection regarding the revised EM&amp;CP by filing written comments with the Secretary and the Certificate Holder within 45 days of the date the EM&amp;CP was filed with the Commission (or within 45 days of the date of the newspaper notice, whichever is later).</p>	
30	A certificate of service indicating the persons upon whom all EM&CP notices and documents regarding the revised EM&CP were served and a copy of the written notice shall be filed with the Secretary within three (3) business days after the time the revised EM&CP is filed, and shall be a condition precedent to approval of the revised EM&CP. When available, proof of publication of the newspaper notice(s) of filing the revised EM&CP, including a copy of such notice, shall be filed with the Secretary.	The Certificate Holder will comply.
31	After the issuance of this Certificate, after the EM&CP or revised EM&CP has been approved by the Commission:	
31(a)	The Certificate Holder shall report any proposed changes to the approved Project and EM&CP to DPS Staff. DPS Staff will refer any proposed changes that will not result in any increase in adverse environmental impacts and are not directly related to contested issues decided during the proceeding to the Director of OEEE for approval. DPS Staff will refer all other proposed changes to the Commission for approval.	The Certificate Holder will comply. Sections 2.3 and 2.4.
31(b)	Any proposed change that involves ECL jurisdictional areas, including state protected streams, State-regulated wetlands, or one hundred (100) foot adjacent area associated with any State-regulated wetland ("wetland adjacent area"), or the habitat of any rare, threatened, or endangered plant or animal species or species of special concern, shall also be submitted simultaneously by the Certificate Holder to DEC Central Office and Region 3 for review. DEC comments or recommendations received, if any, regarding the proposed change will be included in DPS Staff's referral to the Director of OEEE.	The Certificate Holder will comply. Section 2.3.
31(c)	Upon being advised that DPS Staff will refer a proposed change to the Commission, the Certificate Holder shall notify all parties to the proceeding, as well as property owners and lessees whose property is affected by the proposed change. 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, and (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. Any delay in receipt of written confirmation will not delay Commission action on the proposed change.	The Certificate Holder will comply.
31(d)	The Certificate Holder shall not execute any proposed change until	The Certificate

	it has received oral or written approval from DPS Staff, except in emergency situations threatening personal injury, property damage, or severe adverse environmental impact, or as specified in the EM&CP.	Holder will comply.
<b>F</b>	<b>Notices and Public Complaints</b>	
32(a)	The Certificate Holder shall make available to the public a toll-free or local phone number and e-mail address of an agent or employee who will, for the duration of construction of the Project, be available to receive complaints, if any, from the public during the construction of the Project. That number shall include a recorded outgoing message that will, when a call is not answered by a person, provide the caller with: (i) the name of the Certificate Holder's representative; (ii) the number to be called in case of emergency; (iii) the phone numbers and email addresses of the Secretary; and (iv) the phone number of the DPS OEEE Compliance Section.	The Certificate Holder will comply. Contact List
32(b)	The Certificate Holder's website shall provide a means for the public to register complaints, ask questions, and otherwise contact the Certificate Holder, either through a direct link to a complaint form/email or by providing the contact information (phone and/or email address) of an agent of the Certificate Holder that can address the public's concerns.	The Certificate Holder will comply.
32(c)	The Certificate Holder shall report to DPS OEEE Compliance Staff every complaint that cannot be resolved after reasonable attempts to do so. Such report shall be made within ten (10) business days after receipt of the complaint.	The Certificate Holder will comply. Section 2.3.
33(a)	No less than two (2) weeks before commencing Project construction, the Certificate Holder shall notify the public of the anticipated date that site construction will commence, as follows: <ol style="list-style-type: none"> <li>(1) provide notice to local officials and emergency personnel along the entire route;</li> <li>(2) provide notice to local media for dissemination;</li> <li>(3) provide notice for display in public places (such as general stores, post offices, community centers, and conspicuous community bulletin boards); and</li> <li>(4) provide notice to persons who own properties that are crossed by or abut the ROW, and persons who reside on such properties (if different from the owner).</li> </ol>	The Certificate Holder will comply.
33(b)	The notice or notices under this paragraph shall be written in language reasonably understandable to the average person and shall contain: <ol style="list-style-type: none"> <li>(1) A map of the Project;</li> <li>(2) A brief description of the Project;</li> <li>(3) The anticipated date for start of construction;</li> <li>(4) The name, address and local or toll-free telephone number and email address of an employee or agent of the Certificate Holder who will receive complaints, if any, during the construction of the Project;</li> <li>(5) 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</li> </ol>	The Certificate Holder will comply.

	may be contacted at an address, email, and telephone number to be provided in the notice.	
33(c)	Upon distribution, a copy of the form of the notice or notices under this paragraph shall be submitted to the Secretary.	The Certificate Holder will comply.
34	The Certificate Holder shall notify persons who own properties that are crossed by or abut the ROW, and persons who reside on such properties (if different from the owner), of the planned construction activities and schedule affecting their residences at least seven (7) days, but no more than thirty (30) days, prior to the commencement of construction in these areas. The Certificate Holder shall give notice by direct mail and may affix such notice to the doors of residences. After such notices are given, and prior to the commencement of construction, the Certificate Holder shall provide a copy of the generic form of such notice to the Secretary.	The Certificate Holder will comply.
35	The Certificate Holder shall provide all contractors providing services for construction of the Project ("Contractors") with complete copies of the Certificate, the EM&CP, including any revisions, the order(s) approving the EM&CP, updated construction drawings, any site-specific plans, the DEC-issued SPDES General Permit for Stormwater Discharges from Construction Activity (Permit No. GP-0-15-002) ("SPDES General Permit"), any permit issued pursuant to section 404 of the Federal Clean Water Act and the 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.	The Certificate Holder will comply. Section 2.2.
36	The Certificate Holder shall notify all Contractors that the Commission may seek to recover penalties for any 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.	The Certificate Holder will comply. Section 2.3.
37	The Certificate Holder shall inform the Secretary and DPS Staff in writing at least five (5) days before commencing construction on the Project.	The Certificate Holder will comply.
38	The Certificate Holder shall provide DPS Staff, NYSDAM, and DEC with weekly status reports summarizing construction and indicating construction activities and locations scheduled for the next two weeks. With the weekly status report required under this Condition, the Certificate Holder shall attach reports required by the Certificate Holder's Stormwater Pollution Prevention Plan ("SWPPP") since the last weekly status report, including action and corrective item photos, if not otherwise previously provided.	Sections 1.3. and 2.3.
39	Within ten (10) days after the Project is in service, the Certificate Holder shall notify the Secretary in writing of that fact.	The Certificate Holder will comply.
40	Within ten (10) days of the completion of final restoration, the Certificate Holder shall notify the Secretary in writing that all restoration has been completed in compliance with this Certificate	The Certificate Holder will comply.

	and the Order(s) approving the EM&CP.	
<b>G</b>	<b>ROW Construction, Operation, Maintenance and Restoration</b>	
41(a)	At least two (2) weeks prior to the start of construction, the Certificate Holder shall hold a preconstruction meeting to which it shall invite DPS Staff, NYSDAM, NYSDOT, and DEC. An agenda, the location, and an attendee list shall be agreed upon between DPS Staff and the Certificate Holder.	The Certificate Holder will comply.
41(b)	The Certificate Holder shall supply draft minutes from this meeting to all attendees and invitees, the attendees may offer corrections or comments, and thereafter the Certificate Holder shall issue the finalized meeting minutes to all attendees and invitees.	The Certificate Holder will comply.
41(c)	If, for any reason, the construction contractors retained by the Certificate Holder to construct the Project (the "Contractors") cannot finish the construction of the Project, and one or more new construction contractors are needed, there shall be another preconstruction meeting with the same format as outlined above.	The Certificate Holder will comply.
42	The Certificate Holder shall confine construction to the certified ROW and approved additional work areas as depicted in the EM&CP.	EM&CP Vol. II
43	Construction shall not commence on any segment of the Project until the Certificate Holder has obtained the property rights necessary for construction of such segment. A detailed construction schedule and location timeline identifying the construction segments shall be provided to DPS Staff prior to construction.	Section 1.3
44	Any updates to the construction schedule shall be incorporated into the schedule provided in the weekly status reports required under Condition 38. At least two weeks prior to the commencement of construction in a given section, both edges of the ROW shall be staked or flagged. Also, the Certificate Holder shall stake and/or flag all unpaved access routes and other areas needed for construction such as off-ROW access roads, structure work areas, laydown and storage areas.	Sections 1.3 and 6.0
45	Construction activities on the Project shall be confined to the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday. If, due to safety or continuous operation requirements (including as necessary to coordinate outages for the convenience of residents or businesses), construction activities are required to occur on Sundays or after 7:00 p.m., the Certificate Holder shall notify DPS Staff and the affected municipality. Such notice shall be given at least 24 hours in advance unless the Sunday or after 7:00 p.m. construction activities are required for safety reasons that arise less than 24 hours in advance. The Certificate Holder shall implement noise mitigation measures set forth in Section 14.0 of the EM&CP. For certain construction phases and activities, additional work hours may be necessary. Nothing herein shall preclude Certificate Holder from making necessary arrangements for the extension of work hours with appropriate local agencies in compliance with local ordinances; DPS Staff and adjacent neighbors shall be notified of such arrangements.	Sections 5.2, 14.0 and 24.0
46	In connection with ROW vegetation clearing, if necessary, the	

	Certificate Holder shall:	
46(a)	comply with the provisions of 6 NYCRR Part 192, Forest Insect and Disease Control, and ECL § 9-1303 and any quarantine orders issued thereunder;	Section 12.0
46(b)	note on the EM&CP drawings the clearing and disposal techniques;	EM&CP Vol. II
46(c)	not create a maximum wood chip depth greater than three (3) inches, except for chip roads or invasive species control;	Section 4.0 EM&CP Vol. II
46(d)	utilize the wood resource generated by the clearing in accordance with sound environmental techniques;	Section 4.0
46(e)	not clear or alter any area outside the permanent easement without prior notice to the owner(s) of the land to be cleared or altered, and the Certificate Holder also shall cause Contractors in its employ to comply with this prohibition;	Section 4.0
46(f)	not store or dispose chips in active agricultural fields, or within twenty-five (25) feet of wetlands, streams or floodways; and	Sections 4.0, 7.4, 8.3 and 10.0
46(g)	in consultation with the Certificate Holder's forestry personnel, be allowed to remove at any time any downed trees, live trees where the trunks and limbs do not exhibit cracks or exfoliating bark, or any standing dead trees without exfoliating bark, cracks or crevices. However, to avoid potential impacts to Indiana (or northern long-eared) bat habitat, any live or dead tree greater than 4 inches diameter-breast-height with exfoliating bark, cracks or crevices can only be removed from October 1 to March 31 to protect summer roosting habitat for the bats.	Section 9.2
47	Unless otherwise allowed by the EM&CP, all trees over two 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 the following year by the Certificate Holder with the equivalent type of trees or shrubs, except if:	Section 22.3
47(a)	equivalent type replacement trees or shrubs would interfere with the proper clearing, construction, or operation of the certified Facility;	Section 22.3
47(b)	replacement would be contrary to sound ROW management practices, or to any approved long-range ROW management plan applicable to the Facility or adjoining transmission facilities; or,	Section 22.3
47(c)	the owner of land where the damaged or destroyed trees or shrubs were located declines replacement (or other recorded easement or license holder with the right to control replacement declines replacement).	Section 22.3
48	Existing transmission facility components removed or replaced as part of construction of the Project shall be removed from the ROW to appropriate destinations and handled appropriately as per the EM&CP.	Section 20.0
49	Neither the Certificate Holder nor any Contractors in its employ shall construct any new, or improve any existing, access roads unless such road is (i) located on the ROW authorized as part of the Project ; (ii) located on other utility ROW to be utilized in the construction or operation of the certified facilities, or (iii) described and shown in the EM&CP. Should the need arise for additional off-ROW access, the Certificate Holder shall submit a request to DPS Staff; the request will be considered consistent with the provisions	Section 6.0 and EM&CP Vol. II

	herein listed, including the provisions recited in Certificate Condition 31.	
50(a)	The Certificate Holder shall ensure that approved detailed erosion and sediment control plans in the approved SWPPP, in accordance with the DEC-issued SPDES General Permit, are included in the EM&CP.	Attachment B and EM&CP Vol. II
50(b)	The Certificate Holder shall install temporary erosion control and stabilization practices as soon as practicable and appropriate as indicated in the EM&CP, but in any event no later than the end of the work day in which site disturbance occurs.	Section 3.0
51	Disturbed areas, ruts, and rills shall be restored to original grades and conditions with permanent re-vegetation and erosion controls appropriate for those locations. Disturbed pavement, curbs and sidewalks shall be restored to their original preconstruction condition or improved.	Section 22.2
52	Prior to the initiation of construction, the Certificate Holder and its Contractor(s) will inspect the ROW and identify any additional upland access routes and worksites that require grading. The Certificate Holder will submit a grading plan based on this review to DPS Staff for acceptance prior to the initiation of construction. Any changes will be in full compliance with the SPDES general permit.	Section 5.1
53	The Certificate Holder shall be responsible for checking all culverts and assuring that they are not crushed or blocked during construction and restoration of the Project, and, if a culvert is blocked or crushed, or otherwise damaged, the Certificate Holder shall repair the culvert or replace it with alternative measures appropriate to maintaining proper drainage, in accordance with Certificate Condition 31 as necessary.	Section 8.4
54	The Certificate Holder shall prevent unauthorized access to and along the ROW, including the following:	
54(a)	posting signs at the ROW edges or on the first structure off the road edge in those locations where the ROW intersects public roads;	Section 6.2
54(b)	performing outreach to educate and inform the public concerning the risks and impacts of unauthorized access;	Section 6.2
54(c)	working with local law enforcement officials in an effort to prevent future trespassing; and	Section 6.2
54(d)	install gates as necessary as requested by the landowner.	Section 6.2
55	The Certificate Holder may install either polymer or ceramic insulators on structures on the A and C lines covered by this Certificate. However, all such structures shall be designed and engineered to accommodate ceramic insulators. This includes tangent and dead end structures that will be used on the Project.	The Certificate Holder will comply.
56	The Certificate Holder shall provide DPS Staff with the factory test results of any polymer insulators to be installed on the A and C Lines covered by this Certificate upon receipt or, if already received, on the issuance of the Certificate.	The Certificate Holder will comply.
57	The Certificate Holder shall provide DPS Staff with the testing procedure used to test insulators once they are installed and are operational. DPS Staff shall be informed whenever this procedure is changed.	The Certificate Holder will comply.

58	The Certificate Holder shall replace any insulators on the A and C lines covered by this Certificate that fail with ceramic insulators except for insulators damaged by vandalism. The color of the replacement insulator shall be consistent with the original installation color.	The Certificate Holder will comply.
59	The Certificate Holder shall keep records of any polymer insulators on the A and C lines covered by this Certificate that fail or are replaced for any reason. The records to be maintained shall include: the location of the replacement, the year of manufacture, the year of original installation, the year of replacement, information on the failure or other reason for replacement, and any available information on transportation, storage, and handling. The Certificate Holder shall provide this information to DPS Staff on request. The Certificate Holder shall provide an annual insulator performance report to DPS Staff with the Certificate Holder's annual Article VII Forecast.	The Certificate Holder will comply.
60	The Certificate Holder shall provide DPS Staff with the opportunity to examine any polymer insulator on the A and C line covered by this Certificate that fails or is replaced within fifteen days of notification by email and certified mail that the insulator is available for examination. After DPS Staff's examination or the fifteen day period lapses, any polymer insulator on the A and C Lines covered by this Certificate that fails will be sent to the manufacturer, EPRI, or an equivalent qualified testing facility to perform a failure analysis. DPS Staff will be offered the opportunity to observe such testing. The testing facility shall provide a copy of the resulting report to DPS Staff simultaneously with the Certificate Holder for review.	The Certificate Holder will comply.
61	At the end of all construction, the ROW and respective work areas, including guying wire assembly and disassembly sites, shall be thoroughly cleared of debris such as nuts, bolts, spikes, wire, pieces of steel, and other assorted items, including debris left on the ROW from previous Certificate Holder maintenance and structure replacements.	Sections 20.0 and 22.1
62	The Certificate Holder shall replace or paint remaining galvanized cross-arms and cross-braces with self-weathering steel or color during future maintenance operations or structure replacement. Maintenance would include insulator replacement, reconductoring, and/or structural repair which includes replacement of an integral part of the structure.	The Certificate Holder will comply.
<b>H</b>	<b>Herbicide Use During Construction</b>	
63	The Certificate Holder shall notify DPS Staff and the DEC Region 3 Regional Natural Resource Supervisor(s) and Pesticide Control Specialist fourteen (14) days prior to the commencement of herbicide application on the Project.	Section 16.0
64	The application of herbicides shall be made under the direct supervision of a NYS Certified Applicator who shall own or be employed by a New York State-registered business. The supervising certified applicator shall be familiar with and understand the provisions of this Certificate and shall be present in the field to ensure compliance with the most recent version of the Certificate	Section 16.0

	Holder's Long Range Vegetation Management Plan and the Certificate.	
65	All herbicides used shall have valid registrations under applicable state and federal laws and regulations. Any request for a proposed change to the herbicides planned for use during construction, including mix proportions, additives (with the exception of dyes), or method of application, shall be submitted for approval pursuant to ordering clause number 31 of this Certificate. All changes shall be made in accordance with the pesticide labeling.	Section 16.0
66	Application of herbicides shall conform to all label instructions and all applicable state and federal laws and regulations. Herbicides shall be applied in compliance with the most recent version of the Certificate Holder's Commission-approved Long Range Vegetation Management Plan. Applicators shall reference maps which indicate treatment areas, and wetland and adjacent area boundaries, prior to treating. Applications required in seasonally flooded freshwater wetlands shall be undertaken during a dry season.	Section 16.0
67	Herbicide spraying within regulated wetlands shall be performed only by backpack treatment or squirt bottle treatment method consistent with the most recent version of the Certificate Holder's Commission-approved Long Range Vegetation Management Plan and the DEC permits referenced therein.	Section 16.0
68	No equipment wash water or excess herbicide shall be allowed to enter wetlands or state-regulated wetland adjacent areas, streams, or waterbodies. Empty containers shall be disposed of in accordance with label instructions and applicable regulations.	Section 16.0
69	The ROW and adjoining properties shall be posted and notified using the DEC-approved format (ECL Part 33 and 6 NYCRR Part 325).	Section 16.0
	<b>Inspection and Oversight</b>	
70	The Certificate Holder shall use an inspector or inspectors during construction for Project oversight. One inspector may be used, as long as such inspector is qualified, to act as the environmental inspector, the agricultural inspector, the inspector for invasive special control measures and the inspector for potential Blanding's turtle activities (Blanding's turtle inspector). The Blanding's turtle inspector shall have a Blanding's turtle handling (ETSSCI) License obtained from DEC's Special License Unit or be listed as a Designated Agent on such a license.	Sections 2.3, 2.4, 9.2 and 10
71	There shall also be a construction inspector employed full-time on the Project; along with at least one safety inspector who will inspect the work site from time to time; and at least one quality assurance inspector who will inspect the work site from time to time. If the construction inspector is a Central Hudson employee, such inspector shall also be responsible for or oversee periodic safety inspections of the work site, thereby fulfilling the role of safety inspector. In addition, the quality assurance inspector, if a Central Hudson employee, may also fulfill the inspection requirements under the Certificate.	Section 2.3
72	The environmental inspector shall have stop work authority over all	Sections 2.4 and

	aspects of the Project.	2.5
73	The Certificate Holder shall provide to DPS, DEC and NYSDAM Staff the cell phone numbers of the environmental inspector(s), agricultural inspector, and the construction supervisor.	Contact List
74	The environmental inspector(s), the agricultural inspector, and the construction inspector(s) shall be equipped with sufficient access to documentation, 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, Environmental Conservation Law, Section 401 Water Quality Certification and the EM&CP.	The Certificate Holder will comply.
75	The names and qualifications of the environmental inspector(s), the agricultural inspector, and the construction inspector(s) shall be submitted to DPS Staff at least two (2) weeks prior to the start of construction. The environmental inspector's qualifications shall satisfy those of a "Qualified Inspector" pursuant to the SPDES General Permit.	The Certificate Holder will comply.
76	The Certificate Holder's employees, contractors and subcontractors assigned to the construction of the Facility and inspection of such construction work shall be properly trained in their respective responsibilities.	Sections 2.2 and 2.3
77	The authority granted in the Certificate and any subsequent order(s) in this proceeding is subject to the following conditions necessary to ensure compliance with such order(s):	The Certificate Holder will comply.
77(a)	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 the specific construction 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.	Section 2.5
77(b)	A stop work order shall expire 24 hours after issued unless confirmed by a single Commissioner. DPS Staff shall give the Certificate Holder notice by electronic mail of any application to a Commissioner to have a stop work order confirmed. If a stop work order is confirmed, the Certificate Holder may seek reconsideration from the confirming Commissioner or the whole Commission. If the emergency prompting the issuance of a stop work order is resolved to the satisfaction of the Commissioner or the Commission, the stop work order will be lifted. If the emergency has not been satisfactorily resolved, the stop work order will remain in effect.	The Certificate Holder will comply.
77(c)	Stop work authority will be exercised sparingly and with due regard to potential environmental impact, economic costs involved, possible impact on construction activities, and whether an applicable statute or regulation is violated. Before exercising such 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, the matter	Section 2.5

	will be brought immediately to the attention of the Certificate Holder's Project Manager and the Department of Public Service's Director of the OEEE. In the event that a DPS Staff representative issues 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 as described below may be directed at the sole discretion of the DPS Staff representative during these discussions;	
77(d)	If a DPS Staff representative discovers a specific activity 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 and/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;	Section 2.5
77(e)	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 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 and/or environmental inspector of the action taken.	Section 2.5
77(f)	DPS Staff will promptly notify the appropriate DEC Central Office and Region 3 representative of any activity that constitutes a violation of the Certificate or other Order involving a State-regulated wetland or its adjacent area, a protected stream, or a threatened or endangered species. Such notification to DEC will also include any specific actions or corrective measures taken pursuant to clauses (d) or (e) above.	
78	The Certificate Holder shall organize and conduct site-compliance inspections for DPS Staff as needed, but not less frequently than once per month during the site preparation, construction, and restoration phases of the Project. Inspections shall conclude upon the final sign-off of the SWPPP by the SWPPP inspector.	Section 2.3
78(a)	The monthly inspection shall include a review of the status of compliance with all conditions contained in the Certificate and any other Order issued in this proceeding, other legal requirements and commitments, as well as a field review of the Project site, if	Section 2.3

	<p>necessary. The inspection also shall include:</p> <ol style="list-style-type: none"> <li>(1) Review of all complaints received, and their proposed or actual resolutions;</li> <li>(2) Review of any significant comments, concerns, or suggestions made by the public, local governments, or other agencies, and any proposed or actual resolutions;</li> <li>(3) Review of the status of the Project in relation to the overall schedule established prior to the commencement of construction; and</li> <li>(4) Other items the Certificate Holder or DPS Staff consider appropriate.</li> </ol>	
78(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 agencies involved in the compliance inspection.	Section 2.3
79	Certificate Holder's Contractor Safety Requirements shall be made available to all individuals who make visits to Project worksites during construction, to aid in the communication of hazards and minimum safety requirements and to establish expectations regarding safe work behavior while on the Project site. Certificate Holder shall require that all visitors to Project worksites follow the requirements in the provided Safety Requirements.	Section 2.3
80	Certificate Holder representatives (including employees or contractors) shall communicate the required safety rules and regulations to visitors to Project worksites through a documented Safety Awareness training session prior to entry onto the Project. Certificate Holder may allow infrequent visitors to enter the site without this training as long as they are escorted at all times by an individual who has attended the training.	The Certificate Holder will comply.
81	Certificate Holder representatives shall communicate site-specific safety rules and regulations to visitors to the Project through a documented tailboard meeting prior to entry onto each active jobsite. Certificate Holder is responsible for ensuring that English-speaking employees are available to communicate safety rules and regulations. A separate training session is required for each active jobsite in a documented tailboard meeting. 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.	The Certificate Holder will comply.
82	Certificate Holder may require visitors to supply their own personal protective equipment for any tours of construction sites. This may include, but not be limited to, a properly fitted, currently valid, hardhat, safety glasses with side shields, a safety vest, ear	The Certificate Holder will comply.

	protection, and appropriate, sturdy footwear at any time while on site, unless the visitor is in a vehicle or in a construction office.	
<b>J</b>	<b>Roads and Highways</b>	
83	Proposed access route improvements and measures for environmental impact minimization and access control shall be detailed in the EM&CP.	Section 6.0 and EM&CP Vol. II
84	The Certificate Holder shall minimize the impact of the construction of the Project on traffic circulation. Traffic control personnel and safety signage shall be employed to ensure safe and adequate traffic flow when roadways are affected by construction.	Section 19.0
85	The EM&CP shall reflect consultations the Certificate Holder has had with each transportation department or agency normally having jurisdiction over any roads in the Project vicinity that will be crossed by the certified Project, or used for direct access to the Project ROW. If the access road takes direct access from, or lies within the limits of, such roads, the Certificate Holder shall notify each relevant transportation department or agency of the approximate date when work will begin.	Section 18.4
86	The Certificate Holder shall submit a MPT Plan to DPS Staff prior to the start of construction.	Section 19.0
87	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.	Section 18.4
88	NYSDOT shall have authority to place inspectors on site to monitor and observe the Certificate Holder's activities on state highways, and/or to request the presence of state or local police to assure the safety of freeway travelers, at such times and for such periods as DOT deems appropriate. All costs thereof shall be borne by the Certificate Holder.	The Certificate Holder will comply.
89	The Certificate Holder shall coordinate with DPS Staff and NYSDOT for all work to be performed in the State highway rights-of-way. Prior to submitting its construction plan for any State highway right-of-way segment, the Certificate Holder shall provide to DPS Staff and NYSDOT a preliminary design marked to avoid conflict with transportation projects that NYSDOT may seek to undertake in the future and shall offer to consult with NYSDOT concerning any comments it may offer and shall use reasonable efforts to accommodate any NYSDOT concerns.	Section 18.4
90	The Certificate Holder shall coordinate all State Highway crossings and longitudinal occupations with DPS Staff and NYSDOT. The Certificate Holder shall obtain the necessary permits from NYSDOT, including, as appropriate, a Highway Work Permit and Use and Occupancy Permit pursuant to 17 NYCRR Part 131 for the construction, operation and maintenance of the Project in the right-of-way of State highways including, if necessary, the filing by NYSDOT of a request with the Federal Highway Administration for an exception to the Accommodation Plan for Longitudinal Use of Freeway Right-of-Way by Utilities, for the construction, operation	Sections 18.4 and 19.0

	and maintenance of the Facility in the right-of-way of State highways. Said Use and Occupancy Permit shall include payment of a fair market value-based fee for use of State property.	
91	All work within state highway rights-of-way shall be designed and performed according to the traffic and safety standards and other requirements contained in 17 NYCRR Part 131, entitled <i>Accommodation of Utilities Within State Highway Right-of-Way</i> and applicable design standards required by law or governmental regulation.	Sections 18.4 and 19.0
<b>K</b>	<b>Cultural Resources</b>	
92	The Certificate Holder shall not undertake construction in areas where archeological surveys have not been completed and until such time as the appropriate authorities, including New York State Office of Parks Recreation & Historic Preservation (“OPRHP”) and DPS Staff, have reviewed the results of any additional historic properties and archeological surveys that are required.	Section 11.0
93	Should archeological materials be encountered during construction, the Certificate Holder shall stabilize the area and cease all ground-disturbing activities in the immediate vicinity of the materials found and protect those materials from further damage. Within twenty-four (24) hours of such discovery, the Certificate Holder shall notify and consult with DPS Staff and OPRHP Field Services Bureau to determine the best course of action. No construction activities shall be permitted in the vicinity of the archeological materials until such time as the significance of the resource has been evaluated and the need for and scope of impact mitigation has been determined.	Section 11.0
94	Should human remains or evidence of human burials be encountered during the conduct of archeological data recovery fieldwork or during construction, all work in the vicinity 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 the DPS Staff and OPRHP Field Services Bureau. Treatment and disposition of any of human remains that may be discovered shall be managed in a manner consistent with the OPRHP’s <i>Human Remains Discovery Protocol</i> . 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.	Section 11.0
95	The Certificate Holder shall avoid creating adverse impacts on historic structures in the Project vicinity by implementing Project location, design, and vegetation management measures described in the EM&CP.	Section 11.0
96	The Certificate Holder shall have a continuing obligation during the duration of Project construction to respond promptly to complaints of negative archeological impacts and, if necessary, to mitigate any actual impacts through on-site design modifications and off-site mitigation techniques developed in consultation with the OPRHP Field Services Bureau.	The Certificate Holder will comply.
<b>L</b>	<b>Terrestrial and Wildlife Resources</b>	

97	<p>The Certificate Holder shall promptly notify the Environmental Inspector, DPS Staff and the DEC Region 3 Regional Natural Resources Supervisor if any threatened or endangered animal species or animal species of special concern or rare, threatened or endangered plants listed in New York (collectively, "RTE" species) is encountered on the Project ROW, access roads, or other off-ROW area (including marshaling yards) that is part of the Project authorized in this proceeding, so as to determine the appropriate measures to be taken to protect such species. If necessary to protect a species or its habitat from immediate harm, the Certificate Holder shall stabilize the area and cease construction or ground-disturbing activities in the area. The Certificate Holder shall refer to 6 NYCRR Part 182 and Part 193 &amp; <a href="http://www.dec.ny.gov/animals/7494.html">http://www.dec.ny.gov/animals/7494.html</a> for current lists of RTE species. If the species is a Blanding's turtle, the provisions of Certificate Condition 99 apply.</p>	Section 9.1
98	<p>The Blanding's turtle inspector as defined in Condition 70 shall be responsible for training all personnel working at the site to be able to identify Blanding's turtles and to understand the procedures to be followed if a Blanding's turtle is encountered on the Project site.</p>	Sections 2.3 and 9.2
99	<p>Whenever possible, lay down and other staging areas shall be sited away from potential Blanding's turtle nesting areas and the travel corridors between potential nesting areas and wetlands that have been identified as potential Blanding's turtle habitat (see below). If it is not possible to site staging areas outside of these areas, temporary barriers consistent with the NYSDEC "Guidelines for Reviewing Projects for Potential Impacts to the Blanding's Turtle" (revised 8-12-2010) shall be installed to either prevent movement to or facilitate movement across these features, unless the Blanding's turtle inspector is present when construction activity is occurring in these areas.</p>	Section 9.2
100	<p>For construction activities which occur between April 15 and October 15, at the following locations, the Blanding's turtle inspector shall be present to inspect for Blanding's turtles ahead of daily construction activities and shall continue periodically until construction activities stop for the work day:</p> <p>Wetlands C, F, J, K, L, M, O, CC, DD, EE, QQ, RR, SS, TT, and UU and upland locations associated with these wetlands, specifically (i) Wappinger's Creek to Cramer Road; (ii) Croft Hill Road to Old Noxon Road; and (iii) Diddell Road to Route 376.</p>	Section 9.2
101	<p>If a Blanding's turtle is encountered within the work area during construction, the Blanding's turtle inspector which, as defined in Condition 70, may include those Designated Agents listed on Blanding Turtle Handling Licenses, shall handle the turtle consistent with the conditions set forth in the license.</p>	Section 9.2
102	<p>A Blanding's turtle inspector's presence is not needed from October 16 through April 14 or in any areas on the project not specified above, but the project personnel, including the Environmental Inspector, shall still be watchful for Blanding's turtles as well as other RTE species.</p>	Section 9.2

<b>M</b>	<b>Water Bodies and Wetlands</b>	
103	The Certificate Holder shall minimize adverse effects to streams, waterbodies, wetlands, and wetland adjacent area during the construction and operation of the Project. Provisions to protect streams, waterbodies and wetlands shall include:	The Certificate Holder will comply.
103(a)	Wetland locations and wetland adjacent areas located within the ROW or crossed by the ROW or any off-ROW access road constructed, improved or maintained for the Project shall be delineated and flagged in the field prior to construction as shown on the EM&CP drawings for the Project.	Section 7.2 and EM&CP Vol. II
103(b)	Any activities which may affect wetlands or wetland adjacent areas shall be designed and controlled to minimize adverse impacts, giving due consideration to the environmental features and functions of the wetlands and the wetland adjacent area.	Section 7.0
103(c)	The Certificate Holder shall, to the maximum extent practicable, avoid direct impacts on wetlands and establish access routes outside wetlands and wetland adjacent areas.	Section 7.3
103(d)	Construction through wetlands or wetland adjacent areas shall be as depicted in the EM&CP. However, if, in consultation between DPS Staff and the environmental inspector, suitable soil conditions exist in the wetland or adjacent area, such as frozen ground or unsaturated surface conditions, such that no visible rutting or alteration of the hydrology of the wetland would result, then work or crossing within the ROW or on access roads can occur with rubber-tired vehicles, unless otherwise indicated in the EM&CP (i.e., certain access roads and workpads must be matted regardless of field conditions).	Section 7.5 and EM&CP Vol. II
103(e)	Equipment or machinery shall not be washed in any stream, waterbody, wetland or wetland adjacent area, and runoff resulting from washing operations shall not be permitted to directly enter any stream, waterbody, or wetland.	Sections 7.2 and 8.2
103(f)	Any excess excavated material resulting from structure installation that is to be removed from any stream, waterbody, or wetland or wetland adjacent areas shall not be stored inside wetlands or the wetland adjacent areas. Excavated excess material shall be disposed of in upland locations outside of wetlands as described in the EM&CP.	Section 7.2
103(g)	In wetlands, slash that is cut may be left in place (drop and lop) or removed from the wetland. No slash shall be collected and permanently piled in the wetland.	Section 7.2
103(h)	Construction vehicles shall cross streams, wetlands, and waterbodies utilizing protective measures specified in the EM&CP.	Sections 7.3, 7.5, 8.1 and 8.4 and EM&CP Vol. II
103(i)	Within fifty (50) feet of a stream or within one hundred (100) feet of a wetland, the Certificate Holder shall not store, mix, or handle open containers of or load herbicides, chemicals labeled "toxic", or petroleum products.	Sections 7.2, and 8.2 and EM&CP Vol. II
103(j)	Refueling of vehicles and equipment within 100 feet of wetlands or streams is prohibited, except as provided in Certificate Holder's EM&CP.	Sections 7.2, 8.2, and 15.3

103(k)	Vehicular access across wetlands, waterbodies, and wetland adjacent areas shall be prohibited except as provided by the EM&CP.	Sections 6.0, 7.5, and 8.4 and EM&CP Vol II
103(l)	During periods of work activity, flow immediately downstream of the worksite shall equal flow immediately upstream of the worksite.	Section 8.4
103(m)	There shall be no increase in turbidity downstream of the construction activity that will cause a substantial visible contrast to natural conditions.	Section 8.4
103(n)	No wetland plants or surfaces shall be disturbed resulting from any dragging of poles. During pole removal and replacement within wetlands and their adjacent areas, construction mats shall be properly in place so that dragging of poles shall be atop the construction mats within the wetland and adjacent area.	Section 7.2
104	Selective vegetation clearing (e.g., hand cutting) techniques shall be used within state-regulated wetlands and wetland adjacent areas so as to reduce the amount of activity and disturbance to the wetland and wetland adjacent area.	Sections 4.0 and 7.2
105	The Certificate Holder shall secure and provide copies of the following documents to the Secretary prior to commencement of construction: all U.S. Army Corps of Engineers ("USACE") permits for construction in federal wetlands affected by the Facility, if any, including any permit pursuant to §404 of the Federal Clean Water Act and §10 of the Rivers and Harbors Act; the SPDES General Permit; and evidence of a Federal Aviation Administration ("FAA") determination that the final design of the structures proposed for the Facility will have no impact (or will have impacts mitigated by FAA-directed modifications to such final design) on the public-use airports identified in Exhibit E-6 of the Application.	The Certificate Holder will comply.
106	DEC field representatives shall be permitted on the Project site. DEC Staff field representatives will notify the DPS Staff representative and the Certificate Holder's appropriate representative of any activities that violate or may violate the terms of the Certificate, the Environmental Conservation Law, or applicable regulations or the DEC-issued SPDES General Permit. The DPS Staff and DEC staff field representatives will cooperate in assessing site conditions and consult with the Certificate Holder in determining whether DPS Staff should exercise stop work authority in accordance Certificate Clause 77, or whether directing Certificate Holder to take action to minimize further impacts to State-protected streams and State-regulated wetlands is appropriate.	The Certificate Holder will comply.
107	Water from dewatering operations shall be pumped into a temporary straw bale/silt fence barrier or filter bag to settle suspended silt material prior to discharge. Direct discharge to wetlands, streams, and waterbodies shall be avoided.	Sections 7.2 and 8.2
108	For activities that involve replacement or removal of a structure to be conducted in state-regulated wetlands, cleaned construction mats shall be in place, prior to equipment entering or exiting the wetland, except as indicated in the EM&CP.	Section 7.2
109	In state-regulated wetlands, Certificate Holder may use protective mats other than timber mats, conditional to the following:	Section 7.2

109(a)	for each state-regulated wetland in which non-timber mats are used, the Certificate Holder will specify locations of use and provide, to appropriate DEC Central Office Staff, a photo of the wetland prior to placement of the mat and a photo of the wetland after removal of the mat; and	The Certificate Holder will comply.
109(b)	Certificate Holder may also provide its own observations on effectiveness, problems encountered with, or benefits of non-timber mats.	The Certificate Holder will comply.
110	Stone use in stream beds for new crossings of state protected streams is strictly prohibited. Any improvement to existing crossings (fords) will be as specified in the EM&CP.	Section 8.4
111	The following periods indicate when state protected stream disturbance activities are prohibited:	
111(a)	For cold water trout fisheries, beginning October 1 and ending May 31.	Section 8.2
111(b)	For warm water fisheries, beginning March 1 and ending July 15.  Any exceptions to these prohibited periods require prior approval by DPS Staff, in consultation with DEC.	Section 8.2
112	The Certificate Holder shall inform USACE of any changes in the design of the Project that have the potential to impact any USACE-jurisdictional water resources and exceed applicable notification thresholds and shall provide a copy of such correspondence to the Secretary.	Section 1.4
<b>N</b>	<b>Agricultural Resources</b>	
113	As required by Condition 70, the Certificate Holder shall retain a qualified inspector who also qualifies as an Agricultural and Soil Conservation Specialist/Inspector. The inspector shall be on site for each phase of Project development, including design, construction, initial restoration, post-construction monitoring and follow-up restoration. If qualified, the environmental inspector may satisfy this requirement. The Inspector shall be available to provide site-specific agricultural information as necessary and to have direct contact with affected farm operators, County Soil and Water Conservation Districts, NYSDAM and others. The Agricultural Inspector shall maintain regular contact with the Construction Supervisor throughout the construction phase. The Agricultural Inspector also shall maintain regular contact with the affected farmers and County Soil and Water Conservation Districts concerning farm resources and management matters pertinent to the agricultural operations and the site-specific implementation of the EM&CP. Whenever the Certificate Holder submits a request for an EM&CP change concerning agriculture lands, it shall consult with NYSDAM.	Sections 2.3 and 10.0
114	The Certificate Holder shall identify Black Cherry trees located on the ROW near active livestock use areas. Black Cherry trees shall be disposed of in a manner which prevents access by livestock.	Section 10.0
115	The Certificate Holder shall design the Project to the extent possible to avoid or limit the placement of replacement structures on crop fields or on other active agricultural land where the structures do not	Section 10.0

	already exist in such a way that such placement will significantly interfere with normal agricultural operations or activities. Where the location of a replacement structure on such additional agricultural land is unavoidable, the Certificate Holder shall attempt to site the structure in a location that minimizes impact to normal farming operations.	
116	Construction entrances from public roadways directly onto agricultural fields shall utilize construction mats.	Section 10.0
117	All vehicular movements and construction activities shall be restricted to areas designated in the EM&CP. Where extensive or prolonged access is needed or when visible rutting greater than 4" begins to occur, additional agricultural measures shall be used such as construction matting and/or stripping and stockpiling of topsoil alongside the area of disturbance (topsoil shall be kept separate from subsoil) on the property from which it was removed.	Section 10.0
118	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 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 NYSDAM and the local Soil and Water Conservation District.	Section 10.0
119	Topsoil shall not be stripped except as specified in the EM&CP.	Section 10.0
120	Complete removal of construction entrances upon completion of the Project and restoration of the affected sites is required prior to topsoil replacement, except where retention of the construction entrance would be more conducive to the existing land use than removal.	Section 10.0
121	Existing farm roads shall be used for temporary access to farmland to the extent practicable. Segments of farm roads utilized for access shall be improved if required prior to use and as specified on the EM&CP.	Section 10.0
122	Farm drainage features, fences and gates affected by construction shall be rebuilt to previous or better condition upon completion of construction, unless otherwise agreed with the landowner with regard to fences and gates. The base of all new fence posts shall be secured to a reasonable depth below the surface to prevent frost heave.	Section 10.0
123	If mats are installed for access across farmlands, 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 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.	Section 10.0
124	In agricultural areas of till over bedrock where blasting is required, the Certificate Holder shall use matting or controlled blasting to limit	Section 10.0

	the dispersion of blast rock fragments. All blasted rock not used as backfill shall be removed from croplands, haylands and improved pastures. The till and topsoil shall be returned in natural sequence to restore the soil profile. Farm owners/operators shall be given timely notice prior to blasting on farm property.	
125	In all agricultural sections of the ROW disturbed during construction, the Certificate Holder shall break up the subsoil compaction with deep tillage by devices such as a deep-ripper (subsoiler) or heavy duty chisel plow up to a depth of 18 inches (unless bedrock is encountered at a depth of less than 18 inches). Soil compaction results shall be no more than 250 pounds per square inch (PSI) as measured with a soil penetrometer. Following the deep ripping, 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. Finally, deep subsoil shattering shall be performed 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 construction or clean-up activities result in additional compaction, additional deep tillage shall be performed to alleviate such compaction.	Section 10.0
126	All structures and guy anchors removed from agricultural areas as part of the construction activities shall be removed in their entirety to a minimum depth of 48 inches below the soil surface. All holes or cavities created by the removal of the old facilities shall be filled to the same level as the adjacent area, plus 6 to 12 inches of additional soil to allow for settling. All material used for fill shall be similar to native soil. All fill material shall be compacted.	Section 10.0
127	Wherever existing structures are removed from agricultural fields, the area shall be restored to allow agricultural activities. Such restoration shall include the removal of all vegetation from the structure area and grading of the ground surface to match the adjacent field. All rocks 4 inches and greater in size shall be removed from the surface.	Sections 10.0 and 20.0
128	The Certificate Holder shall provide all farm owners/operators with a toll-free or local telephone number to facilitate direct contact with the Certificate Holder and the Agricultural Inspector(s) through all of the stages of the Project. Once construction is complete and after the monitoring and remediation period set forth in Condition 133, the Certificate Holder shall provide farm owner/operators with a toll-free or local telephone number to facilitate direct contact with the Certificate Holder.	The Certificate Holder will comply.
129	The Agricultural Inspector shall work with the farm operators during the scheduling of construction to develop a plan to delay the pasturing of the ROW, following construction until pasture areas are adequately revegetated. The Certificate Holder shall be responsible for maintaining the temporary fencing on the ROW until the Agricultural Inspector determines that the vegetation on the ROW is established and able to accommodate grazing. At such time, the Certificate Holder shall be responsible for removal of the fences.	The Certificate Holder will comply.
130	On affected farmland, restoration practices shall be postponed until	Section 10.0

	<p>favorable (workable, relatively dry) topsoil/subsoil conditions exist. Restoration shall not be conducted while soils are in a wet or plastic state. Stockpiled topsoil shall not be regraded until plasticity, as determined by the Atterberg field test is significantly reduced. No Project restoration activities shall occur in agricultural fields between the months of October through May unless favorable soil moisture conditions exist. The Certificate Holder shall monitor and advise NYSDAM and DPS Staff regarding tentative restoration planning. Potential schedules shall be determined by conducting the Atterberg field test.</p>	
131	<p>Topsoil stockpiles on agricultural areas left in place prior to October 31 shall be seeded with Aroostook Winter Rye or equivalent at an application rate of 3 bushels (168 #) per acre and mulched with straw mulch (or another material acceptable to the Agricultural Inspector) at a rate of 2 to 3 bales per 1000 Sq. Ft. Topsoil stockpiles left in place between October 31 and May 31 shall be mulched with straw mulch (or another material acceptable to the Agricultural Inspector) at a rate of 2 to 3 bales per 1000 Sq. Ft. Straw mulch (or another material acceptable to the Agricultural Inspector) shall be used to prevent soil loss on stockpiled topsoil from October through May.</p>	Section 10.0
132	<p>After topsoil replacement, seedbed preparation (final tillage, fertilizing, liming) and seeding shall follow either NYSDAM recommendations as contained in Fertilizing, Lime and Seeding Recommendations for Restoration of Construction Projects on Farmlands in New York State (revised 9-25-2012) or landowner specifications.</p>	The Certificate Holder will comply.
133	<p>The Certificate Holder shall provide a monitoring and remediation period of two (2) growing seasons following completion of ROW restoration in active agricultural areas. The Certificate Holder shall retain the services of an Agricultural Inspector on at least a part-time basis through this period. The monitoring and remediation phase shall be used to identify any remaining agricultural impacts associated with ROW construction that are in need of mitigation and to implement the follow-up restoration. During this phase, the Agricultural Inspector shall also maintain a list of invasive species observed on the Project ROW in agricultural areas, adjoining ROW areas, and other areas utilized by current field operator. In agricultural areas where invasive species are documented along the ROW, the Certificate Holder shall determine whether such species were pre-existing or whether such species were introduced by the Project. If it is determined that the Project was directly responsible for the introduction of invasive species to the agricultural areas, the Certificate Holder shall consult with the farm operator, Staff and NYSDAM to determine the appropriate control measures to implement.</p>	Section 10.0
134	<p>During the monitoring and remediation period, on site monitoring shall be conducted at least three (3) times during each growing season and shall include a comparison of growth and yield for crops on and off the ROW. When the subsequent crop productivity within the affected ROW is less than that of the adjacent unaffected</p>	Section 10.0

	<p>agricultural land, the Agricultural Inspector, in conjunction with the Certificate Holder and other appropriate organizations, shall help to determine the appropriate rehabilitation measures for the Certificate Holder to implement (soil de-compaction, topsoil replacement, etc.). During the various stages of the Project, all affected farm operators shall be periodically apprised of the duration of remediation by the Certificate Holder. Because conditions which require remediation may not be noticeable at or shortly after the completion of construction, the signing of a release form prior to the end of the remediation period shall not obviate the Certificate Holder's responsibility to fully redress all Project impacts. After completion of the specific remediation period, the Certificate Holder shall continue to respond to the reasonable requests of the farmland owner/operators to correct Project related effects on the impacted agricultural resources. After the moisture of the soil profile on the affected portion of the Facility ROW has returned to equilibrium with the adjacent off-ROW land, subsoil compaction shall be tested using an appropriate soil penetrometer or other soil-compaction measuring device.</p>	
<b>O</b>	<b>Petroleum and Hazardous Substances</b>	
135	<p>The EM&amp;CP shall include Petroleum and Chemical Handling Procedures, and a spill response emergency plan, including the DEC spill reporting number. 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 of this Facility.</p>	<p>Sections 15.3, 16.6, Attachment G and Contact List</p>
136	<p>The Certificate Holder shall comply with Section 175 of the Navigation Law, 6 NYCRR §613.8 (petroleum spills) and 6 NYCRR §595.3(b) (hazardous substance spills).</p>	<p>Section 15.6</p>
<b>P</b>	<b>Contractors and Contractor Supplies/Materials</b>	
137	<p>Applicable provisions of the Certificate, EM&amp;CP, and subsequent orders approving any revisions to the EM&amp;CP shall be accommodated in any design, construction, ownership or maintenance contracts associated with the construction of the Project.</p>	<p>The Certificate Holder will comply.</p>
138	<p>At least two weeks prior to construction, the Certificate Holder shall submit a report to the Secretary confirming that all required construction materials are available. For purposes of this paragraph, an item of construction material is available (i) if it is located at a marshaling yard, (ii) if it's in a Certificate Holder warehouse or other routine Certificate Holder inventory stocking location, or (iii) if it's on order from a vendor with a scheduled delivery date prior to the time scheduled for its use in the Project.</p>	<p>The Certificate Holder will comply.</p>
139	<p>The Contractor shall be responsible for all construction materials after they have been received by the Contractor. All equipment shall be located at the Certificate Holder's, marshaling yard, receiving or warehouse facility or on the ROW, provided, however, that if a local contractor is used for the work, the local contractor's facility shall be considered an acceptable marshaling yard or receiving facility.</p>	<p>The Certificate Holder will comply.</p>

140	DPS Staff will provide the name of a contact person(s) ("DPS Staff Representative") and the contact information (mailing address, phone number, e-mail, etc.) of that individual for purposes of this Condition and Conditions 137 through 147 of this Certificate. If a reportable accident occurs in connection with work on the Project, the Certificate Holder shall report any such accident to the DPS Staff Representative as soon as practicable. A copy of the accident report, if any, shall be provided to the DPS Staff Representative after it has been finalized.	The Certificate Holder will comply.
141	The Certificate Holder shall provide the DPS Staff Representative with a monthly audit report reflecting material inventory and usage.	The Certificate Holder will comply.
142	Within six (6) months following Project completion, the Certificate Holder shall provide to the DPS Staff Representative a full accounting of all Facility costs, including an explanation of variances, if any, between projected and actual costs. The accounting shall separately detail all costs incurred by the Certificate Holder as a result of its purchase of a structure or component for installation in the Project that did not conform to the specification for structures and components described in the EM&CP.	The Certificate Holder will comply.
143	The Certificate Holder shall provide the DPS Staff Representative 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. Subsequently, the Certificate Holder shall provide the DPS Staff Representative with an accounting of all replacement materials. The accounting of replacement materials shall include documentation of the insurance company's coverage and the contractor's costs for replacement	The Certificate Holder will comply.
144	A field review shall be conducted by the Certificate Holder to determine compliance with its design every other week. The Certificate Holder shall prepare a monthly written report of the findings on whether the Project is being constructed in accordance with the EM&CP design. The Certificate Holder shall provide a copy of such report to the DPS Staff Representative within three (3) business days after the report is complete. The Certificate Holder shall notify the DPS Staff Representative of when the field reviews will occur.	The Certificate Holder will comply.
145	If the Contractor installs incorrect or defective materials, structures, or components, the Certificate Holder shall, within one month after becoming aware of such incident, prepare and deliver to the Secretary a summary report detailing the incident and the steps to be taken to rectify the mistake, including whether any components must be dismantled and sent back to the manufacturer, as well as a detailed estimate of all costs and expected delays in construction resulting from such non-conformity.	The Certificate Holder will comply.
146	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 transmission line structures and components it purchases for the Project conform to the specification for structures and components described in the EM&CP. At a minimum, the	Section 25.0 and Attachment J

	Quality Control Plan shall include: (i) the name(s) and qualifications of the individual(s) who will conduct inspections under the Quality Control Plan (“Quality Control Inspections”); and (ii) the manner in which Quality Control Inspections will be performed.	
147	Within 5 days following completion of any Quality Control Inspection that identifies that one or more structures or components the Certificate Holder purchased for installation in the Project did not conform to the specification for structures or components described in the EM&CP, the Certificate Holder shall provide to Staff a report of such inspection that includes: (i) a description of the results of the inspection; and, (ii) any notes pertinent to the subject matter of such inspection which were made at inspection meetings by Certificate Holder personnel and contractors who performed the inspection.	The Certificate Holder will comply.
<b>Q</b>	<b>Invasive Species</b>	
148	The Certificate Holder shall implement the Invasive Species Control Plan in its EM&CP.	Section 12.0 and Attachment E
<b>R</b>	<b>Water Quality Certification</b>	
149	Concurrent with Commission approval of the EM&CP for this Project, the Director of the OEEE, pursuant to §401 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. § 1341, and PSL Article VII, will execute the certification, substantially in the form of Appendix F to the Joint Proposal, that the Facility will comply with the applicable requirements of §§ 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended, and will not violate New York State water quality standards and requirements.	The Certificate Holder will comply.