

Article 10 Application

Alle-Catt Wind Farm

Case 17-F-0282

Allegany, Cattaraugus and Wyoming Counties, New York

Package 31

Limited Notice to Proceed: Laydown Yard

Invenergy

TABLE OF CONTENTS

1.0 INTRODUCTION	1
2.0 PROPOSED CONSTRUCTION ACTIVITIES	8
2.1 Wetlands and Streams	11
2.2 Staking and Flagging	13
2.3 Fencing and Security	13
2.4 Agricultural Protection Measures.....	13
2.5 Water Wells	13
2.6 SHPO Consultation	14
3.0 SCHEDULE AND HOURS	14
4.0 CONSTRUCTION NOTIFICATION PLAN.....	14
5.0 ACCESS PERMITS	15

LIST OF APPENDICES

Appendix A. Site Plan	
Appendix B. Stormwater Pollution Prevention Plan	
Appendix C. Dust Control Plan	
Appendix D. Laydown Yard Construction Notice	
Appendix E. Road Use Agreement	

1.0 INTRODUCTION

Alle-Catt Wind Energy LLC (ACWE), an affiliate of Invenergy LLC, was granted a Certificate of Environmental Compatibility and Public Need (Certificate) by the New York State Board on Electric Generation Siting and the Environment (Siting Board) pursuant to Public Service Law (PSL) Article 10, to construct and operate the utility-scale wind project, Alle-Catt Wind Farm (the Project or Facility), in the Towns of Arcade, Centerville, Rushford, Farmersville, and Freedom, in Allegany, Cattaraugus, and Wyoming Counties, New York (Case No. 17-F-0282). The Siting Board granted ACWE a Certificate with conditions on June 3, 2020, and ACWE issued a written acceptance of the Certificate on July 2, 2020. In November 2023, the Siting Board granted the request by ACWE to amend the Certificate to reduce the number of wind turbines used in the Facility from 116 to 83, while maintaining the same 340-megawatt generating capacity. Since the amendment was approved, seven alternate turbine locations were removed from the design resulting in a total of 76 turbines.

As detailed in Certificate Condition 27(b), ACWE is submitting this Limited Notice to Proceed (LNTP) Laydown Yard Package Compliance Filing to the Public Service Commission for review and approval prior to commencement of the proposed construction activities starting in November 2024. The contents of this submittal are prescribed in the Compliance Filing Packages including 7, 8, 12, 15, 17, 18, 19, 22, and 31, identified in Attachment A of the Certificate, as well as the Certificate Conditions highlighted in Table 1 (Summary of Compliance with Certificate Conditions).

In accordance with Compliance Filing Package 31 (LNTP Construction Laydown Yard) of Attachment A of the Certificate conditions, this Package includes the following items:

Requirement	Description
a. Site plan of the construction laydown yard and traffic control plans (if proposing any activities that will disrupt local traffic)	See Section 2.0 as well as Appendices A (Site Plan) and Appendix J (Traffic Control Plan – Tree Clearing) of the previously submitted LNTP Tree Clearing Package (Package 30) for the Alle-Catt Wind Farm.
b. Proof of filing of NOI for coverage under General Stormwater permit, including a copy of the submitted Stormwater Pollution Prevention Plan (SWPPP)	See Appendix B (SWPPP).
c. Temporary lighting locations (fixture type and heights and elevations) and manufacturers cut sheets	See Section 2.0. Not applicable to this phase of work.
d. Land Rights package items a. and b.(i) for parcel(s) where the construction laydown yard is proposed	See Appendix E (Proof of Land Rights Agreements) of the previously submitted LNTP Tree Clearing Package (Package 30) for the Alle-Catt Wind Farm.
e. Plans for environmental monitoring, spill prevention and invasive species management to be implemented during the scope of work authorized by this package. These may be more limited than the full plans required	For copies of the Environmental Monitoring Plan, Spill Prevention and Response Plan, and Invasive Species Control Plan, refer to Appendix G, Appendix H and Appendix I,

Requirement	Description
as part of other packages that must be approved prior to full construction activities.	respectively, of the previously submitted LNTP Clearing Package (Package 30) for the Alle-Catt Wind Farm.
f. Cross-reference to the Complaint Management Plan and Invasive Species Management Plan submitted with the LNTP – Clearing Package	For copies of the Complaint Resolution Plan and Invasive Species Control and Management Plan, refer to Appendix C and Appendix I, respectively, of the previously submitted LNTP Clearing Package (Package 30) for the Alle-Catt Wind Farm.

In accordance with Compliance Filing Package 7 (Land Rights) of Attachment A of the Certificate conditions, this Package includes the following items:

Requirement	Description
a. Map of survey of Facility Site properties with property lines based on metes and bounds survey	See Appendix A (Site Plan).
b. Notarized memos or similar proof of agreement for every (i) Facility Site property, (ii) any properties outside of the Facility Site whose owner has agreed to allow wind turbines to be located closer to their boundary than allowed by local law (Setback Properties), and (iii) any other property whose owner has signed a participation agreement or other type of agreement including a waiver of noise or shadow impacts.	See Appendix E (Proof of Land Rights Agreements) of the previously submitted LNTP Tree Clearing Package (Package 30) for the Alle-Catt Wind Farm.

The following materials have been provided in this Package, consistent with the requirements of Compliance Filing Package 8 (Stormwater) of Attachment A of the Certificate:

Requirement	Description
a. Cross-reference to approved SWPPP provided in the information report in the State Permit Package (Section 21.a).	See Appendix B (SWPPP).
b. Additional erosion and sedimentation (E&S) drawings beyond those included in the SWPPP, if required, showing final topographic lines, boundaries of delineated wetlands, areas of cut and fill, locations of temporary E&S control measures, locations of permanent erosion and sedimentation control measures, sizes and locations of culverts.	See Appendix A (Site Plan).

Requirement	Description
c. Typical details for E&S measures, including trench breakers for construction of underground facilities perpendicular to steep slopes and specifications on selecting locations for concrete washouts.	See Appendix A (Site Plan).

The following materials have been provided in this Package, consistent with the requirements of Compliance Filing Package 12 (Wetlands and Stream Package) of Attachment A of the Certificate:

Requirement	Description
a. Wetland and stream drawings, showing areas where roads, electric collection lines, or transmission lines that cross wetlands and/or streams, shall indicate topographic contours, delineated wetlands and streams, specifying access and construction measures, crossing method (e.g., culvert or bridge; trenchless or trenched installation, timber matting or geotextile/gravel, etc.); and any designated streamside "protective or buffer zones" in which construction activities will be restricted. 1"=50' scale.	See the previously submitted Joint Application for Permit Figures for the Alle-Catt Wind Farm.
b. The Certificate Holder shall, in consultation and coordination with DEC Staff and DPS Staff, provide further analysis together with a field assessment of unmapped ECL Article 24 jurisdictional wetlands PUM1 and PUM6 and determine the proper classification of wetlands PUM1 and PUM 6.	Direct impacts to these wetlands have been avoided. No longer applicable.
c. Tables listing wetland and stream impacts, with the following for each impact: area, type of wetland or stream classification, type of impact, jurisdiction.	See the previously submitted Joint Application for Permit Narrative for the Alle-Catt Wind Farm.
d. The Certificate Holder shall work with DEC to develop a Wetland Mitigation Plan in accordance with all Federal and State Laws and regulations and shall submit the Wetland Mitigation Plan for DEC acceptance within six months prior to the start of construction. If mitigation for impacts to federally regulated wetlands is provided through an approved in-lieu fee program, a final letter of credit availability from an approved wetland mitigation bank, along with document of payment, will be provided, pursuant to 16 NYCRR § 1002.4. At a minimum, the Wetland Mitigation Plan shall include the following: i. The creation of compensatory wetlands at a ratio that is consistent with state and federal regulations; ii. The establishment of forested wetlands within currently non-forested wetlands to serve as compensation for	See Section 2.1.

Requirement	Description
conversions of forested to non-forested wetlands within the limits of disturbance; iii. Mitigation measures designed to compensate for Project impacts to regulated 100-foot adjacent areas within the limits of disturbance; iv. Project construction timeline; v. Construction details for meeting all requirements contained in these proposed certificate conditions; vi. Performance standards that meet state and federal requirements for determining wetland mitigation success; vii. Specifications for post construction monitoring for at least 5 years after completion of the wetland mitigation; viii. After each monitoring period the Certificate Holder shall take corrective action for any areas that do not meet the above referenced performance standards to increase the likelihood of meeting the performance standards after 5 years; and ix. If, after 5 years, monitoring demonstrates that the wetland mitigation is still not meeting the established performance standards, the Certificate Holder must submit a "Wetland Mitigation Remedial Plan". The remedial plan must evaluate the likely reasons for not achieving performance standards, describe the actions necessary to correct the situation to ensure a successful mitigation, and the schedule for conducting the remedial work. Once approved, the "Wetland Mitigation Remedial Plan" will be implemented according to an approved schedule	
e. Map(s) showing where HDD is planned for installation of buried cables under wetlands or streams	Not applicable to this phase of work.
f. An Inadvertent Return Plan showing all locations where horizontal directional drilling (HDD) is proposed. The plan shall assess potential impacts from frac-outs, establish measures for minimizing the risk of adverse impacts to nearby environmental resources, and require the following: i. Prior to conducting HDD, Material Safety Data Sheets (SDS) will be provided to DPS and DEC staff; ii. Drilling fluid circulation shall be maintained to the extent practical; iii. If inadvertent returns occur in upland areas, the fluids shall be immediately contained and collected; iv. If the amount of drilling fluids released is not enough to allow practical collection, the affected area will be diluted with freshwater and allowed to dry and dissipate naturally; v. If the amount of surface return exceeds that which can be collected using small pumps, drilling operations shall be suspended until surface volumes can be brought under control; vi. If inadvertent drilling fluids surface returns	Not applicable to this phase of work.

Requirement	Description
occur in an environmentally sensitive area (i.e. wetlands and water bodies) the returns shall be monitored and documented; vii. Drilling operations must be suspended if the surface returns pose a threat to the resource or to public health and safety; viii. Removal of released fluids from environmentally sensitive areas will take place only if the removal does not cause additional adverse impacts to the resource based on the professional judgment of the environmental monitor/inspector. Prior to the removal of fluids from environmentally sensitive areas, DPS and DEC staff will be notified and consulted; ix. If inadvertent drilling fluids surface returns occur in an environmentally sensitive area DPS and DEC Staff shall be notified immediately and a monitoring report summarizing the location of surface returns, estimated quantity of fluid and summary of cleanup efforts shall be submitted within 48 hours of the occurrence; x. The plan shall establish protocols for recovery of inadvertent releases, handling and disposal	

In accordance with Compliance Filing Package 15 (Water Wells) of Attachment A of the Certificate, this Package includes the following items:

Requirement	Description
a. A statement confirming that no Facility wind turbine will be located, and no pesticides will be used within 100 feet of an active water supply well or a water supply intake for a municipal water system.	Not applicable to this phase of work.
b. Maps showing the locations of, and a statement confirming that the Certificate Holder offered pre- and post-construction potability testing for, the following drinking water facilities: all existing and active drinking water wells within 100 feet of collection lines, transmission lines and access roads; and all existing and active drinking water wells on non-participating parcels within 1,000 feet of turbine locations.	See Section 2.5.
c. Identification of the wells for which the Certificate Holder has performed, or agreed to perform, pre- and post-construction water well testing.	Not applicable to this phase of work.
d. The identity and qualifications of the third-party that will perform pre- and post-construction well testing. A list of the parameters, developed in consultation with DPS Staff,	Not applicable to this phase of work.

Requirement	Description
for which testing will be performed to compare pre- and post-construction potability of drinking water at well locations.	

This Package includes materials as outlined in Compliance Filing Package 17 (Construction Management) of Attachment A of the Certificate, including the following items:

Requirement	Description
a. QA/QC Plan	See Appendix K (Preliminary Quality Assurance and Quality Control Plan) of the previously submitted LNTP Tree Clearing Package (Package 30) for the Alle-Catt Wind Farm.
b. Construction Notification Plan, describing all pre-construction notifications that will be disseminated in accordance with the requirements of Certificate Condition 20.	See Appendix A (Construction Notification Plan) of the previously submitted LNTP Tree Clearing Package (Package 30) for the Alle-Catt Wind Farm.
c. Project Communications Plan, describing the Certificate Holder's construction organizational structure, names and contact information for all individuals responsible for Project oversight, and protocol for communication between parties. The individuals identified shall include those serving as the environmental monitor, construction supervisor, and agricultural inspector.	See Appendix B (Project Communications Plan) of the previously submitted LNTP Tree Clearing Package (Package 30) for the Alle-Catt Wind Farm.
d. Environmental Monitoring Plan, including names and qualifications of companies that will serve as environmental monitors. Requirements from federal, state, and local permits will be attached as an appendix to this plan as information reports.	See Appendix G (Environmental Monitoring Plan) of the previously submitted LNTP Tree Clearing Package (Package 30) for the Alle-Catt Wind Farm.
e. Traffic Control Plans	See Appendix J (Traffic Control Plan – Tree Clearing) of the previously submitted LNTP Tree Clearing Package (Package 30) for the Alle-Catt Wind Farm.
f. Cross-reference to the Spill Prevention, Containment, and Countermeasures (SPCC) Plan, describing procedures to minimize the potential for unintended releases, that is contained in the SWPPP.	See Appendix H (Spill Prevention Plan) of the previously submitted LNTP Tree Clearing Package (Package 30) for the Alle-Catt Wind Farm.

Requirement	Description
g. Concrete Requirements Plan, specifying the ACI and/or other standards with which batch plant or ready-mix concrete will be required to comply, plans for monitoring and testing to ensure the applicable standards are met.	Not applicable to this phase of work.
h. Dust Control Plan, specifying measures to be used to minimize fugitive dust and airborne debris from construction activity.	See Appendix C (Dust Control Plan).
i. Emergency Response Plan, with contacts for Project construction.	See Appendix L (Emergency Response Plan) of the previously submitted LNTP Tree Clearing Package (Package 30) for the Alle-Catt Wind Farm.
j. Demolition plan, identifying any buildings to be demolished, if any, or moved and plans for containment of dust and disposal of waste materials.	Not applicable to this phase of work.
k. Contamination and Reporting and Management Plan	See Appendix I (Contamination and Reporting and Management Plan) of the previously submitted O&M Building and Stabilized Construction Entrance Package.
l. Blast Monitoring Plan	Not applicable to this phase of work.

In accordance with Compliance Filing Package 18 (Agriculture) of Attachment A of the Certificate, this Package includes the following items:

Requirement	Description
a. Signed statement from Certificate Holder's main civil contractor acknowledging requirements to comply with NYS Department of Agriculture and Markets Guidelines on construction of wind power facilities in active agricultural lands.	See Appendix K of the previously submitted O&M Building and Stabilized Construction Entrance Package.
b. Mapping of agricultural uses in the Facility Site, including shading or other codes to indicate (i) fields known to be in active agriculture use, (ii) areas of special agriculture operations (sugar bush, grapes, orchards, etc.), and (iii) fields known to contain drain tiles, buried water lines, or other special agricultural facilities.	See Section 2.4 and Appendix A (Site Plan).

In addition, the following information has been provided, consistent with the requirements of Compliance Filing Package 19 (SHPO) of Attachment A of the Certificate:

Requirement	Description
a. A statement by SHPO confirming that the pre-construction cultural resource surveys provide acceptable coverage of the expected limits of disturbance.	See Section 2.6.
b. Unanticipated Discovery Plan, approved by the SHPO and establishing procedures in the event resources of cultural, historical, or archaeological importance are encountered during construction.	See Section 2.6.
c. Cultural Resources Mitigation and Offset Plan approved by SHPO.	See Section 2.6.

Lastly, in accordance with Compliance Filing Package 22 (Local Permits) of Attachment A of the Certificate, this Package includes the following items:

Requirement	Description
a. Building permit.	Not applicable to this phase of work.
b. Driveway/access road entrance permits.	See Section 5.0.

2.0 PROPOSED CONSTRUCTION ACTIVITIES

Through approval of this Package, ACWE is seeking authorization to conduct civil site prep and grading activities at the construction laydown yard site, starting in November 2024, located at 9857 Huyck Road in Farmersville Station, New York (Parcel IDs 23.004-1-7 and 23.004-1-11). Construction of the laydown yard will include site preparation, infrastructure installation, and surface preparation activities. Site preparation will require the installation of two construction entrances, temporary culverts, and erosion and sediment controls; cutting trees, shrubs, and vegetation; stockpiling or disposing of the vegetation; stripping and stockpiling of topsoil; and grubbing and grading the site. Infrastructure installation will entail construction of the access roads, and installation of a well adjacent to the proposed batch plant location to facilitate batch plant operations. Surface preparation will require installation of laydown yard fabric and stone to create a stable surface, and installation of a northern and southern sediment basin with associated drainage to manage stormwater. The design of the laydown yard and the location of the proposed construction activities are shown on the Site Plan in Appendix A. In agricultural areas, topsoil will be stockpiled immediately adjacent to the area where it is stripped/removed and used for restoration on that particular site, unless otherwise approved by the New York State Department of Public Service (NYSDPS) and the New York State Department of Agriculture and Markets (NYSAGM) Staff. Lighting is not expected to be used at the construction laydown yard as nighttime work is not planned. If it becomes necessary, a mobile light plant would be used temporarily in the location where work is occurring.

The existing overhead utility lines along Route 243 and Huyck Road associated with the construction laydown yard site are owned and operated by National Grid. ACWE is undergoing consultation with National Grid regarding overhead facilities crossings. Construction of the laydown yard will not require the relocation or movement of overhead poles. Equipment associated with this type of earth moving activity, such as dozers, graders, smooth drum roller, sheep foot roller, seed & mulcher, skid steer, pickup trucks, trailer, fuel truck, water truck, telehandler and excavator will not pose a clearance issue while passing under the distribution line. When traveling under powerlines, the contractor will be required to install Overhead Power Signage and/or the installation of Goalposts with flagging that will clearly identify overhead power locations. These requirements will be discussed during the pre-construction meeting, as well as on site during required site safety training.

These construction activities will require access through and crossing over, federal wetlands or streams as discussed further in Section 2.1. Consistent with the requirements of Certificate Condition 12 for construction activities regulated under federal law, the Siting Board issued a Water Quality Certification for the Project on December 4, 2023, and ACWE is currently in the process of obtaining a Section 404 Permit from U.S. Army Corps of Engineers (USACE), which is expected to be issued in November of 2024. No work will be conducted in federal wetlands and streams until an approved Section 404 Permit from USACE has been obtained. The Section 404 Permit and the Wetland Mitigation Plan will be filed with NYSDPS within 14 days of receipt consistent with the requirements of Compliance Filing Package 20. Tree clearing associated with the laydown yard will take place between November 1 and March 31, consistent with Certificate Condition 95(a). No tree clearing activities shall occur prior to November 1. Additionally, ACWE has become a member of Dig Safely New York per the requirements of Certificate Condition 76. ACWE's participation in this program will ensure all underground facilities are protected and that compliance with the requirements of the Dig Safely program are followed during all construction activities. All stone imported to the site will consist of clean rock that is free of the following substances: asphalt, slag, fly ash, broken concrete, demolition debris, garbage, household refuse, tires, woody materials including tree or landscape debris, and metal objects; and reasonable efforts will be made to use fill materials that are visually free of invasive species consistent with Certificate Condition 102.

ACWE will comply with all requirements regarding identification and numbering of above ground utility poles and structures at the construction site in accordance with Certificate Condition 77. Any debris or excess construction materials removed from the construction area will be sent to a New York State Department of Conservation (NYSDEC)-approved facility, such as L.C. Whitford Co. C&D Landfill or the Voorhees Hill Road C&D Landfill, consistent with Certificate Condition 88.

Consistent with Certificate Conditions 92-94, ACWE will utilize 100% biodegradable natural materials for the erosion control fabric or netting (excluding silt fence) and will not use hay for erosion control or other construction-related purposes; will implement all practical measures to achieve a minimum of 80% vegetative cover across all disturbed soil areas at the construction site by the end of the first full growing season following construction; will restore disturbed areas, ruts, and rills to original grades and conditions with permanent re-vegetation and erosion controls appropriate for those locations; and will restore disturbed roadways to their original pre-construction condition.

The Limits of Disturbance (LODs) shown in Appendix A avoid all known bald eagle nests and their respective buffers. However, there are trees located on the construction laydown yard parcel and on adjacent parcels. If a bald eagle nest is identified during construction, ACWE will notify the NYSDEC Region 9 Natural Resource Supervisor and NYSDPS Staff within 24 hours of discovery or observation consistent with Certificate Condition 97, prior to any disturbance of the immediate area around the nest, or area where

bald eagles were seen exhibiting any breeding behavior. ACWE will ensure that an avoidance buffer of 0.25 miles in radius from the bald eagle nest tree is posted and avoided until NYSDPS Staff, in consultation with the NYSDEC Region 9 Natural Resource Supervisor, provide notice to continue construction. Lastly, the nest(s) or nest tree(s) will not be approached under any circumstances unless authorized by the NYSDEC Region 9 Natural Resource Supervisor.

ACWE will be responsible for checking all culverts and assuring that they are not crushed or blocked during construction activities. If a culvert is blocked or crushed, or otherwise damaged, ACWE will repair the culvert or replace it with alternative measures appropriate to maintaining proper drainage per Certificate Condition 114. There are no known oil and gas wells or associated pipelines at the proposed construction site. However, any discovery of such wells or pipelines will be addressed consistent with Certificate Conditions 132-135.

ACWE has the property owner and municipal authorizations required to perform these construction activities as identified in Appendix E of the LNTF Clearing Package (Proof of Land Rights Agreements) and as described in Section 8.0 (Local Permits). All proposed construction activities, including tree clearing activities, will be conducted in accordance with the standards and requirements outlined in the previously submitted LNTF Clearing and O&M Building and Stabilized Construction Entrance Compliance Filing Packages including:

- Construction Notification Plan (Appendix A of LNTF Clearing Package)
- Project Communications Plan (Appendix B of LNTF Clearing Package)
- Complaint Resolution Plan (Appendix C of LNTF Clearing Package)
- Environmental Monitoring Plan (Appendix G of LNTF Clearing Package)
- Spill Prevention Plan (Appendix H of LNTF Clearing Package)
- Invasive Species Control Plan (Appendix I of the LNTF Clearing Package)
- Preliminary Quality Assurance and Quality Control Plan (Appendix K of LNTF Clearing Package)
- Emergency Response Plan (Appendix L of LNTF Clearing Package)
- Containment and Reporting Management Plan (Appendix I of the O&M Building and Stabilized Construction Entrance Package).
- Signed Statement and NYSAGM Guidelines (Appendix K of the O&M Building and Stabilized Construction Entrance Package).

ACWE is seeking confirmation that the following plans, approved on June 25, 2024 as part of the previously submitted LNTF Clearing Package and O&M Building and Stabilized Construction Entrance Package, are acceptable for this LNTF Laydown Yard Package Compliance Filing to proceed with construction of the laydown yard:

Compliance Filing Package	Appendix Reference	Document Name	Certificate Conditions
O&M Building	Appendix I	Containment and Reporting Management Plan	136; Attachment A 17(k)
	Appendix K	Signed Statement and NYSAGM Guidelines	Attachment A 18(a)
LNTF-Clearing	Appendix A	Construction Notification Plan	20, 21, 22, and 23; Attachment A 17(b)
	Appendix B	Project Communications Plan	Attachment A 17(c)

Compliance Filing Package	Appendix Reference	Document Name	Certificate Conditions
	Appendix C	Complaint Resolution Plan	46, 73, and 75
	Appendix E	Proof of Land Rights Agreements	3; Attachment A 7(b)
	Appendix G	Environmental Monitoring Plan	78, 79, 80, and 82; Attachment A 17(d)
	Appendix H	Spill Prevention Plan	87, 99, and 101; Attachment A 17(f)
	Appendix I	Invasive Species Control Plan	92, 102, 105, 107A(j), 109; Attachment A 30(f)
	Appendix K	Preliminary Quality Assurance and Quality Control Plan	Attachment A 17(a)
	Appendix L	Emergency Response Plan	49; Attachment A 17(i)

The construction laydown yard facilities are all temporary and will be removed and the site restored following construction completion. As such, submission of a Final Decommissioning Plan pursuant to Certificate Condition 45, is not required for this phase of construction. The Final Decommissioning Plan will be submitted prior to commencement of construction of the wind turbines. Similarly, construction and operation of the construction laydown yard will not result in noise impacts that are required to be modeled, monitored, or tested pursuant to Certificate Conditions 68-72. Demonstration of compliance with these Certificate Conditions is not required for this phase of construction. ACWE will submit evidence of compliance with Certificate Conditions 68-72 at least 60 days prior to the start of construction of the wind turbines.

2.1 Wetlands and Streams

As presented in the Joint Application for Permit for the Alle-Catt Wind Farm, previously submitted to NYSDPS on January 12, 2023, there will be temporary disturbance to federally regulated wetlands and streams during the construction and temporary operation of the laydown yard. Specifically, the laydown yard will temporarily impact 335 linear feet of ephemeral stream 33-ST012 and 437 linear feet of ephemeral stream 33-ST010. Regarding wetlands, the laydown yard will temporarily impact 5,631 square feet and 2,031 square feet of emergent wetlands 33-W011 and 33-W012, respectively. As required under Certificate Conditions 104 and 105, these areas will be returned to pre-disturbance conditions and restored following construction. As discussed above, a Water Quality Certification has been issued for the Project and ACWE is currently in the process of obtaining a Section 404 Permit from U.S. Army Corps of Engineers (USACE), which is expected to be issued in November of 2024. The Section 404 Permit and the Wetland Mitigation Plan will be filed with NYSDPS within 14 days of receipt consistent with the requirements of Compliance Filing Package 20. No work will be conducted in federal wetlands and streams until an approved Section 404 Permit from USACE has been obtained.

The following avoidance and minimization measures will be implemented within the LOD:

- Equipment and machinery storage, refueling, maintenance, and repair will be conducted, and safely contained, more than 100 feet from wetlands and waterbodies to the maximum extent practicable per Certificate Condition 98.

- Fuel or other chemical storage containers will be located at least 300 feet from wetlands and waterbodies per Certificate Condition 99.
- Concrete washouts and batch plants will be located at least 100 feet from wetlands and waterbodies per Certificate Condition 110 as shown on the Site Plan in Appendix A.
- All mobile equipment will be fueled, repaired, or maintained in a location at least 100 feet from wetlands and waterbodies to the maximum extent practicable, unless moving the equipment will cause additional environmental impact per Certificate Condition 100.
- ACWE will be responsible for checking all culverts and assuring that they are not crushed or blocked during tree clearing. If a culvert is blocked or crushed, or otherwise damaged, ACWE will repair the culvert or replace it with alternative measures appropriate to maintaining proper drainage per Certificate Condition 114.
- Spills will be addressed in accordance with the Spill Prevention Plan (Appendix H to the previously submitted LNTP Tree Clearing Compliance Filing Package) consistent with Certificate Condition 101.
- Construction vehicle access across streams and waterbodies will be limited to existing bridges and culverts, and other existing crossings. Per Certificate Condition 115(A), for temporary stream crossings, ACWE will utilize free span temporary equipment bridges or culverts designed to NYSDEC and/or USACE standards to cross all streams with flow at the time of the proposed crossing. 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 bank full elevation and placement of abutments or fill is authorized only above and outside bank full 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.
- In-stream work will be conducted during times of no flow or when the stream is bypassed to allow work in the dewatered section of the stream per Certificate Condition 111.
- Streams and wetlands will also be temporarily crossed via timber matting per Certificate Condition 108(a), as needed.
- If construction results in alteration to wetland hydrology, the breach will be sealed, and no further work will take place until NYSDPS and NYSDEC are notified, and an approved remediation plan is in place per Certificate Condition 104(A).
- During construction, stream flow immediately upstream of the site will equal flow immediately downstream of the site, and any instream structures will not create a drop height greater than 6 inches, consistent with Certificate Conditions 117 and 118.

2.2 Staking and Flagging

Limits of disturbance will be clearly staked and/or flagged at least 48 hours before work commences in any portion of the Facility Site consistent with Certificate Condition 84. The visibility and frequency of flagging must be sufficient to ensure contractors can readily locate and stay within the limits of disturbance. The distance required to meet this standard will depend on specifics in the field. In open, flat agricultural fields where the limits of disturbance are straight, flagging every 150 feet may be adequate. In hilly or forested areas and/or where limits of disturbance are curved or angled, or sensitive resources (e.g., wetlands/streams) exist, flagging shall be required as frequently as every 50 feet.

For construction of access roads, after the limits of disturbance have been staked, the ACWE contractor will install a centerline survey stake every 100 feet. Then, the ACWE contractor will install stakes offset on one side of the access road from the centerline survey once the civil construction begins. Access road turning radii will be staked every 50 to 100 feet based on radius. At reclamation time, ACWE's contractor will define the limits of the road and remove any temporary widening.

2.3 Fencing and Security

As shown in Appendix A (Site Plan), fencing is planned to be installed along the northern and eastern boundary of the laydown yard that faces the road. Security is not expected to be a significant concern in this location. ACWE and its civil contractor may elect to extend fencing around the full perimeter of the laydown yard if deemed necessary to maintain security.

2.4 Agricultural Protection Measures

The proposed construction activities are located on active agricultural land, thus grading and construction in active agricultural areas is required. In accordance with Package 18 (Agriculture) of Attachment A of the Certificate, ACWE's civil contractor performing the proposed O&M construction activities will comply with the NYSAGM *Guidelines for Agricultural Mitigation for Wind Power Projects (Revised 4/19/2018)* (Guidelines). See Appendix K (Signed Statement and NYSAGM Guidelines) of the previously submitted O&M Building and Stabilized Construction Entrance Package for the signed contractor statement acknowledging compliance with the Guidelines, along with a copy of the Guidelines.

In addition, a map of agricultural uses within the site is included in Appendix A (Site Plan). ACWE will implement measures to protect agricultural land during construction including stripping topsoil from work areas and stockpiling it separately with erosion controls. Topsoil is expected to be stockpiled in windrows around the perimeter of the laydown yard immediately adjacent to areas where the topsoil is stripped. The preliminary stockpile locations are shown on Appendix A (Site Plan) and will be clearly marked in the field. Final stockpiling locations will be determined onsite with NYSDPS and NYSAGM Staff. Topsoil will be used in site restoration or, if excess remains, will be provided to the landowners. Restoration will follow the requirements of the Guidelines, including removal of stone and decompaction prior to replacement of the stockpiled topsoil. In addition, an experienced Agricultural Monitor will oversee this work as outlined in the Environmental Monitoring Plan submitted as Appendix G of the LNTP Clearing Package.

2.5 Water Wells

No existing water wells are located within 100 feet of the construction laydown yard site.

2.6 SHPO Consultation

In accordance with Certificate Condition 59, no construction site preparation, grading, or other disturbance will be undertaken in areas where archaeological surveys have not been completed in consultation with the New York State Office of Parks, Recreation & Historic Preservation (NYSOPRHP). The Archaeological and Historic Resources Surveys have been conducted for the Facility Site where the construction laydown yard is proposed to be sited, and all nearby resources will be avoided. The NYSOPRHP issued a letter of effect for historic properties on February 23, 2023. In addition, on June 16, 2023, ACWE submitted a complete Phase IB Archaeological Survey Report and Avoidance Plan to the New York State Historic Preservation Office (NYSHPO) for review and a letter of no effect was issued by NYSHPO on July 21, 2023. ACWE will file the no effect letter, as well as the final Cultural Resources Mitigation Plan (approved by NYSHPO on March 18, 2024) and Unanticipated Discovery Plan (approved by NYSHPO on August 9, 2024), with NYSDPS prior to proposed construction consistent with the requirements outlined in Package 19 (SHPO Package) of Attachment A.

3.0 SCHEDULE AND HOURS

Consistent with Certificate Condition 83 requirements, the proposed construction activities will be limited to 7 a.m. to 7 p.m., or daylight hours outside this window, Monday through Saturday. These limitations will apply to construction and construction-related activities necessary to complete the laydown yard including delivery and unloading of materials, maintenance, and repairs of construction equipment at outdoor locations, large vehicles idling for extended periods at roadside locations, and related disturbances. These limitations will not apply to vehicles used for transporting ACWE-affiliated workers, small equipment, and/or tools. These limitations will also not apply to activities that do not generate noise. If, due to safety concerns, the proposed construction activities are required to occur on Sundays or beyond the allowable work hours, ACWE will notify NYSDPS Staff, affected landowners, and the Town Supervisor of Farmersville where construction is proposed. Such notice shall be given at least 24 hours in advance, unless such activities are required to address emergency situations threatening personal injury, property, or severe adverse environmental impact that arise less than 24 hours in advance. In such cases, as much advance notice as practical will be provided.

4.0 CONSTRUCTION NOTIFICATION PLAN

Consistent with Item 17(b) of Package 17 (Construction Management) of Attachment A, ACWE plans to adequately notice those potentially affected by the proposed construction activities prior to commencement of such activities. Notice will be provided consistent with the Construction Notification Plan provided as Appendix A to the LNTP Clearing Package. A Construction Notice specific to the construction activities proposed as part of this Package is provided as Appendix D. The Construction Notification Plan (Appendix A to the LNTP Clearing Package) includes pre-construction noticing requirements and distribution procedures.

In addition, consistent with Certificate Condition 81, at least 14 days prior to the commencement of the proposed construction activities ACWE, in conjunction with the Balance of Plant (BOP) Contractor and designated Environmental Monitor, will host a meeting with NYSDPS Staff, the NYSAGM, the New York State Department of Transportation (NYSDOT), the Town of Farmersville Supervisor, the Town of Farmersville and Cattaraugus County Highway Departments, and NYSDEC. At the meeting, the BOP Contractor will outline the construction worker parking areas, construction laydown yard site, areas of proposed construction, and a general Project schedule.

While the proposed activities are being conducted, consistent with Certificate Condition 86, ACWE will provide the Town of Farmersville, NYSDPS Staff, NYSAGM, and NYSDEC with bi-weekly status reports summarizing the status of construction activities and indicating the schedule and location of construction activities for the upcoming two-week period.

In addition to the requirements found in the Construction Notification Plan (Appendix A of LNTP-Clearing Package), ACWE has contacted Cuba-Rushford Central School District to provide information regarding the proposed construction. There is no publicly available school bus information for the Cuba-Rushford Central School District. ACWE will request this information during consultation. Construction routes will be utilized for delivery of equipment and materials, access to the site and transportation of labor forces. Neither road closures nor road detours will be required for this scope of work. Impacts to school transportation are not anticipated. While impacts to school bus routes are not anticipated, ACWE will consult with the school district prior to construction and discuss the planned construction activities and schedule with school officials.

5.0 ACCESS PERMITS

One of the proposed construction entrances (along Huyck Road) is located along a Town road. ACWE has a Road Use Agreement (see Appendix E Road Use Agreement) with the Town of Farmersville that allows for the proposed access improvements. The second entrance is along NYS Route 243 and will require approval from NYSDOT. The BOP Contractor will submit a Perm 33 application to NYSDOT on or about September 1, 2024 for approval to construct this entrance. However, this permit will not be needed to begin construction of the laydown yard as work will begin in November 2024 utilizing the access established off Huyck Road.

Table 1: Summary of Compliance with Certificate Conditions

Certification Condition	Condition	Response
1	Subject to the Conditions set forth herein and Attachment A, hereto, the Certificate Holder is authorized to construct and operate the Facility (Facility or the Project), as described in the Application by Alle-Catt Wind Energy LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the New York State PSL (the Application) and clarified by the Certificate Holder's supplemental filings, updates and replies to discovery data requests, additional exhibits, except as waived, modified or supplemented by the New York State Board on Electric Generation Siting and the Environment's (Siting Board's) Order Granting Certificate or other permits.	Condition noted, no further response required.
2	Pursuant to Title 16 of NYCRR §1000.15, the Certificate Holder shall, within 30 days after the issuance of the Certificate, file with the Siting Board either a petition for rehearing or a verified statement that it accepts and will comply with the Certificate for the Project. Failure of the Certificate Holder to comply with this condition shall invalidate the Certificate.	Condition noted, no further response required.
3	The Siting Board expressly authorizes (a) the Public Service Commission (Commission) to require approvals, consents, permits, certificates or other conditions for the construction or operation of the Facility under PSL §§68, 69 & 70, with the understanding that the Commission will not duplicate any issue already addressed by the Siting Board and will instead only act on its police power functions related to the entity as described in the body of this Article 10 Certificate; and (b) the NYSDOT to administer permits associated with Oversize/Overweight Vehicles and deliveries; Highway Work Permits; and associated Use and Occupancy approvals as needed to construct and operate the proposed facilities.	Alle-Catt Wind will obtain necessary permits and other approvals, land easements, and rights-of-way required for the Facility. Proof of access and siting rights to all parcels where the construction laydown yard is proposed is provided in Appendix E (Proof of Land Rights Agreements) of the previously submitted LNTP Tree Clearing Package (Package 30) for the Alle-Catt Wind Farm.
4	If the Certificate Holder believes that any action taken, or determination made, by a state or local agency or their respective staffs, in furtherance of such agency's review of any applicable regulatory permits or approvals, or actions or the lack thereof by a utility subject to the Public Service Commission's jurisdiction, is unreasonable or unreasonably delayed, conditioned or withheld, the Certificate Holder may petition the Siting Board or the Commission, as the case may be, upon reasonable notice to that agency or utility, to seek a determination of any such unreasonable or unreasonably delayed, conditioned or withheld, action or determination. The permitting agency, agency staff or utility, as the case may be, may respond to the petition, within ten days, to address the reasonableness of its action or determination.	Condition noted, no further response required.
5	Facility construction is authorized for up to 116 wind turbines, at locations in the Town of Arcade, Wyoming County, the Towns of Centerville and Rushford, Allegany County, and the Towns of Farmersville and Freedom Cattaraugus County, temporary or permanent access roads (a portion of one access road will be constructed in the Town of Machias, Cattaraugus County), 34.5 kilovolt (kV) electric collection system, collection substation, three permanent meteorological towers, one operations and maintenance (O&M) building, temporary facilities for a concrete batch plant and a construction laydown area, as indicated in Facilities Location maps. The total generating capacity of the Facility shall not exceed 340 megawatts (MWs).	Condition noted, no further response required.
6	If the Certificate Holder decides not to commence construction of any portion of the Project (not including turbine deletions as a result of final facility design as long as turbine deletions do not result in substantial re-routing of proposed Facility components including access roads, interconnection and collection lines), it shall so notify the Secretary to the Siting Board (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.	Condition noted, no further response required.
7	Reserved.	N/A
8	The Certificate Holder has acknowledged that it does not have the power of eminent domain to acquire real property easements or other permanent or temporary property rights and has asserted that the feasibility of the Project does not rely in any way upon the Certificate Holder or any other entity having the power of eminent domain or exercising the power of eminent domain to acquire permanent or temporary real property rights of any kind for the Facility or for any of the access roads, construction staging areas or interconnections necessary to construct or service the Facility. By granting this Certificate to the Certificate Holder, an entity in the nature of a merchant generator and not in the nature of a fully regulated public utility company with an obligation to serve customers, the Siting Board is not making a finding of public need for any particular parcel of land such that a condemnor would be entitled to an exemption from the provisions of Article 2 of the New York State Eminent Domain Procedure Law ("EDPL") pursuant to Section 206 of the EDPL. As a condition of this Certificate, the Certificate Holder shall not commence any proceedings or cause any other entity having the power of eminent domain to commence any proceedings under the EDPL to acquire permanent or temporary real property rights for the Facility or for any of the access roads, construction staging areas or interconnections necessary to construct or service the Facility without an express amendment to this Certificate, granted by the Siting Board after notice to the public and hearing, authorizing such proceedings.	Condition noted, no further response required.
9	This Certificate will automatically expire in five years from the date of issuance of this Certificate (the "Expiration Date") unless the Certificate Holder has completed construction and commenced commercial operation of the Facility prior to said Expiration Date.	Condition noted, no further response required.
10	The Secretary to the Siting Board, or Secretary to the Commission after the Siting Board's jurisdiction has ceased, may extend any deadlines established by this order for good cause shown. Any request for an extension must be in writing, include a justification for the extension, and be filed at least one day prior to the affected deadline.	Condition noted, no further response required.
11	The Certificate Holder shall file notice of receipt of the federal, state, and local permit(s) with the Secretary to the Siting Board (Secretary) as required by Attachment A. Should any permits be denied, the Certificate Holder shall file with the Secretary documentation demonstrating the reasons for the denial and how it plans to proceed with its Project plans in light of the denial.	Condition noted, no further response required.
12	The Certificate Holder shall file a request/application for a Water Quality Certification with the Secretary, prior to the commencement of construction of the Facility. This request shall be filed, served and noticed pursuant to 16 NYCRR §1000.8(a)(8) and shall be filed concurrently with the permit application filed with the United States Army Corps of Engineers (Corps) pursuant to Section 404 of the Clean Water Act. Construction activities regulated under federal law may not commence until a Water Quality Certification has been issued by the Chief of the Environmental Certification and	Request for Water Quality Certification has been filed. The construction laydown yard will result in temporary

	Compliance Section of the New York State DPS Office of Electric, Gas and Water. Upon receipt of any and all permits, the Certificate Holder shall file notice of receipt of the permit(s) with the Secretary as soon as practical. Should any permits be denied, the Certificate Holder shall file with the Secretary documentation demonstrating the reasons for the denial and how it plans to proceed with its Project plans in light of the denial.	impacts to federally regulated jurisdictional resources as discussed in Section 2.0 and shown on the Site Plan (Appendix A).
13	The Certificate Holder shall construct and operate the Facility in accordance with the substantive provisions of the applicable local laws as identified in Exhibit 31 of the Application and as further amended, revised, and adopted, except for those local laws the Siting Board waives as unreasonably burdensome, as stated in this Order Granting Certificate.	Condition noted, no further response required.
14	The Certificate Holder shall design and construct the Facility in accordance with those American National Standards Institute (ANSI) standards applicable and intended for use in a wind energy facility.	Condition noted, no further response required.
15	The Certificate Holder shall work with Niagara Mohawk Power Corporation, d/b/a National Grid (National Grid), and any successor Transmission Owner (as defined in the New York Independent System Operator (NYISO) Agreement), to ensure that, with the addition of the Facility (as defined in the Interconnection Agreement between the Certificate Holder, NYISO and National Grid), the system will have power system relay protection and appropriate communication capabilities to ensure that operation of the National Grid transmission system is adequate under Northeast Power Coordinating Council (NPCC) standards, and meets the protection requirements at all times of the North American Electric Reliability Corporation (NERC), NPCC, New York State Reliability Council (NYSRC), NYISO, and National Grid, and any successor Transmission Owner (as defined in the NYISO Agreement).	Condition noted, no further response required.
16	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): a) The Certificate Holder shall regard the Department of Public Service Staff (Staff or DPS staff), authorized pursuant to PSL §66(8), as the Siting Board's representatives in the field and, after the Siting Board's jurisdiction has ceased, as the Public Service Commission's (Commission) representatives in the field. In the event of an emergency resulting from the specific construction or maintenance activities that violate, or may violate, the terms of the Certificate, Compliance Filings, or any other order in this proceeding, such DPS staff may issue a stop work order for that location or activity. For the purposes of this Condition, "emergency" means the creation of a condition that could not be readily reviewed and that has a high likelihood of creating a significant adverse risk to public health or safety or damage to a sensitive environmental resource. b) A stop work order shall expire 24 hours after issuance unless confirmed by the Siting Board, or the Commission after the Siting Board's jurisdiction has ceased, including by Order issued by the Chair of the Siting Board or by one Commissioner of the Commission. DPS staff shall give the Certificate Holder notice by electronic mail of any application to the Siting Board or Commissioner to have a stop work order confirmed. If a stop work order is confirmed, Certificate Holder may seek reconsideration from the confirming Commissioner, Siting Board or the whole Commission. If the emergency prompting the issuance of a stop work order is resolved to the satisfaction of DPS staff, the stop work order will be lifted. If the emergency has not been satisfactorily resolved, the stop work order will remain in effect. c) Stop work authority shall be exercised with consideration of 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 will consult wherever practicable with the Certificate Holder's representative(s) 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 will be brought immediately to the attention of the Certificate Holder's Project Managers and the Director of the DPS Office of Electric, Gas and Water. If DPS staff 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. Issuance of a stop work order or the implementation of measures as described below may be directed at the sole discretion of DPS staff during these discussions. d) If DPS staff discovers a specific activity that represents a significant environmental threat that is, or immediately may become, a violation of the Certificate, Compliance Filings, or any other Order in this proceeding, DPS staff may -- in the absence of responsible Certificate Holder supervisory personnel, or in the presence of such personnel who, after consultation with DPS staff, 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, DPS staff will immediately thereafter inform the Certificate Holder's construction supervisor(s) and/or environmental monitor(s) of the action taken. The stop work order may be lifted by DPS staff if the situation prompting its issuance is resolved. The Certificate Holder shall promptly notify the host town(s) of any stop work order issued by DPS staff and shall immediately inform the town(s) once the stop work order has been lifted.	Condition noted, no further response required.
17	The Certificate Holder shall notify its contractors that the Siting Board may seek to recover penalties for any violation of the Certificate and other orders issued in this proceeding, not only from such Certificate Holder, but also from its contractors and that contractors also may be liable for other fines, penalties, and environmental damage.	Condition noted, no further response required.
18	Compliance Filings submitted pursuant to 16 NYCRR §1002.2 - 1002.3 may not be used to request an amendment to the Certificate.	Condition noted, no further response required.
19	Activities required to enable engineering and environmental surveys and access for testing necessary for preparation of final facilities design, Compliance Filings, and site plan preparation, including minor trimming, cutting, and removal of vegetation and trees for such purposes, are not considered construction. Grading or other earth-moving activities may not be performed as part of any pre-construction surveys.	Condition noted, no further response required.
20	At least 14 days prior to the Commencement of Full Construction, defined as the beginning of continuous earth-moving activities for construction of the entire Facility, but not including delivery of construction equipment to the site, tree clearing activities for testing or surveying (such as geotechnical drilling and meteorological testing) to determine the adequacy of the site for construction, or activities authorized by one of the LNTP packages outlined in Attachment A, the Certificate Holder shall provide a Pre-Construction Notice as follows: a) Provide notice by mail to host landowners, adjacent landowners within 5,000 feet of the final layout to be constructed, and persons who reside on such property (if different from the landowner); b) Provide notice to local Town and County officials and emergency personnel; c) Publish notice in the local newspapers of record (Cuba Patriot and Arcade Herald) for dissemination and in the local newspaper of largest circulation, including at least one free publication if available; d) Provide notice for display in public places, which will include, but not be limited to, the Town Halls of the host municipalities, at least one library in each host municipality, at least one post office in	ACWE's plan for noticing prior to construction laydown yard activities is discussed in Section 4.0. ACWE's Pre-Construction Notice for the construction laydown yard is included as Appendix D.

	each host municipality, the Facility website, and the Facility construction trailers/offices; and e) File notice with the Secretary for posting on the DPS Document Matter Management website.	
21	The Certificate Holder shall write the Pre-Construction Notice in language reasonably understandable to the average person and shall ensure that the notice(s) contain: a) A map of the Project; b) A brief description of the Project; c) The construction schedule and transportation routes; d) The name, mailing address, local or toll-free telephone number, and email address of the Project Development Manager and Construction Manager; e) The procedure and contact information for registering a complaint; and f) Contact information for the Siting Board and Commission.	ACWE's Pre-Construction Notice for the construction laydown yard is included as Appendix D.
22	Upon distribution of the Pre-Construction Notice, and prior to Commencement of Construction, the Certificate Holder shall notify the Town boards of all areas where information regarding the Project, Project activities, and Project contact information have been posted.	ACWE's plan for noticing prior to construction laydown yard activities is discussed in Section 4.0.
23	At least seven (7) business days prior to Commencement of Construction, the Certificate Holder shall file with the Secretary an affirmation that it has provided the notifications required by this Section III and include a copy of the notice(s) under this Section as well as a distribution list.	ACWE's plan for noticing prior to construction laydown yard activities is discussed in Section 4.0.
24	Prior to the end of construction, the Certificate Holder shall notify the entities identified in Condition 20(a), 20(b), and 20(e) with the contact name, telephone number, email and mailing address of the Facility Operations Manager.	Condition noted, no further response required at this time.
25	The Certificate Holder shall file a written notice with the Secretary within 14 days of the completion of construction and provide an anticipated date of commencement of commercial operation of the Facility.	Condition noted, no further response required at this time.
26	Within 14 days of the completion of final post-construction restoration, the Certificate Holder shall notify the Secretary that all such restoration has been completed in compliance with this Certificate and the Order(s) approving all applicable Compliance Filings.	Condition noted, no further response required at this time.
27	Attachment A Packages: The Certificate Holder shall file with the Siting Board the plans, reports, drawings, computer files, and other documents specified in Attachment A. a) Items identified in Attachment A as Information Reports shall be filed in accordance with 16 NYCRR §1002.4. b) Items identified in Attachment A as Compliance Filings shall be filed in accordance with the rules for submittal, public comment, and decisions set forth in 16 NYCRR §1002.2 – 1002.3. c) The Certificate Holder may file Attachment A items at any time, but the Siting Board will not approve any Compliance Filings prior to the issuance of a Certificate.	Condition noted, no further response required at this time.
28	Interconnection: a) Any updates or revisions to the Interconnection Agreement shall be submitted throughout the life of the Project. b) Except in the event of an emergency, if any equipment or control system with different characteristics is installed throughout the life of the Project, the Certificate Holder shall, at least 90 days before any such change is made, provide information regarding the need for, and the nature of, the change to National Grid and file such information with the Secretary. If any such change(s) is made in the event of an emergency, the Certificate Holder shall notify the Secretary as soon as practicable, within one week of the date of installation.	Condition noted, no further response required at this time.
29	Any updated facilities agreements will also be filed throughout the life of the Facility.	Condition noted, no further response required at this time.
30	Any System Reliability Impact Study required as part of a future Facility modification or upgrade, performed in accordance with the NYISO Open Access Transmission Tariff approved by the Federal Energy Regulatory Commission, and all appendices thereto, reflecting the interconnection of the Facility.	Condition noted, no further response required at this time.
31	Prior to Certificate Holder providing final design plans and profile drawings of the interconnection facilities, the Certificate Holder shall work with National Grid to ensure such documents are in accordance with the Interconnection Agreement and National Grid's Electric System Bulletins, as well as the New York State High Voltage Proximity Act.	Condition noted, no further response required at this time.
32	A Relay Coordination Study that has been reviewed and accepted by National Grid shall be filed 30 days after commencement of commercial operation of the Facility.	Condition noted, no further response required at this time.
33	Reserved.	N/A
34	Reserved.	N/A
35	Reserved.	N/A
36	Reserved.	N/A
37	If relevant Project plans require modifications due to conditions of federal, state, or local permits, the final design drawings and all applicable Compliance Filings shall be revised accordingly and submitted for review and approval pursuant to 16 NYCRR §1002.2 and §1002.3.	Condition noted, no further response required at this time.
38	Reserved.	N/A
39	Reserved.	N/A
40	The final Facility design shall incorporate the following measures for visual impact minimization: a) Advertisements, conspicuous lettering, or logos identifying the Facility owner, turbine manufacturer, or any other entity on the turbines shall not be allowed; b) White or off-white color of wind turbines, towers and blades (as required by the FAA to avoid the need for daytime aviation hazard lighting) shall be utilized; and non-reflective finishes used on wind	Condition noted, no further response required at this time.

	turbines to minimize reflected glare; c) Medium-intensity red strobe lights on turbines for aviation hazard marking, and the extent of lighting will be minimized to the extent allowable by the FAA; ACWE shall provide documentation showing that it has requested feasibility analysis from the FAA/DoD for the use of aircraft detection lighting system(s) (ADLS) or other lighting minimization technologies or techniques at the Facility; and d) Lighting shall be designed and installed to minimize offsite lighting impacts; lighting controls at substations, turbines and turbine sites shall be maintained in accordance with good utility practice.	
41	Reserved.	N/A
42	Water Supply Protection: a) No wind turbine shall be located within 100 feet of an existing, active water supply well or water supply intake. b) Blasting shall be prohibited within 500 feet of any existing, active water supply well or water supply intake on a non-participating parcel. Blasting may be performed within 500 feet of an existing, active water supply well on a participating parcel if prior approval is provided to the Certificate Holder by the property owner. c) If environmental or engineering constraints require siting of any collection lines or access roads within 100 feet of an existing, active water supply well or any turbines within 1,000 feet of an existing, active water supply well on a non-participating parcel, the Certificate Holder shall engage a qualified third party to perform pre- and post-construction testing of the potability of water wells within the above specified distances of construction disturbance before commencement of construction and after completion of construction to ensure the wells are not impacted, unless such testing is refused by the property owner. d) Should the third-party testing conclude that Facility construction has adversely impacted potability of an existing, active water supply well, the Certificate Holder shall cause a new water well to be constructed, in consultation with the property owner, at least 100 feet from collection lines and access roads, and at least 1,000 feet from wind turbines.	As discussed in Section 2.5, there are no water wells located on the construction laydown yard parcel or within the areas defined in this condition surrounding the construction laydown yard building site.
43	Reserved.	N/A
44	Reserved.	N/A
45	Prior to commencement of construction, a Final Decommissioning Plan shall be submitted as a compliance filing for approval by the Siting Board. Letters of credit will be established by the Certificate Holder to be held by each town hosting Facility components. The total amount of the letters of credit created for the Towns of Arcade, Centerville, Rushford, Farmersville, and Freedom will represent the total final decommissioning and site restoration estimate, as described below with each town holding a separate letter of credit based on the number of turbines it is hosting. Decommissioning and site restoration costs associated with the proposed collection substation will be included in the Town of Freedom's letter of credit. The letters of credit shall remain active until the Facility is fully decommissioned. The Final Decommissioning Plan will include the following: a) A final decommissioning and site restoration estimate (no offset for projected salvage value is permitted in the calculation of the estimate). The estimate will be calculated by multiplying the decommissioning and site restoration cost per turbine (which includes the dollar amount estimate for removal of one turbine and foundation in addition to the other overall decommissioning and site restoration costs (including removal of meteorological towers and removal and restoration of access roads) spread out equally among the total proposed turbines of the Facility) by the total number of turbines proposed for the Project. The estimate shall be updated by a qualified independent engineer licensed to practice engineering in the State of New York to reflect inflation and any other changes after one year of Facility operation, and every fifth year thereafter. Updated estimates will be filed with the Secretary after one year of Project operation and every fifth year thereafter; b) Documentation indicating approval by the Towns of Arcade, Centerville, Rushford, Farmersville, and Freedom of an acceptable form of letter of credit; c) Proof that the letters of credit have been obtained in the final decommissioning and site restoration estimate amount, as calculated pursuant to the Final Decommissioning Plan; d) Letters of credit shall be updated after one year of Facility operation and every fifth year thereafter, based on updated estimates described in sub-section a of this condition. Documentation shall be filed with the Secretary after one year of Project operation and every fifth year thereafter specifying changes to the structure of the letters of credit; e) Copies of agreements between the Certificate Holder and the Towns, establishing a right for each Town to draw on the letters of credit dedicated to its portion of the Facility; f) Prior to the commercial operation date, the Certificate Holder shall file with the Secretary wind turbine design verification information reports for each model proposed for the Project, verifying that the wind turbines were designed in accordance with International Electrotechnical Commission (IEC) 61400; however, any wind turbine model(s) failing to be design verified, and therefore, not adhering to applicable IEC 61400 criteria shall be decommissioned prior to commercial operation at the Certificate Holder's expense; and g) Procedures for notifying host communities and landowners of decommissioning and restoration activities.	Condition noted, no further response required at this time.
46	During Project construction and operation, the Certificate Holder shall follow the Final Complaint Handling Procedure, which shall be filed as a compliance filing prior to construction for approval by the Siting Board. If the complaint resolution process determines that Facility operation has resulted in impacts to existing off-air television coverage, the Certificate Holder shall address each individual problem by investigating methods of improving the television reception system. Should this prove ineffective, cable television or equivalent service shall be offered (in areas where cable service is available), or in areas where cable service is not available or not practical, direct broadcast satellite reception systems.	Complaints will be handled consistent with the Complaint Resolution Plan included as Appendix C in the previously submitted LNTP Tree Clearing Package.
47	Replacement of major Facility components, such as wind turbines, with different make, model, size, or other material modification, shall be subject to review and approval under appropriate authority of the Siting Board.	Condition noted, no further response required at this time.
48	The Certificate Holder shall maintain the wind turbines in accordance with manufacturer's required maintenance schedules or its own schedule that assures a commercially reasonable level of reliability and safety.	Condition noted, no further response required at this time.
49	The Certificate Holder shall file construction and operations version of its emergency response plans. The Certificate Holder shall file annually with the Secretary an updated copy of its emergency response plan, including any changes to the list of emergency contacts.	The Emergency Response Plan included as Appendix L with the previously submitted LNTP Tree Clearing Package will be implemented during construction.

50	Exterior lighting should be designed to provide safe working conditions at appropriate locations and to avoid off-site lighting effects, by: (i) using task lighting as appropriate to perform specific tasks; (ii) designing task lighting to be capable of manual or auto-shut off switch activation rather than motion detection (including lighting in the substation); and (iii) using full cutoff fixtures, with no drop-down optical elements (that can spread illumination and create glare), for permanent exterior lighting except for FAA lights, turbine door lighting, and task lighting.	As discussed in Section 2.0, no lighting at the construction laydown yard is proposed.
51	The Certificate Holder shall coordinate with the state, county, and local municipalities to respond to any locations that may experience any traffic flow or capacity issues.	A Traffic Control Plan for the construction laydown yard is included in Appendix J (Traffic Control Plan – Tree Clearing) of the previously submitted LNTP Tree Clearing Package (Package 30) for the Alle-Catt Wind Farm.
52	Reserved.	N/A
53	Reserved.	N/A
54	Reserved.	N/A
55	Reserved.	N/A
56	Blasting: a) Blasting operations in locations where geotechnical investigations confirm the presence of subsurface karst or pseudokarst features shall be limited or performed under specific procedures recommended for those locations by a geotechnical engineer and in accordance with a Blast Monitoring Plan that is developed in consultation with NYSDEC and DPS staff. b) The Blasting Monitoring Plan shall include procedures and timeframes for notifying host communities and property owners within 0.5-mile radius of the blasting site. c) The Certificate Holder shall offer pre-blast surveys for all residences, wells, and structures within 500 feet of blasting locations. Pre-blast surveys shall include photos and a written report, signed and dated by the property owner, noting both existing damage to the property and undamaged areas. d) Pre-blasting notifications shall include information regarding filing a complaint.	Condition noted, no further response required at this time.
57	Shadow Flicker Impacts Analysis, Control, Minimization and Mitigation Plan. Shadow flicker caused by wind turbine operations shall be limited to a maximum of 30 hours annually at any non-participating residential structure, subject to verification using shadow detection and operational controls at appropriate wind turbines. The Shadow Flicker Impacts Minimization and Mitigation Plan shall include: a) updated analysis of realistic and receptor-specific predicted flicker based on final proposed design; b) a protocol for monitoring operational conditions and potential flicker exposure at the wind turbine locations identified in the updated analysis, based on meteorological conditions; c) details of the shadow detection and prevention technology or operational measures that will be adopted for real-time meteorological monitoring or operational control of turbines; d) temporary turbine shutdowns during periods that produce flicker; and e) shielding or blocking measures (such as landscape plantings and window treatments) for receptor locations that submit complaints for exposures that are not subject to the 20-hour or 30-hour annual limits. Details of flicker control, minimization and mitigation measures shall be indicated on final design drawings and standards, and site plans as appropriate.	Condition noted, no further response required at this time.
58	Reserved.	N/A
59	The Certificate Holder shall avoid or minimize impacts to archaeological and historic resources to the extent practicable consistent with SHPO requirements regarding an off-set plan. Construction, including site preparation, clearing or other disturbance, shall not be allowed in any areas that have not been subject to part of studies performed in consultation with the NYSOPRHP. A final Unanticipated Discovery Plan meeting SHPO specifications shall be provided as an Information Report.	The requirements of this condition are addressed in Section 2.6.
60	To achieve full avoidance of impacts to northern long-eared bats (<i>Myotis septentrionalis</i>) (NLEB) and minimize impacts to other bat species, the Certificate Holder shall implement the following curtailment regime, to be included in a Curtailment Plan which shall be provided prior to the commencement of commercial operation: a) from May 1 through June 30 when wind speeds at hub height are less than or equal to 5.0 m/s, turbine curtailment shall be in place at all turbines every year of operation on every night during the period, from ½ hour before sunset to ½ hour after sunrise, when ambient air temperature is equal to or greater than 50 degrees Fahrenheit (10 degrees Celsius); and b) from July 1 through September 30 when wind speeds at hub height are less than or equal to 6.9 m/s, turbine curtailment shall be in place at all turbines every year of operation on every night during the period, from ½ hour before sunset to ½ hour after sunrise, when ambient air temperature is equal to or greater than 50 degrees Fahrenheit (10 degrees Celsius).	Condition noted, no further response required at this time.
61	The Certificate Holder shall submit a review of curtailment operations at least once every five years to DPS and DEC. The review will assess if changes in technology or knowledge of impacts to bats supports modification of the existing curtailment regime. Modifications to the existing curtailment regime that further decrease mortality may be proposed or negotiated. Any such modifications shall not be costlier than the existing curtailment regime, unless voluntarily supported by the Certificate Holder.	Condition noted, no further response required at this time.
62	In the event full avoidance is impracticable for northern long-eared bats (<i>Myotis septentrionalis</i>) (NLEB), a Curtailment Plan shall be provided prior to the commencement of commercial operation for minimization of impacts to bat species, which shall include: a) Description and implementation of a curtailment regime during the period July 1 through October 1 requiring a minimum curtailment at a wind speed no less than 5.5 m/s as developed in consultation with DEC and DPS staff, 30 minutes prior to sunset through 30 minutes after sunrise, when temperatures are greater than 10 degrees Celsius. b) Description and implementation of a blade feathering protocol from April 1 through June 30, and October 2 through October 31, requiring feathering of all Project wind turbines when wind speeds are below the wind turbines normal cut-in-speed (3.0 – 3.5 m/s), 30 minutes prior to sunset through 30 minutes after sunrise, when temperatures are greater than 10 degrees Celsius. In addition, the Certificate Holder shall propose for Siting Board approval as a compliance filing a final NCBP for the total calculated NLEB over the life of the Project, based on the proposed	Condition noted, no further response required at this time.

	curtailment regime and using the take estimates established by DEC in this proceeding. The NCBP shall be prepared in consultation with DEC and DPS prior to filing. In the event that the final NCBP is not filed and approved or if mitigation measures are not implemented, prior to commencement of operation of the Project, the Certificate Holder shall implement the curtailment regime for full avoidance. A final NCBP for the take of NLEB shall be filed within six months after the date of issuance of the Certificate. The NCBP for the take of NLEB shall be prepared in consultations with DEC and DPS staff and shall meet the requirements of 6 NYCRR §182.11. At a minimum, the NCBP shall contain: a) a demonstration, to the satisfaction of DEC and DPS staff, that measures to fully avoid impacts to NLEB is impracticable; b) a demonstration that the mitigation actions described in the NCBP will result in a net benefit to NLEB species and not solely an offset for any potential take of individuals; c) the location(s) and size of the mitigation parcel(s); d) proof of access to and right to perform land management activities on the mitigation site(s); e) identification of all persons that will be involved in implementing the NCBP, with individuals responsible for funding and implementing the plan clearly identified; f) the signatures of all persons that will be involved in implementing the NCBP; g) the management and maintenance actions required to achieve net conservation benefit for impacted species; h) a schedule for undertaking these activities; i) an appropriate post-construction monitoring program to determine the effectiveness of the mitigation; j) adaptive management options and next steps to be implemented if the permitted level of take of NLEB is exceeded; and j) a letter of credit or other financial guarantee securing the Applicant's ability to execute such management, maintenance and monitoring for the 30-year life of the Project.	
63	The Certificate Holder shall propose for Siting Board approval as a compliance filing a final NCBP for the total calculated take of bald eagles over the life of the Project established by DEC in this proceeding. The NCBP shall be prepared in consultation with DEC prior to filing, meeting the requirements of 6 NYCRR Part 182. The final NCBP for the take of bald eagles shall be filed 90 days before the start of Project operation. At a minimum, the NCBP for bald eagles shall contain: a) demonstration that the mitigation actions will result in a positive benefit to the bald eagle species and not just an offset for any potential take of individuals; b) detailed net benefit calculations; c) if applicable, location(s) and size(s) of mitigation parcels; d) Identification of all persons that will be involved in implementing the NCBP, with individuals responsible for funding and implementing the plan clearly identified; e) the signatures of all persons that will be involved in implementing the NCBP; f) adaptive management options and next steps to be implemented if the permitted level of take is exceeded; and g) a letter of credit or other financial guarantee securing the Applicant's ability to execute such management, maintenance and monitoring for the 30-year life of the Project.	Condition noted, no further response required at this time.
64	Reserved.	N/A
65	To avoid impacts to state forests, the Certificate Holder shall comply with the following: a) Turbines in proximity to state forests must adhere to all local setback requirements or the minimum state forest setback (no less than 1.1x tip height from the boundary of a state forest), whichever is greater; and b) All transmission lines in state forests shall be underground and directional boring shall be used to install such underground lines in state forests	Condition noted, no further response required at this time.
66	Reserved.	N/A
67	Reserved.	N/A
68	The Certificate Holder shall present to the Siting Board, or the Commission after the Siting Board's jurisdiction has ceased, by filing with the Secretary at a minimum of 60 days prior to the start of construction: a) Final drawings and details of the Wind Generating Facility, as well as final construction drawings incorporating any appropriate changes to the design and details, including: (i) Location of the turbines identified with Geographic Information System (GIS) coordinates and GIS files. (ii) Turbine dimensions to include hub height and diameter of tip blades rotation. b) Proposed grading and turbine ground elevations. Site plan and elevation details, of substations as related to the location of all relevant noise sources (transformers, emergency generator, reactors, if any), any identified mitigations, specifications, and appropriate clearances for sound walls, barriers, mufflers, silencers, and enclosures, if any. Sound information from the manufacturers for all relevant noise sources shall also be presented. c) Sound Power levels from the turbines by following these provisions: (i) Sound Power levels from the turbines selected for the Project shall be documented with information from the manufacturers based on tests that determined sound power levels following the International Electrotechnical Commission (IEC) 61400-11 standard and Technical Specification IEC TS 61400-14 (2005-1st edition), if available. (ii) Sound Power Information will be reported associated with wind speed magnitudes, angular speed of the rotor, and rated power to the extent this information is available. The Sound Power Information will include specifications for Noise Reduced Operations and Low Noise Trailing Edges if these are available or required to meet the noise conditions of this Certificate. d) Revised sound modeling with the specifications of the wind turbine model selected for construction to demonstrate that the Project is modeled to meet the Local Laws on Noise and the regulatory limits of Condition 72. The revised sound modeling will include a cumulative noise assessment that includes noise from any proposed, existing, or approved Wind Generation Facility adjacent to the approved project area. In this case, the evaluation will include any adjacent wind turbine within a 2-mile radius from any wind turbine from the Facility. (i) If noise reduction operations (NRO's) are used to demonstrate conformance with any Certificate Condition or local law on noise in a compliance filing, those NROs shall be implemented at the start date of operations; (ii) a compliance filing shall use less than half of the maximum NRO available for each turbine model; (iii) Sound levels shall be evaluated at either 4.0 meters with no uncertainty added, or at 1.5 meters with a 2 dBA correction for uncertainty added. In addition, the revised sound modeling	Condition noted, no further response required at this time.

	will show conformance with the following design goals: (v) 45 dBA Leq (8- hour) at any permanent or seasonal non-participant residence existing as of the issuance date of this Certificate and 55 dBA Leq (8-hour) for any participant residence existing as of the issuance date of this Certificate. (vi) 40 dBA L(night-outside), annual equivalent continuous average nighttime sound level from the Facility outside any existing non-participating residence and 50 dBA L(night- outside) for participating residences. (vii) 55 dBA Leq (8- hour), equivalent continuous average sound level from the Facility across any portion of a non-participating property except for portions delineated as wetlands. This shall be done by rendering sound contour drawings for the final design including all boundary lines within the Project area, participating status, and wet land delineations. Statements indicating whether the final design complies with this Certificate Condition will also be included. (viii) 65 dBZ L(1-hour), maximum 1-hour equivalent continuous average sound level from the Facility at the 16 Hz, 31.5 Hz, and 63 Hz full octave bands outside any existing non-participating residence.	
69	Compliance with noise-related Certificate Conditions for the Facility shall be evaluated by the Certificate Holder by following a Sound Testing Compliance and Noise Complaint Protocol that shall follow the provisions and procedures for post-construction noise performance evaluations as Attachment B to the Order.	Condition noted, no further response required at this time.
70	At least two Sound Compliance Tests conforming to the compliance protocol required by the Certificate Conditions shall be performed by the Certificate Holders after the commercial operations date of the Facility: One during the "leaf-off" season and one during the "leaf-on" season. a) Within seven months of the commercial operations date of the Facility, the Certificate Holders shall perform and complete the first Sound Compliance Test and the results shall be submitted to the Siting Board, or the Commission after the Siting Board's jurisdiction has ceased, by filing with the Secretary a report from an independent acoustical or noise consultant, no later than eight months after the commercial operations date, specifying whether or not the Facility is found in compliance with all Certificate Conditions on noise of this Certificate during the "leaf-on" or "leaf-off" season as applicable. b) The second Sound Compliance Test shall be performed and results shall be submitted to the Siting Board, or the Commission after the Siting Board's jurisdiction has ceased, by filing with the Secretary subject to the same conditions contained in sub-condition 70(a), but no later than thirteen (13) months after the commencement of operations of the Facility.	Condition noted, no further response required at this time.
71	If the results of the first or the second Sound Compliance Tests, or any subsequent Sound Compliance Test performed by the Certificate Holder or any Violation Tests performed by DPS, or any test performed in response to complaints, indicate that the Facility, related facilities and ancillary equipment do not comply with all Certificate Conditions on noise contained in this Certificate, the Certificate Holder shall: a) Present minimization options to the Siting Board, or the Commission after the Siting Board's jurisdiction has ceased, by filing with the Secretary within 60 days after the filing of a non-compliance test result or the finding of a non-compliance or violation of Certificate Conditions on noise of this Certificate: (i) Operational minimization options related to noise or vibrations caused by the wind turbines that shall be considered, including, at a minimum, modifying or reducing time of turbine operation, incorporating noise reduced operations, shutting down relevant turbines, and modifying operational conditions of the turbines. (ii) Physical minimization options related to noise or vibration caused by the wind turbines that shall be considered, including installation of serrated edge trails on the turbine blades, replacement or maintenance of noisy components of the equipment, and any other measures as feasible and appropriate. (iii) If applicable, any minimization measures related to noise from transformers (such as walls or barriers) and emergency generators (such as installation of noise walls or barriers, adding or replacing enclosures or silencers to the emergency generator) if any, or any other mitigation measures as appropriate. b) Implement any operational noise mitigation measures within 90 calendar days after the finding of a non- compliance or violation situation, as necessary to achieve compliance. c) Implement any physical noise mitigation measures within 150 days after the finding of a non-compliance or violation situation, as necessary to achieve compliance. d) Not operate the turbines of the Facility that caused the violation if the minimization measures are not implemented within the schedules specified in this Certificate Condition, and not operate the turbines without the operational or physical minimization measures that are presented and approved by the Siting Board, or the Commission after the Siting Board's jurisdiction has ceased after they are implemented as specified in these Certificate Conditions. e) Test, document and present to the Siting Board, or the Commission after the Siting Board's jurisdiction has ceased, by filing with the Secretary results of any minimization measures and compliance with all Certificate Conditions on noise of this Certificate, no later than 90 days after the minimization measures are implemented.	Condition noted, no further response required at this time.
72	Noise levels from the all noise sources from the Wind Generating Facility, related facilities and ancillary equipment shall: a) Comply with a maximum noise limit of 45 dBA Leq (8- hour) at any permanent or seasonal non-participant residence existing as of the issuance date of this Certificate ("N-P Residences") and 55 dBA Leq (8-hour) for any participant residence existing as of the issuance date of this Certificate ("Participating Residences"). b) Not produce any audible prominent tones, as defined under ANSI S12 .9 Part 4-2005 Annex C at any N-P Residences existing as of the issuance date of this Certificate. Should a prominent tone occur, the broadband overall (dBA) noise level at the evaluated position shall be increased by 5 dBA for evaluation of compliance with sub-condition 72(a). c) Comply with a maximum noise limit of 65 dB Leq-1-h at the full octave frequency bands of 16, 31.5, and 63 Hertz outside of any N-P Residences existing as of the issuance date of this Certificate in accordance with Annex D of ANSI standard S12 .9- 2005/Part 4 Section D.2.(1)(Analysis of sounds with strong low-frequency content). d) Not produce human perceptible vibrations inside any N-P Residences existing as of the issuance date of this Certificate that exceed the limits for residential use recommended in ANSI Standard 52 .71-1983 (August 6, 2012) "Guide to evaluation of human exposure to vibration in Buildings." e) Comply with a limit of 40 dBA Leq (1-hour) at the outside wall of any N-P Residences from the collector substation equipment, and subject to the tonal penalties of sub-condition 72(b). Emergency situations are exempt from any of these limits.	Condition noted, no further response required at this time.
73	The Certificate Holder shall adhere to the following condition regarding complaints: a) The Certificate Holder is required to maintain a log of complaints received relating to noise and vibrations caused by the operation of the Facility, related facilities and ancillary equipment. The log shall include name and contact information of the person that lodges the complaint, name of the property owner(s), address of the residence where the complaint was originated, the date and time of	Complaints will be handled consistent with the Complaint Resolution Plan

	the day underlying the event complained of, and a summary of the complaint. b) The Certificate Holder shall provide the Towns with a phone number, email address and mailing address where complaints can be notified, along with a form to report complaints designed according to the details required in sub-section (a) of this condition. c) All complaints received shall be reported to the Siting Board, or the Commission after the Siting Board's jurisdiction has ceased, monthly during construction and quarterly during operation, by filing with the Secretary during the first 10 calendar days of each month (or the first 10 days of each quarter after three years). Reports shall include copies of the complaints and, if available, a description of the probable cause (e.g., outdoor or indoor noise, tones, low frequency noise, amplitude modulation, vibrations, rumbles, rattles, etc., if known); the status of the investigation, summary of findings and whether the Facility has been tested and found in compliance with applicable noise Certificate Conditions or minimization measures have been implemented. If no noise or vibration complaints are received, the Certificate Holder shall submit a letter to the Secretary indicating that no complaints were received during the reporting period. d) Should complaints related to excessive and persistent amplitude modulation occur at any N-P Residence existing as of the issuance date of this Certificate with measured or modeled sound levels exceeding 40 dBA Leq (1-hour), the Certificate Holder shall investigate and measure amplitude modulation at the affected receptors during the time frame when the worst conditions are known, or, if not known, expected, to occur. If the L90-10 minute noise levels (dBA), including any amplitude modulation and prominent tone penalties exceed a noise level of 45 dBA and amplitude modulation is in excess of a 5 dB modulation depth at the evaluated receptor(s) for more than 5% of the time during the identified time frame of evaluation (which will not exceed eight consecutive hours), the Certificate Holder shall continue with the investigation, identify frequency of occurrence and the conditions that may be favorable for its occurrence, and propose measures to avoid, minimize, or mitigate the impacts. Minimization measures that avoid, minimize, resolve or mitigate the amplitude modulation impacts shall be identified and reported to the Siting Board, or the Commission after the Siting Board's jurisdiction has ceased, by filing with the Secretary and implemented after review and approval. Compliance with this Certificate Condition shall be finally demonstrated by conducting a test that shows that the L90-10-minute sound levels (dBA), including a 5-dBA penalty for amplitude modulation (if amplitude modulation depth is in excess of 5 dB for more than 5% of the time in any eight consecutive hours) at that particular location and any additional prominent tone penalties, are lower than or equal to 45 dBA. For any complaints that do not exceed the limits established in the foregoing, the Certificate Holder should handle those complaints under its complaint resolution protocol. e) The Certificate Holder shall investigate all other noise and vibration complaints by following the Complaint Protocol in, and consistent with the limits imposed by, these Certificate Conditions.	included as Appendix C in the previously submitted LNTP Tree Clearing Package.
74	The Certificate Holder shall maintain a log of operational conditions of all the turbines with a 10-minute time interval to include at a minimum wind velocity and wind direction at the hub heights, angular speed of the rotors and generated power and notes indicating operational conditions that could affect the noise levels (e.g. maintenance, shutdown, etc.). A schedule and log of noise reduced operations for individual turbines shall also be kept and updated as necessary.	Condition noted, no further response required at this time.
75	The Certificate Holder shall comply with the following conditions regarding construction noise: a) Comply with all local laws regulating construction noise; b) Maintain functioning mufflers on all transportation and construction machinery; c) Respond to noise and vibration complaints according to the Protocols established in the Certificate Conditions.	Proposed construction activities will be handled consistent with the Complaint Resolution Plan included as Appendix C in the previously submitted LNTP Tree Clearing Package.
76	At least 60 days prior to the start of construction, the Certificate Holder shall become a member of Dig Safely New York. The Certificate Holder shall require all contractors, excavators, and operators associated with its facilities to comply with the requirements of the Commission's regulations regarding the protection of underground facilities (16 NYCRR Part 753).	ACWE has become a member of the Dig Safely New York as discussed in Section 2.0.
77	The Certificate Holder shall comply with all requirements of the Commission's regulations regarding identification and numbering of above ground utility poles/structures (16 NYCRR Part 217).	Proposed construction activities are discussed in Section 2.0.
78	The Certificate Holder shall establish funding for an independent, third-party environmental monitor and an independent third-party full-time qualified agricultural professional or qualified agricultural drainage specialist with a degree or background in soil conservation, hydrology or agronomy to oversee compliance with environmental permit requirements. The Certificate Holder will solicit input from the designated representative of the Towns with respect to the selection of the Environmental Monitor. When soliciting input from the DPS staff and the Towns, the Certificate Holder shall identify one or more candidates and provide qualifications and contact information for the Environmental Monitor. The monitors shall inspect construction sites and issues regular reports to the Certificate Holder, DPS, DEC, and New York State Department of Agriculture and Markets (NYSDAM). If the NYSDAM agrees that the independent third-party environmental monitor is qualified on agricultural issues, one monitor can act as both environmental and agricultural monitor.	The Environmental Monitoring Plan included in the previously submitted LNTP Clearing Package as Appendix G will be implemented during construction of the laydown yard.
79	The environmental monitor shall have stop work authority over all aspects of the Project.	The Environmental Monitoring Plan included in the previously submitted LNTP Clearing Package as Appendix G will be implemented during construction of the laydown yard.
80	The Certificate Holder shall ensure that its monitors and construction supervisor are equipped with sufficient access to documentation, transportation, and communication equipment to effectively monitor such Certificate Holder's contractor's compliance with the environmental provisions of every Order issued in this proceeding with respect to such Certificate Holder's Project components and to those sections of the PSL, Environmental Conservation Law, and Section 401 Water Quality Certification.	The Environmental Monitoring Plan included in the previously submitted LNTP Clearing Package as Appendix G will be implemented during construction of the laydown yard.

81	At least 14 days before the commencement of construction, the Certificate Holder shall hold a pre-construction meeting with DPS staff, NYSDAM Staff, NYSDOT, Town Supervisors, and Town and County Highway Departments, and DEC. The BOP construction contractor and the environmental compliance monitor shall be required to attend the pre-construction meeting. a) At least 10 days prior to the pre-construction meeting, the Certificate Holder shall notify invitees of the proposed meeting time and date. An agenda, the location, and an attendee list shall be agreed upon between DPS staff and the Certificate Holder and distributed to the attendee list at least one week prior to the meeting; b) Maps showing designated travel routes, construction worker parking and access road locations and a general Project schedule shall be distributed to the attendee list at least one week prior to the meeting; c) The Certificate Holder shall supply draft minutes from this meeting to the invitees list for corrections or comments, and thereafter the Certificate Holder shall issue the finalized meeting minutes; d) If, for any reason, the BOP Contractor cannot finish the construction of the Project, and one or more new BOP contractors are needed, there shall be another pre-construction meeting with the same format as outlined above.	ACWE's plan for a pre-construction meeting prior to construction of laydown yard is discussed in Section 4.0.
82	The Certificate Holder shall train construction personnel to identify timber rattlesnakes. If, at any time during construction of the Project, a timber rattlesnake is located or observed in the Project area, the Certificate Holder shall: (1) immediately cease activities and evacuate construction personnel within a 20- yard buffer of the individual; and (2) not disturb, harm, or handle the individual. If the individual snake does not leave the area of construction activities and relocation of the individual is necessary, NYSDEC shall be notified of the occurrence and relocation efforts. Relocation shall be conducted by an individual licensed to handle and relocate timber rattlesnakes. Activities shall not recommence in and construction personnel shall not enter the 20-yard buffer of the individual until the individual departs or is relocated by the personnel licensed to perform relocation.	The Environmental Monitoring Plan included in the previously submitted LNTP Clearing Package as Appendix G will be implemented construction of the laydown yard.
83	Construction and routine maintenance activities on the Project shall be limited to 7:00 a.m. to 7:00 p.m. or daylight hours outside of this window, Monday through Saturday. a) Construction work hour limits apply to Facility construction and maintenance, and to construction- related activities including delivery and unloading of materials, maintenance, and repairs of construction equipment at outdoor locations, large vehicles idling for extended periods at roadside locations, and related disturbances. b) If, due to safety or continuous operation requirements, maintenance or construction activities are required to occur on Sundays or beyond the allowable work hours Monday through Saturday, the Certificate Holder shall notify DPS staff, affected landowners and the municipalities. Such notice shall be given at least 24 hours in advance, unless such maintenance or construction activities are required to address emergency situations threatening personal injury, property, or severe adverse environmental impact that arise less than 24 hours in advance; c) Construction work hour limits apply to facility construction, and to construction-related activities including the delivery and unloading of materials, and maintenance and repairs of construction equipment at outdoor locations, since these activities can result in extensive noise, large vehicles idling for extended periods at roadside locations, and related disturbances.	The requirements of this condition are addressed in Section 3.0.
84	At least 48 hours before tree clearing or construction begins in any portion of the Facility Site, the Certificate Holder shall stake or flag the planned LOD, the boundaries of any delineated wetlands or streams in the LOD, and any known archaeological sites inside or within 100 feet of the LOD on participating property. In addition, the archaeological sites shall be surrounded with construction fencing and a sign stating restricted access.	The requirements of this condition are addressed in Section 2.2.
85	The Certificate Holder shall confine construction and subsequent maintenance for its Project Components to the Facility Site and approved additional work areas, as delineated in approved site plans. If a local contractor is used for the work, the local contractor's facility may also be used as a marshaling yard.	The construction laydown yard will be confined to the Facility Site LOD as shown in the Site Plan in Appendix A.
86	Construction status reporting and site inspections: Bi-Weekly Status Reports: a) The Certificate Holder shall provide the Towns, DPS staff, NYSDEC, and NYSDAM with bi-weekly status reports summarizing the status of construction activities and indicating the schedule and locations of Project construction activities for the upcoming two-week period. Monthly Inspections: b) The Certificate Holder shall organize and conduct monthly site-compliance inspections for DPS staff as needed during construction and restoration of the Facility Site. The Certificate Holder will provide the Towns documentation generated as part of such inspections. c) The Certificate Holder shall ensure that the required safety procedures and worksite hazards are communicated to site inspectors in a documented tailboard meeting prior to entry onto the site of work on such Certificate Holder's Project components. d) 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, as well as a field review of the Project site, if necessary. The inspection also may include: (i) Review of all complaints received, and their proposed or actual resolutions; (ii) Review of any significant comments, concerns, or suggestions made by the public, local governments, or other agencies and indicate how the Certificate Holder has responded to the public, local governments, or other agencies; (iii) Review of the status of the Project in relation to the overall schedule established prior to the commencement of construction; and (iv) Other items the Certificate Holder or DPS staff consider appropriate. e) 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 the Towns and agencies involved in the inspection audit.	The requirements of this condition are addressed in Section 4.0.
87	All construction vehicles must be equipped with a spill kit. Any leaks must be stopped and cleaned up immediately.	The Spill Prevention Plan included in the previously submitted LNTP Clearing Package as Appendix H will be implemented laydown yard construction.
88	Any debris or excess construction materials shall be removed to a facility duly authorized to receive such material. No burying of construction debris or excess construction materials will be allowed.	Addressed in Section 2.0.
89	Cleared vegetation and slash will not be (i) burned anywhere or (ii) buried within a wetland or adjacent area.	The requirements of this condition are addressed in Section 7.2 of the

		previously submitted LNTP Tree Clearing Package Narrative.
90	Tree and vegetation clearing shall be limited to the minimum necessary for Facility construction and operation. Surrounding trees and vegetation will not be cut down on any property solely to reduce turbulence or increase wind flow to the Facility.	The requirements of this condition are addressed in Sections 7 and 7.3.2 of the previously submitted LNTP Tree Clearing Package Narrative.
91	In connection with vegetation clearing, the Certificate Holder shall: 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; b) not create a maximum wood chip depth greater than three inches, except for chip roads (if applicable), nor store or dispose wood chips in wetlands, within stream banks, delineated floodways, or active agricultural fields; and c) coordinate with landowners to salvage merchantable logs and fuel-wood. Where merchantable logs and fuel-wood will not be removed from the site during clearing activities, plans shall indicate locations of stockpiles to be established for removal from site or future landowner resource recovery.	The requirements of this condition are addressed in Sections 7.2 and 7.2.2 of the previously submitted LNTP Tree Clearing Package Narrative.
92	Erosion control fabric or netting must be 100% biodegradable natural product, excluding silt fence. Use of hay for erosion control or other construction-related purposes is prohibited to minimize the risk of introduction of invasive plant species.	Addressed in Section 2.0.
93	The Certificate Holder shall implement all practical measures to achieve a minimum of 80% vegetative cover across all disturbed soil areas by the end of the first full growing season following construction.	Addressed in Section 2.0.
94	The Certificate Holder shall restore disturbed areas, ruts, and rills to original grades and conditions with permanent re- vegetation and erosion controls appropriate for those locations. Disturbed roadways shall be restored to their original pre-construction condition or improved.	Addressed in Section 2.0.
95	To reduce mortality to, or other take of: a) bats during construction, all tree clearing activities shall (except for hazard tree removal) be conducted between October 1 and March 31 in all occupied habitat areas and unless otherwise approved by DPS staff, in consultation with NYSDEC. No tree clearing activities shall occur at any time within 150 feet of any NLEB maternity roosts. All tree clearing activities occurring within one and one half (1.5) miles of the maternity roost site shall be conducted during hibernation season between October 1 and March 31. This limitation does not include trees less than or equal to 3 inches in diameter at breast height. No Project components shall be sited or located within 150 feet if any NLEB maternity roost.; or b) Reserved. c) bald eagles during construction, no Project components shall be placed within 0.25 mile of any bald eagle nest. All ground disturbance, tree clearing, construction, restoration and maintenance activities within 660 feet of a nest and within 0.25 mile of a nest that are not obscured by an adequate visual barrier shall be conducted between October 1 and December 31.	The requirements of this condition are addressed in Section 2.0.
96	If at any time during construction and operation of the Facility: a) an active nest of any federal- or state-listed threatened or endangered bird species (with the exception of bald eagles) or bat species is discovered within the Facility Site, the regional DEC Natural Resource Supervisor and DPS staff will be notified within 24 hours of discovery, and the nest or roost site will be marked. An area 500 feet (660 feet for northern harrier, short-eared owl, upland sandpiper, or Henslow's sparrow) in radius around the nest or roost will be posted and avoided to the maximum extent practicable until notice to continue construction, ground clearing, grading, maintenance or restoration activities, as applicable, at that site is granted by DPS staff, in consultation with the regional DEC Natural Resource Supervisor; b) any other listed species, or species of special concern is observed, the Certificate Holder shall maintain a record of the observation and (i) during construction the onsite environmental monitors shall be responsible for recording all such observations, and the observation shall be reported in the bi-weekly monitoring report submitted to DPS and DEC; (ii) during post-construction monitoring, the environmental contractor shall be responsible for recording all such observations and the observation shall be reported as required in the post-construction monitoring and adaptive management plan; and (iii) if a threatened or endangered avian species or avian species of special concern is demonstrating breeding behavior, the onsite environmental monitors or environmental contractor shall report the observation to the regional DEC Natural Resources Supervisor and the DEC Central Office Project Manager within 24 hours; c) Operation and Maintenance (O&M): During O&M, the Certificate Holder shall be responsible for training O&M staff to focus on successfully identifying the following bird species and bat species: bald eagle (<i>Haliaeetus leucocephalus</i>), golden eagle (<i>Aquila chrysaetos</i>), short-eared owl (<i>Asio flammeus</i>), northern harrier (<i>Circus hudsonius</i>), Henslow's sparrow (<i>Centronyx henslowii</i>); upland sandpiper (<i>Bartramia longicauda</i>) and northern long-eared bats (<i>Myotis septentrionalis</i>); d) Reporting Requirements: all reports of threatened and endangered species and species of special concern shall include the following information: species; number of individuals; age and sex of individuals (if known); observation date(s) and time(s); GPS coordinates of each individual observed (if operations and maintenance staff do not have GPS available the report should include the nearest turbine number and cross roads location); behavior(s) observed; identification and contact information of the observer(s); and the nature of and distance to any Project construction, maintenance or restoration activity; and e) any dead, injured or damaged federal- or state-listed threatened and endangered species and species of special concern, or their parts, eggs, or nests are discovered within the Project area (defined for the purpose of this condition as leased land or property parcels containing Project components) by the Certificate Holder, its designated agents, or a third party that notifies the Certificate Holder, the Certificate Holder shall immediately (within 24 hours) contact the DEC Region 9 Natural Resource Supervisor and the DEC Central Office Project Manager (and USFWS, if federally listed species) to arrange for recovery and transfer of the specimen(s). The following information pertaining to the find shall be recorded: species; age and sex of the individual(s), if known; the date of discovery of the animal or nest; condition of the carcass, or state of the nest or live animal; the GPS coordinates of the location(s) of discovery; the name(s) and contact information of the person(s) involved with the incident(s) and find(s); weather conditions for the previous forty-eight (48) hours; photographs, including scale and of sufficient quality to allow for the later identification of the animal or nest; and, if known, an explanation of how the mortality/injury/damage occurred. Each record shall be kept with the container holding the specimen(s) and given to NYSDEC or USFWS at the time	Addressed in Section 2.0.

	of transfer. If the discovery is followed by a non-business day, the Certificate Holder shall ensure all the information listed above is properly documented and of the animal or nest; and, if known, an explanation of how the mortality/injury/damage occurred. Each record shall be kept with the container holding the specimen(s) and given to NYSDEC or USFWS at the time of transfer. If the discovery is followed by a non-business day, the Certificate Holder shall ensure all the information listed above is properly documented and stored with the specimen(s). Unless otherwise directed by NYSDEC or USFWS, after all information has been collected in the field, the specimen(s) will be placed in a freezer, or in a cooler on ice until transported to a freezer, until it can be retrieved by the proper authorities.	
97	If at any time during construction and operation of the Facility a bald eagle nest is identified within the Facility Site, the regional DEC Region 9 Natural Resource Supervisor and DPS staff will be notified within 24 hours of discovery or observation, and prior to any disturbance of the nest or immediate area around the nest, or area where bald eagles were seen exhibiting any breeding behavior. An area 0.25 mile in radius from the bald eagle nest tree shall be posted and avoided until notice to continue construction at that site is granted by DPS staff, in consultation with the DEC Region 9 Natural Resource Supervisor. The nest(s) or nest tree(s) shall not be approached under any circumstances unless authorized by the DEC Region 9 Natural Resource Supervisor.	Addressed in Section 2.0.
98	Equipment and machinery storage, refueling, maintenance, and repair shall be conducted and safely contained more than 100 feet from wetlands and waterbodies to the maximum extent practicable. The Certificate Holder shall perform all construction, O&M in a manner that avoids then minimizes adverse impacts to waterbodies, wetlands, and the one hundred (100) foot adjacent areas associated with all Article 24-regulated and jurisdictional wetlands.	Addressed in Section 2.1.
99	Fuel or other chemical storage containers shall be located at least 300 feet from wetlands and waterbodies.	The Spill Prevention Plan included in the previously submitted LNTP Clearing Package as Appendix H will be implemented laydown yard construction.
100	All mobile equipment, excluding dewatering pumps, must be fueled, repaired, or maintained in a location at least 100 feet from wetlands and waterbodies, to the maximum extent practicable, unless moving the equipment will cause additional environmental impact. Dewatering pumps operated closer than 100 feet from the stream bank, wetland, or waterbody, must be within a secondary containment large enough to hold the pump and accommodate refueling.	Addressed in Section 2.1.
101	Spillage of fuels, waste oils, other petroleum products or hazardous materials shall be reported to DEC's Spill Hotline (1-800-457-7362) within two hours, in accordance with the DEC Spill Reporting and Initial Notification Requirements Technical Field Guidance. DPS staff shall also be notified of all reported spills.	The Spill Prevention Plan included in the previously submitted LNTP Clearing Package as Appendix H will be implemented during laydown yard construction.
102	All fill shall consist of clean soil, sand and/or gravel that is free of the following substances: asphalt, slag, fly ash, broken concrete, demolition debris, garbage, household refuse, tires, woody materials including tree or landscape debris, and metal objects. Reasonable efforts will be made use fill materials that are visually free of invasive species.	Addressed in Section 2.0.
103	Turbid water resulting from dewatering operations shall not be allowed to enter any wetland, stream or water body. Water resulting from dewatering operations shall be discharged directly to settling basins, filter bags, or other approved device. All necessary measures shall be implemented to prevent any substantial visible contrast due to turbidity or sedimentation downstream of the work site. Waters accumulated in the isolated work area shall be discharged to an upland settling basin, field or wooded area to provide for settling and filtering of solids and sediments before water is returned to the stream. Return waters shall be as clear as the flowing water upstream from the work area. Temporary dewatering structures (i.e., cofferdams, diversion pipes, etc.) and associated fill shall be completely removed, and the disturbed area shall be regraded and restored immediately following the completion of work. All excess materials shall be completely removed to upland areas more than 100 feet from wetlands and waterbodies and shall be suitably stabilized.	Condition noted. No dewatering activities are anticipated as part of the proposed work.
104	All disturbed and temporary impacts resulting from Project activities within federal- and NYS-regulated and jurisdictional wetlands and NYS-regulated adjacent areas shall be returned to pre-disturbance conditions or crops consistent with existing agricultural uses. All disturbed soils within protected wetlands and the associated adjacent areas must be seeded with a native seed mix, except within active cropland where it would be acceptable to seed with crops consistent with existing agricultural uses. Mulch shall be maintained until the disturbed area is permanently stabilized. Additional seeding shall be completed as necessary to achieve an 80% vegetative cover across all disturbed areas.	Addressed in Section 2.1.
104A	In the event that construction results in an alteration to (i.e., lowering) wetland hydrology then the breach shall be immediately sealed, and no further activity shall take place until DPS 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 and NYSDEC.	Addressed in Section 2.1.
105	Restoration of Federal and NYS-regulated and jurisdictional wetlands and NYS-regulated adjacent areas to pre-construction contours must be completed within 48 hours of final backfilling of the trench. a) Immediately upon completion of grading, the area shall be seeded with an appropriate species mix. b) Restored areas shall be monitored for a minimum of 3 years. Monitoring shall continue until an 80% cover of appropriate species has been reestablished over all portions of the replanted area, unless the invasive species baseline survey indicates a smaller percentage of appropriate species exists prior to construction.	Addressed in Section 2.1.
106	Cut vegetation in wetlands may be left in place (i.e., drop and lop or piled in dry or seasonally saturated portions of freshwater wetlands and 100-foot adjacent areas to create wildlife brush piles) in accordance with Attachment A: 12. Wetland and Stream Package and 30. LNTP – Clearing Package.	Addressed in Section 7.2.3 of the previously submitted LNTP Tree Clearing Narrative.
107	Installation of underground collection lines in NYS-regulated and jurisdictional wetlands shall be performed via Horizontal Directional Drilling (HDD) or using the following methods: a) Topsoil shall be segregated from subsoil and temporarily placed onto a geotextile blanket. b) The Certificate Holder shall implement BMPs to minimize soil compaction. c) The length of the trench exposed shall not exceed 1,500 feet in a wetland to the maximum extent practicable.	Condition noted, no underground collection line installation activities are anticipated as part of the proposed work.

	d) All reasonable efforts shall be made to backfill open trenches within the same work day. e) All excess materials shall be completely removed from wetlands to upland areas more than 100 feet from state wetlands and suitably stabilized.	
107A	To the extent practicable, buried utilities (e.g., collection lines) shall be installed using trenchless methods when traversing wetland and waterbodies. If a trenchless installation method is not practicable, other crossing methods such as open cut or direct burial may be utilized provided that a site-specific plan for each underground or aboveground utility crossing of a protected wetland is prepared in consultation with DEC and DPS staff. The site-specific utility crossing plan shall include the following: a) A site-specific assessment of constructability for all crossings that cannot use trenchless methods. The assessment shall be conducted by a professional engineer licensed in New York State and shall include a detailed analysis of the site-specific conditions that lead to the conclusion that all trenchless crossing methods are not constructible or not feasible at the particular wetland crossing; b) Specific plans with the alignment for each wetland crossing and the extent of clearing and ground disturbance; c) Proposed location of temporary access roads; and d) Description of methods used to minimize soil compaction. The following conditions shall apply to buried utilities that are installed via open cut or direct burial: a) Excavation, installation, and backfilling must be done in one continuous operation. b) Work within wetlands shall be conducted during dry conditions without standing water or when the ground is frozen, where practicable. c) The length of the trench to be opened shall not exceed the length that can be completed in one day. This length of trench generally should not exceed 1,500 feet in a wetland. d) Before trenching occurs, upland sections of the trench shall be backfilled or plugged to prevent drainage of turbid trench water from entering wetlands or waterbodies. e) Trench breakers/plugs shall be used at the edges of wetlands and waterbodies as needed to prevent wetland draining during construction. f) Only excavated wetland topsoil and subsoil shall be utilized as backfill. g) Wetland topsoil shall be removed and stored separately from wetland subsoil and temporarily placed onto a geotextile blanket. h) When backfilling occurs in wetlands, the subsoil shall be replaced as needed, and then covered with the topsoil, such that the restored topsoil is the same depth as prior to disturbance i) Following installation of buried utilities, protected wetlands and regulated adjacent areas shall be stabilized within 48 hours of final backfilling of the trench and restored to pre-construction contours as soon as practicable, but no later than 14 days of final backfilling. Immediately upon completion of grading, and as consistent with existing land uses, the area shall be seeded with a seed mix of native plants that is appropriate for wetlands and upland areas adjacent to wetlands. j) Overall vegetative cover in restored areas shall be monitored for a minimum of 5 years or until an 80% cover of plants with the appropriate wetland indicator status has been reestablished over all portions of the restored area. Invasive species growth in the restored areas shall be monitored for a minimum of 5 years. The proportion of invasive species in the protected wetlands and regulated adjacent areas cannot exceed the proportion that existed immediately prior to the start of construction as described in the baseline invasive species survey. If, after one complete growing season, the 80% cover requirement has not been established or the proportion of invasive species has increased, the Certificate Holder shall consult with DEC and DPS staff and prepare a Wetland Planting Remedial Plan.	Condition noted, no buried utilities are anticipated as part of the proposed work.
108	Installation of access roads through Federal and NYS-regulated and jurisdictional wetlands shall be performed using the methods in accordance with Attachment A Package 12. Wetland and Stream Package. a) Temporary access roads shall use timber matting; b) Permanent access roads shall use a layer of geotextile fabric and at least six inches of gravel shall be placed in the location of the wetland crossing after vegetation and topsoil is removed.	Addressed in Section 2.1.
109	To control the spread of invasive insects, the Certificate Holder shall provide training for clearing and construction crews to identify the spotted lanternfly, Asian longhorned beetle and the emerald ash borer and other invasive insects of concern as a potential problem at the Project site. If these insects are found, they must be reported to the DEC regional forester as soon as practicable.	Addressed in Section 7.3.2 of the previously submitted LNTP Tree Clearing Narrative.
110	Concrete washouts and batch plants shall be located and installed to minimize impacts to water resources. Locations should be at least 100 feet from any wetland, waterbody and agricultural field to the maximum extent practicable.	Addressed in Section 2.1.
111	In-stream work shall only occur during times of no flow or when the stream is bypassed to allow work in the dewatered section of the stream. The Certificate Holder shall conduct all work in streams in dry conditions, using appropriate water handling measures to isolate work areas and direct stream flow around the work area (e.g., sandbags, cofferdam, piping or pumping around the work area). All in-stream work is prohibited from October 1 through May 31 in cold water fisheries, and from March 1 through July 31 in warm water fisheries, unless the Applicant receives prior approval from the DEC Region 9 Natural Resources Supervisor.	Addressed in Section 2.1.
112	For any NYSDEC-protected stream impacted as part of construction, the restored stream channel shall be equal in width, depth, gradient, length and character to the pre-existing stream channel and tie in smoothly to profile of the stream channel upstream and downstream of the project area. The planform of any stream shall not be changed. All disturbed stream banks below the normal high-water elevation must be graded no steeper than 1 vertical to 2 horizontal slope, or to the original grade as appropriate, and adequately stabilized. 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. Destroyed bank vegetation shall be replaced with appropriate native shrubs, live stakes, and/or tree plantings as site conditions, as appropriate. All other areas of soil disturbance above the ordinary high-water elevation, or elsewhere, shall be stabilized with natural fiber matting, seeded with an appropriate perennial native conservation seed mix, and mulched with straw within 2 days of final grading. Mulch shall be maintained until suitable vegetation cover is established.	Condition noted, no NYSDEC streams are within the proposed construction area.
113	Trees shall not be felled into any federal- or state-protected stream.	Addressed in Section 7.3.2 of the previously submitted LNTP Tree Clearing Narrative.

114	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. 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.	The requirements of this condition are addressed in Section 2.0.
115	The creation, modification or improvement of any permanent road crossing of a federal- or state-protected stream must meet all Federal and NYS regulatory and permitted requirements and general conditions, specifically under §404 of the Clean Water Act and Articles 15 and 24 of NYS Environmental Conservation Law. Bridges that span the stream bed and banks should be utilized where practicable. If a bridge is not practicable, an alternative analysis shall be provided, including written justification for why a bridge is not practicable. If a culvert is the only practicable option, it shall be designed as follows: a) New culvert pipes that the Certificate Holder is required to install shall be designed to safely pass the 1% annual (100-year return) chance storm event; b) Culvert pipes must be embedded beneath the existing grade of the stream channel; c) Width of the structure must be a minimum of 1.25 times (1.25X) width of the mean high-water channel, as practicable; d) The culvert slope shall remain consistent with the slope of the adjacent stream channel. For slopes greater than 3%, an open bottom culvert must be used; and e) 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; and f) Shall facilitate downstream and upstream passage of aquatic organisms.	Condition noted, no permanent road crossings are proposed during this phase of work.
115A	For temporary stream crossings, the Certificate Holder shall utilize free span temporary equipment bridges or culverts designed to NYSDEC and/or US Army Corps of Engineers standards to cross all streams with flow at the time of the proposed crossing. 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 bank full elevation and placement of abutments or fill is authorized only above and outside bank full 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.	Addressed in Section 2.1.
116	HDD shall be performed in accordance with the approved HDD FracOut Plan. To minimize risk to aquatic species in the event of a frac-out, drilling fluids shall be biodegradable.	Condition noted, no HDD crossings are proposed during this phase of work.
117	During periods of work activity, flow immediately downstream of the work site shall equal flow immediately upstream of the work site.	Addressed in Section 2.1.
118	Any in-stream structures placed in a stream must not create a drop height greater than 6 inches.	Addressed in Section 2.1.
119	The Certificate Holder shall operate the Facility in accordance with the Interconnection Agreement, approved tariffs and applicable rules and protocols of National Grid, NYISO, NYSRC, NPCC, NERC and successor organizations.	Condition noted, no further response required at this time.
120	The Certificate Holder shall operate the Facility in full compliance with the applicable reliability criteria of National Grid, NYISO, NPCC, NYSRC, NERC and successors. If it fails to meet the reliability criteria at any time, the Certificate Holder shall notify the NYISO immediately, in accordance with NYISO requirements, and shall simultaneously provide the Board, or the Commission after the Board's jurisdiction has ceased, by filing with the Secretary and National Grid a copy of the NYISO notice.	Condition noted, no further response required at this time.
121	The Certificate Holder shall obey unit commitment and dispatch instructions issued by NYISO, or its successor, in order to maintain the reliability of the transmission system. In the event that the NYISO System Operator encounters communication difficulties, the Certificate Holder shall obey dispatch instructions issued by the National Grid Control Center, or its successor, in order to maintain the reliability of the transmission system.	Condition noted, no further response required at this time.
122	Good Utility Practices: a) The Certificate Holder shall abide by good utility practice, which shall include, but not be limited to, NERC, NPCC, NYSRC, and NYISO criteria, rules, guidelines and standards, including the rules, guidelines and criteria of any successor organization to the foregoing entities. b) When applied to the Certificate Holder, the term good utility practice shall also include standards applicable to an independent power producer connecting to the distribution or transmission facilities or system of a utility. c) Except for periods during which the authorized facilities are unable to safely and reliably convey electrical energy to the New York transmission system (e.g., because of problems with the authorized facilities themselves or upstream electrical equipment), the Facility shall be exclusively connected to the New York transmission system via the facilities identified and authorized in these conditions.	Condition noted, no further response required at this time.
123	The Certificate Holder shall work with National Grid engineers and safety personnel on testing and energizing equipment in the authorized interconnection switchyard and collection substation. If National Grid's testing protocol is not used, a testing protocol shall be developed and provided to National Grid for review and acceptance. The Certificate Holder shall file with the Secretary a copy of the final testing design protocol within 30 days of National Grid's acceptance.	Condition noted, no further response required at this time.
124	The Certificate Holder shall notify DPS staff of meetings related to the electrical interconnection of the Project to the National Grid transmission system and provide the opportunity for DPS staff to attend those meetings.	Condition noted, no further response required at this time.
125	Transmission Related Incidents: a) The Certificate Holder shall call the DPS Bulk Electric System Section within one hour to report any transmission related incident that affects the operation of the Facility. b) The Certificate Holder shall file with the Secretary a report on any such incident within seven days and provide a copy of the report to National Grid. The report shall contain, when available, copies of applicable drawings, descriptions of the equipment involved, a description of the incident and a discussion of how future occurrences will be prevented. c) The Certificate Holder shall work cooperatively with National Grid, NYISO, NYSRC, NERC and the NPCC to prevent any future occurrences.	Condition noted, no further response required at this time.
126	If National Grid or the NYISO bring concerns to the Commission, the Certificate Holder shall be obligated to address those concerns and shall make any necessary modifications to its Interconnection Facility if the NYISO or National Grid find such facilities are causing, or have caused, reliability problems to the New York State Transmission System.	Condition noted, no further response required at this time.

127	If, after completion of construction of the Facility, no electric power is generated and transferred out of such plant for a period of more than nine months, the Certificate Holder shall file with the Secretary a report explaining the reason(s) for the lack of power generation and describing plans to commence Facility operation. Upon receipt of the report, the Commission may consider advising the Siting Board that the amendment, revocation or suspension of the Certificate may be appropriate.	Condition noted, no further response required at this time.
128	Facility Malfunction: a) In the event that a malfunction of the Facility causes a significant reduction in the capability of such Facility to deliver power, the Certificate Holder shall promptly file with the Secretary and provide to National Grid copies of all notices, filings, and other substantive written communications with the NYISO as to such reduction, any plans for making repairs to remedy the reduction, and the schedule for any such repairs. b) The Certificate Holder shall provide monthly reports to the Secretary and National Grid on the progress of any repairs. c) If such equipment failure is not completely repaired within nine months of its occurrence, the Certificate Holder shall provide a detailed report to the Secretary, setting forth the progress on the repairs and indicating whether the repairs will be completed within one year of the date of failure. Wind turbines shall be decommissioned if they are non-operational for a period of one year and a day. However, if the Certificate Holder is expecting delays due to a part manufacturer or complications regarding the repair of non-operational turbine(s), it shall petition the Secretary for an extended amount of time if it is expected that certain turbine(s) will not be in operation for more than one year and a day. The petition shall include an explanation of the circumstance and an estimation of the amount of time it will take to repair the turbine(s) and shall demonstrate why the repairs should continue to be pursued.	Condition noted, no further response required at this time.
129	In the event of a blade failure, fire or other catastrophic event involving a wind turbine and its associated equipment, the DPS Chief of Bulk Systems and the Towns shall be notified no later than 12 hours following such an event.	Condition noted, no further response required at this time.
130	The Certificate Holder shall have an inspection program for the wind turbine blades and other turbine components. Reports shall be filed annually with the Secretary identifying any major damage, defects or any other problems with the wind turbine, or indicating that no such damage, defect or problem was found. The annual report shall summarize maintenance and inspection activities performed and include any photographs of the area in question, and the any major repairs undertaken.	Condition noted, no further response required at this time.
131	The Certificate Holder shall conduct annual ground testing of all wind turbine ground grids that are within 600 feet of gas lines or gas wells. If the test results show that a repair is necessary, the Certificate Holder shall take all reasonable steps to address the situation.	Condition noted, no further response required at this time.
132	Discovery of Oil Wells, Gas Wells, and/or Associated Pipelines: In the event previously unknown oil wells, gas wells, and/or associated pipelines are discovered during Project construction, the following procedures shall apply: a) The Certificate Holder shall consult with the DPS Gas Safety Staff if gas lines are identified as soon as practicable, considering cell coverage and internet service availability in the field; b) The Certificate Holder shall notify NYSDEC Region 7 Mineral Resources Supervisor of the discovery of any unplugged oil or gas well as soon as practicable considering cell coverage and internet service in the field. GPS coordinates for, and access to, the newly discovered well location shall be provided by the Certificate Holder to the NYSDEC Region 7 Mineral Resources Supervisor; c) Immediately cease, or cause to cease, all activities and power down all power equipment at the location where the well or pipeline is encountered until NYSDEC and DPS authorize recommencement of construction activities; d) Evaluate any emergency conditions and contact local emergency personnel if conditions warrant; and e) The Certificate Holder shall report any non-routine incident such as fires, breaks, leaks or escapes from pipelines, oil and gas wells, tanks, or receiving and storage receptacles from which oil and gas production or products is escaping or has escaped that may affect the environment or the health, safety, welfare or property of any person as follows: (i) Within 2 hours of discovery of the non-routine incident, orally in person or by telephone to the NYSDEC Region 7 Minerals Resources Supervisor; (ii) Within 24 hours of discovery of the non-routine incident, in writing, to the same office using the NYSDEC Division of Mineral Resources' Non-Routine Incident Report (NRIR) form (available at: http://www.dec.ny.gov/energy/4761.html); and (iii) The completed NRIR form must detail the non-routine incident, any corrective actions taken by the Certificate Holder and include, as necessary, a proposed Corrective Action Plan for NYSDEC review and acceptance. If the incident involves gas or oil wells discovered during construction, this Corrective Action Plan must include a plan for permanent plugging of the wells. Provided the environment or the health, safety, welfare or property of any person would not be further endangered, any action or condition known or suspected to cause or contribute to the non-routine incident must cease immediately upon discovery of the non-routine incident, and appropriate initial remedial actions must be commenced. The verbal and written non-routine incident reporting requirement does not replace or supersede any other required local, state and/or federal reporting requirements, including any required reporting to the NYSDEC Spill Hotline.	Addressed in Section 2.0.
133	Site Access to Existing and Discovered Orphaned Wells: Access to existing wells or any previously unknown wells discovered during construction must be maintained until the well(s) are properly plugged and abandoned pursuant to NYCRR § 555.5 and NYSDEC's recommended practices outlined in the Generic Environmental Impact Statement on the Oil, Gas and Solution Mining Regulatory Program or an alternative method acceptable to NYSDEC.	Addressed in Section 2.0.
134	Setbacks must be sufficient to allow for a service rig and ancillary equipment to set up over a well to plug it. Permanent structures (including wind turbines) and buildings must have a minimum setback of 100 feet from oil and gas wells and there shall be sufficient space to construct an access road of at least 20 feet in width to oil and gas wells.	Project infrastructure shown on Site Plans in Appendix A are consistent with these required setbacks.
135	Unplugged orphan wells shall be plugged by the Certificate Holder if it occurs in an area of proposed excavation that cannot be adjusted due to site constraints. Unplugged orphan wells shall be plugged pursuant to 6 NYCRR § 555.5 and NYSDEC's recommended practices outlined in the Generic Environmental Impact Statement on the Oil, Gas and Solution Mining Regulatory Program. In the event mechanical or other unusual conditions in the well make it impractical to follow the plugging sequence outlined in 6 NYCRR § 555.5, the Certificate Holder shall consult with NYSDEC to determine an alternative plugging procedure. Within 30 days of plugging any well, the Certificate Holder shall file a plugging report with NYSDEC pursuant to 6 NYCRR § 555.5(d) and on an approved form.	Addressed in Section 2.0.
136	The Certificate Holder shall adjust ground intrusive construction activities at the site to avoid working within the limits of impacted material discovered during construction. If the limits of impacted material cannot be avoided, the Certificate Holder shall evaluate options for planning and implementing remediation activities. A Contamination and Reporting and Management Plan shall be	The Contamination and Reporting Management Plan included in the

	submitted for approval as a compliance filing. The Contamination and Reporting and Management Plan shall address any petroleum-impacted soil, water (surface water or ground water) and bedrock (identified through staining, discoloration, odor, etc.) encountered during construction activities. The Contamination Reporting and Management Plan shall include the following procedures and conditions: a) Upon discovery of petroleum-impacted materials, the Certificate Holder shall immediately suspend ground intrusive work in the vicinity of the observed contamination; b) The Certificate Holder shall notify the New York State Spill Hotline (1-800-457-7362 inside NY or 518-457-7362 outside NY) within two hours of discovery in accordance with the Article 12 of the Navigation Law and 17 NYCRR §§ 32.3 and 32.4; c) Emergency procedures to be followed by the Certificate Holder to contain released or discovered fluids and any petroleum-impacted material until appropriate emergency spill response services arrive, including: (i) mitigating the release by utilizing and mobilizing personnel, equipment and materials to contain the release and prevent the release from impacting the lands and waters of the state; s (ii) a qualified spill cleanup contractor must be contacted in the event the spill cannot be readily addressed by personnel, equipment and materials on-site; and d) Non-emergency procedures to be followed by the Certificate Holder in the event of a discovery of an old or small petroleum release where the release is not ongoing; e) All impacted material shall be managed and transported in accordance with applicable laws and regulations, including, but not limited to, 6 NYCRR Part 360; f) Construction equipment that comes in contact with the impacted material shall be washed (as necessary) to remove impacted material adhered to the tires, tracks, undercarriage, and other parts of vehicle exteriors. The wash water and solids from the decontamination activities shall be collected, contained, tested, removed from the site, and ultimately properly disposed of at a licensed and approved facility.; g) Cleaning solutions and impacted materials shall be collected and transported by a waste hauler with a valid 6 NYCRR Part 364 Waste Transporter Permit to a permitted disposal facility.	previously submitted O&M Building Package as Appendix I will be implemented during laydown yard construction.
--	--	--