

# Environmental Management and Construction Plan 1

## Sunrise Wind New York Cable Project

Case 20-T-0617

November 18, 2022

Submitted by

**Sunrise  
Wind**

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Eversource

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### **Environmental Construction and Management Plan 1**

**November 18, 2022**

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## Acronyms and Abbreviations

AC	alternating current
ALJ	Administrative Law Judge
amsl	above mean sea level
ANSI	American National Standards Institute
APE	area of potential effect
Applicant	Sunrise Wind LLC
ASMFC	Atlantic States Marine Fisheries Commission
AWOIS	Automatic Wreck and Obstruction Information System
bgs	below ground surface
BMP	best management practice(s)
BOEM	Bureau of Ocean Energy Management
CAMP	Community Air Monitoring Plan
CEHA	Coastal Erosion Hazard Area
CEII	Critical Energy/Electrical Infrastructure Information
Certificate	Certificate of Environmental Compatibility and Public Need
cm	centimeter(s)
CFR	Code of Federal Regulations
CWA	Clean Water Act
dB	decibel(s)
DC	direct current
DPS	Department of Public Service
DPW	Department of Public Works
EC&C	Environmental Certification and Compliance Section
ECL	Environmental Compliance Law
ECP	Environmental Compliance Plan
EM&CP	Environmental Management and Construction Plan
EMF	electromagnetic field
EMT	Encroachment Management Team
ESA	Endangered Species Act
ESRI	Environmental Systems Research Institute

FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
ft	feet
GDP	Groundfish Disaster Program
GOD	gang operated disconnect switches
ha	hectare(s)
HDD	horizontal directional drill
HVAC	heating, ventilation and air conditioning
I	Interstate
in	inch(es)
ICES	International Committee on Electromagnetic Safety
ICNIRP	International Commission on Non-Ionizing Radiation
ICW	Intracoastal Waterway
IPaC	Information for Planning and Consultation
ICSMP	Invasive Species Control and Management Plan
km	kilometer(s)
kV	kilovolt(s)
LICFA	Long Island Commercial Fisheries Association
LIE	Long Island Expressway
LIPA	Long Island Power Authority
LIRR	Long Island Rail Road
LNG	liquefied natural gas
LOD	limits of disturbance
m	meter(s)
mG	milligauss
MHWL	mean high water line
mi	mile(s)
MLW	mean low water
MPT	Maintenance and Protection of Traffic
MUTCD	Manual of Uniform Traffic Control Devices
MTA	Metropolitan Transit Authority

NAVD	North American Vertical Datum of 1988
NESC	National Electrical Safety Code
NHPA	National Historic Preservation Act
NLCD	National Land Cover Database
NLEB	Northern Long-Eared Bat
nm	nautical mile(s)
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NRC	National Response Center
NRHP	National Register of Historic Places
NSR	noise sensitive receptor
NYECL	New York Environment Conservation Law
NYCRR	New York Codes, Rules, and Regulations
NYISO	New York Independent System Operator, Inc.
NYNHP	New York Natural Heritage Program
NYS	New York State
NYSDAM	New York State Department of Agriculture and Markets
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health
NYSDOT	New York State Department of Transportation
NYSDOS	NYS Department of State
NYSECL	New York State Environmental Compliance Law
NYSERDA	New York State Energy Research and Development Authority
NYSHPO	New York State Historic Preservation Office
NYSPSL	New York State Public Service Law
NYSOGS	New York State Office of General Services
NYSOPRHP	New York State Office of Parks, Recreation, and Historic Preservation
NYSPSC	New York State Public Service Commission
NWI	National Wetlands Inventory
OCS	Outer Continental Shelf
OnCS–DC	Onshore Converter Station–Direct Current

OREC	Offshore Renewable Energy Certificate
OSHA	Occupational Safety and Health Administration
OSRO	Oil Spill Removal Organization
OSRP	Oil Spill Response Plan
PCB	polychlorinated biphenyl
PPE	personal protective equipment
ppm	parts per million
Project	Sunrise Wind New York Cable Project
PSEG LI	Public Service Electric & Gas Company Long Island
PSO	protected species monitors
pt	potential transformer
QCP	Quality Control Plan
ROW	right-of-way
RQ	reportable quantity
RTE	rare, threatened and endangered species
SAV	submerged aquatic vegetation
SCADA	Supervisory Control and Data Acquisition
SCFWH	Significant Coastal Fish and Wildlife Habitats
SDS	Safety Data Sheets
SFHA	Special Flood Hazard Areas
SME	subject matter experts
SPCC	Spill Prevention, Control, and Countermeasure
SPDES	State Pollutant Discharge Elimination System
SR	State Route
SRWEC	Sunrise Wind Export Cable
SRWEC–NYS	Sunrise Wind Export Cable–New York State
SRWF	Sunrise Wind Farm
SSC	species of special concern
SWPPP	Stormwater Pollution Prevention Plan
TJB	transition joint bay
US	United States

USACE	United States Army Corps of Engineers
USCG	United States Coast Guard
USEPA	United State Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United States Geologic Service
VRA	Visual Resource Assessment
VSA	Visual Study Area
VSR	Visual Sensitive Resources
WPRP	Wetland Planting Remedial Plan
WQC	Water Quality Certificate
ZVI	Zone of Visual Influence

## SECTION 1 – SITE AND PROJECT DESCRIPTION

Sunrise Wind LLC (Sunrise Wind or the Applicant), a 50/50 joint venture between Orsted North America Inc. (Orsted NA) and Eversource Investment LLC (Eversource), proposes to construct, operate, and maintain the Sunrise Wind New York Cable Project (the Project). Sunrise Wind executed a 25-year Offshore Wind Renewable Energy Certificate (OREC) contract related to the Sunrise Wind Farm (SRWF) and the Project with the New York State Energy Research and Development Authority (NYSERDA) in October 2019. The Project will deliver power from the SRWF, located in federal waters on the Outer Continental Shelf (OCS), to the existing electrical grid in New York State (NYS). The Project includes offshore and onshore components within NYS that are subject to New York State Public Service Law (NYSPSL) Article VII review and will interconnect at the existing Holbrook Substation, which is owned and operated by the Long Island Power Authority (LIPA).

Specifically, power from the SRWF will be delivered to the existing mainland electric grid via distinct Project segments: the submarine segment of the export cable (SRWEC), which will be located in both federal and NYS waters (the NYS portion of the cable referred to as the SRWEC–NYS); the terrestrial underground segment of the transmission cable (Onshore Transmission Cable); the new Onshore Converter Station (OnCS–DC); and the underground segment of the interconnection cable (Onshore Interconnection Cable) to the existing Holbrook Substation, which will be expanded to support the Project. The Onshore Transmission Cable, the OnCS–DC, Onshore Interconnection Cable and the existing Holbrook Substation (collectively, the Onshore Facilities) are all located in the Town of Brookhaven (Town), Suffolk County (County), New York as shown on Figure 1-1.

The Project's components are generally defined into the following two categories:

- SRWEC–NYS
  - One direct current (DC) submarine export cable bundle (320 kilovolt [kV]) up to 5.2 miles (mi) (8.4 kilometers [km]) in length in NYS waters and up to 1,152 feet (ft) (351 meters [m]) in length located onshore (*i.e.*, above the Mean High Water Line [MHWL], as defined by the United States [US] Army Corps of Engineers [USACE] [33 Code of Federal Regulations (CFR) 329]) and underground, up to the transition joint bay (TJB).
- Onshore Facilities

- One DC underground transmission circuit (320 kV) (referred to as the Onshore Transmission Cable) up to 17.5 mi (28.2 km) in length within existing roadway right-of-way (ROW), TJB, and concrete splice joint and associated components;
- One OnCS–DC that will transform the Project voltage to 138 kV alternating current (AC);
- Two AC underground circuits (138 kV) (referred to as the Onshore Interconnection Cable) up to 1.1 mi (1.8 km) in length, which will connect the new OnCS–DC to the existing Holbrook Substation;
- Fiber optic cables co-located with both the Onshore Transmission Cable and Onshore Interconnection Cable;
- Laydown yards and temporary equipment; and
- Expansion of the Holbrook Substation to accept the Onshore Interconnection Cable (the Holbrook Substation Expansion).

## 1.1 EM&CP Introduction

This Environmental Management and Construction Plan (EM&CP) provides both typical and site-specific techniques, procedures, and requirements to be followed in the development of the Project by Sunrise Wind to ensure environmental protection and adherence to the requirements in the New York State Public Service Commission's (NYSPSC) Certificate of Environmental Compatibility and Public Need (Certificate) and the Clean Water Act Section 401 Water Quality Certification (WQC). This EM&CP will: identify the various facilities and environmental features within the Project's ROW and define Sunrise Wind's organizational framework to ensure implementation of construction techniques and impact mitigation; provide details on site access and traffic management; provide protective measures for onshore and offshore environmental resources; outline commercial and recreational mitigation and compensation; identify operations and maintenance measures; and discuss decommissioning.

At its November 17, 2022 session and following settlement negotiations and the filing of a Joint Proposal on September 23, 2022, the NYSPSC approved an order granting Sunrise Wind a Certificate to construct, operate, and maintain the Project (Order). The standards for this EM&CP are described in the Joint Proposal adopted by the Order and as agreed upon by the signatory parties to the Joint Proposal. The Joint Proposal establishes the minimum content and



specifications of this EM&CP as set forth in: Appendix D to the Joint Proposal, "Proposed Certificate Conditions," Appendix E to the Joint Proposal "Environmental Management & Construction Plan Specifications," and additional appendices to the Joint Proposal.

Sunrise Wind's EM&CP is broken into two phases: EM&CP 1 (this document), which addresses those portions of the Project described in Appendix G to the Joint Proposal as allowed elements of the Phase 1 EM&CP; and the Post-Phase 1 EM&CP (EM&CP 2),<sup>1</sup> which addresses all remaining portions of the Project. Each phase of the EM&CP follows the process and procedures described in the Certificate Conditions. A summary of the portions of the Project that will be covered by each phase of the EM&CP is included in Table 1-1 below.

**Table 1-1. Project Components in Each EM&CP**

EM&CP 1	EM&CP 2
Establish Laydown Yards (including Landfall Work Area)	OnCS–DC (Equipment Install)
OnCS–DC Civil Works	Onshore Transmission Cable – all other sections and cable installation
Onshore Transmission Cable Installation–NYSDOT ROW Civil Works	Onshore Interconnection Cable Installation
Holbrook Substation Expansion	SRWEC–NYS Installation
Temporary Equipment	Any Additional Laydown Yards

## 1.2 Project Location

The following sections describe the locations of Project components addressed within this EM&CP as described in Table 1-1, including limits of the site and ROW, of the laydown areas, civil work activities at the OnCS–DC, Holbrook Substation Expansion, Onshore Transmission Cable within the New York State Department of Transportation (NYSDOT) ROW (Onshore Transmission Cable–NYSDOT ROW) and the Temporary Equipment. The locations of these Project components are depicted on the Laydown Yard Drawings in Appendix A, OnCS–DC Drawings in Appendix B, Holbrook Substation Expansion Drawings in Appendix C, Onshore Transmission Cable–NYSDOT ROW Drawings in Appendix D and Temporary Equipment Drawings in Appendix E of this EM&CP.

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<sup>1</sup> References to EM&CP 2 in this document are analogous to the Certificate Condition requirements that list the Post-Phase 1 EM&CP.

### 1.2.1 Laydown Areas

During construction, Sunrise Wind will utilize at least two areas within the Town as laydown areas and marshaling yards for the OnCS–DC and Onshore Transmission Cable.<sup>2</sup> Additional secure areas inside the OnCS–DC and Holbrook Substation will also be used as laydown and staging areas. In addition, areas within the Smith Point County Park and Smith Point Marina will be used as laydown and work areas for the horizontal directional drill (HDD) installation of the SRWEC–NYS and Onshore Transmission Cable. The laydown areas are depicted on the Laydown Yard drawings in Appendix A of this EM&CP and are described below.

Areas within the Smith Point County Park and Smith Point Marina will be used as laydown to support the Landfall HDD (Landfall Laydown Area), Intracoastal Waterway (ICW) HDD (Smith Point Marina ICW Laydown Area 1 and Smith Point Park ICW Laydown Area 2 [collectively ICW Laydown Areas]), and cable installation.<sup>3</sup> The Landfall Laydown Area is an approximately 6.5-acre (2.6 hectare [ha]) area located within paved areas of the parking lot. The Smith Point Marina ICW Laydown Area 1 is located in the parking lot of Smith Point Marina on the mainland and the Smith Point Park ICW Laydown Area 2 is located in a previously disturbed portions and/or open land used for recreational activities of the Smith Point County Park. The Smith Point Marina ICW Laydown Area 1 comprises of approximately 1.3 acres (0.5 ha) of the existing parking lot and the Smith Point Park ICW Laydown Area 2 is approximately 4.7 acres (1.9 ha) in size.

All equipment will be located at the laydown yard, work area, or on the Project Corridor, provided; however, if a local contractor is used for the work, the local contractor's facility will also be considered as a marshaling yard or laydown area.

### 1.2.2 OnCS–DC

The OnCS–DC is located on the south side of Union Avenue in the Town, this 7-acre (2.8-ha) site is located on two parcels to be improved jointly as a common development. The site is bound to the north by Union Avenue; to the east by commercial development; to the south by the Long

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<sup>2</sup> Sunrise Wind is in the advanced stages of negotiating property rights for additional laydown yards and this EM&CP 1 will be supplemented as soon as the details are available.

<sup>3</sup> While these laydown areas will be established as part of this EM&CP and utilized following approval, the work associated with the HDDs that will be addressed in EM&CP 2 will not occur until all requisite approvals are received.

Island Rail Road (LIRR) and commercial development; and to the west by commercial and industrial development. This site is located in the Town's L Industrial 1 (L1) zoning district. This site is currently minimally vegetated and contains gravel and paved locations. The OnCS–DC is depicted on the OnCS–DC Drawings in Appendix B of this EM&CP.

### 1.2.3 Holbrook Substation Expansion

To accept power generated by the SRWF and delivered by the Project, LIPA's existing Holbrook [8D] Substation will require certain modifications, including, but not limited to a fence line expansion and additional bus work, which will be located within the existing parcel that the Holbrook Substation sits. The existing Holbrook Substation is located on existing utility-owned land north of the Long Island Expressway (LIE, Interstate [I]-495) in the Town. The Holbrook Substation is located on one (1) parcel, approximately 25 acres (10 ha) in size and is bound to the east and west by residential properties, to the north by an existing utility ROW, and to the south by the LIE (I-495). Portions of the existing Holbrook Substation parcel are located within three distinct Town Zoning Districts, including the L1, B Residence, and C Residence zoning districts. The improvements are depicted on the Holbrook Substation Expansion Drawings in Appendix C of this EM&CP.<sup>4</sup>

### 1.2.4 Onshore Transmission Cable–NYSDOT ROW

The Onshore Transmission Cable–NYSDOT ROW will be routed west along the LIE South Service Road for approximately 3.75 mi (6.8 km). The Onshore Transmission Cable–NYSDOT ROW is depicted on the Onshore Transmission Cable–NYSDOT ROW Drawings in Appendix D of this EM&CP.

### 1.2.5 Temporary Equipment

Sunrise Wind will utilize the Smith Point Bridge as often as possible to transport equipment and materials to the Landfall HDD Work Area; however, due to weight restrictions alternative methods of transportation are required. Ultimately, decisions as to what equipment and materials can be transported over the Smith Point Bridge will be made by the County.

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<sup>4</sup> Site layout and elevation drawings for the Holbrook Substation Expansion are protected as Critical Energy/Electric Infrastructure Information (CEII). Civil drawings are under preparation and will be provided in a supplement to this EM&CP 1.

Some equipment and materials required for the Landfall HDD, ICW HDD, cable pulling and duct bank construction will be transported via barge to Smith Point County Park due to existing weight limit restrictions on the Smith Point Bridge. A temporary landing structure, referred to as the "Temporary Equipment," will be installed at Smith Point County Park to aid in the transport of equipment/materials from the Smith Point Marina. The Temporary Equipment will be located to the west of the existing fishing pier off the Smith Point County Park parking lot. The Temporary Equipment is depicted in the Temporary Equipment Drawings in Appendix E of this EM&CP.

### 1.3 Project Description

The following sections provide a description of the Project components included in this EM&CP as described in Table 1-1, including structure specifications for each component. Project details and specifications are included on the Laydown Yard Drawings in Appendix A, OnCS–DC Drawings in Appendix B, Holbrook Substation Expansion Drawings in Appendix C, Onshore Transmission Cable–NYSDOT ROW Drawings in Appendix D and Temporary Equipment Drawings in Appendix E of this EM&CP.

#### 1.3.1 Laydown Areas

The Landfall Laydown Area is located in the eastern area of the Smith Point County Park beach parking lot and accessed from Fire Island Beach Road. The Landfall Laydown Area will be fenced for security and safety purposes; however, vehicle and pedestrian traffic within the parking lot will be maintained. To minimize impacts to the summer tourist season, Sunrise Wind will construct and schedule maintenance work at the Landfall Laydown Area between Labor Day and Memorial Day of any given year.

The ICW Laydown Areas will contain HDD activities to support installation of the Onshore Transmission Cable under the ICW. The ICW Laydown Areas will be located within paved areas of the parking lots or open land used for recreational activities of Smith Point County Park and Smith Point Marina. The ICW Laydown Areas will be fenced for security and safety purposes. As with the Landfall Laydown Area, to minimize impacts to the summer tourist season, Sunrise Wind will construct and schedule maintenance work at the ICW Laydown Areas between Labor Day and Memorial Day of any given year.

#### 1.3.2 OnCS–DC

Power from the SRWF will be delivered to the electric grid via an OnCS–DC to be constructed in the Town. Interconnection to the electric grid will occur at the existing Holbrook Substation, also

located in the Town. Delivery of the power to the Holbrook Substation will require construction of the OnCS–DC to support the Project's interconnection to the existing electrical grid by transforming the Project voltage to 138 kV AC.

The OnCS–DC will be accessed from Union Avenue. The entire OnCS–DC footprint area will be graveled or paved and surrounded by a 7-ft (2.1-m)-high fence topped with a 1-ft (0.3-m)-tall, barbed wire extension for a total height of 8 ft (2.4 m). Access will be provided through a minimum of one drive-through gate and one walk-through gate. General yard lighting will be provided within the site for assessment of equipment and safety of personnel. In general, yard lighting will be minimal at night and will comply with NYS and local requirements unless there is work in progress on site or lights are required for safety and security purposes.

Construction of the OnCS–DC is anticipated to result in up to 7 acres (2.8 ha) of disturbance, inclusive of permanent footprint and temporary disturbance, with the final operations site up to 6 acres (2.4 ha) in size. Prior to the installation of any equipment (addressed in EM&CP 2), civil site preparation activities such as site clearing and site grading will be required. The work site will be cleared of any materials, structures (e.g., remnants of existing foundations and other subsurface obstructions) and limited vegetation, and temporary environmental erosion controls such as swales and erosion control socks will be installed in accordance with best management practices (BMPs). These controls will be maintained until the site is restored and stabilized. The work site will be graded and grounding grid will be installed. Foundations for electrical equipment, building and other support structures will be excavated and installed.

### 1.3.3 Holbrook Substation Expansion

The existing Holbrook Substation has an open air, 138 kV, 8-terminal, 8-ring bus configuration, with an approximately 20 ft (6.1 m) x 31 ft (9.4 m) control enclosure containing system protection, communications, metering, and AC system equipment.

The entire station footprint area is graveled and surrounded by a 7-ft (2.1-m)-high fence topped with a 1-ft (0.3-m)-tall, barbed wire extension for a total height of 8 ft (2.4 m). Access is provided through an existing drive-through gate and access road located off the LIE North Service Road. The existing fenced area for the Holbrook Substation is approximately 771 ft (235 m) x 342 ft (104.2 m).

The Project will require an expansion and modification of the Holbrook Substation (Holbrook Substation Expansion). The equipment installation required as part of the Holbrook Substation Expansion will include, but may not be limited to:

- 3 new 138 kV buses;
- 9 138 kV circuit breakers;
- New 138 kV gang operated disconnect switches (GODs);
- New 138 kV potential transformers (PTs);
- New 138kV terminal structures;
- Foundations, steel support structures;
- Lines, grounding, conduit, control cable, and bus work;
- New primary and secondary protection systems; and relaying and controls

A new control enclosure approximately 20 ft (6.1 m) x 55 ft (12.1 m) x 18 ft (5.5 m) will be installed to house the system protection and control panels, communication equipment, heating, ventilation, and air conditioning (HVAC), battery systems, and AC/DC system equipment associated with the Project. This enclosure is to house equipment only and will not be occupied (the enclosure will accommodate the temporary presence of personnel during episodic maintenance and repair activities).

The additional equipment will require an expansion of the existing Holbrook Substation by approximately 225 ft (68.6 m) to the north with a width that is less than that of the existing Holbrook Substation, approximately 291 ft (88.7 m). The entire expanded station footprint area will similarly be graveled, and the equipment will be located within an expanded fence line that will generally be 7-ft (2.1-m) fence topped with a 1-ft (0.3-m)-tall, barbed wire extension for a total height of 8 ft (2.4 m). The fence along the west side of the expansion will be 12 ft (3.7 m) in height with permahedge. Vegetative screening of the site will be provided as needed subject to the Certificate and as detailed in Vegetation Management and Restoration Plan in Appendix Z of this EM&CP. General yard lighting will be provided within the site for assessment of equipment. In general, yard lighting will be minimal at night and subject to NYS and local requirements unless there is work in progress on site or lights are required for safety and security purposes.

The new equipment will include, but is not limited to, painted sheet steel (control building), galvanized steel or rustic brown painted structures, aluminum, and/or copper and will be either

American National Standards Institute (ANSI) grey, rustic brown or have a natural finish (i.e., galvanized steel, aluminum). For the components of painted sheet metal (i.e., primarily building siding or roof materials) Sunrise Wind will work with local officials and LIPA/ Public Service Electric & Gas Company (PSEG LI) on a suitable color.

In addition, as a result of the substation reconfiguration, several existing 138 kV and 69 kV overhead transmission circuits will have to be relocated, re-terminated, reconfigured, and/or undergrounded to support the substation expansion as shown in Appendix C of this EM&CP. The preliminary design will relocate and replace several of the existing overhead transmission structures with new overhead transmission structure made of galvanized steel. One section of an existing overhead line will be undergrounded within the existing ROW and connected into the existing Holbrook Substation. Additionally, aboveground equipment associated with the existing but non-operational superconductor site may need to be removed.

#### 1.3.4 Onshore Transmission Cable–NYSDOT ROW

The Onshore Transmission Cable comprise of two cables (each a single conductor cable) and two fiber optic cables. Each cable will consist of one copper conductor core surrounded by layers of cross-linked polyethylene insulation, a metallic shield consisting of plain annealed copper wires, a water blocking layer over the metallic shield consisting of semi-conducting swellable tapes and laminated copper foil, with the outermost layer consisting of a polyethylene jacket.

The Onshore Transmission Cable–NYSDOT ROW will be installed in an underground duct bank consisting of concrete encased conduits, utilizing cable vaults for installation and maintenance access. Each vault will be accessible by up to two manhole covers visible from the surface.

EM&CP 1 covers the portion of the Onshore Transmission Cable located within the NYSDOT ROW (Onshore Transmission Cable–NYSDOT ROW), while the remaining area of the Onshore Transmission Cable will be addressed in EM&CP 2.

#### 1.3.5 Temporary Equipment

The Temporary Equipment will be installed at Smith Point County Park to aid in the transport of equipment/materials for the Landfall HDD, ICW HDD and cable pull-in, and duct bank construction. As described in the Temporary Equipment Analysis included as Appendix F of this EM&CP, several options were considered, but the pile-supported trestle option depicted in Appendix E of this EM&CP was selected as it minimizes the environmental impact to the extent

practicable and provides the safest platform for the transfer of the construction equipment and materials and activity of the crew.

The barge transporting the construction equipment and materials is moored to the offshore end of the trestle and the equipment and materials are driven across the trestle onto the shore.

This trestle would be approximately 16 feet wide to accommodate the safe transfer of the equipment as well as provide adequate walkway for the crew. Based on the available bathymetry data, the trestle will be extended approximately 242 feet offshore to ensure an adequate clearance under the transfer barge/ push boats and mudline, at all tide levels. The trestle structure will be comprised of a light aluminum deck system (or a similar alternative) supported on steel or aluminum girders framed into driven steel piles. The piles will be placed in the mudline by a barge-based crane. It is estimated that approximately 21 driven piles will be required. The barge-based crane will require two to four temporary spuds to hold its station during installation.

The Temporary Equipment will be used during each season of construction activity and remain in place for the duration of construction of the Project.

#### 1.4 Plan and Profile Drawings

Appendix A - Laydown Yard Drawings, Appendix B - OnCS-DC Drawings, Appendix C - Holbrook Substation Expansion Drawings, Appendix D - Onshore Transmission Cable-NYSDOT ROW Drawings and Appendix E - Temporary Equipment Drawings, include drawings depicting the following information, as applicable:

- Project design and profiles, ROW boundaries, engineering and construction details, the relationship of the Project to nearby facilities, and designated locations for parking, staging, access, lay-down, and cable pulling
- Stormwater pollution prevention measures and limit of disturbance (LOD)
- Vegetation clearing and disposal methods
- Building and structure removals
- Waterbodies
- Wetlands



- Land uses (including agricultural areas; sensitive land uses and resources; geologic, historic, and scenic or park resources; and recreational areas)
- Noise sensitive sites
- Ecologically and environmentally sensitive areas
- Invasive species of special concern
- Potable water wells (from publicly available data)

## 1.5 Additional Land Rights

To construct, operate and maintain the Project facilities (not just EM&CP 1 components), Sunrise Wind has secured or will acquire the following:

- Property rights in NYS waters from the NYS Office of General Services (NYSOGS)
- Property rights for County-owned ROW from the County
- Property rights within Town-owned ROW from the Town
- Property rights within State-owned ROW from the NYSDOT
- Property rights within the LIRR ROW from the Metropolitan Transportation Authority (MTA)/LIRR
- Property rights for the OnCS–DC from private landowners
- Property rights for the Onshore Interconnection Cable from PSEG LI
- Private property rights for Church Road crossing of Onshore Transmission Cable from private landowners
- Private property rights for the laydown yards from private landowners.

## 1.6 Construction Schedule

For purposes of the Project, Commencement of Construction is defined as: the beginning of unlimited and continuous tree clearing, site clearing, ground disturbance, site preparation (except installation of temporary erosion and sedimentation control measures), and grading activities related to installation of the Project. Commencement of Construction does not include soil or groundwater testing, surveying (such as geotechnical drilling) and similar pre-construction activities to determine the adequacy of the site for construction and the preparation of filings

pursuant to the Certificate. Commencement of Construction also does not include other activities, such as limited staging and limited tree cutting, that are required to perform such pre-construction activities.

Prior to commencing EM&CP 1 construction, Sunrise Wind will obtain additional necessary permits as required by Certificate Conditions 17 and 17a and provide necessary notifications (as detailed in Section 6, *Community Relations*). The Commencement of Construction will not begin for any portion of the Project before the NYSPSC has approved the applicable Phase of the EM&CP. At least 14 days prior to the start of construction, Sunrise Wind will hold a preconstruction meeting and conduct environmental and safety training. An agenda, location, and invitation list will be agreed upon among Department of Public Service Staff (DPS Staff) and Sunrise Wind. Sunrise Wind will consult with DPS Staff and NYS Department of Environmental Conservation (NYSDEC) prior to finalizing the date of the meeting. Sunrise Wind will provide notice of the meeting to all invitees at least 10 days prior to the preconstruction meeting date.

Table 1-2 reflects Sunrise Wind's anticipated construction sequencing schedule with expected durations for each Project component. The preliminary schedule presented in Table 1-2 is based on several factors, including the anticipated time when permits are received, regulatory time-of-year restrictions, environmental conditions, and planning, construction, and installation logistics. Additional details regarding construction sequencing and description of work for the Project components is include in Section 7, *Standard Construction Practices*.

**Table 1-2. Construction Schedule**

Milestone	Expected Duration <sup>a</sup>	Expected Timeframe <sup>b</sup>
Laydown Yards		
Establish Laydown Yards	1 Month	2023
OnCS–DC		
Civil Works	2-3 Months	2023
Electrical and System Integration Tests	24-26 Months	2023-2025
Holbrook Substation Expansion		
Expansion Activities	18-20 Months	2023-2024
Onshore Transmission Cable		
Smith Point County Marina		
ICW HDD	3-4 Months	2023-2024

Milestone	Expected Duration <sup>a</sup>	Expected Timeframe <sup>b</sup>
Install Vaults and Duck banks	3-4 Months	2023-2024
Cable Pulling/Splicing	2-3 Months	2024
<i>Smith Point County Park</i>		
Temporary Equipment <sup>c</sup>	12-14 Months	2023-2024
Install Vaults and Duct banks	3-4 Months	2023-2024
Cable Pulling/Splicing (Onshore Landfall HDD)	2-3 Months	2024-2025
Landfall HDD	3-4 Months	2023-2024
Burma Road Pipe Stringing	1-2 Months	2024
Cable Pulling/Splicing (Offshore Landfall HDD)	2-3 Months	2024
<i>Onshore Transmission Cable–NYSDOT ROW</i>		
Install Vaults and Duct banks	4-5 Months	2023-2024
Cable Pulling/Splicing	2-3 Months	2024
<i>Onshore Transmission Cable-All Other ROW</i>	14-16 Months	2023-2025
<i>Onshore Interconnection Cable</i>		
Install Vaults and Duct banks	6-8 Months	2023-2024
Cable Pulling/Splicing	4-6 Months	2024
<i>SRWEC–NYS</i>		
Offshore Cable Installation	2-3 Months	2024-2025
Notes: <sup>a</sup> Note that work may not take place during the entire allowed work duration window. <sup>b</sup> Expected timeframes assume work on Phase 1 activities will commence following approval of EM&CP 1 and the permits required by Certificate Condition 17, 17a. Post-Phase 1 activities will commence following approval of EM&CP 2 and all permits. <sup>c</sup> Sunrise Wind anticipates the Temporary Equipment is expected to be installed in three to four weeks (November – December 2023). The Temporary Equipment will be used during each season of construction activity and remain in place for the duration of construction of the Project.		

Additionally, some work activities will be restricted to specified work windows to minimize potential impacts to residents, tourists, businesses, environmental resources, and ongoing marine uses. These work windows for the Project (not just EM&CP 1 components) include:

- Construction and scheduled maintenance work at the Landfall Work Area and ICW crossing will be confined to the period beginning the day after Labor Day and ending on the day before Memorial Day, of the succeeding calendar year, unless further restricted by the Town.

- After Labor Day, Sunrise Wind's construction efforts will not prevent the public from accessing the parking lot on Smith County Park. Similarly, Sunrise Wind's construction efforts will not prevent the public from accessing the fishing pier on Smith County Park unless temporarily necessary for safety purposes (e.g., movement of equipment near access point to the fishing pier). Temporary closures of the fishing pier for safety purposes will be limited to the maximum extent practicable as detailed in this EM&CP.
- As outlined in the Mariner Communication Plan provided as Appendix J to this EM&CP, Sunrise Wind is committed to consulting with local mariners in each construction season at least 90 days prior to commencing any construction activity in NYS waters. Sunrise Wind will make good faith efforts to accommodate existing uses, avoid peak fishing activity where practicable, and will submit a report summarizing these consultations to the Secretary of the Commission prior to the start of each construction season.
- No in-water seabed disturbing work, including jet trencher trials (but not including installation, operation or decommissioning of the Temporary Equipment), will occur between May 1 to June 30 and September 1 to November 30 in any year to avoid the risk for incidental take of Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) with the exception that Sunrise Wind may be permitted to perform the following: 1) limited seabed disturbing work activities; 2) diver clearance and maintenance in the offshore HDD exit to locate and prepare HDD conduit end using a crane-deployed, diver-operated jetting tool; 3) cable pull through the HDD conduit; and 4) backfill of the offshore HDD exit with sediment or appropriate secondary protection between May 1 through May 15 and November 1 through November 30. In addition, between November 1 and November 30, Sunrise Wind will be authorized to position and anchor vessels and place the jack-up barge or similar supporting vessel to be used in connection with HDD Drilling Operations, however the in-water punch out will not occur prior to November 30. If backfill of the offshore HDD exit or remedial burial/secondary cable protection installation and defect remedy occurs during the restricted window (May 1 to June 30 or September 1 to November 30), Sunrise Wind will implement the Atlantic Sturgeon Monitoring and Impact Minimization Plan which will be included as an appendix to EM&CP 2.
- No tree clearing activities will occur at any time within 150 feet of any Northern Long-Eared Bat (NLEB - *Myotis septentrionalis*) maternity roosts or 0.25 mile of any NLEB

hibernacula. All tree clearing activities occurring greater than these distances but within 1.5 miles of a NLEB detection or 5 miles of a NLEB hibernaculum site will be conducted between December 1 and February 28. From March 1 to November 30, Sunrise Wind will leave uncut all snag and cavity trees as defined under NYSDEC Program Policy ONRDLF-2 Retention on State Forests, unless their removal is necessary for the protection of human life and property. When necessary, snag and cavity trees may be removed after being cleared by the Environmental Monitor, who will conduct a survey for bats exiting the tree. This survey will begin 1/2 hour before sunset and continue until at least 1 hour after sunset or until it is otherwise too dark to see emerging bats. Unoccupied snag and cavity trees in the approved clearing areas will be removed within 24-hours of the exit-count survey.

- No on-beach work (*i.e.*, between the back dune and Mean Low Water [MLW]) will occur between April 1 and August 31 in any year to avoid the risk for incidental take of federally- and State-listed nesting shorebirds. This time-of-year restriction does not prohibit Sunrise Wind from performing construction work at the Landfall Work Area or the ICW Work Area. From April 1 to August 31, while construction is occurring at the Landfall Work Area or ICW Work Area, Sunrise Wind will immediately notify NYSDEC if the Environmental Monitor observes nesting behaviors of nesting shorebirds described in Certificate Condition 122(a) within 500 feet of the Landfall Work Area or ICW Work Area.
- No in-water seabed disturbing activities will occur in the ICW between December 15 and May 31 in any year. This time-of-year restriction will not prevent Sunrise Wind from installing or decommissioning the Temporary Equipment in the ICW. If installation or decommissioning of the Temporary Equipment occurs during the Winter Flounder restricted window, Sunrise Wind will implement the Winter Flounder Monitoring and Minimization Plan in consultation with NYSDEC included as Appendix BB to this EM&CP.
- Construction activities will be restricted to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday, except for construction activity in connection with any HDD; cable pulling, grouting, and laying, cable joint splicing; OnCS–DC work, and other activities reasonably necessary to comply with NYSDOT or other contractual restrictions on daytime construction in or along roadways or public access areas. In addition to the aforementioned exceptions, this restriction will not require the cessation of construction activities that require continuous work effort once started (*e.g.*, commissioning the OnCS–DC), as discussed in Certificate Condition 76.

- Installation of any Project HDD may be performed on a 24-hour, 7-days a week basis, subject to any applicable construction date restrictions and any applicable Construction Noise Control Plan provided as Appendix K to the Joint Proposal and Appendix EE of this EM&CP, if necessary to prevent damage to or loss of the bore hole. Installing the conduit and pulling the cable through the conduit and cable splicing may be performed on a 24-hour, 7-days a week basis subject to any applicable construction date restrictions and any applicable Construction Noise Control Plan. Sunrise Wind will provide notice to the Town 48 hours prior to the commencement of all HDD drilling, installation of an HDD conduit, and pulling of cable through an HDD conduit.
- Sunrise Wind will use best efforts to complete onshore deliveries related to construction activities between 7:00 a.m. to 7:00 p.m., except for cable, oversized deliveries and deliveries necessary to complete construction that are otherwise authorized to occur on a Sunday or after 7:00 p.m. Nighttime deliveries are not prohibited if reasonably necessary to facilitate compliance with NYSDOT or other contractual restrictions on daytime construction in or along roadways or public access areas or to require the cessation of construction activities that require a continuous work effort once started.
- If modification of any construction window is required, Sunrise Wind will consult with the NYSDEC, NYS Department of State (NYSDOS) and DPS Staff prior to filing a petition with the NYSPSC for the modification. The petition will describe the consultation efforts and results and will include a request for a 30-day public comment period.

## 1.7 ROW Encroachment Plan

Sunrise Wind manages real estate assets in a manner that minimizes or avoids encroachments. Encroachments are defined as any unauthorized use, activity or improvement taking place or placed on real estate assets or real property which may adversely impact land rights or the safe operation of maintenance of facilities. To achieve this policy goal, Sunrise Wind will:

- Maintain complete and accurate records of its real estate holdings;
- Classify its holdings by operating, non-operating, surplus, subsidiary properties, etc.; and
- Enact a proactive encroachment approach, including, an ongoing program to check and monitor vulnerable properties on a regularly scheduled basis, depending on available resources.

In order to accomplish the goals of the encroachment policy as applicable to the Project, Sunrise Wind will implement the following program actions:

- Provide Tax Assessors with easement holdings for Town tax maps (not currently shown on all tax maps);
- Provide the Town and Planning and Zoning personnel with a bulletin on who to contact regarding activities or proposed uses potentially impacting Sunrise Wind lands and property rights;
- Develop a long-term plan to survey, pin and establish plans of real estate holdings;
- Attempt to obtain copies of plans from surveyors/engineers/developers requesting information on Sunrise Wind properties; and
- Develop and implement a training program for Sunrise Wind personnel to monitor, report and potentially investigate encroachments.

Sunrise Wind is responsible for carrying out the Encroachment Management Plan, including, work plans, reporting, policy recommendations and updates. In doing so, it will establish an Encroachment Management Team (EMT) to assist and advise on carrying out encroachment management responsibilities as issues warrant. The EMT will be made up of representatives from Sunrise Wind's Real Estate, Engineering, Operations and Maintenance, Legal, and Compliance Departments. Encroachments will be identified by:

- Real Estate Department
- Other Sunrise Wind personnel
- Contract personnel
- Inspectors
- Law enforcement authorities
- Municipal personnel, including Town, County and State
- Customers/Landowners/Developers

Once an encroachment is reported, the Real Estate Department will:

- Identify the location of the encroachment using appropriate deeds, plans and other Sunrise Wind records available, determine if the encroachment is permitted

- Determine Sunrise Wind property rights (e.g., fee, easement or other rights) and identify reservations or usage rights conveyed to others.
- Investigate, or arrange to have investigated, all non-emergency encroachments reported within 30 working days (depending on available resources).
- Consult with and seek assistance of available resources. Encroachments will be reviewed through an encroachment permitted use process, which will require a review the existing or proposed encroachment(s) to determine compliance with existing safety, easement/fee rights, future maintenance and access. Any approved encroachment will be issued a permit, if applicable. If the encroachment is unacceptable, the encroachment will be denied, or removal will be requested.
- After each investigation, complete an encroachment form to be retained in the Real Estate Department for future reference.
- Encroachments involving safety or emergency situations will be investigated immediately either by the Real Estate Department, Engineering, operations and maintenance personnel, or Regional Safety Specialists, depending on the nature and location of the encroachment, and the availability of personnel. At the time of the investigation a safety notice will be issued to the encroaching party when possible. Encroachments involving theft, vandalism, or environmental damage will be investigated immediately by the Real Estate Department when they involve unauthorized removal of timber, gravel, excavation of any kind or nature or illegal dumping. A report will be made to the appropriate enforcement agency as part of the initial investigation, as necessary.

Steps will be taken to follow up on all encroachments to ensure that the agreed upon resolution has been followed. Additional investigation will take place no later than 90 days after the initial investigation (depending on the available resources). Resolution will comply with established Sunrise Wind policies on approved uses of Sunrise Wind lands.

## 1.8 Facility Objections by Federal, State, or Local Transportation Officials

No known objections to the final location or manner or installation of, or access to, the certified Project have been raised by any federal, State, or local transportation officials.



## **SECTION 2 – COMPLIANCE WITH CERTIFICATE CONDITIONS**

Table 2-1 indicates the requirements and conditions of the Certificate (Certificate Conditions) approved by the Order as well as Sunrise Wind's responses and applicable sections of this EM&CP (or EM&CP 2) where the Certificate Conditions are addressed.

**Table 2-1. Certificate Compliance Matrix**

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
<b>A. Conditions of the Order</b>			
1	Subject to the conditions set forth in this Opinion and Order, Sunrise Wind LLC (Certificate Holder) is granted a Certificate of Environmental Compatibility and Public Need (Certificate) pursuant to Article VII of the Public Service Law PSL) authorizing the construction and operation of an underground electric transmission system consisting of: (i) one high-voltage direct current (DC) submarine export cable bundle (320 kilovolt [kV]) up to 5.2 miles (mi) (8.4 kilometers [km]) in length in New York State (NYS) waters and up to 1,054 feet (ft) (321 meters [m]) located onshore (i.e., above the Mean High Water Line [MHWL], as defined by the United States [US] Army Corps of Engineers [USACE] [33 Code Federal Regulations (CFR) 329]) and underground, up to the transition joint bay (TJB) (the SRWEC-NYS); (ii) a DC underground transmission circuit (320 kV) up to 17.5 mi (28.2 km) in length primarily within existing roadway rights-of-way (ROW) and concrete and/or direct buried splice vaults and associated components (the Onshore Transmission Cable); (iii) an onshore converter station that will transform the project's voltage from 320 kV to 138 kV alternating current (AC) (the OnCS-DC); (iv) two AC underground circuits (138 kV) approximately 1.1 mi (1.7 km) in length, which will connect the new OnCS-DC to the existing Holbrook Substation (the Onshore Interconnection Cable); (v) fiber optic cables co-located with both the Onshore Transmission Cable and Onshore Interconnection Cable; (vi) laydown yards; and (vii) the expansion of the Holbrook Substation to accept the Onshore Interconnection Cable (the Holbrook Substation Expansion). The SRWEC-NYS, Onshore Transmission Cable, OnCS-DC, Onshore Interconnection Cable, fiber optic cables, laydown yards, and the Holbrook Substation Expansion shall collectively be referred to herein as the "Project." The transition of the SRWEC-NYS to the Onshore Transmission Cable will occur where the cables are spliced together at the TJB and link boxes located at the work area within Smith Point County Park on Fire Island in the Town of Brookhaven (the Town) (the Landfall Work Area).	NYSPSC Approved an Order Granting the Certificate at the November 17, 2022 NYSPSC Session	N/A
2	For purposes of the Certificate Conditions, "Project Corridor" shall be defined as the area in which Certificate Holder is authorized to construct, operate, maintain, repair, and decommission the Project, including any temporary laydown yards and work areas. The Project shall be located within the Project Corridor, which is shown on the maps included in Appendix B to the Joint Proposal. The Certificate Holder shall confine construction, operation, maintenance, repair, and decommissioning activities to the Project Corridor. The SRWEC-NYS route may deviate from where it is shown within the Project Corridor maps included in Appendix B but the Project Corridor may not be expanded without amending the Certificate.	Sunrise Wind will comply	Section 1; Appendix A (Laydown Yards Drawings); Appendix B (OnCS-DC Drawings); Appendix C (Holbrook Substation Expansion Drawings); Appendix D (Onshore Transmission Cable-NYSDOT ROW Drawings); Appendix E (Temporary Equipment Drawings)
3	The Certificate and these Certificate Conditions shall apply only to the Project, which is wholly located within the jurisdictional boundaries of the State of New York.	Sunrise Wind will comply	N/A
4	The Certificate Holder shall, within 30 days after the issuance of the Certificate, file with the Secretary (the Secretary) of the Public Service Commission (the Commission) either a petition for rehearing or a verified statement that it accepts and will comply with the Certificate. Failure to comply with this condition shall invalidate the Certificate.	Sunrise Wind will comply	N/A

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
5	The Certificate Holder shall notify the Secretary in writing should it decide not to complete construction of all or any portion of the Project within 30 days of reaching such a decision and shall serve a copy of such notice upon all parties to this proceeding (the Proceeding).	Sunrise Wind will comply	N/A
6	The Certificate Holder shall construct the Project in accordance with this Certificate, the approved Environmental Management and Construction Plan (EM&CP), which may be approved in phases (each, a "Phase"), and any subsequent Commission order.	Sunrise Wind will comply	N/A
7	The Certificate Holder shall further detail the construction and monitoring plans within the Project Corridor in the EM&CP. The Project's EM&CP will have an initial phase (Phase 1) and a subsequent phase(s) (any, Post-Phase 1). The portions of the Project that will be included in the Phase 1 EM&CP are described in Appendix G to the Joint Proposal.	Sunrise Wind has complied	N/A
8	For purposes of this Certificate, "Commencement of Construction" shall be defined as: the beginning of unlimited and continuous tree clearing, site clearing, ground disturbance, site preparation (except installation of temporary erosion and sedimentation control measures), and grading activities related to installation of the Project. Commencement of Construction does not include: (1) soil or groundwater testing, surveying (such as geotechnical drilling), or similar pre-construction activities undertaken to determine the adequacy of the Project Corridor for construction and the preparation of filings pursuant to the Certificate; and (2) other activities, such as limited staging and limited tree cutting required to perform such pre-construction activities.	Sunrise Wind will comply	Section 1; Section 7
8.a	Certificate Holder will file any agreements or plans, including safety measures, it has entered into or agreed to with the Long Island Rail Road (LIRR) prior to the commencement of Post-Phase 1 construction.	Sunrise will comply when required*	N/A*
8.b	Prior to the preparation and use of each laydown yard, the Certificate Holder shall file with the Secretary appropriate Phase 1A and/or Phase 1B survey results, and documentation, if any is provided to Certificate Holder, of the SHPO determination of no adverse effect, or a copy of an executed mitigation agreement between the Certificate Holder and SHPO, if adverse effects cannot be avoided.	Sunrise will comply	Section 4; Appendix GG (Permits, Approvals and Agency Correspondence)
9	The Commencement of Construction shall not begin for any portion of the Project before the Commission has approved the applicable Phase of the EM&CP.	Sunrise will comply	Section 1
10	If the Commencement of Construction of the Project does not begin within the later of 18 months after the Commission approves the EM&CP or Certificate Holder receives all applicable federal permits and approvals, the Certificate may be vacated by the Commission with notice to the Certificate Holder and all parties. The Certificate Holder shall be excused from this requirement during the length of any force majeure event and may request an extension of this deadline. Any request for an extension must be in writing, include a justification for the extension, and be filed with the Secretary at least one day prior to the affected deadline.	Sunrise will comply	N/A
<b>B. Laws and Regulations</b>			

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
11	Each substantive federal, State, and local law, regulation, code, and ordinance applicable to the Project shall apply, except to the extent that the Commission has expressly refused to apply any substantive local law or regulation as being unreasonably restrictive.	Sunrise will comply	N/A
12	No State or local legal provision purporting to require any approval, consent, permit, certificate, or other condition for the construction or operation of the Project authorized by the Certificate shall apply, except: (i) those of the PSL, including but not limited to Sections 68, 69, and 70, and regulations and orders adopted thereunder; (ii) those provided by otherwise applicable State law for the protection of employees engaged in the construction and operation of the facilities; and (iii) those permits issued under a federally-delegated or pursuant to federally-approved environmental permitting program, or federal consistency review pursuant to the federal Coastal Zone Management Act.	Sunrise will comply	Appendix GG (Permits, Approvals and Agency Correspondence)
13	The Certificate Holder shall construct the Project in a manner that conforms to all applicable national and international electrical standards. Upon completion of the Project, the Certificate Holder shall file a letter with the Secretary certifying that the Project was constructed in full conformance with the National Electric Safety Code (NESC).	Sunrise will comply	Section 7
14	Nothing herein shall preclude the Certificate Holder from voluntarily subjecting itself to applicable State or local approval, consent, permit, certificate, or other condition for the construction or operation of the Project, subject to the Commission's ongoing jurisdiction.	Sunrise will comply	N/A
15	The Certificate Holder shall apply for a New York State Department of Transportation (NYSDOT) highway work permit (Highway Work Permit) and use and occupancy agreement pursuant to Title 17 of New York Codes, Rules, and Regulations (NYCRR) Parts 126, 127 and 131 and NYS Highway Law Section 52 for construction and operation of any portion of the Onshore Transmission Cable in NYSDOT-owned ROW, subject to the Commission's ongoing jurisdiction.	Sunrise will comply	Appendix GG (Permits, Approvals and Agency Correspondence)
16	The Certificate Holder shall not commence work on any Phase until it obtains all required interests in real estate, including interests in real estate to be used for access roads (whether obtained through a conveyance, consent, permit, or other approval) as are necessary and applicable for such Phase. Confirmation of obtaining such interests shall be provided to the Secretary prior to commencement of the work. The Certificate Holder acknowledges that, consistent with Certificate Condition 12, it will secure any necessary approvals under PSL Section 68 before commencement of any such work.	Sunrise will comply	Appendix GG (Permits, Approvals and Agency Correspondence)
17	The Certificate Holder shall not commence Phase 1 work prior to the State's approval of parkland alienation necessary to construct the entire Project, which includes land at the Smith Point County Park and Southaven County Park, and any necessary Federal Highway Administration approval and any other permit or approval necessary for construction in those areas unless otherwise described below.	Sunrise will comply	Appendix GG (Permits, Approvals and Agency Correspondence)
17.a	The Certificate Holder currently anticipates that the Phase 1 EM&CP will be followed by a limited notice to proceed that authorizes all Phase 1 work to proceed immediately upon approval aside from installation of the: (1) Equipment (described below in Certificate Conditions 75 [d] and 81), which will not be allowed to proceed until the issuance of the: (i) Construction and Operations Plan (COP) approval by the Bureau of Ocean Energy Management, (ii) the Individual Permit	Sunrise will comply	Section 1; Appendix GG (Permits, Approvals and Agency Correspondence)

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
	issued by the United States Army Corps of Engineers (the Corps Permit), and (iii) National Park Service special use permit.		
18	The Certificate Holder shall not commence Post-Phase 1 work prior to the issuance of the: (i) COP approval; (ii) the Corps Permit; (iii) appropriate Work Permit by the New York State Office of General Services; and (iv) remaining permits necessary to place the transmission cable (i.e., an appropriate EM&CP approval by the Commission and National Park Service special use permit). The Certificate Holders shall provide copies of said permits to the Secretary within fifteen days of receipt. In no event shall a delay or failure to obtain any of the above-referenced approvals serve as an occasion or justification for a deferral or alteration of any and all required site clean-up and restoration activities as set forth in the applicable EM&CP and relevant sections of this Certificate.	Sunrise will comply when required*	N/A*
19	To the extent required in connection with the delivery of oversized components, supplies, or equipment for the Project, the Certificate Holder or its suppliers shall obtain any required permits from applicable State or local agencies, including NYSDOT, subject to Condition 14 hereof and to the ongoing jurisdiction of the Commission. Oversized delivery of cable and other materials for the Project will occur in accordance with traffic controls specified in the EM&CP to minimize, to the extent practical, disruption of traffic and be coordinated with the DOT to the extent the delivery will occur on or impact a DOT roadway. In addition, the Certificate Holder will provide New York State Department of Public Service Staff (DPS Staff or DPS) and DOT, and, as applicable, the Town, with at least one-week advanced notice of each oversized delivery that will require a road closure, in compliance with the Maintenance and Protection of Traffic Plan.	Sunrise will comply	Section 7
20	To the extent a disagreement arises regarding the implementation of the Joint Proposal and any of its provisions that cannot be informally resolved by the Signatory Parties: (a) the Signatory Parties shall promptly convene a telephone conference, and in good faith attempt to resolve any such disagreement; and (b) if any such disagreement cannot be resolved by the Signatory Parties, any Signatory Party may petition the Commission for resolution of the disputed matter. The Certificate Holder shall use best efforts to select a mutually agreeable date for such a telephone conference and shall file a notice with the Secretary or otherwise take reasonable steps to provide notice to the Signatory Parties that is timely under the circumstances.	Sunrise will comply	N/A
<b>C. Public Health and Safety</b>			
21	The Certificate Holder shall design, engineer, and construct the Project such that its operation shall comply with the electric and magnetic field (EMF) guidelines and standards established by the Commission in Opinion No. 78-13, issued June 19, 1978, and the Statement of Interim Policy on Magnetic Fields of Major Electric Transmission Facilities, issued September 11, 1990, or the Commission's most recent electric and magnetic field guidelines and standards in effect at the time the Commission grants the Certificate.	Sunrise will comply	Section 4; Section 5
22	The Certificate Holder will conduct post-construction bathymetric measurements of the SWREC-NYS's location and burial depth. Those measurements will, in turn, be analyzed with the SRWEC-NYS's as-built installation plan and profile drawings and maps to report deviations that could potentially cause the cables to exceed stated ratings (i.e., to carry long-term currents greater than stated in the Appendix 4-J to the Application). Any such deviations shall be memorialized	Sunrise will comply when required*	N/A*

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
	and summarized in a report that includes a detailed impact assessment, including an evaluation as to whether any deviations would pose a hazard to public safety, adverse impact to marine navigation, or is demonstrated to adversely impact marine species (the Post-Construction EMF Report). The Post-Construction EMF Report will be filed with the Secretary within four months of the availability of the aforementioned information.		
23	In addition to the above post-construction review described in Condition 22, the Certificate Holder also will file with the Secretary a summary of the results of the first six-months of monitoring of the current flow on the SRWEC-NYS (the current flow on the onshore underground cables will be similar) following the Commercial Operation Date (COD). That monitoring is stated to include logging of DC cable primary values (DC power flow) and will establish the relationship between EMF level and wind farm output. In addition, periodic measurements of AC frequencies up to 3 kilohertz (kHz) will be manually recorded monthly during this period by the Transient Fault Recorder (part of the HVDC Control and Protection system). Further, based upon the as-built configurations and recorded current flows the Certificate Holder will file with the Secretary an assessment of the static (DC) magnetic field produced by the SRWEC-NYS during the first six months of commercial operation at 1 meter (3.28 ft) above the seabed and at horizontal distances of 10, 50, 150, and 200 ft from representative locations (tabular and graphical representations of mG difference from above ambient levels of the geomagnetic field along transects oriented perpendicular to the cable center line). These representative locations will describe the range of burial depths and cable configurations measured in the bathymetric survey. They will further cover the range of current levels recorded during the first 6 months of monitoring. This EMF Verification Assessment will validate the Certificate Holder's model by comparing the calculated levels of magnetic fields and induced electric fields submitted in the Application to the levels of these fields determined from the as-built operational data gathered above. A general summary and evaluation of the magnitude and potential significance of any recorded AC currents will also be part of this assessment. The EMF Verification Assessment will be submitted before the end of the first year of the Project's COD.	Sunrise will comply when required*	N/A*
24	In addition, the Certificate Holder will submit measurements of the DC magnetic field taken 1 m above ground over a short, onshore section of SRWEC-NYS and at horizontal distances of 10, 50, 150, and 200 ft, if possible, from representative locations within this area. These onshore measurements will be performed in general accordance with applicable standards (e.g., IEEE Std. C95.3-2022) before and after energization of the cable to confirm that the magnitudes of the calculated DC magnetic fields at that location, based upon as-built specifications and recorded DC current flow, are an accurate predictor of the measured DC magnetic field consistent with the limits of the combined measurement accuracy and measurement variation. The measurements will be included in the EMF Verification Assessment. In addition, the Certificate Holder will take measurements with a magnetometer to capture the DC magnetic field taken above representative offshore segments of the SRWEC-NYS and included in the EMF Verification Assessment (Condition 23). Measurements will include the total magnetic field (earth + cable) at horizontal distances of 10, 50, 150, and 200 ft from representative segments (if accessible). Based upon the as-built drawings (as described in Condition 23), representative segments will include configurations of the SRWEC-NYS at varying burial depths and cable configurations (side-by-side and top-over-bottom) and a mattress-covered segment (if any). If as-built drawings (as	Sunrise will comply when required*	N/A*

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
	described in Condition 23) show that one configuration is not present for a sufficient extent (e.g., at least 100 meters), two measurements over the dominant configuration will be performed.		
25	As detailed in Conditions 140, 141, 142, and 146, the Certificate Holder has prepared a Fisheries Monitoring Plan (Appendix N) and Benthic Sampling Plan (Appendix O) that will, in part, assess the potential impacts associated with the operation of the SRWEC-NYS on the behaviors and migratory patterns of commercially and ecologically important species in coastal waters south of Long Island. Because the as-built configurations and recording of operational current levels on the SRWEC-NYS will allow accurate evaluation of magnetic and induced electric field levels at any time, location, and distance from the installed SRWEC-NYS, the Certificate Holder will provide the EMF levels obtained for specific locations, days, and time of operation in conjunction with the above-referenced study to the researchers conducting the monitoring under the Fisheries Monitoring Plan and Benthic Sampling Plan.	Sunrise will comply when required*	N/A*
26	If environmental or engineering constraints require siting of the Onshore Transmission Cable within one hundred (100) feet of a known existing, active drinking water supply well, the Certificate Holder shall perform pre- and post-construction water turbidity testing, provided the Certificate Holder is granted access by the property owner. The results of such tests and reports shall be made available to the parties upon request.	Sunrise will comply	Section 4
26.a	Should New York State Department of Health (NYSDOH)-certified laboratory testing conclude that the water turbidity from an existing, active drinking water supply well was less than the New York State standard of 5 Nephelometric Turbidity Units for drinking water prior to construction, but failed to meet such standards post- construction, the Certificate Holder shall cause a new water well to be constructed, in consultation with the property owner, at least one hundred (100) feet from the Onshore Transmission Cable, as practicable given siting constraints and landowner preferences. Such protocols will be included as part of any applicable EM&CP.	Sunrise will comply	Section 4
27	The Certificate Holder shall engineer and construct the Project to be fully compatible with the operation and maintenance of any nearby electric, gas, telecommunication, water, sewer, and related facilities. Site plans and profiles of the EM&CP shall include existing underground utility or non-utility structures including but not limited to gas, water, telecommunication or electric cable or pipeline, to the extent known, and will identify the relationship of the Facility to adjacent fence lines; roads; railways; airfields; property lines; hedgerows; fresh surface waters; wetlands; other water bodies; significant habitats; associated facilities; water springs; adjacent buildings; water wells; or structures; major antennas; oil or gas wells, pipeline facilities, and compressor and pressure-limiting and regulating stations. If required by existing utility owner/operator impacted by facility installation, copies of the following information shall be provided in the EM&CP, prior to commencement of the activity (including but not limited to proposed facility crossings, co-locations, construction within existing easement, and machinery crossings) related to that utility's requirement:	Sunrise will comply	Appendix A (Laydown Yards Drawings); Appendix B (OnCS–DC Drawings); Appendix C (Holbrook Substation Expansion Drawings); Appendix D (Onshore Transmission Cable–NYSDOT ROW Drawings)
27.a	Results of any cathodic protection impact studies;	Sunrise will comply when required*	N/A*

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
27.b	Executed agreement, if any, with existing utility (including a statement that Facility installations meet existing utility owner technical and safety requirements and copies of all relevant technical and safety manuals);	Sunrise will comply	Appendix GG (Permits, Approvals and Agency Correspondence)
27.c	Details of existing utility owner approved crossing plans (crossed by Project components) showing methods, separation of existing utility and Project components, cover, installation of protection measures, and workspace, including any bore pits or similar features;	Sunrise will comply	Appendix GG (Permits, Approvals and Agency Correspondence)
27.d	Details of existing utility owner approved co-location installations (with Project components) showing separation distances of existing utilities and Project components and any required or protection measures; and	Sunrise will comply	Appendix D (Onshore Transmission Cable–NYSDOT ROW Drawings)
27.e	Details and descriptions of existing utility owner approved methods regarding Project construction equipment crossing of existing utilities approved by each existing utility owner.	Sunrise will comply	Appendix D (Onshore Transmission Cable–NYSDOT ROW Drawings)
28	The Certificate Holder shall keep local fire department and emergency management services apprised of the presence of on-site hazardous chemicals and waste. Procedures for the handling of any hazardous chemicals and waste are detailed in Section U below.	Sunrise will comply	Section 3
29	The Certificate Holder shall comply with the requirements for the protection of underground facilities set forth in 16 NYCRR Part 753 "Protection of Underground Facilities." The Certificate Holder shall require all contractors, excavators, and operators associated with its facilities to comply with all requirements of the Commission's regulations regarding identification and numbering of above ground utility poles (16 NYCRR Part 217). The Certificate Holder shall be responsible for contractually enforcing such compliance.	Sunrise will comply	Section 7
30	The Certificate Holder shall have the right to require that any person seeking to access the Project first be appropriately trained in environmental protection and worksite safety. The Certificate Holder will provide site inspectors and scheduled visitors with appropriate personal protective equipment for any tours of the Project. This may include a properly fitted, currently valid hardhat, safety glasses with side shields, high visibility vest, and steel or ceramic-toed boots at any time while on site, unless the visitor is in a vehicle or in a construction trailer. The Certificate Holder may require site inspectors and scheduled visitors to comply with all safety and security requirements.	Sunrise will comply	Section 3
31	The Certificate Holder shall require its contractors or subcontractors to give an on-site tailboard safety briefing to site inspectors/visitors prior to any safety inspectors/visitors entering the Project site.	Sunrise will comply	Section 3
32	The Certificate Holder will provide periodic, or as needed, training sessions for the Town's Fire Department, and any other interested fire departments within Suffolk County (the County), to review the procedures and protocols necessary to safely respond to emergency events at the OnCS–DC and the Holbrook Substation. The Certificate Holder shall coordinate with PSEG Long Island (PSEG-LI) to ensure that such training includes procedures and protocols for emergency events at the existing facilities adjacent to the Interconnection Facility.	Sunrise will comply	Section 3



Condition Number	Requirement/Condition	Response	EM&CP 1 Location
33	After final designs are submitted and buildings are identified for construction of the OnCS-NYS, the Uniform Fire Prevention and Building Code will apply and the Certificate Holder shall obtain review and written certification by a public entity recognized by the NYSDOS as having the requisite training or qualifications that the construction plans are in compliance with the Uniform Fire Prevention and Building Code.	Sunrise will comply	Section 7; Appendix GG (Permits, Approvals and Agency Correspondence)
34	The Certificate Holder shall use best efforts to avoid any thermal or capacity derating of any existing or proposed Long Island Power Authority ("LIPA") transmission and distribution cables along the entire route of the Project.	Sunrise will comply	Section 7
35	Any stop work order made in accordance with these Certificate Conditions will be complied with following completion of safety procedures and emergency protocols, unless operations must be continued to protect life, property, or the structural integrity of the ongoing construction.	Sunrise will comply	Section 3
<b>D. Environmental Management and Construction Plan Process</b>			
36	The Certificate Holder shall follow the process and procedures described herein for each Phase of the EM&CP.	Sunrise will comply	Section 1
37	The Certificate Holder shall file a copy of the EM&CP with the Secretary for approval by the Commission. Contemporaneously with the submission and service of the EM&CP, Certificate Holder shall provide notice, in the manner specified below, that the EM&CP has been filed (the EM&CP Filing Notice). In addition, the Certificate Holder shall provide copies of the EM&CP as follows:	Sunrise will comply	Section 6
37.a	Three hard copies and one electronic copy to the Secretary;	Sunrise will comply	N/A
37.b	One electronic copy to: (i) the Commissioner of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP); (ii) the Commissioner of the NYSDOT; (iii) the General Counsel of LIPA; (iv) the Secretary of State of the State of New York (NYSDOS); (v) the Commissioner of the New York State Department of Agriculture and Markets (NYSAGM), and (vi) the Commissioner of the New York State Department of Environmental Conservation (NYSDEC);	Sunrise will comply	N/A
37.c	One electronic and one hard copy to the NYSDEC's Central Office in Albany;	Sunrise will comply	N/A
37.d	One electronic copy to any other New York State agency (and its relevant regional offices) that requests the document;	Sunrise will comply	N/A
37.e	One electronic copy to all parties on the service list for Case 20-T-0617; and	Sunrise will comply	N/A
37.f	One hard copy for inspection by the public in at least one public library or other convenient location in each municipality in which construction will take place.	Sunrise will comply	N/A
38	The Certificate Holder shall serve a copy of the EM&CP Filing Notice on all parties to the Proceeding and on the owners of property crossed by or abutting the impacted portion of the Project Corridor. Further, the Certificate Holder shall contemporaneously publish the EM&CP Filing Notice in a newspaper of general circulation in the vicinity of the Project and a free publication (if available) in the relevant vicinity of the Project.	Sunrise will comply	Section 6

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
39	The written EM&CP Filing Notice and the newspaper notice(s) shall contain, at a minimum, the following:	Sunrise will comply	Section 6
39.a	a statement that the EM&CP has been or will soon be filed;	Sunrise will comply	Section 6
39.b	a general description of the Project, the need for the Project, and of the proposed EM&CP;	Sunrise will comply	Section 6
39.c	a listing of the locations and website where the proposed EM&CP is available for public inspection;	Sunrise will comply	Section 6
39.d	a statement that any person desiring additional information about a specific geographical location or specific subject may request such information from the Certificate Holder;	Sunrise will comply	Section 6
39.e	the name, address, email, and toll-free telephone number of the Certificate Holder's representative;	Sunrise will comply	Section 6
39.f	the email and postal address of the Secretary and the URL for the DPS's Document Management and Matter system; and	Sunrise will comply	Section 6
39.g	a statement that any person may be heard by the Commission on any matter or objection regarding the proposed EM&CP by filing written comments with the Secretary within 45 days of the EM&CP filing date or within 45 days of the date of the newspaper notice, whichever is later. Comments on subsequent revisions to the EM&CP, in response to the aforementioned written comments, shall be permitted within 15 days of service by electronic means of said revisions.	Sunrise will comply	Section 6
40	The Certificate Holder shall submit to the Secretary a certificate of service with supporting affidavits indicating upon whom all EM&CP documents and EM&CP Filing Notice was served within three business days after the proposed EM&CP is filed. This submission shall be a condition precedent to approval of the EM&CP. When available, the Certificate Holder shall file with the Secretary proof of newspaper publication of a copy of the EM&CP Filing Notice.	Sunrise will comply	N/A
41	The Certificate Holder shall follow the following procedures for any proposed change or modification to the EM&CP that has been approved by the Commission:	Sunrise will comply	Section 3
41.a	The Certificate Holder shall report any proposed changes to the EM&CP to DPS Staff. Any requested change or modification to the approved EM&CP that will not result in an increase in adverse environmental impacts or are not directly related to contested issues decided by the Administrative Law Judges (ALJs) or the Commission during the proceeding (minor change) will be decided, in writing, by the Chief and/or Director of Environmental Certification and Compliance Section (EC&C) of the Office of Electric, Gas and Water, or his or her designee. That decision will be filed with the Secretary's office. DPS Staff will refer all other proposed changes (major change) to the Commission for approval.	Sunrise will comply	Section 3
41.b	Upon being advised that DPS Staff will refer a proposed change to the Commission, the Certificate Holder shall provide electronic notice of the proposed change to all parties to the proceeding, as well as owners of all property owners that abut the right-of-way, work areas, and all properties on which property rights are required. The notice shall: (1) describe the original conditions and the requested change; (2) state that documents supporting the request are	Sunrise will comply	Section 3

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
	available for inspection at specified locations; and (3) state that persons may comment by writing or calling (followed by written confirmation) to the Commission within 21 days of the notification date.		
41.c	The Certificate Holder shall not execute any proposed change until the Certificate Holder has received the appropriate oral or written approval, except in emergency situations threatening personal injury, property, or severe adverse environmental impact. Any oral approval from DPS Staff will be followed by written approval from the Director of EC&C, their designee, or the Commission.	Sunrise will comply	Section 3
42	The Certificate Holder, where necessary, shall negotiate for additional temporary easements for construction purposes as identified in the EM&CP and approved by the Commission. Any temporary easement or construction areas not identified in the approved EM&CP may be requested through changes thereto in accordance with the process outlined in Condition 41.	Sunrise will comply	Section 3
<b>E. Environmental Management and Construction Plan</b>			
43	The Certificate Holder shall not commence site preparation or construction for any portion of the Project before it has submitted to the Commission and the Commission has approved the relevant phase of the EM&CP. Any phase of the EM&CP shall be organized and developed in a manner that is generally consistent with the Certificate and the Specifications for Development of EM&CP attached as Appendix E to the Joint Proposal. The Certificate Conditions and Appendix E shall be read together to describe the EM&CP's required contents. In addition, the Certificate Holder shall include the following details in the appropriate EM&CP:	Sunrise will comply	Section 1
43.a	The delineation of Project Corridor, as identified in Appendix B, and any temporary laydown yards and work areas to which Certificate Holder shall confine construction and subsequent maintenance activities, depicting property rights, clearing rights, access rights, and such other matters as appropriate to address the site and environmental conditions and property interests of affected landowners, and relevant conditions and requirements of the EM&CP. The delineation shall include the specific location and acreage of all needed real property or real property rights.	Sunrise will comply	Section 1; Appendix A (Laydown Yards Drawings); Appendix B (OnCS–DC Drawings); Appendix C (Holbrook Substation Expansion Drawings); Appendix D (Onshore Transmission Cable–NYSDOT ROW Drawings); Appendix E (Temporary Equipment Drawings)
43.b	Details of street work, including provisions for minimizing the duration and extent of open excavation, traffic disruptions, and work within and adjoining public streets and ROW.	Sunrise will comply	Appendix D (Onshore Transmission Cable–NYSDOT ROW Drawings); Appendix K (MPT Plan)
43.c	Drawings delineating the locations for existing and proposed access roads. Proposed access road improvements shall be indicated, including measures for environmental impact minimization and access control.	Sunrise will comply	Appendix A (Laydown Yards Drawings); Appendix B (OnCS–DC Drawings); Appendix C (Holbrook Substation Expansion Drawings); Appendix D (Onshore Transmission Cable–NYSDOT ROW Drawings); Appendix E (Temporary Equipment Drawings)

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
43.d	A Maintenance and Protection of Traffic Plan (MPT Plan) for all roadways directly affected by construction activities prepared in conformance with the National Manual on Uniform Traffic Control Devices (MUTCD) and New York State Supplement. The Certificate Holder shall consult with traversed school districts prior to the commencement of construction and the MPT Plan will reflect the outcomes of those consultations, including any measures taken with respect to school bus routes.	Sunrise will comply	Section 3; Appendix K (MPT Plan)
43.e	The information necessary to respond to the requirements of 17 NYCRR Part 131, entitled Accommodation of Utilities Within State Highway Right-of-Way, applicable design standards of the American Association of State Highway and Transportation Officials ("AASHTO"), the Highway Design Manual, the Policy and Standards for Entrances to State Highways, the Requirements for the Design and Construction of Underground Utility Installations within the State Highway ROW and the Accommodation Plan, including the provision of NYSDOT Standard Details and Standard Item Numbers.	Sunrise will comply	Section 3; Section 7; Appendix K (MPT Plan)
43.f	The Certificate Holder shall include consultation results between itself, the NYSDOT, and the Suffolk County Department of Public Works (DPW) regarding construction work near the existing William Floyd Bridge in the post-Phase 1 EM&CP. This report shall identify the responsible party and include details of any required site restoration, mitigation measures and/or restrictions, if any, associated with this work.	Sunrise will comply when required*	N/A*
43.g	A plan for access to construct the Project in the NYSDOT-owned highway ROW clearly defining all access locations and rights and a plan for access to the Project on the NYSDOT-owned highway ROW for operation and maintenance including an MPT Plan in conformance with MUTCD and New York State Supplement.	Sunrise will comply	Appendix D (Onshore Transmission Cable–NYSDOT ROW Drawings); Appendix K (MPT Plan); Appendix L (Highway Work Plan)
43.h	A plan for access to construct the Project in parkland and open space areas and associated municipally owned parking areas clearly defining all access locations and rights and a plan for future access to the Project. The EM&CP should demonstrate that access to the Project will not hinder use of recreational areas nor reduce existing parking areas below what is needed to accommodate seasonal use.	Sunrise will comply	Section 4; Appendix A (Laydown Yards Drawings)
43.i	A Material Management Plan that will outline the process and procedures for the handling of any contaminants or hazardous waste encountered during construction.	Sunrise will comply	Section 4; Appendix O (Materials Management Plan)
43.i.i	For any excavated material not used as backfill, the final material disposal location must be submitted to DPS Staff, the Town, and NYSDEC at least 30 days prior to disposal. Disposal of all material must comply with 6 NYCRR Part 360 et seq.	Sunrise will comply	Appendix O (Materials Management Plan)
43.i.ii	If contamination in the ground is detected during construction of the Facility, and such contamination is of the kind that will lead to volatilization or off-gassing of such contamination or chemical constituents thereof, the Certificate Holder shall contact NYSDOH, NYSDEC, and DPS Staff prior to further disturbance. Additionally, the Certificate Holder shall conform to practices and procedures described in the DER-10/Technical Guidance for Site Investigation and Remediation and the NYSDOH Generic Community Air Monitoring Plan ("CAMP"), to the extent applicable.	Sunrise will comply	Appendix O (Materials Management Plan)

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
43.j	Locations, dimensions, and installation methods to be used for the installation of the Project's concrete and/or direct buried splice vaults.	Sunrise will comply	Appendix D (Onshore Transmission Cable–NYS DOT ROW Drawings)
44	During the preparation of the EM&CP and again prior to Commencement of Construction if the Commencement of Construction is more than one year after receipt of the updates obtained to draft the EM&CP, the Certificate Holder shall contact NYSDEC, NYS Natural Heritage Program, NYSDOS, and United States Fish and Wildlife Service (USFWS) and review publicly available information from National Marine Fisheries Service (NOAA Fisheries) to check for any updates or changes of known threatened or endangered (T&E) species or habitat, NYS Significant Coastal Fish and Wildlife Habitats, and Significant Natural Communities in the Project Corridor. Resulting notifications will be handled in accordance with Condition 75 (e).	Sunrise will comply	Appendix GG (Permits, Approvals and Agency Correspondence)
45	Prior to the approval of any applicable EM&CP, the Certificate Holder shall file with the Secretary upon receipt: the Stormwater Pollution Prevention Plan (SWPPP), Municipal Separate Storm Sewer (MS4) approval(s), five-acre waiver (if necessary), and NYSDEC's letter of acknowledgement of the Notice of Intent for coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (the SPDES General Permit). The Certificate Holder shall develop the EM&CP in accordance with the SWPPP requirements in the SPDES General Permit in effect at the time of the filing of the EM&CP. Notwithstanding the foregoing, if any necessary MS4 approval has not been obtained by the Certificate Holder prior to the EM&CP being filed with the Secretary, the Certificate Holder shall file a draft SWPPP at the time it files the EM&CP with the Secretary. If any of the aforementioned documents require modification of the EM&CP, such modifications shall be filed with the Secretary prior to EM&CP approval.	Sunrise will comply	Appendix P (SWPPP – OnCS-DC); Appendix Q (SWPPP – Onshore Transmission Cable and Onshore Interconnection Cable); Appendix R (SWPPP – Holbrook Substation Expansion)
46	The Certificate Holder shall include a Lighting Plan as part of the Phase 1 EM&CP, which shall include the following guidelines for lighting to be used on the Project:	Sunrise will comply	Appendix DD (Lighting Plan)
46.a	Security lighting needs at the OnCS–DC and any exterior equipment storage yards.	Sunrise will comply	Appendix DD (Lighting Plan)
46.b	Plan and profile figures to demonstrate the lighting area needs and proposed lighting arrangement at the OnCS–DC and any exterior equipment storage yards.	Sunrise will comply	Appendix DD (Lighting Plan)
46.c	A specification that lighting should be designed to provide safe working conditions at appropriate locations.	Sunrise will comply	Appendix DD (Lighting Plan)
46.d	A specification that exterior lighting design shall be specified to minimize, to the extent possible, off-site lighting effects, by:	Sunrise will comply	Appendix DD (Lighting Plan)
46.d.i	using task lighting only as needed and as appropriate to perform specific installation, maintenance, repair, or emergency-response tasks; task lighting shall be designed to be capable of manual or auto-shut off switch activation rather than motion detection; and	Sunrise will comply	Appendix DD (Lighting Plan)
46.d.ii	requiring full cutoff fixtures, with no drop-down optical elements (that can spread illumination and create glare) for permanent exterior security lighting.	Sunrise will comply	Appendix DD (Lighting Plan)
46.e	manufacturer's cut sheets of all proposed lighting fixtures shall be provided.	Sunrise will comply	Appendix DD (Lighting Plan)

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
47	The Certificate Holder shall file as part of the EM&CP concerning construction of the OnCS–DC, details of proposed noise control features and design requirements of the OnCS–DC site (OnCS–DC Site) to achieve design goals, including prominent tone effects, at noise-sensitive receptor location, and the following:	Sunrise will comply when required*	N/A*
47.a	Final drawings for the OnCS–DC Site, incorporating any changes to the design, including:	Sunrise will comply when required*	N/A*
47.a.i	Location of all noise sources and receptors identified with Geographic Information Systems (GIS) coordinates in tabular format and GIS digital files;	Sunrise will comply when required*	N/A*
47.a.ii	Proposed grading and noise source heights and ground elevations; Site plan and elevation details of the OnCS–DC Site components as related to the location of all relevant noise sources (e.g. transformers, reactors, filters, HVAC and HVDC equipment, and emergency generators, if any);	Sunrise will comply when required*	N/A*
47.a.iii	Identified mitigations, specifications, and appropriate clearances (e.g., sound walls, barriers, enclosures, converter hall building walls, low-noise fans); and	Sunrise will comply when required*	N/A*
47.a.iv	Sound information from the manufacturers for all noise sources (e.g. transformers, reactors, HVAC and HVDC equipment, emergency generators, if any).	Sunrise will comply when required*	N/A*
47.b	Revised sound modeling with the final specifications of equipment selected for construction to demonstrate that the OnCS–DC Site is modeled to meet the sound goals and limits for residences, commercial and industrial properties existing as of the date the Order is issued as noted in Certificate Condition 49.	Sunrise will comply when required*	N/A*
48	Noise levels from all noise sources within the OnCS–DC Site at any operational conditions shall:	Sunrise will comply when required*	N/A*
48.a	Comply with a noise limit of 42 dBA Leq (1-hour) maximum equivalent continuous average sound level at the outside of any non-participating residence. Emergencies are exempt.	Sunrise will comply when required*	N/A*
48.b	Should a prominent tone be expected to occur (from the final design before construction), or occur (during operation, after construction), at any non-participating residential position, the broadband overall (dBA) noise level at the evaluated position shall be increased by 5 dBA for evaluation of compliance with the maximum noise limit indicate in Certificate Condition 48 (i).	Sunrise will comply when required*	N/A*
48.c	45 dBA Leq-1-hour maximum equivalent sound level from the OnCS–DC Site across any portion of non-participating residential properties, except for delineated wetlands and utility rights of way. This shall be demonstrated with modeled sound contours and discrete sound levels at worst-case locations. No penalties for prominent tones will be added in the evaluation of this limit.	Sunrise will comply when required*	N/A*
48.d	The Leq-1-hour maximum A-weighted ambient sound level from the OnCS–DC Site, will not exceed the maximum permissible sound pressure levels as specified by the Town's Code, Chapter 50, for industrial and commercial properties. This shall be demonstrated with modeled sound contours and discrete sound levels at worst-case locations. No penalties for prominent tones will be added in the evaluation of this limit.	Sunrise will comply when required*	N/A*

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
48.e	Final pre-construction computer noise modeling and tonality evaluation shall be conducted in accordance with the Specifications for Computer Noise Modeling and Tonal Evaluation, Appendix L.	Sunrise will comply when required*	N/A*
49	To evaluate compliance with noise-related conditions after construction, during operation, the Certificate Holder shall comply with the following requirements:	Sunrise will comply when required*	N/A*
49.a	The OnCS-DC Site shall be evaluated by the Certificate Holder by following the provisions and procedures for post-construction noise performance evaluations included in the Sound Testing Compliance Protocol (STCP), Appendix M, after the commercial operation date of the OnCS-DC Site.	Sunrise will comply when required*	N/A*
49.b	Within seven (7) months after the commercial operation date of the OnCS-DC Site, the Certificate Holder shall perform and complete at least one sound compliance test and the results shall be submitted by filing with the Commission a report from an independent acoustical or noise consultant, no later than eight (8) months after the commercial operation date, specifying whether or not the OnCS-DC Site is found in compliance with all certificate conditions regarding noise.	Sunrise will comply when required*	N/A*
50	If the results of the post-construction sound compliance test, or any subsequent test, or any compliance or violation test, indicate that the OnCS-DC Site does not comply with certificate conditions on noise, the Certificate Holder shall:	Sunrise will comply when required*	N/A*
50.a	Present noise minimization options to the Commission (e.g. sound barriers, enclosures, replacement or maintenance of noisy components, silencers, low-noise fans, any other mitigation measures as feasible and appropriate), within 60 days after the filing of a non-compliance test result or the finding of a noncompliance or a violation of permit conditions on noise.	Sunrise will comply when required*	N/A*
50.b	Upon approval from the Commission, implement any noise minimization measures within 150 days after the finding of a non-compliance or violation, as necessary to achieve compliance.	Sunrise will comply when required*	N/A*
50.c	Operate the OnCS-DC Site with the minimization measures presented and approved by the Commission.	Sunrise will comply when required*	N/A*
50.d	Test, document, and present results to the Commission of any minimization measures implemented showing compliance with all conditions on noise, no later than 90 days after the minimization measures are implemented.	Sunrise will comply when required*	N/A*
51	The EM&CP shall identify any water withdrawal activities that the Certificate Holder anticipates will be regulated pursuant to 6 NYCRR §§ 601.3 and 601.6, including dewatering directly from the excavation not meeting the exemption criteria pursuant to 6 NYCRR §§ 601.9 (o). The EM&CP shall also provide the information outlined in 6 NYCRR § 601.10 for any such activities. Prior to commencement of such activities, DPS Staff, in consultation with NYSDEC, will determine whether to recommend that the Commission impose any conditions or restrictions on such activities. Such determination will be based on the substantive portions of the following regulations: 6 NYCRR §§ 601.11, 601.12, 601.16, 601.19, and 601.20.	Sunrise will comply	Appendix S (Dewatering Plan)



Condition Number	Requirement/Condition	Response	EM&CP 1 Location
52	The EM&CP shall identify the property locations, if any, where the Certificate Holder anticipates that it will install one or more wells to conduct temporary or permanent dewatering activity for the Project at a total withdrawal capacity of such well or wells on any one property in excess of 45 gallons per minute (with capacity based on the capacity of the pumps to be installed, not on the contemplated draft). The EM&CP shall also provide the substantive information outlined in 6 NYCRR 602.3 (c)-(d) for any such activities. Prior to commencement of such activities, DPS Staff, in consultation with NYSDEC, will determine whether to recommend that the Commission impose any conditions or restrictions on such activities. Such determination will be based on the standards of issuance in Environmental Conservation Law (ECL) 15-1527 (4).	Sunrise will comply	Appendix S (Dewatering Plan)
53	Certificate Holder shall provide a Dewatering Plan at least 45 days prior to filing each applicable EM&CP to DPS Staff, DOS, NYSDOT, and NYSDEC for review and comment. The Dewatering Plan shall be filed with the EM&CP and include:	Sunrise will comply	Appendix S (Dewatering Plan)
53.a	locations where dewatering will be required, including the anticipated depth of groundwater and the installation depth of the cable and vaults at those locations;	Sunrise will comply	Appendix S (Dewatering Plan)
53.b	method of dewatering, including the number and depth of the well points (if applicable);	Sunrise will comply	Appendix S (Dewatering Plan)
53.c	pump capacity, rate, and estimated daily pumpage and duration of dewatering for each location requiring dewatering, or, if not available at the time of the circulation of the Dewatering Plan, typical specifications that will be followed during final selection of equipment unless otherwise agreed upon by DPS Staff and NYSDEC;	Sunrise will comply	Appendix S (Dewatering Plan)
53.d	if uncontaminated water from dewatering operations will be discharged to groundwater or surface water, the Dewatering Plan shall include the following:	Sunrise will comply	Appendix S (Dewatering Plan)
53.d.i	a map showing proposed discharge location points;	Sunrise will comply	Appendix S (Dewatering Plan)
53.d.ii	if discharging to a storm drain or recharge basin, verification that these systems are designed to handle the proposed rate for the duration of the discharge and the substantive requirements for all State, county, and town approvals are being met for such discharges;	Sunrise will comply	Appendix S (Dewatering Plan)
53.d.iii	if discharging to a storm drain, identify the ultimate surface water outfall location;	Sunrise will comply	Appendix S (Dewatering Plan)
53.d.iv	if discharging to an existing recharge basin or creating a new recharge basin, evaluation of mounding effects to ensure that mounding does not adversely affect any surrounding properties and underground structures; and	Sunrise will comply	Appendix S (Dewatering Plan)
53.d.v	best management practices to prevent erosion and sedimentation from dewatering operations.	Sunrise will comply	Appendix S (Dewatering Plan)
53.e	maps of areas requiring dewatering with wells (if applicable);	Sunrise will comply	Appendix S (Dewatering Plan)
53.f	maps of areas requiring dewatering within or adjacent to the NY Central Pine Barrens and within or adjacent to the Carmans River One-Hundred-Year Groundwater Contributing Area;	Sunrise will comply	Appendix S (Dewatering Plan)
53.g	verification that dewatering operations conducted using wells are carried out by a well driller duly registered in accordance with ECL § 15-1525;	Sunrise will comply	Appendix S (Dewatering Plan)



Condition Number	Requirement/Condition	Response	EM&CP 1 Location
53.h	effluent limits provided by NYSDEC based on applicable regulations, standards, criteria, and guidance values;	Sunrise will comply	Appendix S (Dewatering Plan)
53.i	treatment and disposal plan for contaminated water generated from the dewatering operations;	Sunrise will comply	Appendix S (Dewatering Plan)
53.j	sampling plan that will be followed during dewatering operations of influent and effluent; and	Sunrise will comply	Appendix S (Dewatering Plan)
53.k	sampling plan that will be followed in the event dewatering is required in locations that were not anticipated.	Sunrise will comply	Appendix S (Dewatering Plan)
53.l	NYSDOT shall have the right to terminate or restrict discharge flow conveyed into the NYSDOT drainage system during and after storm event to prevent overburdening of the NYSDOT drainage system.	Sunrise will comply	Appendix S (Dewatering Plan)
54	The Certificate Holder shall submit the following information to NYSDOT for review and approval prior to any proposed discharge into the NYSDOT drainage system:	Sunrise will comply	Appendix S (Dewatering Plan)
54.a	method of conveyance;	Sunrise will comply	Appendix S (Dewatering Plan)
54.b	discharge flow rate;	Sunrise will comply	Appendix S (Dewatering Plan)
54.c	duration of discharge; and	Sunrise will comply	Appendix S (Dewatering Plan)
54.d	water sampling.	Sunrise will comply	Appendix S (Dewatering Plan)
55	The Certificate Holder shall prepare a detailed Onshore Soil Handling and Erosion Control Plan to be included in any applicable EM&CP. The Onshore Soil Handling and Erosion Control Plan shall include specifications for testing, stockpiling, reuse or removal from site, storage, erosion control, restoration, and compaction of backfill in trenches. Such plan shall be consistent with the acknowledged SPDES General Permit and SWPPP.	Sunrise will comply	Appendix P (SWPPP – OnCS-DC); Appendix Q (SWPPP – Onshore Transmission Cable and Onshore Interconnection Cable); Appendix R (SWPPP – Holbrook Substation Expansion)
56	The applicable EM&CP shall address and/or include, but not be limited to, the following information:	Sunrise will comply	N/A
56.a	a construction schedule detailing work activities and allowable work windows, which shall be provided to DPS Staff, NYSAGM, NYSDEC, NYSDOT, NYSDOS, and the Town at least 45 days prior to filing the EM&CP for review and comment;	Sunrise will comply	Section 1
56.b	a Horizontal Directional Drill (HDD) work plan providing planning, feasibility analysis, installation controls, and site measures (including excavation and backfill of the HDD exit) that will be taken in accordance with good engineering practices that will be consistent with Appendix H of the Joint Proposal, HDD Work Plan Scope of Study;	Sunrise will comply when required*	N/A*
56.c	the locations of any HDD entry and exit shall be detailed in the EM&CP;	Sunrise will comply when required*	N/A*

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
56.d	cable burial techniques and adjustments along the SRWEC-NYS, including a detailed graphical representation of anticipated minimum and maximum achievable burial depths based on sediment conditions (e.g., sediment densities, shear strengths, and other limiting factors) at 100-foot intervals; written evaluation of the likelihood of achieving target burial depths based on the results of the study; and a quantitative analysis of risks to the cable and coastal users along the SRWEC-NYS. The Certificate Holder shall provide this information to DPS Staff, NYSDEC, NYSDOS, and LICFA at least 30 days prior to filing the EM&CP for review and comment;	Sunrise will comply when required*	N/A*
56.e	written evaluation of the efficacy of alternative cable protection measures that may be required along the SRWEC-NYS and justification for why the selected cable protection method is preferred at each site. The analysis shall: (i) include, to the extent available, technical documentation from cable protection manufacturers; and (ii) evaluate a range of cable protection measures (e.g., concrete mattresses with taper edges, self-burying, crushed rock, and rock bags or other appropriate protection method(s)) with respect to their ability to maintain overtrawlability, minimize shifting over time, and avoid creating a discernable berm on the seafloor.	Sunrise will comply when required*	N/A*
56.f	a work plan for dredging activities, including specific practices to be used during dredging; specifications of any dredging equipment; and purpose; any temporary protection and/or additional excavation that may be needed if HDD activities occur across multiple work windows; and proof of the ability to provide proper disposal of excavated material not used as natural backfill, which shall be provided to DPS Staff, NYSAGM, NYSDEC, and NYSDOS at least 45 days prior to filing the EM&CP for review and comment;	Sunrise will comply when required*	N/A*
56.g	a Suspended Sediment and Water Quality Monitoring Plan, which shall be provided to DPS Staff, NYSDEC, and NYSDOS, at least 45 days prior to filing the EM&CP for review and comment and will be consistent with Appendix I of the Joint Proposal, Suspended Sediment and Water Quality Plan Scope of Study, for cable burial activities;	Sunrise will comply when required*	N/A*
56.h	details of cable pulling and splicing plans including details associated with installation of spare conduits along the Onshore Transmission Cable route. The splicing plan shall be provided to DPS Staff, NYSDEC, and NYSDOS at least 45 days prior to filing the EM&CP for review and comment; and	Sunrise will comply	Appendix M (Onshore Cable Pulling and Splicing Plan)
56.i	details on the area and duration of any temporary in-water closures needed during HDD and cable laying activities; how these areas have been minimized; details on how mariners, including commercial, recreational, and for-hire (charter) fishermen and other recreational boaters, will be alerted to the presence of the in-water work area, including any Private Aids to Navigation (PATON) that may be required in State waters; and identification of activities that will be the subject of United States Coast Guard's (USCG) Local Notice to Mariners.	Sunrise will comply when required*	N/A*
57	A detailed Highway Work Plan governing activities within highway rights-of-way, prepared in coordination with the Town Highway Department, NYSDOT, and DPS Staff, and in compliance with 17 NYCRR Part 131, shall be included in each applicable EM&CP, and shall cover at a minimum:	Sunrise will comply	Appendix L (Highway Work Plan)

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
57.a	a schedule showing the sequence and duration of trenching, backfilling, drilling and/or pipejacking, cable delivery (per Condition 110) and pulling, splicing, and testing;	Sunrise will comply	Appendix L (Highway Work Plan)
57.b	a traffic diversion/lane closure plan, as described in Condition 43 (d), which shall identify procedures to be used to maintain traffic and provide a safe construction zone for those activities within the roadway ROW. The plan shall also describe temporary signage, lane closures, placement of temporary barriers and traffic diversion. Flaggers shall always be present when equipment is crossing any road when equipment is being loaded or unloaded, and where two-lane traffic has been reduced to one lane;	Sunrise will comply	Appendix L (Highway Work Plan)
57.c	coordination with planned highway and bridge construction and repair projects, as described in Condition 43 (f), and repair projects;	Sunrise will comply	Appendix L (Highway Work Plan)
57.d	a map showing the location of: the trench with reference to the paved highway surface, lay down and mobilization areas, drilling and HDD exit, pipejacking entry and exit, and splicing locations;	Sunrise will comply	Appendix L (Highway Work Plan)
57.e	trench profile;	Sunrise will comply	Appendix L (Highway Work Plan)
57.f	a plan for trench backfilling, marking and protection, and temporary covering;	Sunrise will comply	Appendix L (Highway Work Plan)
57.g	a plan for trenching and cable laying in the vicinity of other underground utility lines, conduits and pipes;	Sunrise will comply	Appendix L (Highway Work Plan)
57.h	a Soil Handling and Erosion Control Plan, including a plan for the handling of any contaminated materials (as described in Condition 55);	Sunrise will comply	Appendix L (Highway Work Plan)
57.i	a Vegetation Management Plan, that includes, a post-completion assessment of the need for remedial vegetation plantings (as described in Section V);	Sunrise will comply	Appendix L (Highway Work Plan)
57.j	a plan for minimizing construction-related noise during the hours between 7:00 p.m. and 7:00 a.m., pursuant to Conditions 76 and 77;	Sunrise will comply	Appendix L (Highway Work Plan)
57.k	a plan for minimizing construction-related lighting impacts on surrounding areas (as described in Condition 46); and	Sunrise will comply	Appendix L (Highway Work Plan)
57.l	a plan for minimizing disruption of traffic, pedestrian and recreational use (as described in Condition 58).	Sunrise will comply	Appendix L (Highway Work Plan)
58	Unless otherwise approved by the NYSDOT, Certificate Holder agrees to abide by the following traffic restrictions in NYSDOT-owned highway rights-of-way, which will be incorporated into each applicable EM&CP:	Sunrise will comply	Appendix K (MPT Plan); Appendix L (Highway Work Plan)
58.a	No lane closures will be permitted on the South Service Road if there is a closure on the impacted portion of the eastbound side of the Long Island Expressway. Traffic shall be shifted as necessary to maintain at least one (1) 12-foot lane in each direction.	Sunrise will comply	Appendix K (MPT Plan); Appendix L (Highway Work Plan)
58.b	Unless otherwise permitted by the NYSDOT issued Highway Work Permit, no lane shifts will be allowed on weekends and on the following days:	Sunrise will comply	Appendix K (MPT Plan); Appendix L (Highway Work Plan)

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
58.b.i	from noon on the Friday before Memorial Day through Labor Day;	Sunrise will comply	Appendix K (MPT Plan); Appendix L (Highway Work Plan)
58.b.ii	Veterans Day;	Sunrise will comply	Appendix K (MPT Plan); Appendix L (Highway Work Plan)
58.b.iii	from noon the day before Thanksgiving Day through the Sunday following Thanksgiving Day;	Sunrise will comply	Appendix K (MPT Plan); Appendix L (Highway Work Plan)
58.b.iv	the day before Christmas and Christmas Day; and	Sunrise will comply	Appendix K (MPT Plan); Appendix L (Highway Work Plan)
58.b.v	the day before New Year's and New Year's Day.	Sunrise will comply	Appendix K (MPT Plan); Appendix L (Highway Work Plan)
58.c	At all other locations, lane shifts will be permitted between 10:00 AM and 3:00 PM.	Sunrise will comply	Appendix K (MPT Plan); Appendix L (Highway Work Plan)
58.d	Prior to nighttime operations and whenever there is on-street parking within the work zone, the Certificate Holder shall post signs spaced every 200 feet through the work zone that state: "No parking 10:00 PM to 6:00 AM." The Certificate Holder shall also distribute flyers to all businesses and residents along the work zone at least 72 hours before the implementation of the parking restrictions. Existing parking signs within the work zone, which are conflicting with the nighttime construction parking restrictions, shall be covered completely with an opaque material, as ordered by the engineer (A.O.B.E).	Sunrise will comply	Appendix K (MPT Plan); Appendix L (Highway Work Plan)
58.e	The Certificate Holder shall not work on both sides of the roadway in the same area at the same time.	Sunrise will comply	Appendix K (MPT Plan); Appendix L (Highway Work Plan)
58.f	The Certificate Holder shall notify the Town engineer, the Suffolk County Highway Department, the Suffolk County Police Department, the Town of Brookhaven Police Department, DPS Staff, and the NYSDOT Inform Center at least 7 calendar days prior to all detours, proposed street closings, or any other work that might affect the mobility or access of emergency vehicles. In addition, the Certificate Holder shall ensure that hydrants and alarm boxes are kept clear and available.	Sunrise will comply	Section 3
58.g	The Certificate Holder shall schedule its operations to minimize the interruption of pedestrian traffic. The sidewalk on one side of the roadway shall remain open and passable when practicable. During the reconstruction of sidewalks, pedestrian safety and property access must always be maintained to the satisfaction of the engineer. The Certificate Holder shall place all underground appurtenances under the sidewalk first.	Sunrise will comply	Appendix K (MPT Plan)
59	The Certificate Holder shall use best efforts to coordinate its construction schedule with the Brookhaven Public School District to ensure that such construction operations will not interfere with the district's start and dismissal times and bussing schedules.	Sunrise will comply	Section 7
60	The Certificate Holder must submit a Fisheries Compensation Plan as part of the Post-Phase 1 EM&CP.	Sunrise will comply when required*	N/A*

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
60.a	The Fisheries Compensation Plan shall include:	Sunrise will comply when required*	N/A*
60.a.i	A narrative overview of the claim process, including summary of the initial decision making process;	Sunrise will comply when required*	N/A*
60.a.i.1	That narrative will include more details on the Fishing Conflict Prevention/Hazard Notification Claim Procedure, which covers claims for:	Sunrise will comply when required*	N/A*
60.a.i.1.a	commercial fisheries gear losses during all phases of the Project, including fisheries and benthic monitoring efforts, scientific study, survey, construction, operation, maintenance, and/or decommissioning for the life of the Project (up to 100% value of gear); and	Sunrise will comply when required*	N/A*
60.a.i.1.b	a reimbursement process for any temporary displacement, or temporary impairment to fishing following gear loss, of commercial fishing directly resulting from the Project's fisheries and benthic monitoring efforts, scientific study, survey, construction and maintenance activities, including any necessary cable reburial activities, and decommissioning activities (up to 50% of lost gross revenue).	Sunrise will comply when required*	N/A*
60.a.i.2	As will be detailed further in the Fisheries Compensation Plan: (1) a claimant may take advantage of both types of claims for a single event, and (2) in the event a claim is denied initially, the claimant will be informed why.	Sunrise will comply when required*	N/A*
60.a.i.3	The Fisheries Compensation Plan will not preclude the Certificate Holder from delegating the claims process to a third-party administrator.	Sunrise will comply when required*	N/A*
60.a.ii	A narrative overview of the process for claimants to appeal any decision regarding their claims to an independent third-party arbitrator, including the ability of a claimant who is successful on appeal to seek reimbursement for any lost revenue associated with the appeal process; and	Sunrise will comply when required*	N/A*
60.a.ii.1	Certificate Holder will inform any claimant when a third-party arbitrator has been assigned to their appeal. The third party arbiter will be unbiased (i.e. individuals not employed by the Certificate Holder). He or she will be a practicing or retired attorney, current or former judge, arbitrator and/or mediator. In all cases, the third party arbiter will have knowledge of the offshore environment and general knowledge of various offshore activities including but not limited to fishing, shipping, surveying and offshore construction. Appeals will be provided to the third-party arbiter with the Notice of Appeal and the claimant's complete claim. No new information will be considered on appeal.	Sunrise will comply when required*	N/A*
60.a.iii	A statement that the number of claims submitted by persons or entities pursuant to sections (a) (i) (1) and (2) of this section and adjudicated by the Certificate Holder shall not be limited.	Sunrise will comply when required*	N/A*
60.b	The Certificate Holder shall file with the Secretary a summary of all claims filed, on a quarterly basis following issuance of the Certificate, including the claim type and the impacted fishing activity;	Sunrise will comply when required*	N/A*
60.c	The Certificate Holder must notify DPS Staff, NYSAGM, NYSDEC, and NYSDOS via electronic mail within 30 days of any resolution (i.e., denial or awarded) of a fisheries compensation claim. The	Sunrise will comply when required*	N/A*

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
	notification must include a copy of the claim, the claim type, species impacted, and the fishing activity disrupted and/or displaced, and the resolution; and		
60.d	The Certificate Holder shall not require any fisherman settling a fisheries compensation claim to sign a Non-Disclosure Agreement nor require waiver of any claims beyond the loss event initially claimed.	Sunrise will comply when required*	N/A*
60.e	Following resolution of a successful claim under Condition 60 (a) that involves a repeatable incident, Certificate Holder will circulate appropriate internal messaging, including, as appropriate, to its contractors, to reduce likelihood of such recurrence.	Sunrise will comply when required*	N/A*
60.c	The Certificate Holder must notify DPS Staff, NYSAGM, NYSDEC, and NYSDOS via electronic mail within 30 days of any resolution (i.e., denial or awarded) of a fisheries compensation claim. The notification must include a copy of the claim, the claim type, species impacted, and the fishing activity disrupted and/or displaced, and the resolution; and	Sunrise will comply when required*	N/A*
60.d	The Certificate Holder shall not require any fisherman settling a fisheries compensation claim to sign a Non-Disclosure Agreement nor require waiver of any claims beyond the loss event initially claimed.	Sunrise will comply when required*	N/A*
60.e	Following resolution of a successful claim under Condition 60 (a) that involves a repeatable incident, Certificate Holder will circulate appropriate internal messaging, including, as appropriate, to its contractors, to reduce likelihood of such recurrence.	Sunrise will comply when required*	N/A*
<b>F. Notices and Public Comments</b>			
61	The Certificate Holder shall comply with the mariner notification and input processes as provided for in Appendix J.	Sunrise will comply	Section 6; Appendix J (Mariner Notification Plan)
62	The Certificate Holder will facilitate the submission of comments through the use of a dedicated contact person. The Certificate Holder shall make available to the public a toll-free telephone number, for the duration of construction of the Project, for the purpose of answering questions and receiving complaints and feedback about the construction of the Project. All inquiries or complaints shall receive a response with an acknowledgement of receipt to the complainant within one business day. The toll-free telephone number shall include a recorded outgoing message that will, when a call is not answered by a person, provide the caller with the name of the Certificate Holder's representative as well as: (i) the number to be called at any time in case of emergency; (ii) when the caller can expect a return call, (iii) the telephone number and email address of the Secretary; and (iv) the telephone number of the NYSDPS EC&C Section.	Sunrise will comply	Appendix I (Complaint Management and Resolution Plan)
63	The Certificate Holder's Project website shall provide a means for the public to communicate to the Certificate Holder about the Project (e.g., to register comments or ask questions) through either a direct link to a comment form or email or by providing a toll-free telephone number that will allow a representative of the Certificate Holder to respond to communications that include questions and concerns about the Project from members of the public. Certificate Holder shall post construction notices and other publicly relevant information to the Project website. The Project website shall allow users to subscribe (or unsubscribe) to receive Project updates. When	Sunrise will comply	Section 6; Appendix I (Complaint Management and Resolution Plan)

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
	subscribing to such notifications, subscribers will be able to choose whether to receive updates via electronic or regular mail to a specified address.		
64	The Certificate Holder shall create a Complaint Management and Resolution Plan to be included as part of the Phase 1 EM&CP. The Complaint Management and Resolution Plan shall:	Sunrise will comply	Section 6; Appendix I (Complaint Management and Resolution Plan)
64.a	Require the Certificate Holder to retain, for five years following completion of construction, and for a rolling five years following commercial operation of, electronic copies of: (i) the telephone logs for any calls made to the Project's toll-free number; and (ii) any submission to the Project website. Such records shall be provided to NYSDEC and made available to DPS Staff and NYSDOS upon request.	Sunrise will comply	Appendix I (Complaint Management and Resolution Plan)
64.b	Require the Certificate Holder to report to DPS Staff and NYSDEC every complaint that cannot be resolved, and describe the actions taken to address the complaint, within 10 business days after receipt of the complaint. Where the complainant provides contact information, require Certificate Holder to inform the complainant of actions Certificate Holder is taking to address the complaint.	Sunrise will comply	Appendix I (Complaint Management and Resolution Plan)
64.c	Require the Certificate Holder to maintain a toll-free telephone number during the Project's commercial operation to receive complaints	Sunrise will comply	Appendix I (Complaint Management and Resolution Plan)
65	The Certificate Holder shall comply with the following Notice of Intent to Commence Work (Construction NOI) requirements:	Sunrise will comply	Section 6
65.a	No less than 14 days before the Commencement of Construction, the Certificate Holder shall:	Sunrise will comply	Section 6
65.a.i	provide the Construction NOI to the NYSDEC Bureau of Energy Project Management, Division of Environmental Permits, 625 Broadway, Albany, NY 12233-1750 and NYSDOT Region 10 Traffic Engineer, 250 Veterans Memorial Highway, Room 6A6, Hauppauge, NY 11788;	Sunrise will comply	Section 6
65.a.ii	provide the Construction NOI to local officials, including the Town of Brookhaven and Suffolk County Clerk, the Suffolk County DPW, and emergency personnel, including local police and fire departments;	Sunrise will comply	Section 6
65.a.iii	provide the Construction NOI to LIPA and/or PSEG Long Island, and any other affected utilities;	Sunrise will comply	Section 6
65.a.iv	provide the Construction NOI for dissemination to local media; and display in the Town Hall and public places, including but not limited to general stores, post offices, community centers, and conspicuous community bulletin boards;	Sunrise will comply	Section 6
65.a.v	provide the Construction NOI to the NYSDOT, NYSAGM, and DPS; and	Sunrise will comply	Section 6
65.a.vi	provide the Construction NOI to persons who own properties that are crossed by or abut the Project Corridor. The Certificate Holder shall give such notices by affixing them to the doors of residences or by mailing the notices via United States Postal Service Mail. The Certificate Holder shall file a copy of the generic form of the Construction NOI to the Secretary prior to the commencement of construction and shall post the same to the Project website.	Sunrise will comply	Section 6

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
65.b	The Construction NOI shall be written in language reasonably understandable to the average person and shall contain:	Sunrise will comply	Section 6
65.b.i	a map and a description of the Project;	Sunrise will comply	Section 6
65.b.ii	the anticipated date for the start of construction;	Sunrise will comply	Section 6
65.b.iii	the name, address, toll-free telephone number, and e-mail address of the Certificate Holder;	Sunrise will comply	Section 6
65.b.iv	a description of where to get more information about the Project including the Project website address and the location of document repositories; and	Sunrise will comply	Section 6
65.b.v	a statement that construction of the Project is under the jurisdiction of the Commission, which is responsible for enforcing compliance with environmental and construction conditions, and which may be contacted at an address and telephone number to be provided in the notice.	Sunrise will comply	Section 6
66	The following pre-construction meeting requirements shall apply to the Certificate Holder:	Sunrise will comply	Section 6
66.a	At least 14 days prior to the Commencement of Construction, the Certificate Holder shall hold a preconstruction meeting. An agenda, location, and invitation list shall be agreed upon among DPS Staff and the Certificate Holder. The Certificate Holder shall consult with DPS Staff and NYSDEC prior to finalizing the date of the meeting. The Certificate Holder shall provide notice of the meeting to all invitees at least 10 days prior to the meeting date;	Sunrise will comply	Section 6
66.b	Maps showing designated travel routes, construction worker parking and access road locations, and a general project schedule will be available at the meeting for the attendees;	Sunrise will comply	Section 6
66.c	The invitation list shall include at a minimum the onboarded contractors, DPS Staff, NYSDEC, NYSDOT, NYSDOS, NYSAGM, LIPA and/or PSEG Long Island, the Suffolk County DPW, and any impacted utility; and	Sunrise will comply	Section 6
66.d	The Certificate Holder shall supply draft minutes from this meeting to all attendees, the attendees may offer corrections or comments, which the Certificate Holder will consider in good faith, and the Certificate Holder shall issue the finalized meeting minutes to all attendees and invitees and the LICFA.	Sunrise will comply	Section 6
67	The Certificate Holder shall provide contractors providing services for construction of the Project with complete copies, including any amendments and modifications, of the Certificate, the EM&CP, the Order(s) approving the EM&CP, any permit issued pursuant to Section 404 of the Federal Clean Water Act, the Section 401 Water Quality Certification, and the federal consistency decision(s) issued pursuant to the federal Coastal Zone Management Act.	Sunrise will comply	Section 6
67.a	If, for any reason, the construction contractor cannot finish the construction of the Project, and a new construction contractor is needed, the Certificate Holder shall hold another pre-construction meeting using the same format as outlined above.	Sunrise will comply	Section 6
68	At least 14 days (or as authorized by DPS Staff) before construction of the Onshore Transmission Cable begins in any area, the Certificate Holder shall, in such area: (a) delineate both edges of the Onshore Transmission Cable Corridor, as certified, where not otherwise in a roadway; (b)	Sunrise will comply	Section 6



Condition Number	Requirement/Condition	Response	EM&CP 1 Location
	stake and/or flag all Project Corridor access roads and all work pads and pulling pads; (c) where Certificate Holder has a right of access, use markers to delineate, other than in beach and ocean areas, all environmentally sensitive areas including, but not limited to, wetlands and the 100 foot adjacent and setback areas associated with regulated freshwater wetlands and the 300 foot adjacent areas associated with regulated tidal wetlands, threatened or endangered species habitat, contaminated soil areas, etc. and such markings will be left in place, and restored if disturbed, until complete of construction activities and restoration in the impacted area; (d) flag any danger trees to be removed in such area for review and comment by DPS Staff and NYSDEC; and (e) notify DPS Staff and NYSDEC when the above-described field stake-out is complete in such area.		
69	During construction, the Certificate Holder shall provide DPS Staff, NYSDOT, NYSAGM, and NYSDEC with weekly status reports transmitted by electronic mail summarizing construction and indicating construction activities and locations scheduled for the following 14 days.	Sunrise will comply	Section 6
70	The Certificate Holder shall file a letter with the Secretary confirming that the Project has achieved commercial operation, defined as the date on which energy is sold in commercial quantities, excluding test energy, and is transmitted through the Project (the COD or Commercial Operation), no later than 10 days after the COD.	Sunrise will comply	Section 6
71	Final restoration of the Project site, in accordance with the Certificate Condition 208 and approved EM&CP, may occur in phases in order to comply with required work windows and other restrictions. Where final restoration will not occur until a subsequent construction phase, the area shall be stabilized until final restoration can be achieved. Within 10 days of the completion of phase of the final restoration of the Project for each of the Onshore Transmission Cable, SRWEC-NYS, OnCS-DC, Onshore Interconnection Cable, and the Holbrook Expansion, the Certificate Holder shall file notice with the Secretary that all restoration for that phase has been completed in compliance with this Certificate and the EM&CP, and shall demonstrate that all other locations have been stabilized until the commencement of the following phase of construction. The Certificate Holder shall periodically monitor the site during the non-construction season to ensure that areas that have not achieved final restoration remain adequately stabilized. The timing of such periodic monitoring shall be described in the EM&CP. Corrective measures shall be implemented as soon as practicable for any locations where stabilization is observed to be inadequate.	Sunrise will comply	Section 8
<b>G. Construction and Maintenance Windows and Timing</b>			
72	Construction and scheduled maintenance work at the Landfall Work Area and Intercoastal Waterway (ICW) crossing shall be confined to the period beginning the day after Labor Day and ending on the day before Memorial Day of the succeeding calendar year, unless further restricted by the applicable Host Community Benefit Agreement.	Sunrise will comply	Section 1; Section 4
73	After Labor Day, Certificate Holder's construction efforts will not prevent the public from accessing the parking lot on Smith County Park. Similarly, the Certificate Holder's construction efforts will not prevent the public from accessing the fishing pier on Smith County Park unless temporarily necessary for safety purposes (e.g., movement of equipment near access point to	Sunrise will comply	Section 1; Section 4

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
	the fishing pier). Temporary closures of the fishing pier for safety purposes shall be limited to the maximum extent practicable as detailed in the EM&CP.		
74	Installation of any Project HDD may be performed on a 24-hour, 7 days a week basis, subject to any applicable construction date restrictions and any applicable Construction Noise Control Plan appended as Appendix K to the Joint Proposal, if necessary to prevent damage to or loss of the bore hole. Installing the conduit and pulling the cable through the conduit and cable splicing may be performed on a 24-hour, 7 days a week basis subject to any applicable construction date restrictions and any applicable Construction Noise Control Plan. The Certificate Holder shall provide notice to the Town 48 hours prior to the commencement of all HDD drilling, installation of an HDD conduit, and pulling of cable through an HDD conduit.	Sunrise will comply	Appendix EE (Onshore Construction Noise Control Plan)
75	Species Related Work Restrictions	Sunrise will comply	Section 1; Section 4
75.a	Atlantic Sturgeon. No in-water seabed disturbing work, including jet trenching trials, but not including installation and decommissioning or operation of the Equipment (as defined in Conditions 75 [d] and 81), shall occur between May 1 to June 30 and September 1 to November 30 in any year to avoid the risk for incidental take of Atlantic Sturgeon, except that the Certificate Holder may be permitted to perform the following, limited seabed disturbing work activities diver clearance and maintenance in HDD exit to locate and prepare HDD conduit end using a crane-deployed, diver-operated jetting tool; cable pull through HDD conduit; and backfill of the HDD exit with sediment or appropriate secondary protection between May 1 through May 15 and November 1 through November 30. In addition, between November 1 and November 30, the Certificate Holder shall be authorized to position and anchor vessels and place the jack-up barge or similar supporting vessel to be used in connection with HDD Drilling Operations, however the in-water punch out will not occur prior to November 30. If backfill of the HDD exit or remedial burial/secondary cable protection installation and defect remedy occurs during the restricted window (May 1 to June 30 or September 1 to November 30), Certificate Holder shall develop an Atlantic Sturgeon Monitoring and Impact Minimization Plan. Such Atlantic Sturgeon Monitoring and Impact Minimization Plan must meet the substantive requirements of 6 NYCRR Part 182, and shall be included as part of the Post-Phase 1 EM&CP. If applicable, the Certificate Holder shall provide the Atlantic Sturgeon Monitoring and Impact Minimization Plan to NYSDEC 45 days prior to filing of the Post-Phase 1 EM&CP for NYSDEC's review and comment.	Sunrise will comply	Section 1; Section 4
75.b	Northern Long-Eared Bat. In order to ensure that the Project complies with the requirements of Article 11 of the ECL and 6 NYCRR Part 182 for northern long-eared bats (NLEB):	Sunrise will comply	Section 1; Section 4
75.b.i	No Project component shall be sited or located within 150 feet of any known northern long-eared bat maternity roost, or within 0.25 mile of any known northern long-eared bat hibernaculum.	Sunrise will comply	Section 1; Section 4
75.b.ii	No tree clearing activities shall occur at any time within 150 feet of any NLEB maternity roosts or 0.25 mile of any NLEB hibernacula. All tree clearing activities occurring greater than these distances but within 1.5 miles of a NLEB detection or 5 miles of a NLEB hibernaculum site shall be conducted between December 1 and February 28.	Sunrise will comply	Section 1; Section 4

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
75.b.iii	If the conditions specified in Certificate Conditions 75 (b) (i) and (ii) cannot be met, the Certificate Holder shall consult with NYSDEC and, if applicable, USFWS, to determine what, if any, permits and/or additional authorizations are required.	Sunrise will comply	Section 1; Section 4
75.b.iv	From March 1 to November 30, the Certificate Holder shall leave uncut all snag and cavity trees as defined under NYSDEC Program Policy ONRDLF-2 Retention on State Forests, unless their removal is necessary for the protection of human life and property. When necessary, snag and cavity trees may be removed after being cleared by the Environmental Monitor, who shall conduct a survey for bats exiting the tree. This survey shall begin 1/2 hour before sunset and continue until at least 1 hour after sunset or until it is otherwise too dark to see emerging bats. Unoccupied snag and cavity trees in the approved clearing areas shall be removed within 24-hours of the exit-count survey.	Sunrise will comply	Section 1; Section 4
75.b.v	If at any time during the life of the Project any NLEB maternity roost trees are discovered, NYSDEC will be notified within 24 hours of discovery, and an area of at least 500 feet in radius around the roost tree(s) shall be marked and avoided until notice to continue construction, ground clearing, grading, maintenance or restoration activities, as applicable, at that site is granted by DPS after consultation with NYSDEC, except if necessary for the protection of human life and property.	Sunrise will comply	Section 1; Section 4
75.b.vi	Except as otherwise specified, if it is determined to be necessary to take occupied habitat or individuals of NLEB, the Certificate Holder will develop a Net Conservation Benefit Plan in consultation with and accepted by NYSDEC and DPS staff that satisfies the requirements of 6 NYCRR Part 182.	Sunrise will comply	Section 1; Section 4
75.c	Nesting Shorebirds. No on-beach work (i.e., between the back dune and Mean Low Water) shall occur between April 1 and August 31 in any year to avoid the risk for incidental take of federally- and State-listed nesting shorebirds. This time of year restriction does not prohibit the Certificate Holder from performing construction work at the Landfall Work Area or the ICW Work Area. From April 1 to August 31, while construction is occurring at the Landfall Work Area or ICW Work Area, the Certificate Holder will immediately notify the NYSDEC if its environmental monitor, as described in Condition 122 (a), observes nesting behaviors by any above-referenced nesting shorebird within 500 feet of the Landfall Work Area or ICW Work Area.	Sunrise will comply	Section 1; Section 4
75.d	Winter Flounder: Aside from the activities outlined herein, no in-water seabed disturbing activities shall occur in the ICW between December 15 and May 31 ("Winter Flounder restricted window") in any year. This time of year restriction will not prevent the Certificate Holder from installing or decommissioning temporary, in-water equipment or structures in the ICW (the Equipment, see also Certificate Condition 81) to facilitate the construction of the Project within the Winter Flounder restricted window in any year during construction of the Project. If installation or decommissioning of the Equipment occurs during the Winter Flounder restricted window, the Certificate Holder shall develop a Winter Flounder Monitoring and Minimization Plan in consultation with NYSDEC. The Certificate Holder shall provide the Winter Flounder Monitoring and Minimization Plan to NYSDEC 45 days prior to filing of the Post-Phase 1 EM&CP for NYSDEC's review and comment. If, in consultation with NYSDEC, it is determined that the Equipment will result in the take of Winter Flounder, then the Certificate Holder shall implement a Winter Flounder Net Conservation Benefit Plan (NCBP) that meets the requirements of 6 NYCRR Part 182.	Sunrise will comply	Section 1; Section 5

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
	The Winter Flounder NCBP, if necessary, shall be submitted to NYSDEC for review and acceptance prior to filing with the Secretary and commencement of construction in the relevant area.		
75.e	If any T&E species, as defined in 6 NYCRR Part 182 or plant species identified under 6 NYCRR Part 193 are encountered on the onshore portion of the Project Corridor the following actions shall be taken:	Sunrise will comply	Section 4
75.e.i	DPS Staff and NYSDEC shall be notified within 24 hours of discovery (or as soon as possible, in the event that more than 24 hours are needed to compile the required details for such reports/notifications) if the Environmental Monitor confirms a nest, roost, or area where the species were seen exhibiting any breeding or roosting behavior. In turn, and unless continued operations are necessary for protection of human life or property, the Certificate Holder shall secure the area where rights exist and safely cease construction in that area until DPS Staff, in consultation with NYSDEC, authorizes recommencement of activities;	Sunrise will comply	Section 4
75.e.ii	Excluding bald eagles and unfledged piping plover chicks an area at least 500 feet in radius around the active nest or roost shall be posted and avoided until notice to continue construction, ground clearing, grading, maintenance, or restoration activities are granted by DPS Staff and NYSDEC;	Sunrise will comply	Section 4
75.e.iii	An area at least 1,000 meters in radius (from the ocean-side low water line or the farthest extent of dune habitat) around the active nest with unfledged piping plover chicks shall be identified and any on-beach areas as defined in Condition 75 (c) within that radius will be avoided until notice to continue construction, ground clearing, grading, maintenance, or restoration activities has been granted by DPS Staff and NYSDEC. Further, any on-beach areas as defined in Condition 75 (c) within that radius that are also within the Project Corridor will be posted by the Certificate Holder;	Sunrise will comply	Section 4
75.e.iv	For bald eagles, an area at least 660 feet in radius with a visual buffer, or 1/4 mile with no visual buffer, around the active nest or roost shall be posted and avoided until notice to continue construction, ground clearing, grading, maintenance or restoration activities are granted by DPS Staff and NYSDEC; and	Sunrise will comply	Section 4
75.e.v	The active nest(s) or nest tree(s) or roost(s) shall not be approached under any circumstances unless authorized by DPS Staff and NYSDEC.	Sunrise will comply	Section 4
75.f	Record All Observations of NYS Threatened or Endangered Species. During construction, restoration, operation and maintenance of the Facility and associated facilities, the Certificate Holder shall maintain a record of all observations of NYS threatened, or endangered species as follows:	Sunrise will comply	Section 4
75.f.i	Construction. During construction, the on-site environmental monitor shall be responsible for recording all occurrences of NYS threatened or endangered species within the Project Corridor. All occurrences shall be reported in a biweekly monitoring report submitted to the DPS Staff and NYSDEC and such reports shall include the information described in subparagraph (iii) of this paragraph. If a NYS threatened or endangered bird species is demonstrating breeding or	Sunrise will comply	Section 4

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
	roosting behavior, it shall be reported to the DPS Staff and NYSDEC within twenty-four (24) hours (or as soon as possible, in the event that more than 24 hours are needed to compile the required details for such reports/notifications).		
75.f.ii	Post-Construction Restoration. After construction is complete, incidental observations of any NYS threatened or endangered species shall be documented and reported to the DPS Staff and NYSDEC, in accordance with the reporting requirements in subparagraph (iii) of this paragraph.	Sunrise will comply	Section 4
75.f.iii	Reporting Requirements. All reports of NYS and/or federally threatened or endangered species shall include the following information: species; number of individuals; age and sex of individuals (if known); observation date(s) and time(s); Global Positioning System (GPS) coordinates of each individual observed (if operation and maintenance staff do not have GPS available; the report shall specify the nearest road or cross roads location); behavior(s) observed; identification and contact information of the observer(s); and the nature of and distance to any Facility construction, maintenance or restoration activity.	Sunrise will comply	Section 3; Section 4
76	Construction activities shall be restricted to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday, except for construction activity in connection with any HDD; cable pulling, grouting, and laying, cable joint splicing; OnCS–DC work, and other activities reasonably necessary to comply with NYSDOT or other contractual restrictions on daytime construction in or along roadways or public access areas. In addition to the aforementioned exceptions, this restriction shall not require the cessation of construction activities that require a continuous work effort once started (e.g., commissioning the OnCS–DC), including those specifically delineated in Section 7.2.4 of Record Exhibit 8, which requests the ability to perform certain continuous construction activities on County property. In such an event, except in cases of emergency, the Certificate Holder shall notify DPS Staff and adjacent landowners and businesses. Such notice shall be given at least 24 hours in advance unless the construction activities to be performed on a Sunday or after 7:00 p.m. are required for safety reasons that arise less than 24 hours in advance. The Certificate Holder shall implement construction noise mitigation measures set forth in the EM&CP.	Sunrise will comply	Section 1
77	The Certificate Holder shall use best efforts to complete onshore deliveries related to construction activities between 7:00 a.m. and 7:00 p.m., except for cable, oversized deliveries, and deliveries necessary to complete construction that are otherwise authorized to occur on a Sunday or after 7:00 p.m. This condition is not intended to prohibit nighttime deliveries reasonably necessary to facilitate compliance with NYSDOT or other contractual restrictions on daytime construction in or along roadways or public access areas or to require the cessation of construction activities that require a continuous work effort once started.	Sunrise will comply	Section 1
78	After consultation with the NYSDEC, NYSDOS, and DPS Staff, the Certificate Holder may petition the Commission for a modification of any construction window limitation by filing such petition with the Secretary. Such petition shall describe the consultation efforts and results of the Certificate Holder and shall include a request for a 30-day public comment period unless DPS Staff agrees that ongoing construction activities cannot reasonably be paused to accommodate a comment period.	Sunrise will comply	Section 1

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
<b>H. SRWEC-NYS Construction</b>			
79	Prior to the commencement of construction of the SRWEC-NYS, the Certificate Holder will engage in certain offshore site preparation. Offshore site preparation shall include the following activities, which the Certificate Holder will describe in more detail (e.g., provide methods, locations, and impact minimization measures) in the EM&CP:	Sunrise will comply when required*	N/A*
79.a	Boulder removal through the use of a boulder grab, which will be minimized to the maximum extent practicable, will be conducted in accordance with Condition 80.	Sunrise will comply when required*	N/A*
79.b	Pre-lay grapnel run	Sunrise will comply when required*	N/A*
80	Exclusive of the portion of the cable installed via HDD, the Certificate Holder shall install the SRWEC-NYS a minimum of six feet (measured from top of cable) below the seabed (Target Burial Depth). Should the Target Burial Depth not be achieved during the initial pass of the cable installation tool that is best suited to achieve Target Burial Depth, the Certificate Holder shall perform up to two additional passes with the installation tool, or other burial tool that complies with the requirements of the Certificate, unless (a) additional passes risk causing damage to the SRWEC-NYS or the installation tool; or (b) due to geologic obstructions, additional passes would not increase the burial depth or risk causing cable exposure (Actual Burial Depth). Certificate Holder shall use best efforts to micro-route the cable within the cable corridor to achieve Target Burial Depth during installation. If boulders are not identified during pre-construction surveys, and therefore micro-routing the cable is impracticable, the Certificate Holder shall, if required to increase the likelihood of achieving Target Burial Depth, relocate any encountered boulders within 50 feet of the planned centerline of the cable. Where Certificate Holder has relocated a boulder one meter or more in diameter a distance of two meters or more from the location where it was initially encountered, Certificate Holder shall provide electronic notice to mariners, recreational fishermen, and NYSDEC-Licensed Fishermen in accordance with Appendix J. The SRWEC-NYS shall be maintained in accordance with the Cable Monitoring and Management Plan included in the approved EM&CP (Conditions 137 and 138).	Sunrise will comply when required*	N/A*
81	Certificate Holder will install in the ICW and utilize the Equipment during the construction of the Project to facilitate the movement of construction equipment and materials to the Landfall Area. The Equipment will generally be located as shown in Appendix B to the Joint Proposal. The applicable EM&CP will provide a detailed assessment of how the Equipment avoids or minimizes impacts to the environment to the maximum extent practicable considering alternative methodologies. More specifically, the EM&CP will describe how the Equipment first avoids, and if avoidance is not possible, minimizes impacts related to: (1) the seafloor, (2) shading, and (3) SAV. This assessment will include details regarding how the floating pier component of at least one of the considered options for the Equipment could be designed and constructed to avoid repetitive touching of or resting on the seafloor. Certificate Holder will similarly order Equipment to be the minimum size necessary to safely accommodate construction of the Project. In addition, the EM&CP will detail why the Equipment is most suitable for the site, including the Equipment's ability to handle; ice loads; wind and erosion; tidal flux; and existing uses, grades, and bathymetry. Further, the EM&CP will explain why the Equipment is suitable for the duration of	Sunrise will comply	Appendix F (Temporary Equipment Analysis)

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
	need to construct the Project, why it provides a safe work area, and how it reduces human safety hazards. This assessment of the Equipment will be provided to DPS Staff, NYSDEC, NYSDOS, and AGM 45 days prior to the filing of the EM&CP.		
82	Pipe stringing will occur on Burma Road. No grading will occur to complete the pipe stringing activity. The final location of pipe stringing consistent with this Condition will be included in the Post-Phase 1 EM&CP and is preliminarily reflected on Appendix B to this Joint Proposal. Aside from the short period of time that the Certificate Holder will pull the pipe into the water or otherwise for public safety, recreational access to the area surrounding the pipe stringing activity will be preserved. When the pipe is pulled into the water, rollers will be used as appropriate.	Sunrise will comply when required*	N/A*
83	The Certificate Holder will develop an Anchoring Plan to be provided in each applicable phase of the EM&CP that will discuss how the use of anchoring, if any, during construction and maintenance activities will avoid and/or minimize impacts to sensitive benthic habitats (Condition 89) and Significant Coastal Fish and Wildlife Habitats (e.g., use of vessels equipped with dynamic positioning systems, installing mid-line buoys) and avoid impacts to existing buried assets (e.g., telecommunications cables). The Anchoring Plan will outline the parameters for the use of anchors and spuds and identify discrete "No Anchor" areas within the corridor outlined in Appendix B in the event anchoring is ultimately required. Midline buoys or alternative measures shall be employed to minimize sediment disturbance caused by anchor sweeps during construction of the SRWEC-NYS, as will be described in the Anchoring Plan. The Certificate Holder shall provide the Anchoring Plan at least 45 days prior to filing the EM&CP to DPS Staff, NYSDOS, and NYSDEC for review and comment.	Sunrise will comply	Appendix N (Anchoring Plan)
84	In the event of an anchor strike with the SRWEC-NYS, the Certificate Holder shall notify DPS Staff no later than 48 hours and subsequently file a letter with the Secretary identifying the details of the incident and anticipated next steps as soon as that report is finalized.	Sunrise will comply when required*	N/A*
85	The Certificate Holder shall utilize the Smith Point Bridge as often as possible to transport equipment and materials to the Landfall HDD Work Area. Ultimately, decisions as to what equipment and materials can be transported over the Smith Point Bridge will be made by the County.	Sunrise will comply	Section 1; Appendix F (Temporary Equipment Analysis)
86	The Certificate Holder agrees to minimize utility crossings along the SRWEC-NYS route to the maximum extent practicable.	Sunrise will comply when required*	N/A*
87	Certificate Holder shall install the SRWEC-NYS, exclusive of the Landfall HDD and offshore HDD exit, using either simultaneous lay and burial or pre-lay and post-burial processes.	Sunrise will comply when required*	N/A*
87.a	The following processes may be used, individually or in combination, to install the SRWEC-NYS, exclusive of the HDD: mechanical cutter, mechanical plow (which may include a jetting system), jet sled, jet trencher, controlled flow excavator, boulder grab, and/or trailing suction hopper dredge.	Sunrise will comply when required*	N/A*
88	Certificate Holder will use best efforts to avoid the use of cable protection if the actual burial depth achieved provides adequate protection. In areas where seabed conditions, geologic or topographic features, or utility crossings do not allow Certificate Holder to achieve Burial Depth,	Sunrise will comply when required*	N/A*



Condition Number	Requirement/Condition	Response	EM&CP 1 Location
	Certificate Holder is authorized, but not required, to use cable protection methods. Cable protection may include tapered engineered concrete mattresses, rock bags, or crushed rock. Certificate Holder shall install and maintain any necessary cable protection measures in a manner that is consistent with the objectives of Condition 56 (d), (e) (i.e., ability to maintain overtrawlability, minimize shifting over time, and avoids creating a discernable berm). Following construction of the SRWEC-NYS, Certificate Holder shall not leave any portions of the cable exposed on the seabed without cable protection measures unless otherwise authorized by these Certificate Conditions or the EM&CP. As part of decommissioning, the Certificate Holder shall survey and use best efforts to remove installed cable protection measures that are within two feet of the seabed surface.		
89	Unless otherwise authorized by the Certificate or the EM&CP, the Certificate Holder must avoid impacts to sensitive benthic habitats (i.e., hard bottom habitat, commercial shellfish beds, salt marsh, submerged aquatic vegetation, and corals) in NYS.	Sunrise will comply when required*	N/A*
90	In-water activities shall be undertaken in a manner that minimizes the potential for interference with navigation, and other water-dependent uses of the area, including but not limited to fishing, boating, and recreation.	Sunrise will comply when required*	N/A*
91	The Certificate Holder may use a casing pipe, or similarly Commission-approved containment structure (collectively referred to as Temporary Containment), or no containment structure, around the offshore HDD exit during construction. Final details regarding whether a Temporary Containment will be used, and, if so, the type, design, and installation method shall be included in the EM&CP. Any Temporary Containment shall be fully removed prior to the Commercial Operation Date, but no longer than 30 days after the installation of the cable in NYS waters. If a Temporary Containment is used, the Certificate Holder shall provide electronic notice of its location to mariners, recreational fishermen, and NYSDEC-Licensed Fishermen in accordance with Appendix J, and any Temporary Containment will be marked in accordance with applicable USCG requirements.	Sunrise will comply when required*	N/A*
92	The SRWEC-NYS Landfall HDD will be installed at a depth that will provide sufficient cable burial and at a minimum of six feet below the seafloor, exclusive of the transition points associated with the entry and exit positions of the HDD, whereby the conduit will be buried below surface level upon completion. The TJB shall be located underground within the parking lot of the Smith Point County Park on Fire Island in the Town of Brookhaven with two manhole covers at the surface.	Sunrise will comply when required*	N/A*
93	The following sub conditions apply to all Project HDDs:	Sunrise will comply when required*	N/A*
93.a	The Certificate Holder shall include, as part of the Post-Phase 1 EM&CP, an Inadvertent Returns Plan that provides for the detection and correction of accidental releases of drilling fluids, as well as the Safety Data Sheets (SDS) for the drilling fluids;	Sunrise will comply when required*	N/A*
93.b	Certificate Holder shall use best efforts to recover and dispose of all HDD drilling fluids and cuttings as specified in Condition 197;	Sunrise will comply when required*	N/A*



Condition Number	Requirement/Condition	Response	EM&CP 1 Location
93.c	Certificate Holder shall not intentionally release and shall use best efforts to prevent the inadvertent release of HDD drilling fluids or cuttings outside the confines of the HDD operation. Certificate Holder shall comply with the Inadvertent Returns Plan as described herein to mitigate and minimize the impacts of any such releases; and	Sunrise will comply when required*	N/A*
93.d	All drilling fluid additives must be water-based unless otherwise approved by DPS Staff in consultation with NYSDEC. If a polymer-based additive is proposed, it must be included in the EM&CP with the corresponding SDS containing eco-toxicity information and approved NYSDEC Water Treatment Chemical Form. Petroleum-based additives are strictly prohibited. If a polymer-based additive is proposed, the Certificate Holder will propose to use a biodegradable polymer-based additive if a suitable product exists.	Sunrise will comply when required*	N/A*
94	With respect to the Landfall HDD, ICW HDD, and SRWEC-NYS, no changes in the installation technology or reduction in the minimum depths specified in these Conditions shall be allowed without prior consultation with NYSDEC and a written statement from NYSDOS stating that the deviation would not result in coastal effects that differ significantly from the coastal effects reviewed by NYSDOS in Certificate Holder's original federal coastal consistency certification (Coastal Consistency Certification). If NYSDOS determines that such deviation would result in coastal effects that differ significantly from those reviewed in the Coastal Consistency Certification, the Certificate Holder shall seek a written concurrence from NYSDOS for any such Project changes that would require an amendment to the Certificate Holder's Coastal Consistency Certification. Nothing in this Certificate shall be construed to limit or expand any rights the Certificate Holder may have to seek administrative or judicial review of any action or inaction by NYSDOS relating to any such deviation.	Sunrise will comply when required*	N/A*
95	During construction activities at the offshore HDD exit, the Certificate Holder shall provide to DPS Staff, NYSDEC, and NYSDOS weekly progress reports that document compliance with Certificate requirements and such other information as determined necessary based on consultation with those agencies.	Sunrise will comply when required*	N/A*
95.a	All work activities will be closely coordinated with the USACE, the USCG; and applicable federal, State, and local agencies and other local pilot associations, as Certificate Holder determines determined to be necessary to minimize or avoid impacts. This coordination process will be detailed further in the Certificate Holder's Post-Phase 1 EM&CP and identify any coordination of the requirements in Appendix J.	Sunrise will comply when required*	N/A*
<b>I. Onshore Transmission Cable Construction</b>			
96	Unless otherwise required by the underlying property owner, the Onshore Transmission Cable will be installed in an underground duct bank consisting of concrete encased conduits, utilizing cable vaults for installation and maintenance access. Each vault will be accessible by up to two manhole covers visible from the surface.	Sunrise will comply	Section 7
97	The method for installation of the Onshore Transmission Cable within the NYSDOT ROW will be detailed in the Phase 1 EM&CP and comply with NYSDOT specifications. Prior to filing the EM&CP, the Certificate Holder shall consult with the NYSDOT.	Sunrise will comply	Section 7

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
98	Certificate Holder shall instruct its contractors to park in designated areas identified in the EM&CP pursuant to Conditions 66 (b) and 120.	Sunrise will comply	Section 7
99	The Certificate Holder shall use best efforts to minimize vegetation disturbance and removal within the NYSDOT- and County-owned highway ROW and Town-owned ROW.	Sunrise will comply	Appendix Z (Vegetation Management and Restoration Plan)
100	The Certificate Holder shall coordinate construction activities with other construction and maintenance activities taking place at the same time and in the same vicinity by the NYSDOT and County, local Highway Departments, and the Long Island Railroad (LIRR). Where the proposed cable route intersects with planned or ongoing transportation infrastructure improvements, cable design, installation methods and installation schedule will be planned to accommodate those transportation facilities. Details of construction schedule planning and coordination with these entities shall be included in each applicable EM&CP.	Sunrise will comply when required*	N/A*
101	Unless otherwise necessary for safety purposes, the Certificate Holder shall maintain continual pedestrian and vehicular use of and access to park amenities within Smith Point County Park on Fire Island, Smith Point County Marina, Southaven County Park in the Town of Brookhaven, and all other existing public access areas.	Sunrise will comply	Section 1
102	Certificate Holder shall design, engineer, and construct the Project in accordance with the applicable and published planning and design standards of the New York Independent System Operator, Inc.; New York State Reliability Council; the Northeast Power Coordinating Council; the North American Electric Reliability Corporation; and successor organizations.	Sunrise will comply	Section 7
103	The Certificate Holder shall coordinate with LIPA and/or PSEG Long Island to minimize outages. In the event a customer outage is necessary to facilitate construction, Certificate Holder will confidentially file notice of the same with the Commission's Records Access Officer. Within 60 days of Commission issuance of a Certificate, begin the process of consulting with LIPA and/or PSEG Long Island regarding the Project's construction schedule to, among other things, coordinate system outage requirements, if any, and avoid or minimize conflicts with LIPA's and/or PSEG Long Island's internal construction programs.	Sunrise will comply	Section 7
104	The Certificate Holder shall be responsible for inspecting all culverts within the Project Corridor and determine that they are not crushed, blocked, or otherwise damaged by the Certificate Holder during construction, restoration, and/or decommissioning of the Project. If such culvert is blocked, crushed, or otherwise damaged by the Certificate Holder or its contractors during construction, restoration, and/or decommissioning, the Certificate Holder shall, where feasible, immediately, repair the culvert or replace it with alternative measures appropriate to maintaining proper aquatic connectivity and stream or stormwater flows. Culvert repairs or replacement must not result in reduced opening width or height.	Sunrise will comply	Section 8
105	The Certificate Holder shall thoroughly clear the areas of debris on the Onshore Transmission Cable related to underground electric line construction.	Sunrise will comply	Section 8
106	The Certificate Holder shall take appropriate measures, as outlined in the EM&CP, to minimize fugitive dust and airborne debris from construction activities. Except where such activities may	Sunrise will comply	Section 7

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	create ice, exposed soils and roadways shall be wetted as needed during extended dry periods to minimize dust generation. To the extent practicable, water for dust control shall come from municipal water supplies/sources. If contamination in the ground is detected during construction of the Onshore Transmission Cable and OnCS-DC, and such contamination is of the kind that will lead to volatilization or off-gassing of such contamination or chemical constituents thereof, the Certificate Holders shall contact NYSDOH, NYSDEC, and DPS Staff prior to further disturbance. Additionally, the Certificate Holder shall conform to practices and procedures described in the DER-10/Technical Guidance for Site Investigation and Remediation and the NYSDOH Generic Community Air Monitoring Plan (CAMP), to the extent applicable.		
107	Following construction, the onshore Project Corridor as impacted by the Certificate Holder or its contractors shall be restored to pre-construction contours, unless the EM&CP specifies otherwise. Erosion controls and permanent vegetation shall be restored as appropriate for those locations. Disturbed pavement, curbs, and sidewalks (if applicable) shall be restored by Certificate Holder to their preconstruction condition or improved, or as otherwise addressed in an applicable agreement with the local government.	Sunrise will comply	Section 8
108	The Certificate Holder shall file with the Secretary as-built drawings of the Project, certified by a Professional Engineer or Licensed Land Surveyor that is licensed in New York State showing the final installation route and location of the Project as defined in Appendix B within 120 days following the COD. At the same time the as-built drawings are provided to the Secretary, the accompanying GIS files will be provided to DPS Staff, NYSDEC, NYSDOS, NYSDOT, and AGM.	Sunrise will comply when required*	N/A*
109	Certificate Holder shall, upon completion of construction of the Project:	Sunrise will comply when required*	N/A*
109.a	Conduct an assessment of the need for additional restoration work and landscape improvements, including vegetation planting, earthwork or installed features to screen or landscape at the OnCS-DC. Landscape improvement assessments shall be conducted in consultation with the Town and landowners where applicable.	Sunrise will comply when required*	N/A*
109.b	Prepare plans for any visual mitigation found necessary, and, in connection therewith, removal, rearrangement and supplementation of existing landscape improvements or plantings should be considered, as appropriate.	Sunrise will comply when required*	N/A*
109.c	Present draft assessments and visual mitigation plans to DPS Staff for review and comment and file a final plan with the Secretary within one year after the date the Project is placed in service.	Sunrise will comply when required*	N/A*
109.d	Install, as appropriate, visual mitigation measures as identified in final plans as outlined in (a) through (c), above.	Sunrise will comply when required*	N/A*
110	A Highway Work Plan governing activities within highway rights-of-way, prepared in coordination with the municipal Highway Departments, NYSDOT and DPS Staff, and in compliance with 17 NYCRR Part 131, shall be included in each applicable EM&CP, and shall cover at a minimum:	Sunrise will comply	Section 7; Appendix L (Highway Work Plan)
110.a	an estimated schedule showing the sequence and duration of trenching, drilling and/or pipejacking, cable delivery and laying, backfilling, splicing, and testing;	Sunrise will comply	Appendix L (Highway Work Plan)

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110.b	a traffic diversion/lane closure plan, as described in Condition 43 (d), which shall identify procedures to be used to maintain traffic and provide a safe construction zone for those activities within the roadway ROW. The plan shall also describe temporary signage, lane closures, placement of temporary barriers and traffic diversion. Flaggers shall always be present when equipment is crossing any road, when equipment is being loaded or unloaded, and where two-lane traffic has been reduced to one lane;	Sunrise will comply	Appendix L (Highway Work Plan)
110.c	coordination with planned highway and bridge construction, as described in Condition 43 (f), and repair projects;	Sunrise will comply	Appendix L (Highway Work Plan)
110.d	a map showing the location of: the trench with reference to the paved highway surface, lay down and mobilization areas, drilling and HDD exit, pipejacking entry and exit, and splicing locations;	Sunrise will comply	Appendix L (Highway Work Plan)
110.e	trench profile;	Sunrise will comply	Appendix L (Highway Work Plan)
110.f	a plan for trench backfilling, marking and protection, and temporary covering; and	Sunrise will comply	Appendix L (Highway Work Plan)
110.g	a plan for trenching and cable laying in the vicinity of other underground utility lines, conduits and pipes.	Sunrise will comply	Appendix L (Highway Work Plan)
<b>J. Contractors and Contractor Supplies/Materials</b>			
111	The Certificate Holder shall notify all contractors that the Commission may seek to recover penalties for violation of the Certificate, not only from the Certificate Holder, but also from its contractors, and that contractors may also be liable for other fines, penalties, and environmental damage caused by their actions.	Sunrise will comply	Section 3
112	The Certificate Holder's employees, contractors, and subcontractors assigned to the construction of the Project shall be properly trained in their respective responsibilities.	Sunrise will comply	Section 3
113	At least 14 days prior to construction, the Certificate Holder shall file a report with the Secretary confirming that required construction materials are available. For purposes of this paragraph, an item of construction material is available: (i) if it is located at a marshalling yard; (ii) if it is in a Certificate Holder warehouse or other routine Certificate Holder inventory stocking location; or (iii) if it is on order from a vendor with a scheduled delivery date prior to the time scheduled for its use in the Project.	Sunrise will comply	Section 3
114	All equipment shall be located at the laydown yard, work area, or on the Project Corridor, provided, however, that if a local contractor is used for the work, the local contractor's facility shall be considered as a marshalling yard or laydown area.	Sunrise will comply	Section 1
115	If an Occupational Safety and Health Administration (OSHA)-recordable construction accident (e.g., loss of consciousness and fractured bone) in connection with work on the Project, the Certificate Holder shall report any such accident to DPS Staff as soon as possible, but no later than 24 hours after Certificate Holder becomes aware of such accident. A copy of the accident report, if any, shall be provided to DPS Staff after it has been finalized.	Sunrise will comply	Section 3

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116	If a contractor installs materials, structures, or components that do not meet or exceed the specifications for the same described in the approved EM&CP, the Certificate Holder shall immediately notify DPS Staff of the deviation. The Certificate Holder will develop in consultation with the DPS Staff plans for remedial action, and within 30 days after becoming aware of such deviation, the Certificate Holder shall prepare and deliver to DPS Staff a summary report detailing the deviation and the steps to be, or that have been, taken to address the deviation.	Sunrise will comply	Section 3
117	The Certificate Holder shall develop a quality control plan (Quality Control Plan) for inclusion in the Phase 1 EM&CP describing how it will ensure that the transmission line structures and components it purchases for the Project conform to the specification for structures and components described in the approved EM&CP. At a minimum, the Quality Control Plan shall include: (i) the name(s), if available and qualifications of the individual(s) who will conduct audits under the Quality Control Plan (Quality Control Audits); and (ii) the frequency with which the Quality Control Audits will be performed.	Sunrise will comply	Section 3; Appendix H (Quality Control Plan)
118	Within 10 business days following completion of each Quality Control Audit, the Certificate Holder shall provide to DPS Staff a report of such audit that includes: (i) a description of the results of the audit, particularly with respect to results that identify that one or more structures or components the Certificate Holder purchased for installation in the Project did not conform to the specifications for structures or components described in the approved EM&CP; and (ii) any notes pertinent to the subject matter of such audit which were made at audit meetings by Certificate Holder personnel and/or contractors who performed the audit.	Sunrise will comply	Appendix H (Quality Control Plan)
119	If any Quality Control Audit conducted by the Certificate Holder identifies that one or more structures or components the Certificate Holder purchased for installation in the Project did not conform to the specification for structures and components described in the approved EM&CP, the Certificate Holder shall: (i) provide written notification to the Secretary within not more than 72 hours of the Certificate Holder's discovery of such non-conformity; and (ii) describe the steps the Certificate Holder will take to correct the non-conformity, including whether any components must be dismantled and returned to the manufacturer.	Sunrise will comply	Appendix H (Quality Control Plan)
120	The Certificate Holder shall avoid direct disturbance to properties by accessing the Project from existing roadways or off-ROW access roads as identified in the EM&CP. Parking for Project construction workers shall be in designated areas identified in the EM&CP that do not interfere with normal traffic, cause a safety hazard, or interfere with existing land uses. Certificate Holder shall minimize on-site parking for workers where practicable. If a designated parking area is required within NYSDOT ROW, NYSDOT will be consulted on the location prior to filing the EM&CP.	Sunrise will comply	Section 3
<b>K. Oversight and Supervision</b>			
121	During construction, the Certificate Holder shall retain at least five individual monitors for Project oversight, as follows:	Sunrise will comply	Section 3
121.a	One independent, third party full-time environmental monitor. The Certificate Holder must assign at least one additional environmental monitor(s) for the duration of all in-water work if such work is undertaken simultaneously with Onshore Transmission Cable and/or OnCS-DC construction	Sunrise will comply	Section 3

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	activities (Aquatic Environmental Monitor). The environmental monitor must be on-site during all construction activities that take place outside of the time period 7:00 a.m. to 7:00 p.m.		
121.b	One independent, third party full-time Fishing Interests Monitor/Representative. The monitor must be on-site during all construction activities that take place in NYS commercial fishing waters;	Sunrise will comply	Section 3
121.c	One full-time construction supervisor;	Sunrise will comply	Section 3
121.d	One full-time safety inspector; and	Sunrise will comply	Section 3
121.e	One full-time quality assurance inspector.	Sunrise will comply	Section 3
122	Fourteen (14) days in advance of Project construction, the Certificate Holder shall provide an Environmental Compliance Plan regarding the environmental monitor to DPS Staff and NYSDEC for review and comment. The Environmental Compliance Plan must include the following information:	Sunrise will comply	Section 3
122.a	The Certificate Holder shall ensure that the names and qualifications of its environmental monitor, Aquatic Environmental Monitor, Fishing Interests Monitor/Representative, safety inspector, quality assurance inspector, and construction supervisor are submitted to DPS Staff at least two weeks prior to the start of construction of the Project. The Certificate Holder shall ensure that its environmental monitor's qualifications satisfy those of a "Qualified Inspector" pursuant to the SPDES General Permit.	Sunrise will comply	Section 3
122.b	Organization structure, including specific names, duties, and responsibilities.	Sunrise will comply	Section 3
122.c	Certification confirming the independence of the environmental monitor(s) from the Certificate Holder.	Sunrise will comply	Section 3
122.d	The procedures established to ensure compliance with the Certificate and the applicable ECL provisions and implementing regulations.	Sunrise will comply	Section 3
122.e	Environmental compliance tracking and reporting procedures, including:	Sunrise will comply	Section 3
122.e.i	Checklist of matters to inspect for compliance, including specific items or locations to be inspected and acceptability criteria to be applied by the environmental monitor(s);	Sunrise will comply	Section 3
122.e.ii	Purpose and frequency of reports;	Sunrise will comply	Section 3
122.e.iii	Environmental compliance schedule;	Sunrise will comply	Section 3
122.e.iv	Methods of reporting non-compliance with Certificate Conditions and the ECL and implementing regulations; and	Sunrise will comply	Section 3
122.e.v	QA/QC procedures for environmental compliance.	Sunrise will comply	Section 3
122.f	Procedure for the Certificate Holder to respond to and correct problems found by the environmental monitors.	Sunrise will comply	Section 3

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123	During periods of relative inactivity on the Project, after consultation with and acceptance from DPS Staff, the Certificate Holder may temporarily decrease the number of hours worked by Project oversight personnel and the extent of their presence at the Project site commensurate with the decline in Project activity. Likewise, during periods of relatively high activity on the Project, the number of inspectors and the extent of their presence at the Project site may be temporarily increased commensurate with the increase in activity levels. The Certificate Holder shall ensure that the frequency of inspections by the environmental monitor(s) comply with the requirements of the SPDES General Permit.	Sunrise will comply	Section 3; Appendix G (Environmental Compliance Plan)
124	Subject to Condition 128, the environmental monitor(s) shall have stop work authority over aspects of the Project that could violate the terms of the Certificate, EM&CP, or the § 401 Water Quality Certification.	Sunrise will comply	Section 3
125	The Certificate Holder shall provide to DPS Staff and the Town the cell phone numbers and weekly schedules of the Certificate Holder's environmental monitor(s), safety inspector, quality assurance inspector, and construction supervisor(s).	Sunrise will comply	Section 3
126	The environmental monitor(s) and construction supervisor(s) shall be equipped with sufficient documentation, transportation, and communication equipment to effectively monitor contractor compliance with the provisions of this Certificate, applicable sections of the PSL, ECL, and the Town's Code; the EM&CP; every Commission order issued in this proceeding; and the § 401 Water Quality Certification.	Sunrise will comply	Section 3
127	Subject to the requirements of Conditions 30 and 31, NYSDEC and NYSDOS representatives shall be permitted scheduled visits to the Project site.	Sunrise will comply	Section 3
128	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):	Sunrise will comply	Section 3
128.a	The Certificate Holder shall regard DPS Staff representatives (authorized pursuant to PSL § 8) as the Commission's designated representatives in the field. In the event of any emergency resulting from the specific construction or maintenance activities that violate or may violate the terms of the Certificate or any other order in this Proceeding, such DPS Staff representatives may issue a stop-work order for that location or activity.	Sunrise will comply	Section 3
128.b	A stop-work order shall expire in 24 hours unless confirmed by at least a single Commissioner. If a stop-work order is confirmed, the Certificate Holder may seek reconsideration from the confirming Commissioner or all Commissioners. If the emergency prompting the issuance of a stop-work order is resolved to the satisfaction of the Commissioner or the Commission, the stop-work order will be lifted. If the emergency has not been satisfactorily resolved, the stop-work order will remain in effect.	Sunrise will comply	Section 3
128.c	Stop-work authority will be exercised sparingly and with due regard to environmental impacts, economic costs involved, public health and safety, possible impact on construction activities, worker health and safety, and whether an applicable statute or regulation is violated. Before exercising such authority, DPS Staff representatives will, wherever practicable, consult with the Certificate Holder representatives possessing comparable authority. Within reasonable time	Sunrise will comply	Section 3

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	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 immediately brought to the attention of the Certificate Holder, the project manager, and the Director of the EC&C Section of the Office of Electric, Gas and Water. In the event that a DPS Staff representative issues a stop-work order, neither the Certificate Holder nor the contractor will be prevented from undertaking any such safety-related activities as they deem necessary and appropriate under the circumstances. The issuance of a stop-work order or implementation of measures, as described below, may be directed at the sole discretion of the DPS Staff representative during these consultations.		
128.d	If a DPS Staff representative discovers that a specific activity is a significant environmental threat that is, or may immediately become, a violation of the Certificate, Water Quality Certification, or any other order in this Proceeding, the DPS Staff representative may—in the absence of responsible Certificate Holder supervisory personnel or the presence of such personnel who, after consultation with the DPS Staff representative, refuse to take appropriate action—direct the field crews to stop the specific environmentally harmful activity immediately. If responsible Certificate Holder personnel are not on site, the DPS Staff representative will immediately thereafter inform the supervisor and/or environmental monitor of the action taken. The DPS Staff representative may lift the stop-work directive if the situation prompting its issuance is resolved.	Sunrise will comply	Section 3
128.e	If the DPS Staff representative determines that a significant threat exists such that protection of the public or the environment at a particular location requires the immediate implementation of specific measures, the DPS Staff representative may, in the absence of responsible Certificate Holder supervisory personnel, or in the presence of such personnel who, after consultation with the DPS Staff representative, refuse to take appropriate action, direct the Certificate Holder or its contractors to implement corrective measures. The field crews shall comply with the DPS Staff representative directive immediately. The DPS Staff representative will immediately thereafter inform the Certificate Holder's supervisor or environmental monitor of the action taken.	Sunrise will comply	Section 3
129	Certificate Holder shall organize and conduct site compliance audit inspections for DPS Staff and NYSDEC, as needed, but not less frequently than once per month during the construction and restoration phases of the Project. Inspections shall conclude upon the final sign-off of the SWPPP by the SWPPP inspector.	Sunrise will comply	Section 3
129.a	Once per month, the inspection shall include a review of the status of compliance with all certification conditions, requirements, and commitments, as well as a field review of the Project site, if necessary. The inspection shall also include:	Sunrise will comply	Section 3
129.a.i	review of all complaints received, and their proposed or actual resolutions;	Sunrise will comply	Section 3
129.a.ii	review of any significant comments, concerns, or suggestions made by the public, local governments, or other agencies;	Sunrise will comply	Section 3
129.a.iii	review of the status of the Project in relation to the overall schedule established prior to the commencement of construction; and	Sunrise will comply	Section 3
129.a.iv	other items the Certificate Holder or DPS Staff consider appropriate.	Sunrise will comply	Section 3



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129.b	The Certificate Holder shall provide draft minutes of the inspection audit and/or meeting, including resolution of issues and additional measures to be taken, to DPS Staff and all attendees for corrections or comments. Thereafter, the Certificate Holder shall issue to DPS Staff and NYSDEC, the final written record of the results of the inspection audit as part of its scheduled construction update reports, describing resolution of issues and additional measures to be taken.	Sunrise will comply	Section 3
<b>L. Roads and Transportation</b>			
130	The Certificate Holder shall coordinate all construction work on the Onshore Transmission Cable with the appropriate State (including the NYSDOT Transportation Management Center in Hauppauge) and municipal officials and shall obtain the required authorization for such work, subject to the Commission's continuing jurisdiction as appropriate. The Certificate Holder shall periodically consult with State and local highway transportation agencies about traffic conditions near the Project site and shall notify each such transportation agency of the approximate date manhole-related work will begin within highways under their respective jurisdictions.	Sunrise will comply	Appendix GG (Permits, Approvals and Agency Correspondence)
131	Where New York State highway ROW is to be occupied, all work will be performed in accordance with applicable regulations and standards, including 17 NYCRR Part 131 covering Accommodations of Utilities within State Highway ROW, the applicable design standards of the American Association of State Highway and Transportation Officials, NYSDOT's Requirements for the Design and Construction of Underground Utility Installations within the State Highway Right-of-Way, Manual of Uniform Traffic Control Devices and New York State Supplement, and the Highway Design Manual. All necessary work permits will be obtained for any work in, on, under, or over State Highway ROW, which includes areas and facilities such as shoulders, guiderails, clear zones, vegetated areas, slopes, and drainage facilities in addition to paved roads. Copies of all required permits will be filed with the Secretary prior to commencement of the work requiring such permits.	Sunrise will comply	Section 7; Appendix K (MPT Plan); Appendix L (Highway Work Plan)
132	The Certificate Holder, with respect to all work it performs on the Onshore Transmission Cable, shall coordinate with all appropriate agencies, including the NYSDOT and local highway departments, regarding an MPT that details traffic management of roads under State and municipal jurisdiction. The MPT shall address temporary signage, lane closures, placement of temporary barriers, and traffic diversion and be included as part of the EM&CP.	Sunrise will comply	Appendix K (MPT Plan); Appendix L (Highway Work Plan)
133	Impacts to LIRR associated with the installation of the Onshore Transmission Cable are anticipated to be minor, temporary, and localized. Equipment delivery and installation stages will be closely coordinated with the LIRR to avoid or minimize conflicts with on-going railroad operations. Active rail lines will be crossed using trenchless methods, not by open cut trenching. Once installed, the Onshore Transmission Cable will be buried within the railroad ROW and have no effect on railroad operations.	Sunrise will comply when required*	N/A*
134	Neither the Certificate Holder nor any contractors in its employ shall construct any new or improve any existing access roads not described in the EM&CP except in the case of emergency situations. A notice of any such emergency shall be promptly filed with the Secretary. Access roads do not include public rights of way.	Sunrise will comply when required*	N/A*

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135	NYSDOT and local highway departments shall have authority to place inspectors on site to monitor and observe the Certificate Holder's activities on State Highways and local roads, or to request the presence of State or local police to ensure the safety of highway travelers, at such times and for such periods as NYSDOT deems appropriate. All costs thereof shall be borne by the Certificate Holder.	Sunrise will comply when required*	N/A*
136	The Certificate Holder shall comply with the following provisions for snow and ice removal on all roads on which Project construction is occurring.	Sunrise will comply when required*	N/A*
136.a	Interference with snow plowing operations by drums, barricades, and other traffic control equipment shall be kept to a minimum. Any devices disturbed or damaged by snow and ice control operations shall be replaced and/or reset as necessary and as soon as possible by the Certificate Holder;	Sunrise will comply when required*	N/A*
136.b	Excluding the Onshore Transmission Cable HDD work zone, drainage frames, grates and covers and other castings shall not be adjusted in a travel lane unless the final pavement course is to be placed prior to the onset of snow and ice weather. Steel plates, etc. shall not protrude above the adjacent pavement. If any of these protrusions exist in a non-travel lane prior to a snow and ice condition, then temporary asphalt ramps must be placed so that for every one inch of rise, there is a six-foot run of ramp;	Sunrise will comply when required*	N/A*
136.c	All pavement cuts shall be made or maintained to eliminate recessed areas where snow cannot be plowed or where the plows may snag; and	Sunrise will comply when required*	N/A*
136.d	Where the work zone traffic control schemes require installation of single or multiple runs of temporary concrete barrier, the Certificate Holder shall remove any snow remaining along the temporary barrier.	Sunrise will comply when required*	N/A*
<b>M. Monitoring and Mitigation</b>			
137	The Certificate Holder shall submit, after prior consultation with DPS Staff, NYSDEC, and NYSDOS, cable monitoring and management plan (SRWEC –NYS Maintenance Plan) as part of the Post-Phase 1 EM&CP, which shall include, at a minimum:	Sunrise will comply when required*	N/A*
137.a	the method for determining the actual cable location and burial depth of the SRWEC–NYS and the timing for undertaking such efforts, including, for example, the use of distributed temperature sensing (DTS) technology;	Sunrise will comply when required*	N/A*
137.b	A requirement that the Certificate Holder establish depth of burial relative to seabed and the accurate level of the seabed relative to vertical datum during post-construction survey operations. Following this, the Certificate Holder will conduct multibeam echo sounder (MBES) surveys to inspect the HDD exit and export cable in Commercial Operation in: year 1, between years 2 and 3, and between years 5 and 8. Throughout the operational life of the Project additional MBES surveys will be conducted after 1-in-50 year storm events as will be defined in the EM&CP based on wave height, currents, and/or wind speed, and associated temporal descriptions, and after any cable repair activity. Timing/frequency of inspections following year 8 and additional to these will be determined through application of a risk-based assessment to	Sunrise will comply when required*	N/A*

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	ensure required cable burial. This risk-based assessment will be described and detailed further in the EM&CP.		
137.b.i	The risk-based assessment shall identify a risk to exist if the SRWEC–NYS reaches a burial depth less than four feet (measured from top of cable) below the seabed for greater than 25 linear feet, in areas where Actual Burial Depth at the time of installation was greater than four feet. If this risk is identified, Certificate Holder shall follow the process outlined in Condition 138 (a).	Sunrise will comply when required*	N/A*
137.c	a plan for remedying cable exposures within time-of-year restrictions;	Sunrise will comply when required*	N/A*
137.d	a risk-based assessment and plan for remedying exposures outside of time-of-year restrictions that pose a hazard to public safety, navigation, or marine resources, including avoidance and minimization techniques for T&E species;	Sunrise will comply when required*	N/A*
137.e	a requirement to take an EMF reading at the Landfall Work Area in the event of a cable exposure;	Sunrise will comply when required*	N/A*
137.f	a description of methods to maintain burial depth;	Sunrise will comply when required*	N/A*
137.g	a plan for marking the location of any cable exposures; and	Sunrise will comply when required*	N/A*
137.h	the design profile of the Landfall Work Area, including anticipated depth along the profile, will be included in the applicable EM&CP. The Certificate Holder shall consult with NYSDEC regarding restoration activities above the HDD installation and comply with applicable State and federal regulatory requirements.	Sunrise will comply when required*	N/A*
138	The SRWEC–NYS Maintenance Plan shall specify that if the Certificate Holder finds or is alerted that the burial depth poses an unacceptable risk to public safety, navigation, or marine resources, or the integrity of the SRWEC–NYS as per the risk-based assessment, the Certificate Holder shall undertake remedial measures including burial and/or protection measures consistent with the Certificate and approved EM&CP. Before undertaking any such remedial action, the Certificate Holder shall provide a notice to DPS Staff, NYSDOS, and NYSDEC describing its immediate and long-term plan of actions for reducing the risk to acceptable levels while minimizing impacts. The Certificate Holder shall notify mariners, recreational fishermen, and NYSDEC-Licensed Fishermen in accordance with the process set forth in Conditions 61 and Appendix J.	Sunrise will comply when required*	N/A*
138.a	The SRWEC–NYS Maintenance Plan shall further specify that, in the event the cable's burial depth is determined to pose a risk as defined in Condition 137 (b) (i), the Certificate Holder will consult with DPS Staff, NYSDEC, and NYSDOS and a determination will be made as to whether the cable poses an unacceptable risk to existing uses or resources per the risk-based assessment and necessitates remedial action consistent with the Certificate and approved EM&CP. Before undertaking any such remedial action, the Certificate Holder shall provide a notice describing its immediate and long-term plan of actions for reducing the risk to acceptable levels while minimizing impacts to DPS Staff, NYSDOS, and NYSDEC. The Certificate Holder shall notify	Sunrise will comply when required*	N/A*

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	mariners, recreational fishermen, and NYSDEC-Licensed Fishermen in accordance with the process set forth in Appendix J.		
139	The Certificate Holder shall be responsible for remedying any exposure of the SRWEC–NYS in accordance with the SRWEC–NYS Maintenance Plan. If the Certificate Holder does not begin implementing the SRWEC–NYS Maintenance Plan within 10 days of the date the Certificate Holder is notified of such SRWEC–NYS exposure, or if the Certificate Holder ceases to diligently implement the SRWEC–NYS Maintenance Plan with respect to such exposure to the reasonable satisfaction of the Commission, the appropriate letter of credit identified in Condition 209 may be drawn upon pursuant to the terms of Condition 209. Within 120 days of Commercial Operation, the Certificate Holder shall submit to DPS Staff, NYSDEC, NYSDOT, NYSDOS, and LICFA as-built drawings and shapefile data providing final elevations of the cable and seabed and actual burial depth of the cable and locations of any cable protection measures; also, drawings will include locations and type of cable protection measures installed along the Project.	Sunrise will comply when required*	N/A*
140	The Certificate Holder shall include as Appendix N of the Joint Proposal, a Benthic Sampling Plan that provides for one pre-cable installation benthic sampling survey and at least two post-cable installation benthic sampling surveys for the area along the SRWEC–NYS from the proposed HDD exit offshore to the territorial limit of NYS waters (the Benthic Sampling Plan). The Benthic Sampling Plan will specify that:	Sunrise will comply when required*	N/A*
140.a	pre-construction sampling shall occur between August 1 and October 31, prior to construction, at intervals of 1,000 feet along the proposed centerline of the SRWEC–NYS cable corridor from the proposed offshore HDD exit to the territorial limit of NYS waters;	Sunrise will comply when required*	N/A*
140.a.i	the pre-construction survey shall consist of the collection and analysis of at least three replicate paired images from each station collected with a Sediment Profile Imaging/Plan-View Imaging system (SPI/PV) consistent with the techniques utilized in the Application. If feasible in connection with post-Certificate, pre-construction survey efforts, at each SPI/PV station a Conductivity, Temperature, Depth sensor will be used to measure the salinity and temperature through the water column to the sediment surface.	Sunrise will comply when required*	N/A*
140.a.ii	The SPI/PV sampling will be supplemented with three replicate grab samples collected at intervals of 2,000 feet. A minimum of three replicate grab samples will be analyzed and results will be summarized with metrics.	Sunrise will comply when required*	N/A*
140.a.iii	The variance estimated from these data will be used in a statistical power analysis for the comparison of these metrics between pre- and post-installation time periods. Results of the statistical power analysis and estimation of ecologically meaningful difference will be presented to NYSDEC for review prior to the post-construction sampling surveys.	Sunrise will comply when required*	N/A*
140.b	The post-construction benthic sampling shall occur between August 1 and October 31, within 24 months of the Project's commercial operation date, in an area extending approximately 100 feet on either side of the SRWEC–NYS. The Benthic Sampling Plan shall explain that:	Sunrise will comply when required*	N/A*
140.b.i	during the post-construction benthic sampling, 3 stations will be sampled with SPI/PV in a transect perpendicular to the SRWEC–NYS at the centerline with 1 station as close as practicable to the	Sunrise will comply when required*	N/A*

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	centerline and 1 station approximately 100 feet on either side at 1,000-foot intervals from the HDD exit pit offshore to the territorial limit of NYS waters. At each SPI/PV station a Conductivity, Temperature, Depth sensor will be used to measure the salinity and temperature through the water column to the sediment surface. At each station, a minimum of three replicate images shall be collected and analyzed.		
140.b.ii	The SPI/PV sampling will be supplemented with two grab stations with one station as close as practicable to the centerline and 1 station approximately 100 feet on the eastern side of the cable with three replicate grab samples collected at intervals of 2,000 feet. One of the replicate grab samples will be tested, and the remaining replicates will be archived. Where analysis indicates that there is an ecologically meaningful difference with pre-installation results, the additional replicates will be analyzed.	Sunrise will comply when required*	N/A*
140.b.iii	Sediment temperature shall be recorded at each SPI/PV station.	Sunrise will comply when required*	N/A*
141	The Benthic Sampling Plan shall require that results of the pre-cable installation SPI/PV benthic sampling event and of the post-cable installation benthic sampling event shall be submitted to DPS Staff, NYSDOS, NYSAGM, and NYSDEC in a final written report within six months of the completion of each sampling event. An additional report shall, as applicable, summarize EMF and thermal impacts during each study period and evaluate the effects on benthic community metrics before and after construction. The results of the benthic community analysis (BCA) will be provided as a supplement of the report within nine months of the completion of each sampling event.	Sunrise will comply when required*	N/A*
142	The Certificate Holder shall include as Appendix O of the Joint Proposal, a Fisheries Monitoring Plan that provides for at minimum one year, and a goal of two years, of pre-cable installation fisheries studies and at least two years of post-cable installation fisheries studies for the area along the SRWEC-NYS. The Fisheries Monitoring Plan shall include an acoustic telemetry study to assess the potential impacts of the SRWEC on the behavior and migratory patterns of commercially and ecologically important species in the coastal waters south of Long Island. A draft Fisheries Monitoring Plan has been developed and presented to state and federal resource agencies and fishing industry stakeholders for review and comment.	Sunrise will comply when required*	N/A*
143	The Fisheries Monitoring Plan will include the use of acoustic transmitters on lobsters, horseshoe crabs, winter skates, smooth dogfish, sandbar sharks, dusky sharks, and sand tiger sharks, and the deployment of an array of acoustic receivers in the nearshore area of the SRWEC-NYS, to evaluate the effects of EMF on behavior and movement of targeted species before, during, and after construction.	Sunrise will comply when required*	N/A*
144	The Certificate Holder shall provide funding for five study years and shall use best efforts to collect two years of pre-construction data, one year of data during construction, and two years of data following commercial operation of the SRWEC-NYS.	Sunrise will comply when required*	N/A*
145	Annual reports will be prepared after the conclusion of each year of telemetry monitoring and will be made available in accordance with Section 12.07 of the OREC Agreement. Following conclusion of the monitoring study, one final report will also be produced synthesizing the	Sunrise will comply when required*	N/A*

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
	findings of the pre- and post- construction evaluations. The Certificate Holder shall file a notice with the Secretary when the consolidated report is available.		
146	The Certificate Holder shall make publicly available survey data collected during the completion of the Benthic Sampling Plan and Fisheries Monitoring Plan in shapefile and PDF format. The Post-Construction EMF Report (Condition 22) and the EMF Verification Assessment (Conditions 23 and 24) will be made public.	Sunrise will comply when required*	N/A*
147	The Certificate Holder has and will continue to participate in the technical working groups convened by NYSDERDA and related to offshore wind development, and through such technical working groups, engage the relevant stakeholder groups regarding the Project (in accordance with Section 12.04 of their OREC Agreement with NYSDERDA). Environmental data will be made available in accordance with Section 12.07 of the OREC Agreement.	Sunrise will comply when required*	N/A*
<b>N. Onshore Erosion and Sediment Handling</b>			
148	Prior to start of construction, the Certificate Holder shall install erosion and sediment control practices as indicated in any applicable EM&CP and any stormwater and erosion control plans. Installed erosion and sediment control practices shall be inspected daily and promptly repaired, where necessary in areas of active construction. In areas without active construction, where temporary stabilization measures have been applied to all disturbed areas, erosion and sediment control practices shall be inspected weekly and promptly repaired, where necessary, if permanent stabilization has not been achieved. All erosion and sediment control practices shall be designed and installed per the "New York State Standards and Specifications for Erosion and Sediment Control" and shall be inspected and maintained in accordance with the requirements of the SPDES General Permit currently in effect.	Sunrise will comply	Section 7; Appendix P (SWPPP – OnCS-DC); Appendix Q (SWPPP – Onshore Transmission Cable and Onshore Interconnection Cable); Appendix R (SWPPP – Holbrook Substation Expansion)
149	To the extent available, all erosion control fabric or netting used for slope or soil stabilization will be 100% biodegradable natural product (not photodegradable fabric), excluding geotextiles used for road construction and temporary erosion control devices such as silt fence and silt sock.	Sunrise will comply	Section 7; Appendix P (SWPPP – OnCS-DC); Appendix Q (SWPPP – Onshore Transmission Cable and Onshore Interconnection Cable); Appendix R (SWPPP – Holbrook Substation Expansion)
150	In all portions of the onshore Project Corridor where these measures may prove beneficial, topsoil shall be removed from the combined width of the subsoil stockpile area, trench, construction assembly and traffic zones. The depth of the topsoil removal shall include all of the "A" horizon down to the beginning of the subsoil "B" horizon, generally not to exceed a maximum of 12 inches. All topsoil shall be stockpiled separate from other excavated materials. The exposed surface of the subsoil shall be the work surface. All topsoil material shall be stripped, stockpiled, and returned in its natural sequence to restore the original soil profile. During the clearing/construction phase, site-specific depths of topsoil stripping shall be monitored by Certificate Holder. Where ROW construction includes cut-and-fill of the soil profile across grades, all topsoil shall be stripped and separately stockpiled, where practical, on the upslope edge of the ROW.	Sunrise will comply	Section 7; Appendix P (SWPPP – OnCS-DC); Appendix Q (SWPPP – Onshore Transmission Cable and Onshore Interconnection Cable); Appendix R (SWPPP – Holbrook Substation Expansion)
151	The Certificate Holder shall comply with the following debris and fill requirements:	Sunrise will comply	Section 8

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151.a	Any debris or excess construction materials shall be removed to a facility duly authorized to receive such material. No burying or burning of construction debris or excess construction materials will be allowed.	Sunrise will comply	Section 8
151.b	Except where required to comply with the design specifications, to restore roadway and shoulder surfaces, and to reuse uncontaminated excavated materials, all fill shall consist of clean soil, sand and/or gravel that is free of the following substances: asphalt, slag, broken concrete, demolition debris, garbage, household refuse, tires, woody materials including tree or landscape debris, and metal objects. Best efforts will be made use fill materials that are visually free of invasive species.	Sunrise will comply when required*	N/A*
152	The Certificate Holder shall prepare a Geotechnical Site Investigation Report, to be included in the Phase 1 EM&CP, verifying subsurface conditions along the approved Onshore Transmission Cable corridor and characterizing subsurface conditions at sites where HDD is proposed.	Sunrise will comply	Appendix V (Geotechnical Site Investigation Report)
<b>O. Water Resources</b>			
153	Jurisdictional waterbodies and wetlands will be referred to herein as "wetlands and waterbodies" and the "appropriate adjacent areas" shall mean (i) the 100-foot adjacent area associated with State jurisdictional Article 24 Freshwater Wetlands, and (ii) the 300-foot (or less due to the presence of a qualifying structure[s] as defined by 6 NYCRR Part 66) adjacent area associated with State jurisdictional Article 25 Tidal Wetlands. When the terms are used together, they will be listed as "wetlands and waterbodies and/or appropriate adjacent areas."	Sunrise will comply	Section 4
153.a	Certificate Holder shall follow Appendix S to the Joint Proposal, Wetlands and Waterbodies Specifications.	Sunrise will comply	N/A
154	Except as otherwise permitted in the Certificate or EM&CP, no construction activities shall occur within any wetlands and waterbodies, historic / extant / existing submerged aquatic vegetation beds, any Natural Protective Feature, and ponds or pools associated with the Carmans River watershed, and no construction materials, equipment, or vehicles shall be allowed to enter upon such wetlands and waterbodies and appropriate adjacent areas.	Sunrise will comply	Section 4; Appendix W (Wetland Impact Minimization and Mitigation Plan)
155	The Certificate Holder shall perform a pre-construction survey to determine the presence or absence of extant/existing SAV beds within the Project Corridor in the ICW and the footprint of the Equipment (see Condition 81). The plan and timing of this survey will be outlined in the Submerged Aquatic Vegetation Survey Plan, which shall be filed as part of the Post-Phase 1 EM&CP. The Certificate Holder shall provide the survey plan at least 45 days prior to filing the EM&CP to DPS Staff, NYSDOS, NYSDEC, and NYSAGM for review and comment. If extant/existing submerged aquatic vegetation beds are found during the survey or were found during the 2020 extant/existing SAV survey performed within the Project Corridor along the ICW HDD's route, that could be impacted by an HDD inadvertent return or use of the Equipment, the Certificate Holder shall develop a Submerged Aquatic Vegetation Monitoring and Minimization Plan that will be reviewed and agreed to with DPS Staff, NYSDOS, and NYSDEC. Such plan will be filed with the Secretary prior to the installation of the Equipment. If it is determined in consultation with NYSDEC and NYSDOS that extant/existing SAV will be taken during construction, the Certificate Holder will implement a SAV Restoration Plan that will outline restoration of 3:1 for direct take and 1:1 for	Sunrise will comply	Appendix CC (SAV Survey Plan)



Condition Number	Requirement/Condition	Response	EM&CP 1 Location
	indirect impact. The SAV Restoration Plan, if necessary, shall be filed with the Secretary prior to the commencement of construction in the relevant area.		
156	As will be detailed in the EM&CP, the Certificate Holder will first avoid and then minimize to the maximum extent practicable impacts to the Coastal Erosion Hazard Area (CEHA) regulated under ECL Article 34 and associated regulations in 6 NYCRR § 505. Unless otherwise authorized by the EM&CP, the HDD entry and exit will not be located within the CEHA.	Sunrise will comply	Section 4
157	As will be detailed in the EM&CP, the Certificate Holder will list the activities and anticipated timeframes proposed within each SCFWH and identify avoidance and minimization measures for the following:	Sunrise will comply	Section 4
157.a	significant concentrations of waterfowl during spring or fall migration and overwintering associated with the following SCFWHs: Great South Bay-East, Moriches Bay; and	Sunrise will comply	Section 4
157.b	overwintering and active nesting sites for raptors (e.g., peregrine falcon, northern harrier, osprey, Cooper's hawk) and nesting shorebirds associated with the following SCFWHs: Carmans River, Great South Bay-East, Moriches Bay, and Smith Point County Park.	Sunrise will comply	Section 4
158	The Certificate Holder shall perform all construction, operation, and maintenance along the Onshore Transmission Cable in a manner that first avoids and then minimizes, to the maximum extent practicable, adverse impacts to wetlands and waterbodies and appropriate adjacent areas. If wetlands and waterbodies cannot be fully avoided, any such activities shall be performed in accordance with a Wetland Impact Minimization and Mitigation Plan to be included in any applicable EM&CP. Forty-five days prior to filing the EM&CP, the Certificate Holder shall submit the Wetland Impact Minimization and Mitigation Plan to DPS Staff, NYSDEC, and NYSDOS for review and comment.	Sunrise will comply	Section 4; Appendix W (Wetland Impact Minimization and Mitigation Plan)
159	Unless otherwise approved in the Certificate or EM&CP, the Onshore Transmission Cable shall be installed using trenchless methods when traversing all wetland and waterbodies.	Sunrise will comply when required*	N/A*
160	The Certificate Holder shall notify DPS Staff and NYSDEC via telephone within two hours if there is a discharge to a wetland or waterbody resulting in a violation of NYS Water Quality Standards. A written description provided via email of the discharge, photographs, and a summary of remedial activities, shall be provided to DPS Staff and NYSDEC within 24 hours of such discharge.	Sunrise will comply	Section 4
161	The Certificate Holder shall take all necessary precautions to preclude contamination of any wetland or waterbody by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate, washings from transit mix trucks, mixers, or other devices or any other environmentally deleterious materials associated with the Project. If required, concrete batch plant operations and concrete washout areas shall be located a minimum of 300 feet away from any wetland or waterbody.	Sunrise will comply	Section 4
161.a	If concrete batch plant operation(s) are required, the location(s), site plans and appropriate measures for avoiding adverse impacts, restoring sites upon project completion, and complying with local code requirements will be included in the EM&CP.	Sunrise will comply	Section 4



Condition Number	Requirement/Condition	Response	EM&CP 1 Location
162	The Certificate Holder shall secure and safely contain all equipment and machinery outside of wetlands and waterbodies, at the end of each work day, unless moving the equipment will cause additional environmental impact.	Sunrise will comply	Section 3; Section 4
163	Fueling of equipment and storage of fuel or other chemicals is strictly prohibited within tidal wetlands and within 100 feet of the tidal wetland boundary. Fueling and storage areas within 300 feet of any tidal wetland and/or within the New York State Coastal Area as defined within NYS Executive Law § 911(1) and (2) must be delineated in the EM&CP and contained by strawbales or other approved containment devices (i.e., containing at least 110% of the volume stored) to prevent spills from entering tidal wetlands and/or waterways. Should a spill occur, the permittee shall immediately notify the Regional Marine Habitat Protection Office at 631-444-0295, the NYSDEC Spill Hotline at 800-457-7362, and shall provide a plan for containment, clean-up and restoration of the impacted area for the approval of the department. No refueling is authorized on the beach.	Sunrise will comply	Section 3
163.a	Dewatering pumps operated within the adjacent areas as defined in Condition 68, must be within secondary containment large enough to hold the pump and accommodate refueling.	Sunrise will comply	Appendix S (Dewatering Plan)
164	The Certificate Holder shall comply with the following conditions for all dewatering operations:	Sunrise will comply	Appendix S (Dewatering Plan)
164.a	dewatering operations shall discharge into a dewatering device delineated in the Certificate Holder's Dewatering Plan (i.e., temporary straw bale/silt fence barrier, filter bag, frac tanks or similar containers);	Sunrise will comply	Appendix S (Dewatering Plan)
164.b	water generated from groundwater dewatering operations that exceeds NYSDEC standards, criteria, or guidance values, or more stringent applicable levels of other authorities or agencies in effect at the time of dewatering operations must be treated and/or disposed of in compliance with the approved Dewatering Plan;	Sunrise will comply	Appendix S (Dewatering Plan)
164.c	one round of groundwater baseline sampling will occur prior to the start of construction at locations where excavations are anticipated to extend below the groundwater table (such as at trenchless crossings locations) to identify potential groundwater contamination that may require testing, treatment, or disposal during construction. The testing, treatment, and/or disposal practices, as necessary, will be addressed in the Certificate Holder's Dewatering Plan;	Sunrise will comply	Appendix S (Dewatering Plan)
164.d	best management practices shall be used to prevent erosion and sedimentation from discharge operations; and	Sunrise will comply	Appendix S (Dewatering Plan)
164.e	water resulting from dewatering operations, equipment washing, or other construction related activities shall not be directly discharged into any wetland or waterbody.	Sunrise will comply	Appendix S (Dewatering Plan)
165	All sampling, disposal, and construction activities must be performed in a manner consistent with NYSDEC standards, criteria, or guidance in effect at the time of such activities.	Sunrise will comply	Appendix S (Dewatering Plan)
166	The Certificate Holder shall inform the USACE and NYSDOS of any changes in the design of the Project that have the potential to impact any USACE-issued permit or authorization and shall file a copy of such correspondence with the Secretary.	Sunrise will comply	Appendix GG (Permits, Approvals and Agency Correspondence)

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
167	If there are impacts to freshwater wetlands or associated wetland adjacent areas, those 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 specified in the approved EM&CP that is appropriate for wetlands and upland areas adjacent to wetlands. 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 or upland plants (as appropriate) 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 freshwater wetlands and 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 NYSDEC and prepare a Wetland Planting Remedial Plan (WPRP) in accordance with the approved EM&CP and shall submit the WPRP to NYSDEC and DPS for acceptance prior to implementation.	Sunrise will comply	Section 4; Appendix W (Wetland Impact Minimization and Mitigation Plan); Appendix AA (Invasive Species Control and Management Plan)
<b>P. Cultural Resources</b>			
168	The Certificate Holder shall implement the following cultural resources avoidance, minimization, and mitigation measures, as determined in consultation with the OPRHP:	Sunrise will comply	Section 4
168.a	The Certificate Holder shall not undertake construction in previously undisturbed areas where archeological surveys have not been completed until such time as the appropriate authorities, including OPRHP, and DPS Staff, have reviewed the results of any historic properties and archeological surveys that are required.	Sunrise will comply	Section 4
168.b	The Certificate Holder shall indicate in any applicable EM&CP or equivalent documents, measures for avoidance of archeological sites identified within the Project Corridor, if applicable. The mapped locations of all identified archeological sites within the Project Corridor shall be identified as "Environmentally Sensitive Areas" or similar on the final construction drawings and onshore (terrestrial) archeological sites will be marked in the field to restrict access.	Sunrise will comply	Section 4
168.c	A Final Cultural Resources Mitigation Plan, as applicable, either as adopted by a federal permitting agency in subsequent National Historic Preservation Act (NHPA) §106 or National Environmental Policy Act (NEPA) substitution for §106 review, or as revised in further consultation with New York State Historic Preservation Office (SHPO) in the event that the NHPA §106 or NEPA substitution for §106 review does not require that the mitigation plan be implemented, or as further supplemented pending any negotiations among parties. Proof of mitigation funding awards for offsetting Project implementation impacts to significant cultural resources to be provided within 2 years of the start of construction of the Facility shall be included.	Sunrise will comply when required*	N/A*
169	The following conditions apply to the discovery of unanticipated archaeological materials:	Sunrise will comply	Section 4; Section 5; Appendix T (Onshore Unanticipated Discovery Plan); Appendix U (Offshore Unanticipated Discovery Plan)

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
169.a	If unanticipated archeological discoveries occur during onshore construction, and continuing construction in the immediate vicinity (150 feet) would be incompatible with the objective of preserving the quality and integrity of the resource, the Certificate Holder shall stabilize the area and cease all ground-disturbing activities in the immediate vicinity (150 feet) of the find and protect the find from further damage. The restricted areas would extend from the maximum discernable limit of the archaeological resource. The only earth-moving activities that may occur within the restricted areas prior to notifications are those necessary for immediate stabilization of the exposed archaeological feature or deposit. The Certificate Holder shall flag, fence off, or securely cover with steel plates the archaeological discovery location and take reasonable measures to ensure site security.	Sunrise will comply	Section 4; Appendix T (Onshore Unanticipated Discovery Plan)
169.b	If unanticipated archaeological discoveries occur during offshore construction, the Certificate Holder shall stop work in the immediate vicinity (within 150 feet) of the find and consult a qualified marine archaeologist to assist in determining the origin of any finds and immediate measures, if appropriate and feasible, to stabilize the archaeological resource. The avoidance distance would extend from the maximum discernible extent of the archaeological resource.	Sunrise will comply	Section 5; Appendix U (Offshore Unanticipated Discovery Plan)
169.c	Within 24 hours of such onshore or offshore discovery, the Certificate Holder shall notify and consult with DPS Staff and OPRHP to determine the best course of action. Any discovery made on a weekend will be protected until DPS Staff and OPRHP are notified of the discovery. No construction activities shall be permitted in the vicinity of the find until such time as the significance of the resource has been evaluated by OPRHP and the need for and scope of impact mitigation has been determined by DPS Staff in consultation with OPRHP and the Certificate Holder. The Certificate Holder may engage qualified archaeologists to assist in preliminary visual assessments and documentation, consultations with OPRHP and DPS Staff, and development of appropriate treatment/mitigation measures.	Sunrise will comply	Section 4; Section 5; Appendix T (Onshore Unanticipated Discovery Plan); Appendix U (Offshore Unanticipated Discovery Plan)
170	Should human remains or evidence of human burials be encountered during the conduct of archeological data recovery fieldwork or during construction, all work in the vicinity of the find shall be halted immediately for the remains to be protected from further disturbance. Immediately upon any such discovery, the Certificate Holder shall notify and consult with DPS Staff and OPRHP. The Certificate Holder shall ensure that treatment of human remains is done in accordance with the OPRHP's Human Remains Discovery Protocol (dated August 2018).	Sunrise will comply	Section 4; Appendix T (Onshore Unanticipated Discovery Plan)
171	The Certificate Holder shall ensure that all archaeological or human remains-related encounters and their handling are reported in the status reports summarizing construction activities.	Sunrise will comply	Section 4
<b>Q. Terrestrial and Wildlife Resources</b>			
172	The Certificate Holder shall refer to 6 NYCRR Part 182 and <a href="http://www.dec.ny.gov/animals/7494.html">http://www.dec.ny.gov/animals/7494.html</a> for lists of T&E animal species and to 6 NYCRR Part 193 for T&E plant species. Prior to the commencement of construction of the Onshore Transmission Cable, the Certificate Holder will provide all workers with pertinent information on potential T&E species in the Project Corridor.	Sunrise will comply	Section 4
173	If any T&E animal or plant species are observed from the Project Corridor, access roads, laydown yards, and any other areas where Project activities authorized in this Certificate are conducted,	Sunrise will comply	Section 4

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
	the Certificate Holder shall immediately notify the environmental monitor to determine the appropriate actions, if any, to protect the identified species, or its occupied habitat, from immediate harm, and shall also notify DPS Staff and NYSDEC within 24 hours.		
174	If any work results in or is likely to result in an incidental take of an Endangered or Threatened species as defined in 6 NYCRR Part 182, the Certificate Holder must stop work where the take occurred or is likely to occur (Stop Work Area) and must submit an Endangered or Threatened Species Mitigation Plan and Implementation Agreement (T&E Plan/Agreement) demonstrating proposed mitigation measures that will result in a Net Conservation Benefit to that species. Such T&E Plan/Agreement must be prepared in accordance with the requirements of 6 NYCRR Part 182, and developed in consultation with and accepted by NYSDEC and DPS Staff. Work must not recommence in the Stop Work Area until the T&E Plan/Agreement is accepted by NYSDEC and such T&E Plan/Agreement is implemented.	Sunrise will comply	Section 4
175	Certificate Holder will develop and include as part of the Phase 1 EM&CP an Avian Management Plan for rare, threatened, and endangered ("RTE") avian species in consultation with the appropriate regulatory agencies, including the NYSDEC, to address residual risk to these species.	Sunrise will comply	Section 4; Appendix Y (Avian Management Plan)
<b>R. Invasive Species</b>			
176	The Certificate Holder shall prepare an Invasive Species Control and Management Plan in accordance with the applicable requirements of ECL Article 9 and 6 NYCRR Part 575 and 6 NYCRR Part 663 as outlined in the Invasive Species Management Plan Specifications in Appendix P of the Joint Proposal. Forty-five days prior to filing the Phase 1 EM&CP, the Certificate Holder shall submit the Invasive Species Control and Management Plan for DPS Staff review and comment in consultation with NYSDEC. The Certificate Holder shall file said Invasive Species Control and Management Plan as part of the EM&CP.	Sunrise will comply	Section 4; Appendix AA (Invasive Species Management and Control Plan)
177	To minimize the risk of introducing invasive species, use of hay is strictly prohibited.	Sunrise will comply	Appendix AA (Invasive Species Management and Control Plan)
<b>S. Marine Resources</b>			
178	The Certificate Holder must comply with applicable federal agencies' requirements for noise mitigation for protected species in NYS waters as required in the federal COP approval, USACE permits, and Incidental Take Authorization issued for this Project.	Sunrise will comply	Section 5
179	The Certificate Holder must comply with applicable federal agencies' requirements for protected species mitigation, monitoring and reporting as detailed in the federal COP approval, Incidental Take Authorization, and other federal permits/approvals issued for this project. All protected species reports submitted to BOEM and NOAA involving NYS waters will be copied to NYSDEC.	Sunrise will comply	Section 5
180	Sightings of North Atlantic Right whales must be reported to NOAA within 24 hours.	Sunrise will comply when required*	N/A*
<b>T. Water Quality</b>			

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
181	Water quality standards set forth in 6 NYCRR Parts 701, 702, 703 and 704, and sections 301, 302, 303, 306, and 307 of the federal Clean Water Act (see 33 USC §§ 1311, 1312, 1313, 1313a, and 1317) shall not be contravened. Issuance of a Water Quality Certification also implies compliance with standards assuming that conditions placed in the certification are complied with.	Sunrise will comply when required*	N/A*
181.a	Water Quality Standard: None from sewage, industrial waste or other wastes that will cause deposition or impair the waters for their best usages.	Sunrise will comply when required*	N/A*
182	The Certificate Holder shall incorporate within the Post-Phase 1 EM&CP and implement a Suspended Sediment and Water Quality Monitoring Plan pertaining to offshore and onshore activities. The Certificate Holder must submit a Suspended Sediment and Water Quality Monitoring Plan for review and comment by DPS Staff, NYSDEC, and NYSDOS forty-five (45) days prior to the filing of the EM&CP. The Suspended Sediment and Water Quality Monitoring Plan must be prepared in accordance with Appendix I of the Joint Proposal.	Sunrise will comply when required*	N/A*
182.a	Water quality monitoring shall be conducted within the Project Corridor as described in Appendix B during seabed preparations, jet trenching pre-construction and construction activities, excavation of the HDD exit, pre-lay grapnel run, cable installation, backfill of the HDD exit, and maintenance and decommissioning activities that involve disturbance of sediments (together, "Monitored Construction Activities").	Sunrise will comply when required*	N/A*
182.b	Maintenance and decommissioning activities that result in only minor disturbance of sediments, including: (i) anchor sweep; (ii) anchoring; (iii) placement of jack-up barge; (iv) hand jetting; or (vi) other activities as determined by DPS Staff, in consultation with NYSDEC, shall not require water quality monitoring.	Sunrise will comply when required*	N/A*
183	The Suspended Sediment and Water Quality Monitoring Plan must:	Sunrise will comply when required*	N/A*
183.a	Specify sample location, depth of samples, frequency of sampling, and sampling during various tidal cycles;	Sunrise will comply when required*	N/A*
183.b	Describe procedures for background (upcurrent) and compliance (downcurrent) monitoring;	Sunrise will comply when required*	N/A*
183.c	Include daily sampling during each tidal cycle;	Sunrise will comply when required*	N/A*
183.d	Use an Acoustic Doppler Current Profiler to locate the plume;	Sunrise will comply when required*	N/A*
183.e	Require whole water samples in the vertical water column (from at least 3 depths) along a transect within the plume;	Sunrise will comply when required*	N/A*
183.f	Include an up-current transect outside the influence of Monitored Construction Activities;	Sunrise will comply when required*	N/A*

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
183.g	Require water quality monitoring, which shall include laboratory TSS and OBS turbidity analyses, to be conducted daily throughout the duration of Monitored Construction Activities. Prior to commencing maintenance and decommissioning activities, the Certificate Holder shall submit for NYSDEC review a water quality monitoring plan for activities that may require such monitoring;	Sunrise will comply when required*	N/A*
183.h	Identify a procedure whereby, if sampling results indicate consistent compliance with the TSS standards, the Certificate Holder can submit a request in writing to DPS Staff and NYSDEC to reduce the sampling frequency;	Sunrise will comply when required*	N/A*
183.i	Specify that real-time data must be collected using Acoustic Doppler Current Profiler and Optical Backscatter Sensor instrumentation and by collecting water samples at various depths for laboratory analysis of: TSS according to the methods and method detection limits identified in the Water Quality Monitoring Plan;	Sunrise will comply when required*	N/A*
183.j	Specify that, if activities occur concurrently in multiple locations, each activity that may cause resuspension of bottom sediments must be monitored separately.	Sunrise will comply when required*	N/A*
184	All water quality analyses required by this Certificate must be conducted by a laboratory certified by the NYSDOH ELAP.	Sunrise will comply when required*	N/A*
185	Certificate Holder shall use commercially reasonable efforts to request the most expedited turnaround time available for laboratory samples for locations along the SRWEC-NYS. Analytical results must be sent to DPS Staff and NYSDEC as soon as received from the laboratory, but no longer than forty-eight (48) hours of receipt. Exceedances must be highlighted.	Sunrise will comply when required*	N/A*
186	A pre-activity water quality calibration will be conducted to ensure that TSS may be accurately estimated in real-time during water quality monitoring activities. The pre-activity water quality calibration will be described in detail in the suspended solids and water quality monitoring plan.	Sunrise will comply when required*	N/A*
187	The following limit must be achieved for TSS at a distance of 1,500 feet down current (based on tide direction) of sediment disturbing activities:	Sunrise will comply when required*	N/A*
187.a	Guidance Value: TSS 100 mg/L above ambient for all offshore construction activities.	Sunrise will comply when required*	N/A*
187.b	If during water quality monitoring, the real-time TSS concentrations established by the calibration curve exceed the TSS limits established in this Certificate, DPS Staff, NYSDEC Staff, and the Aquatic Environmental Monitor shall be immediately notified and work shall be ceased immediately and then restarted at modified levels that will reduce TSS levels and bring them into compliance with Condition 192 (a) (b) in accordance with iterative changes outlined in Condition 192 (c) (ii) and (iii). The Certificate Holder will continue to iteratively implement operational controls and measure the resulting TSS. The Certificate Holder will notify the Aquatic Monitor throughout the process about any such operational adjustments.	Sunrise will comply when required*	N/A*
187.b.i	During implementation of corrective actions, DPS Staff and NYSDEC may specify additional monitoring until compliance with Water Quality Standards is demonstrated. Samples shall be	Sunrise will comply when required*	N/A*

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
	collected until resumption of routine monitoring is authorized by DPS Staff in consultation with NYSDEC.		
187.b.ii	For purposes of iterative changes to the use of a CFE or hand jetting tools, the following changes may be employed: changing the rate of advancement of the CFE or hand jet tool, modifying or varying hydraulic jetting pressures, and/or implementing other reasonable operational controls that may reduce suspension of in-situ sediments in a manner that would not materially delay the progress of work to complete the installation procedure.	Sunrise will comply when required*	N/A*
187.b.iii	For purposes of iterative changes to the use of a barge mounted excavator, the following changes may be employed: changing the rate of advancement of the excavator, modifying the depth of the excavator bucket in the water column, implementing other reasonable operational controls that may reduce suspension of in-situ sediments in a manner that would not materially delay the progress of work to complete the installation procedure, and/or operating the bucket so as to control the rate of the descent and to maximize the depth of penetration without overfilling the bucket, and/or to control bucket retrieval rates.	Sunrise will comply when required*	N/A*
188	If any jet trenching technology is used to lay the cable, trials must be conducted within representative sections or areas proximate to the proposed underwater cable route in NYS waters prior to cable installation to ensure compliance with Total Suspended Solids ("TSS") threshold limits as defined in Condition 187 (a). The trial will include approximately 1,000 feet of jet trenching operations within an area to be specified in the Jet Trencher Trial Plan that will be submitted as part of the Post-Phase 1 EM&CP. The following conditions apply to jet trencher trials:	Sunrise will comply when required*	N/A*
188.a	Pre-monitoring water quality calibration will be conducted prior to the jet trencher trials and will enable real-time estimation of TSS concentrations during the trials.	Sunrise will comply when required*	N/A*
188.b	A combination of acoustic ("ADCP") and calibrated optical backscatter ("OBS") measurements will be used to estimate TSS concentrations on selected transects. TSS and OBS turbidity water samples will be collected one thousand five hundred (1,500) feet up-current (for baseline) and one thousand five hundred (1,500) feet down-current of the jet plow, at three-interval depths (near surface, mid-depth, and near bottom) and analyzed by a NYSDOH Environmental Laboratory Approval Program ("ELAP") certified laboratory. Water quality monitoring requirements during jet trencher trials will be described in detail in the suspended solids and water quality monitoring plan;	Sunrise will comply when required*	N/A*
188.c	The Certificate Holder must coordinate with DPS Staff and NYSDEC to share real-time TSS measurement estimates collected during the jet trencher installation trials to evaluate whether the operating conditions result in TSS concentrations that exceed the TSS threshold limit;	Sunrise will comply when required*	N/A*
188.d	If the jet trencher trials demonstrate that the operating conditions result in TSS concentrations that exceed the TSS threshold limit established herein, the Certificate Holder notify DPS Staff and NYSDEC and implement feasible modifications to the jet trencher operating conditions to further reduce in-situ sediment re-suspension associated with the jet trencher installation procedure; and	Sunrise will comply when required*	N/A*

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
188.e	Jet trencher operations may proceed after Jet Trencher Trial results are reviewed in real-time and accepted by DPS Staff and NYSDEC. Review of this information by DPS and NYSDEC staffs shall not unreasonably delay the commencement of installation of the underwater cable system.	Sunrise will comply when required*	N/A*
189	The following conditions apply if jet trenching technology is used to install the SRWEC–NYS:	Sunrise will comply when required*	N/A*
189.a	The Certificate Holder must operate the jet trencher in accordance with the operating conditions determined through jet trencher trials to maintain the suspension of in-situ sediments within the Total Suspended Solid (TSS) limits;	Sunrise will comply when required*	N/A*
189.b	If, during jet trencher installation of the cable, TSS concentrations exceed the TSS limits established in this Certificate, the Certificate Holder shall follow the process established in Conditions 188 and 189 (c).	Sunrise will comply when required*	N/A*
189.c	For purposes of iterative changes to the use of the jet trencher, the following changes may be employed: changing the rate of advancement of the jet trencher, modifying or varying hydraulic jetting pressures, and/or implementing other reasonable operational controls that may reduce suspension of in-situ sediments in a manner that would not materially delay the progress of work to complete the jet trencher installation procedure.	Sunrise will comply when required*	N/A*
190	The offshore conduit end of the SRWEC–NYS may be exposed or buried by means of hydraulic or mechanical dredging. Material needed for cover of the Landfall HDD conduit end will be placed adjacent to the Landfall HDD conduit location for later use as cover material. Material placement will be done to minimize the footprint of the reverse backfill material and the Certificate Holder will minimize the sediment removed from the offshore HDD exit to the maximum extent practicable. If material to be dredged is contaminated, prior to dredging, the Certificate Holder shall identify the final dredged material disposal location, including a letter from the permitted disposal facility verifying that they will accept the material.	Sunrise will comply when required*	N/A*
190.a	All contaminated material shall be handled in accordance with details provided in the EM&CP and below:	Sunrise will comply when required*	N/A*
190.a.i	only use equipment in good operating condition;	Sunrise will comply when required*	N/A*
190.a.ii	not use deck barges, unless modified to allow no barge overflow and as approved by the Environmental Monitor and DPS Staff in consultation with NYSDEC;	Sunrise will comply when required*	N/A*
190.a.iii	use barges or scows of solid hull construction or which are sealed;	Sunrise will comply when required*	N/A*
190.a.iv	use a closed (i.e., sealed) environmental (e.g., clamshell) bucket with sealing gaskets or an overlapping sealed design at the jaws and seals or flaps positioned at locations of vent openings to minimize sediment suspension;	Sunrise will comply when required*	N/A*
190.a.v	ensure that seals or flaps designed or installed at the jaws and locations of vent openings tightly cover these openings while the bucket is lifted through the water column and into the barge;	Sunrise will comply when required*	N/A*



Condition Number	Requirement/Condition	Response	EM&CP 1 Location
190.a.vi	equip the closed environmental (e.g., clamshell) bucket with sensors to ensure complete closure of the bucket before lifting through the water;	Sunrise will comply when required*	N/A*
190.a.vii	operate the bucket so as to control the rate of the descent and to maximize the depth of penetration without overfilling the bucket;	Sunrise will comply when required*	N/A*
190.a.viii	control bucket retrieval rates to minimize turbidity;	Sunrise will comply when required*	N/A*
190.a.ix	lower the bucket to the level of the barge gunwales prior to release of the load and place the excavated material deliberately and in a controlled manner;	Sunrise will comply when required*	N/A*
190.a.x	suspend operations until any necessary repairs or replacements are made when a significant loss of water and visible sediments from the bucket is observed;	Sunrise will comply when required*	N/A*
190.a.xi	avoid washing the gunwales of the scow except to the extent necessary to ensure the safety of workers;	Sunrise will comply when required*	N/A*
190.a.xii	not overflow the barge; and	Sunrise will comply when required*	N/A*
190.a.xiii	The Certificate Holder shall allow a minimum twenty-four (24) hours of settlement prior to decanting barges. Decanting of barges may not commence until approved by DPS Staff, in consultation with NYSDEC;	Sunrise will comply when required*	N/A*
190.a.xiv	operate the equipment so as to minimize sediment transport.	Sunrise will comply when required*	N/A*
191	The Certificate Holder will perform a focused benthic study designed to investigate benthic recovery following completion of construction at the offshore HDD exit. The scope of that study is outlined in Appendix Q.	Sunrise will comply when required*	N/A*
192	The following conditions shall be applied to minimize sediment released into the water column during the Landfall HDD conduit installation:	Sunrise will comply when required*	N/A*
192.a	The environmental monitor shall inspect all installation equipment to be utilized at the offshore HDD exit prior to use and shall perform periodic inspections of all such equipment no less than once per week when in use.	Sunrise will comply when required*	N/A*
192.b	The Certificate Holder shall:	Sunrise will comply when required*	N/A*
192.b.i	only use equipment in good operating condition;	Sunrise will comply when required*	N/A*
192.b.ii	only use equipment fit for purpose;	Sunrise will comply when required*	N/A*

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
192.b.iii	operate the equipment to satisfy TSS guidance value described in Condition 187;	Sunrise will comply when required*	N/A*
192.b.iv	not use a dragline for excavation;	Sunrise will comply when required*	N/A*
192.b.v	demonstrate to the environmental monitor that the equipment operator has sufficient control over the bucket operation so that the sediment re-suspension from bucket contact with the bottom and bucket over-filling is minimized;	Sunrise will comply when required*	N/A*
192.b.vi	utilize bucket excavation unless bucket excavation would endanger the HDD borehole, in which case the Certificate Holder may use airlift, controlled flow excavation, and/or suction dredging methodologies to install the HDD conduit and the SRWEC-NYS cable; and	Sunrise will comply when required*	N/A*
192.b.vii	during excavation and backfill of at the offshore HDD exit pit, provide to DPS Staff, NYSDEC, NYSDOS weekly progress reports that demonstrate compliance with Certificate requirements and such other information as determined necessary based on consultation with DPS Staff, NYSDEC, and NYSDOS.	Sunrise will comply when required*	N/A*
192.c	Certificate Holder may install permanent concrete mattresses or rock bags for protection of the conduit and/or cable within the offshore HDD exit, provided that the Certificate Holder shall cover such protection measures with at least three feet of material excavated from the HDD exit or similar material from upland sources and ensure that there is no discernible depression consistent with Condition 192 (d). Additional details regarding such cable protection measures shall be provided in the EM&CP. Prior to filing the Post-Phase 1 EM&CP, Certificate Holder shall consult with DPS Staff, NYSDEC, and NYSDOS regarding cable protection measures.	Sunrise will comply when required*	N/A*
192.d	No later than three months following the COD, exclusive of the construction windows described herein, Certificate Holder shall determine whether there is a discernible depression at the offshore HDD exit. If there is a discernable depression, the Certificate Holder will timely backfill the HDD exit unless, in consultation with DPS Staff and NYSDEC, it is determined backfill is not necessary.	Sunrise will comply when required*	N/A*
193	Visual observations of turbidity will be identified in the Post-Phase 1 EM&CP caused by underwater cable and HDD exit pit installation/backfill activities, pre-lay grapnel run operations, maintenance, and decommissioning activities must be conducted to ensure compliance with the narrative water quality standard in 6 NYCRR § 703.2: "No increase that will cause a substantial visible contrast to natural conditions."	Sunrise will comply when required*	N/A*
194	If an HDD exit pit is utilized, within four months of Commercial Operation, the Certificate Holder must submit a report summarizing the results of the construction of the offshore HDD exit, water quality monitoring, and excavated material management operations. The report shall include:	Sunrise will comply when required*	N/A*
194.a	location and extent of excavation;	Sunrise will comply when required*	N/A*

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
194.b	total amount of material excavated;	Sunrise will comply when required*	N/A*
194.c	ultimate placement location of excavated material;	Sunrise will comply when required*	N/A*
194.d	water quality monitoring results and corrective actions (when needed) taken; and	Sunrise will comply when required*	N/A*
194.e	documentation of follow-up testing/observations.	Sunrise will comply when required*	N/A*
195	Within four months of completion of the excavation of the offshore HDD exit, the Certificate Holder must file with the Secretary an analysis comparing the actual water quality monitoring results obtained during installation with any model predictions previously provided in support of the Project.	Sunrise will comply when required*	N/A*
196	Certificate Holder shall comply with any conditions contained in a Water Quality Certification issued pursuant to Section 401 of the Federal Clean Water Act, a draft of which is set forth in Appendix F.	Sunrise will comply when required*	N/A*
<b>U. Handling of Petroleum &amp; Hazardous Substances</b>			
197	Uncontaminated drill cuttings and drilling muds from drilling processes which utilize only air, water, or water-based drilling fluids are considered construction and demolition debris under 6 NYCRR Part 360 (Solid Waste) and can be disposed of at either construction and demolition debris landfills or at municipal solid waste (MSW) landfills. Drill cuttings from drilling processes which utilize polymer-based mud containing mineral oil lubricant are considered contaminated and can only be disposed of at MSW landfills. Dewatered drilling muds including polymer-based mud containing mineral oil lubricant can only be disposed of at MSW landfills.	Sunrise will comply when required*	N/A*
198	Chemicals and petroleum products will not be stored, mixed, or loaded, nor will equipment be refueled, within 300 feet of wetlands and waterbodies and/or within the New York State Coastal Area as defined within NYS Executive Law § 911 (1) and (2), unless otherwise authorized by any EM&CP. Requirements for refueling within 100 feet of wetlands and waterbodies will be allowed in the circumstances outlined below or as otherwise authorized by the EM&CP.	Sunrise will comply	Section 3
198.a	Refueling of hand equipment will be allowed within 100 feet of wetlands or waterbodies when secondary containment is used. Secondary containment will be constructed of an impervious material capable of holding the hand equipment to be refueled and at least 110% of the fuel storage container capacity. Fuel tanks of handheld equipment will be initially filled in an upland location greater than 100 feet from wetlands or waterbodies in order to minimize the amount of refueling within these sensitive areas. Crews will have sufficient spill containment equipment on hand at the secondary containment location to provide prompt control and cleanup in the event of a release. If a dewatering pump is operated closer than 100 feet from the wetlands or waterbody, or within 300 feet from tidal wetlands, it must be within secondary containment large enough to hold the pump and accommodate refueling.	Sunrise will comply	Section 3

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
198.b	Refueling of equipment will be allowed within 100 feet of wetlands or waterbodies when necessary to maintain continuous operations and where removing equipment from a sensitive area for refueling would increase adverse impacts to the sensitive area. Fuel tanks of such equipment will be initially filled in an upland location greater than 100 feet from wetlands or waterbodies in order to minimize the amount of refueling within these sensitive areas. All refueling of equipment within 100 feet of wetlands or waterbodies will be conducted under the direct supervision of the environmental monitor. Absorbent pads or portable basins will be deployed under the refueling operation. In addition, the fuel nozzle will be wrapped in an absorbent pad and the nozzle will be placed in a secondary containment vessel (e.g., bucket) when moving the nozzle from the fuel truck to the equipment to be refueled. All equipment operating within 100 feet of a wetland or waterbody will have sufficient spill containment equipment on board to provide prompt control and cleanup in the event of a release.	Sunrise will comply	Section 3
199	The Certificate Holder shall comply with the following spill requirements:	Sunrise will comply	Section 3
199.a	A Spill Prevention, Control, and Countermeasure (SPCC) Plan to minimize the potential for unintended releases of petroleum and other hazardous chemicals during Project construction and operation shall be included in each applicable EM&CP;	Sunrise will comply	Section 3
199.b	All non-passenger vehicles must be equipped with spill kits containing a variety of sorbents for small to large releases. Spill kits will be on hand during all refueling operations. Any leaks will be stopped and cleaned up immediately;	Sunrise will comply	Section 3
199.c	Spillage of fuels, waste oils, other petroleum products or hazardous materials shall be reported to NYSDEC's Spill Hotline (1-800-457-7362) within two hours, in accordance with the NYSDEC Spill Reporting and Initial Notification Requirements Technical Field Guidance ( <a href="http://www.dec.ny.gov/docs/remediation_hudson_pdf/1x1.pdf">http://www.dec.ny.gov/docs/remediation_hudson_pdf/1x1.pdf</a> ); and	Sunrise will comply	Section 3
199.d	The Certificate Holder shall report all spills encountered, regardless of whether it is the spiller, to both the NYSDEC Spill Hotline and DPS Staff, in accordance with all federal and State regulations, and provide a copy of such notification contemporaneously to the affected property owner. The Certificate Holder acknowledges that neither the Town nor NYSDOT will undertake or accept financial responsibility for any remediation or similar activity with respect to the removal of hazardous wastes (6 NYCRR Parts 373 and 374) and non-hazardous solid industrial wastes (6 NYCRR Part 360) for any such spills caused by Certificate Holder or its contractors.	Sunrise will comply	Section 3
<b>V. Vegetation Management and Herbicide, Fungicide and Pesticide Use</b>			
200	The Certificate Holder shall prepare a Vegetation Management Plan as part of the Phase 1 EM&CP. Forty-five days prior to filing the EM&CP, the Certificate Holder shall submit the Vegetation Management Plan to DPS Staff and NYSDEC for review and comment.	Sunrise will comply	Appendix Z (Vegetation Management and Restoration Plan)
201	The Certificate Holder shall take appropriate measures, as outlined in the Vegetation Management Plan to minimize tree clearing, install tree protection fencing around critical root zone, and minimize soil compaction within temporary work areas that will be revegetated post-construction, including but not limited to work areas within SCFWs, open space, parkland, and wetlands and waterbodies.	Sunrise will comply	Appendix Z (Vegetation Management and Restoration Plan)

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
202	Certificate Holder shall only use the pesticides, fungicides, and herbicides specified in the EM&CP. If the Certificate Holder desires a change to the pesticides, herbicides, and fungicides specified in the EM&CP, including mix proportions, additives (with the exception of dyes), or method of application, the Certificate Holder shall submit the proposed change for approval pursuant to Condition 41. The Certificate Holder will not use pesticides, fungicides, or herbicides in wetlands and waterbodies or appropriate adjacent areas. In the event pesticides, fungicides, or herbicides are required in wetlands and waterbodies or appropriate adjacent and no general permit from the NYSDEC is available, the Certificate Holder shall secure the necessary permits from NYSDEC.	Sunrise will comply	Appendix Z (Vegetation Management and Restoration Plan)
203	The supervising applicator shall be certified in accordance with all applicable NYS laws and shall be familiar with and understand the applicable provisions of this Certificate and the most recent version of the Certificate Holder's Vegetation Management Plan.	Sunrise will comply	Appendix Z (Vegetation Management and Restoration Plan)
204	The Certificate Holder shall coordinate with LIPA and/or PSEG Long Island as to vegetation clearing required for the Project in the vicinity of existing transmission and distribution lines and substations.	Sunrise will comply	Appendix Z (Vegetation Management and Restoration Plan)
205	Unless described otherwise in the EM&CP, all trees over four inches in diameter (measured four feet above ground) or shrubs over four feet in height that are damaged or destroyed by the Certificate Holder's activities during construction, operation, or maintenance, (excluding any trimming of limbs or branches required to maintain safe work clearances) regardless of where located, shall be replaced by the Certificate Holder with the equivalent type trees or shrubs, subject to the provisions of 6 NYCRR Part 575, Prohibited and Regulated Invasive Species, except where:	Sunrise will comply	Appendix Z (Vegetation Management and Restoration Plan)
205.a	equivalent-type replacement trees or shrubs would interfere with the proper clearing, construction, operation, or maintenance of the Project;	Sunrise will comply	Appendix Z (Vegetation Management and Restoration Plan)
205.b	replacement would be contrary to sound ROW management practices or to any approved Vegetation Management Plan applicable to the Project; or	Sunrise will comply	Appendix Z (Vegetation Management and Restoration Plan)
205.c	a property owner on whose land the damaged or destroyed trees or shrubs were located provides a written statement declining replacement (or other recorded easement or license holder with the right to control replacement declines replacement).	Sunrise will comply	Appendix Z (Vegetation Management and Restoration Plan)
206	Clearing of natural vegetation shall be limited to the Commission-accepted Vegetation Management Plan and vegetation that poses a hazard or hindrance to construction activity and/or operation.	Sunrise will comply	Appendix Z (Vegetation Management and Restoration Plan)
207	The Certificate Holder shall develop a Vegetation Restoration Plan, to be submitted as part of the Phase 1 EM&CP, that governs the off-roadway, onshore portion of the Project Corridor. The Vegetation Restoration Plan shall cover the following information:	Sunrise will comply	Appendix Z (Vegetation Management and Restoration Plan)

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
207.a	The restoration (i.e., soil stabilization, seeding, planting) to be undertaken immediately following completion of construction and any post-construction assessment;	Sunrise will comply	Appendix Z (Vegetation Management and Restoration Plan)
207.b	Specify the necessary planting density, if any, to minimize invasive species encroachment; and	Sunrise will comply	Appendix Z (Vegetation Management and Restoration Plan)
207.c	Identify any existing forested areas, if any, that would be cleared during construction and required to be maintained post-construction to prevent reforestation.	Sunrise will comply	Appendix Z (Vegetation Management and Restoration Plan)
<b>W. Restoration Activities</b>			
208	Unless otherwise specified in the EM&CP, Certificate Holder shall let the temporary construction area revegetate naturally or return to its original land use to the extent that it does not interfere with the inspection, operation, or maintenance of the utility facilities. The Certificate Holder will replant or reseed any existing vegetated areas of parkland and beach/dunes that are disturbed during construction. Except where otherwise specified in the EM&CP, stem-specific removal of trees or side trimming shall be conducted in accordance with long-range ROW management plans, real property rights; and provisions of any and all host community agreements, easements, leases, and/or license agreements.	Sunrise will comply	Appendix Z (Vegetation Management and Restoration Plan)
<b>X. Decommissioning</b>			
209	The Certificate Holder shall prepare a Primary Decommissioning Plan based on the final design of the Project, for inclusion in the Post-Phase 1 EM&CP. Certificate Holder shall provide the Primary Decommissioning Plan to DPS Staff, NYSDEC, New York State Office of General Services (NYSOGS), NYSDOT, NYSAGM, NYSDOS, and LICFA at least 45 days prior to filing the Post-Phase 1 EM&CP for review and comment. The Primary Decommissioning Plan shall include: (i) the anticipated life of the Project; (ii) estimates of the decommissioning costs (in current dollars; scrap and re-sale value cannot be used for offsetting of decommissioning costs) for the Project broken down by the component parts outlined in Condition 209 (a) (together, the Decommissioning Cost Estimate); (iii) the letters of credit or performance bond with surety available for decommissioning and restoration valued at the Decommissioning Cost Estimate; and (iv) procedures and timeframes for notifying landowners along the route about decommissioning activities. An outline of the Primary Decommissioning Plan is attached as Appendix R to the Joint Proposal.	Sunrise will comply when required*	N/A*
209.a	For decommissioning purposes, the Project has four components:	Sunrise will comply when required*	N/A*
209.a.i	that portion of the SRWEC-NYS from the boundary of New York State territorial waters to the MHWL (the New York State Area Under the Jurisdiction of NYSOGS);	Sunrise will comply when required*	N/A*
209.a.ii	that portion of the SRWEC-NYS from the MHWL to the Landfall Work Area, the Onshore Transmission Cable, the OnCS-DC, and the Holbrook Expansion Area (together, the Onshore	Sunrise will comply when required*	N/A*

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
	Transmission Facilities) under the jurisdiction of the NYSDOT (the New York State Area Under the Jurisdiction of NYSDOT)		
209.a.iii	that portion of the Onshore Transmission Facilities under the jurisdiction of the County (the County Local Area); and	Sunrise will comply when required*	N/A*
209.a.iv	that portion of the Onshore Transmission Facilities under the jurisdiction of the Town (the Town Local Area).	Sunrise will comply when required*	N/A*
209.b	The Decommissioning Cost Estimate contained in the Primary Decommissioning Plan shall be updated based on the as-built Project, to reflect inflation, and any other increases due to labor or other costs, by a qualified independent engineer licensed in the State of New York, after one year of Project operation, and every fifth year thereafter. Such updates shall be filed (one year after commercial operation date and every fifth year thereafter), with the Secretary to the Commission. Scrap and re-sale value cannot be used for offsetting of decommissioning costs in the required estimate updates. The value of the letters of credit secured for decommissioning purposes shall never be reduced below the initial Decommissioning Cost Estimate.	Sunrise will comply when required*	N/A*
209.c	The Certificate Holder shall work with DPS Staff and/or the NYSOGS to craft a letter of credit that would establish a right for NYSOGS to draw on an irrevocable letter of credit in the event of the Certificate Holder's failure to timely decommission the facilities located in the New York State Area Under the Jurisdiction of NYSOGS and restore that area in accordance with the Primary Decommissioning Plan (the New York State OGS Area Letter of Credit). The New York State OGS Area Letter of Credit shall state on its face that it is held by and for the sole benefit of NYSOGS. Similarly, the Certificate Holder shall work with DPS Staff and/or the NYSDOT to obtain a performance bond with surety in the event of the Certificate Holder's failure to timely decommission the facilities located in the New York State Area Under the Jurisdiction of NYSDOT and restore that area in accordance with the Primary Decommissioning Plan (the New York State DOT Performance Bond with Surety). The New York State DOT Performance Bond with Surety shall state on its face that it is held by and for the sole benefit of NYSDOT.	Sunrise will comply when required*	N/A*
209.c.i	In the event either NYSOGS or NYSDOT refuses to or cannot be the beneficiary of the respective security, the Certificate Holder will work with NYSOGS and/or NYSDOT to establish an appropriate trust agreement with a third-party trustee that will hold the New York State OGS Area Letter of Credit and/or New York State DOT Performance Bond with Surety for the benefit of NYSOGS and/or NYSDOT to be funded in the appropriate amount pursuant to the Decommissioning Cost Estimate pursuant to the Commission's relevant order in this proceeding.	Sunrise will comply when required*	N/A*
209.c.ii	Prior to the commencement of construction, the Certificate Holder shall submit to the Secretary to the Commission proof that both the New York State OGS Area Letter of Credit and New York State DOT Performance Bond with Surety have been obtained in the amount of the Decommissioning Cost Estimate as calculated pursuant to the Commission's relevant order in this proceeding. Both the letter of credit and performance bond with surety shall remain in place for the life of the Project, until it is decommissioned.	Sunrise will comply when required*	N/A*
209.d	The Certificate Holder will secure letters of credit to be held by the Town and County, respectively, that would establish rights for the Town and County to draw on said security in the	Sunrise will comply when required*	N/A*

Condition Number	Requirement/Condition	Response	EM&CP 1 Location
	event of the Certificate Holder's failure to timely decommission the facilities located in the Town Local Area (the Town Letter of Credit) or the County Local Area (the County Letter of Credit) and restore those areas in accordance with the Primary Decommissioning Plan. The Town Letter of Credit will be held for the sole benefit of the Town and the County Letter of Credit will be held for the sole benefit of the County, and be, at a minimum, in the amount of the Decommissioning Cost Estimate as calculated pursuant to the Commission's relevant order in this proceeding.		
209.d.i	In the event the Town and/or County ultimately refuses to be the beneficiary of such security, the Certificate Holder will work with DPS Staff to establish an appropriate trust agreement with a third-party trustee that will hold the relevant letter(s) of credit funded for the benefit of the Town and/or County, at a minimum, in the amount of the Decommissioning Cost Estimate as calculated pursuant to the Commission's relevant order in this proceeding.	Sunrise will comply when required*	N/A*
209.d.ii	Prior to the commencement of construction, the Certificate Holder shall submit to the Secretary to the Commission proof that both the Town Letter of Credit and County Letter of Credit have been obtained in the amount of the Decommissioning Cost Estimate as calculated pursuant to the Commission's relevant order in this proceeding. Both letters of credit shall remain in place for the life of the Project, until it is decommissioned	Sunrise will comply when required*	N/A*
209.e	Certificate Holder shall, if appropriate, engage the services of a trustee and enter into trust agreements for the administration of the funds from any of the securities outlined in Condition 209 (a). The form of any such trust agreement shall be filed with the Secretary with proof of obtaining the relevant security.	Sunrise will comply when required*	N/A*
209.f	All of the letters of credit and performance bond with surety for NYSDOT outlined in Condition 209 (a) shall provide that the beneficiaries thereof may, subject to the cure provisions set forth in the underlying letters of credit or performance bond with surety, exercise their right to draw on it following the occurrence of any of the events set forth in subsections (i) hereof:	Sunrise will comply when required*	N/A*
209.f.i	Decommissioning will commence if: (1) the Project's construction has halted for a period of 12 continuous months, unless the 12-month period of inactivity is the result of reasonably unforeseen circumstances, recommencement is being actively pursued in good faith by the Certificate Holder, or the period of inactivity is due to a Force Majeure event; or (2) after commercial operation of the Project, if the Project has not generated electricity for a period of 12 continuous months, unless the 12-month period of no energy output is due to a Force Majeure event or the result of a repair, restoration, or improvement to an integral part of the Project that affects the generation of electricity and that repair, restoration, or improvement is being actively pursued in good faith by the Certificate Holder. The Certificate Holder shall file notice with the Secretary if it is anticipated that repairs or completion of construction (or similar) will extend beyond a 12-month inactive period; written notice shall also be provided to: (1) DPS Staff, NYSDEC, NYSDOT, and NYSDOS, and (2) and adjoining landowners of planned decommissioning and site restoration activities prior to commencement of those activities.	Sunrise will comply when required*	N/A*
210	When Certificate Holder files its Phase 1 EM&CP, Certificate Holder will prepare a Short-Term Decommissioning Plan that will include the same information outlined above for the Primary Decommissioning Plan but only for those assets that are captured by the Phase 1 EM&CP. Certificate Holder will secure two a letters of credit for the Town and County and a performance	Sunrise will comply	Appendix FF (Short-Term Decommissioning Plan)



Condition Number	Requirement/Condition	Response	EM&CP 1 Location
	bond with surety for the NYSDOT for the Phase 1 work: (1) for lands under the jurisdiction of the NYSDOT, (2) for lands under the jurisdiction of the Town, and (3) for lands under the jurisdiction of the County. Each letter of credit and performance bond with surety will be, at a minimum, in the amount of the decommissioning cost estimate included in the Short-Term Decommissioning Plan as approved by the Commission's relevant order issued in this proceeding to decommission any Phase 1 assets that are abandoned by the Certificate Holder in the event future phases of construction are not completed and the Project is not ultimately energized (together, the Short-Term Security). When construction commences on Post-Phase 1 Project components, the Short-Term Security will be released and replaced in full by the letters of credit and performance bond with surety described in Condition 209 (a). In the event the NYSDOT, Town, or County cannot hold their respective Short-Term Security, the Certificate Holder will establish appropriate standby trusts to hold the same in accordance with the process outlined in Condition 209.		
<b>Notes:</b> * Indicates this condition or portion thereof will be complied within the Post-Phase 1 EM&CP ( <i>i.e.</i> , EM&CP 2)			

## SECTION 3 – PROJECT PERSONNEL AND PROCEDURES

During Project construction, personnel will be provided to enforce the procedures described in this EM&CP, confirm compliance with applicable environmental and regulatory requirements, including the Certificate Conditions, and ensure quality control and safe and efficient construction. While positions are assigned as either full- or part-time, the responsibilities and time commitments of hired personnel will be commensurate with fluctuations in the Project activity levels. Personnel will monitor construction continually to assure that Project procedures are being followed and completed in a timely manner to maintain a clean and safe construction site.

### 3.1 Project Personnel

Project construction will involve employees, contractors, and subcontractors. Any employee, contractor, or subcontractor assigned to the Project will be properly trained in their respective responsibilities. Sunrise Wind will provide contractors involved in construction of the Project with complete copies, including any amendments and modifications, of the Order, the Certificate, the EM&CP(s), the Order(s) approving the EM&CP(s) and all State and federal permit approvals and authorizations. Contractors will be notified that the Commission may seek to recover penalties for violation of the Certificate, not only from Sunrise Wind, but also from its contractors, and that contractors may also be liable for other fines, penalties, and environmental damage caused by their actions.

Additionally, Sunrise Wind will provide independent, third-party Environmental Monitor(s)/Aquatic Environmental Monitor, one independent, third party full-time Fishing Interests Monitor/ Representative, Construction Supervisor, Safety Inspector, and Quality Assurance Inspector to monitor and inspect construction and site restoration activities. Personnel will work in coordination with the Project Manager (who will be responsible for scope, cost, scheduling, and coordination) to facilitate compliance with the environmental protection provisions specified by the Certificate. Sunrise Wind will have a Compliance Manager managing Sunrise Wind's environmental inspection staff, compliance requirements and commitments throughout the life of the Project and will coordinate with the Project Manager and DPS Staff. Responsibilities of the contractor(s), Environmental Monitor(s), Construction Supervisor, Safety Inspector, Quality Assurance Inspector and Sunrise Wind's Compliance Manager are described below. The Environmental Compliance Plan (ECP) in Appendix G of this EM&CP further describes the environmental monitoring and compliance team, including the Environmental Monitor(s) and compliance management, and

compliance/non-compliance monitoring and reporting. The Quality Control Plan (QCP) in Appendix H of this EM&CP further describes quality assurance, management, and control measures.

### 3.1.1 Contractors

There will be a variety of contractor(s) on site at any given point in time (Contractors, or individually, Contractor). Each Contractor is expected to have its own crew with specific designated roles and responsibilities in addition to those described below. Additional roles/responsibilities may include (but are not limited to): Duct Bank Installation Contractor, OnCS–DC Construction Contractor, etc. Construction crews will report to the Contractor who will ultimately report to the Sunrise Wind Project Manager and Environmental Monitor(s). If, for any reason, the Contractor cannot finish the construction of the Project, and a new contractor is needed, Sunrise Wind will hold pre-construction meeting(s) using the same format as outlined in Certificate Condition #66 and described in detail in Section 6, *Community Relations*.

Sunrise Wind's employees, Contractors, and subcontractors assigned to the construction of the Project will be properly trained in their respective responsibilities. Sunrise Wind will notify all contractors that the NYSPSC may seek to recover penalties for violation of the Certificate, not only from Sunrise Wind, but also from its Contractors, and that Contractors may also be liable for other fines, penalties, and environmental damage caused by their actions.

### 3.1.2 Environmental Monitor(s)/Aquatic Environmental Monitor

One independent, third-party Environmental Monitor (Environmental Monitor) will be assigned full-time to the Project and report to DPS Staff. The Environmental Monitor will also be on-site during construction activities that take place outside of the time period 7:00 a.m. to 7:00 p.m. The Environmental Monitor's qualifications will satisfy those of a Qualified Inspector pursuant to the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001). Sunrise Wind will assign at least one additional Environmental Monitor(s) for the duration of in-water work if such work is undertaken simultaneously with Onshore Transmission Cable and/or OnCS–DC construction activities (the Aquatic Environmental Monitor).

Responsibilities of the Environmental Monitor (and the Aquatic Environmental Monitor, as necessary) will include the following:

- Monitoring construction activities, including but not limited to, clearing, access and drainage improvements/installations, installation and maintenance of temporary erosion

controls, excavation activities, work involving wetlands, streams, sensitive habitats, etc., and restoration activities;

- Monitoring and supporting compliance with the environmental management and protection requirements specified by the Certificate, the EM&CP(s) and state and federal permit authorizations;
- Attend site compliance audit inspections for DPS Staff, as described below with the Construction Supervisor, and other Project team personnel;
- Have stop-work authority as described in Section 2.3; and,
- Coordinating NYSDEC and other agencies during regulatory inspections of the Project.

### 3.1.3 Fishing Interests Monitor/Representative

One independent, third party full-time Fishing Interests Monitor/Representative will be employed on the Project. The monitor will be on-site during all construction activities that take place in NYS commercial fishing waters.

The Fisheries Interest Monitor will coordinate with the Marine Communication Center that will serve as a communication and monitoring base for maritime stakeholders during construction. The role of Fisheries Interest Monitor will be fulfilled by the Fisheries Liaison that is assigned to Sunrise Wind. This role will work to mitigate potential adverse Project impacts by ensuring timely dissemination of information regarding project activities, included projected vessel movements or delays during all phases of Project development. This role will also advise fishermen on potential removal/relocation requests of static gear when construction or operations could present a damage risk. This role will also continue formal and informal outreach to solicit input on fish and habitat monitoring results, vessel and gear interactions.

### 3.1.4 Construction Supervisor

One Construction Supervisor will be employed full-time on the Project. Responsibilities of the Construction Supervisor will include the following:

- Providing proactive leadership and direction to Contractor personnel to confirm that high standards of safety, security, and environmental compliance are developed and consistently maintained;

- Ensuring that Contractor resource needs are adequately identified and assigned to fully support the construction contract work plans, schedule, and budget;
- Taking a proactive role interfacing with the appropriate individuals to fully understand contract program needs and confirm that promised commitments are delivered;
- Participating in construction conference calls and meetings to support the requirement of the Contractor to provide weekly updates and reports;
- Assuring that assigned Contractor personnel are properly directed, trained, licensed, and evaluated in accordance with the Certificate and the approved EM&CP;
- Maintaining a thorough understanding of emergency response procedures to help arrange and provide resource support as needed; and,
- Coordinating with internal and external resources for pre-construction meetings, as required.

### 3.1.5 Safety Inspector

One Safety Inspector will be employed full-time on the Project to inspect the work site and is expected to cover multiple workspaces. Responsibilities of the Safety Inspector will include the following:

- Assisting in the establishment and implementation of regulatory compliance and incident-prevention activities regarding the safety and health of employees, Contractor and subcontractor personnel, and the public as they interact with Sunrise Wind's construction and operations;
- Assisting management and directing safety specialists in analyzing any safety related incidents; and,
- Advising management in problem-solving/decision-making to eliminate hazards and to develop incident-prevention and regulatory compliance programs to reduce incidents that may lead to personal injury and property damage.

### 3.1.6 Quality Assurance Inspector

One Quality Assurance Inspector will be employed full-time on the Project to inspect the work site in accordance with the QCP included in Appendix H of this EM&CP. Responsibilities of the Quality Assurance Inspector will include the following:

- Performing quality audits on electrical transmission lines and electrical substation construction projects as applicable to the Project;
- Verifying that construction field work complies with applicable construction specifications;
- Writing and issuing reports detailing results of field construction audits;
- Issuing and tracking non-conformances for items found that fail to meet the required specification;
- Requiring submission of corrective and preventive action for identified nonconformances;
- Working closely and collaboratively with the Contractor, construction field crews, system delivery, and the Project Manager to validate that a system of controls and procedures is in place and to evidence that adherence to those controls and procedures is documented and maintained in a systematic and orderly manner;
- Updating any instructions/documents to reflect the current process; and,
- Identifying opportunities for adaptive management/improvement.

### 3.1.7 Compliance Manager

Sunrise Wind's Compliance Manager is responsible for managing Sunrise Wind's environmental inspection staff, compliance requirements and commitments throughout the life of the Project. The Compliance Manager will be responsible for ensuring compliance with the Certificate, approved EM&CP, 401 WQC, applicable sections of the NYSPSL, and other applicable permits or requirements. The Compliance Manager will communicate the environmental protection criteria of the Certificate and the EM&CP to the Project and Contractor personnel and will be available throughout the entirety of construction to provide guidance and interpretation related to those criteria. The Compliance Manager will direct environmental inspection, coordinating daily inspections as well as non-routine monitoring (such as stormwater inspections in response to heavy rainfall or special environmental monitors), as necessary. The Compliance Manager will coordinate preconstruction walkdowns with the Contractor(s) to verify a comprehensive understanding of site regulations and required compliance. The Compliance Manager will report to the Project Manager and will have stop-work authority. In coordination with the Project

Manager, processing EM&CP Notices of Change (described in Section 3.3.3, *EM&CP Changes*) with DPS Staff.

### 3.1.8 Other Inspection and Monitoring Personnel

NYSDEC field representatives and NYSDOS staff may schedule visits to the Project site. NYSDOT and the local highway departments have authority to place inspectors on-site to monitor and observe Project activities on state highways and local roads, or to request the presence of state or local police to secure the safety of highway travelers, at such times and for such periods as NYSDOT deems appropriate.

Sunrise Wind will also retain the services of a reputable engineering firm (Highway Work Consultant), to inspect and monitor the work performed under the Highway Work Permit and in conformance with the Maintenance and Protection of Traffic (MPT) Plan. The Highway Work Consultant will monitor the work of Sunrise Wind and the contractors to confirm that the work performed under the permit is done in accordance with the plans, the standard specifications, and other requirements of the Highway Work Permit. As necessary, the Highway Work Consultant will inform, orally and in writing, Sunrise Wind and NYSDOT (and/or Department of Public Works [DPW] if applicable) of deficiencies in workmanship, material quality, Work Zone Traffic Control, Safety, etc.

Finally, Sunrise Wind will retain monitors as required to oversee Project activities and ensure compliance with Certificate Conditions and EM&CP appendices for relative to the protection of listed species, protected resources and environmental sensitive areas.

## 3.2 Inspections and Monitoring

### 3.2.1 Inspection Schedule

During periods of relative inactivity on the Project, after consultation with and acceptance from DPS Staff, the number of hours worked by Project oversight personnel and the extent of their presence at the Project site may temporarily decrease commensurate with the decline in Project activity. Likewise, during periods of relatively high activity on the Project (such as excavation and duct bank installation), the number of inspectors and the extent of their presence at the Project site may temporarily increase commensurate with the increase in activity levels. The frequency of inspections by the Environmental Monitor(s) will comply with the requirements of the SPDES General Permit for Stormwater Discharges associated with Construction Activities (GP-0-20-001).

Sunrise Wind will organize and conduct site compliance audit inspections for DPS Staff and NYSDOC, as needed, but not less frequently than once per month during the construction and restoration phases of the Project. Inspections will conclude upon the final sign-off of the Stormwater Pollution Prevention Plans (SWPPP(s)) by the Project.

### 3.2.2 Inspections and Monitoring Provision

The Environmental Monitor(s) and Construction Supervisor(s) will be equipped with sufficient documentation, transportation, and communication equipment to effectively monitor contractor compliance with the provisions of this Certificate, applicable sections of the NYSPSL, New York State Environmental Conservation Law (NYSECL), this EM&CP, every NYSPSC Order issued in this proceeding, applicable Town Codes, and the 401 WQC. Sunrise Wind will provide to DPS Staff and the Town, the cell phone numbers and weekly schedules of the Environmental Monitor(s), Safety Inspector, Quality Assurance Inspector and Construction Supervisor(s).

Following completion of the final design of the OnCS-DC, Sunrise Wind will obtain the services of a public entity recognized by NYSDOS as having the requisite training or qualifications that construction plans are in compliance with the NYS Uniform Fire Prevention and Building Code.

### 3.2.3 Stop-Work Orders

Sunrise Wind will regard DPS Staff representatives (authorized pursuant to NYSPSL §8) as the NYSPSC's designated representatives in the field. In the event of any emergency resulting from the specific construction or maintenance activities that violate or may violate the terms of the Certificate or any order in this proceeding, such DPS Staff representatives may issue a stop-work order for that location or activity. The Project Manager, Environmental Monitor, Compliance Manager and Construction Supervisor will have stop-work authority over aspects of the Project that could violate the terms of the Certificate, this EM&CP, or the Section 401 WQC. Any Project personnel can stop work for health and safety reasons. Any stop work order made in accordance with the Certificate Conditions will be complied with following completion of safety procedures and emergency protocols, unless operations must be continued to protect life, property, or the structural integrity of the ongoing construction.

In the case of a stop-work order, compliance will be coordinated as follows:

- A stop-work order will expire in 24 hours unless confirmed by a single Commissioner of the NYSPSC. If a stop-work order is confirmed, Sunrise Wind may seek reconsideration from the confirming Commissioner or all Commissioners. If the emergency prompting the



issuance of a stop-work order is resolved to the satisfaction of the Commissioner or the NYSPSC, the stop-work order will be lifted. If the emergency has not been satisfactorily resolved, the stop-work order will remain in effect.

- Stop-work authority will be exercised sparingly and with due regard to environmental impacts, economic costs involved, public health and safety, possible impact on construction activities, and whether an applicable statute or regulation is violated. Before exercising such authority, DPS Staff representatives will, wherever practicable, consult with Sunrise Wind representatives possessing comparable authority. Within reasonable time constraints, all attempts will be made to address any issue and resolve any dispute in the field. In the event the dispute cannot be resolved, the matter will be immediately brought to the attention of Sunrise Wind, the Project Manager, and the Director of Environmental Certification and Compliance (EC&C) Section of the Office of Electric, Gas and Water. In the event that a DPS Staff representative issues a stop-work order, neither Sunrise Wind nor the contractor will be prevented from undertaking any such safety-related activities as they deem necessary and appropriate under the circumstances. The issuance of a stop-work order or implementation of measures, as described below, may be directed at the sole discretion of the DPS Staff representative during these consultations.
- If a DPS Staff representative discovers that a specific activity is a significant environmental threat that is, or may immediately become, a violation of the Certificate, the Section 401 WQC, or any other order in this proceeding, the DPS Staff representative may—in the absence of responsible Sunrise Wind supervisory personnel or the presence of such personnel who, after consultation with the DPS Staff representative, refuse to take appropriate action—direct the field crews to stop the specific environmentally harmful activity immediately. If responsible Sunrise Wind personnel are not on site, the DPS Staff representative will immediately thereafter inform the supervisor and/or Environmental Monitor of the action taken. The DPS Staff representative may lift the stop-work directive if the situation prompting its issuance is resolved.
- If the DPS Staff representative determines that a significant threat exists such that protection of the public or the environment at a particular location requires the immediate implementation of specific measures, the DPS Staff representative may, in the absence of responsible Sunrise Wind supervisory personnel, or in the presence of such

personnel who, after consultation with the Staff representative, refuse to take appropriate action, direct Sunrise Wind or its contractors to implement corrective measures. The field crews will comply with the DPS Staff representative directive immediately. The DPS Staff representative will immediately thereafter inform the Sunrise Wind supervisor or Environmental Monitor of the action taken.

### 3.3 Project Procedures

The employees, contractors, subcontractors, and monitoring and inspection personnel will administer the following Project procedures to facilitate minimization of environmental impact and compliance with the environmental protection provisions specified by the Certificate and described in this EM&CP.

#### 3.3.1 Environmental Compliance Plan

Sunrise Wind will implement the ECP, included as Appendix G of this EM&CP, to confirm compliance with the Certificate and the applicable NYSECL provisions and implementing regulations, compliance tracking and reporting procedures, and the procedure for Sunrise Wind to respond to and notify appropriate parties of any problems found by the Environmental Monitor(s). The ECP describes the site compliance audit inspections, which will include a review of the status of compliance with the Certificate Conditions, requirements, and commitments, as well as a field review of the Project site, if necessary.

Additionally, no less than 14 days in advance of Project construction, Sunrise Wind will provide the names and qualifications of the independent, third-party Environmental Monitor(s), Aquatic Environmental Monitor, the independent, third-party Fishing Interests Monitor/ Representative, Safety Inspector(s), Quality Assurance Inspector, and Construction Supervisor(s) to DPS Staff.

#### 3.3.2 Quality Control Plan

At least 14 days prior to construction, Sunrise Wind will file a report with the Secretary confirming that required construction materials are available. For purposes of this paragraph, an item of construction material is available: (i) if it is located at a marshalling yard; (ii) if it is in a Sunrise Wind warehouse or other routine Sunrise Wind inventory stocking location; or (iii) if it is on order from a vendor with a scheduled delivery date prior to the time scheduled for its use in the Project.

Sunrise Wind will implement the QCP, included as Appendix H of this EM&CP, to confirm that the transmission line structures and components purchased for the Project conform to the specification for structures and components described in this EM&CP. The QCP includes: (i) the name(s) and qualifications of the individual(s) who will conduct audits under the QCP ("Quality Control Audits"); and (ii) the frequency with which the Quality Control Audits will be performed.

Within 10 business days following completion of each Quality Control Audit, Sunrise Wind will provide to DPS Staff a report of such audit that includes: (i) a description of the results of the audit, particularly with respect to results that identify that one or more structures or components purchased for installation in the Project did not conform to the specifications for structures or components described in the approved EM&CP; and (ii) any notes pertinent to the subject matter of such audit which were made at audit meetings by Sunrise Wind personnel and/or contractors who performed the audit.

If any Quality Control Audit identifies that facilities or components purchased for installation in the Project did not conform to the specification for structures and components described in this EM&CP, Sunrise Wind will: (i) provide written notification to the Secretary within not more than 72 hours of the discovery of such non-conformity; and (ii) describe the steps Sunrise Wind will take to correct the non-conformity, including whether any components must be dismantled and returned to the manufacturer.

If a contractor installs materials, structures, or components that do not meet or exceed the specifications for the same described in the approved EM&CP, Sunrise Wind will immediately notify DPS Staff of the deviation. Sunrise Wind will develop in consultation with the DPS Staff plans for remedial action, and within 30 days after becoming aware of such deviation, Sunrise Wind will prepare and deliver to DPS Staff a summary report detailing the deviation and the steps to be, or that have been, taken to address the deviation.

### 3.3.3 EM&CP Changes

Sunrise Wind will adhere to the following procedures for any proposed amendments to the EM&CP:

- Sunrise Wind will report any proposed changes to the EM&CP to DPS Staff. Any requested change or modification to the approved EM&CP that will not result in an increase in adverse environmental impacts or are not directly related to contested issues decided by the Administrative Law Judges (ALJs) or the NYSPSC during the proceeding (minor

change) will be decided, in writing, by the Chief and/or Director of EC&C of the Office of Electric, Gas and Water, or his or her designee. That decision will be filed with the Secretary's office. DPS Staff will refer all other proposed changes (major change) to the NYSPSC for approval.

- Upon being advised that DPS Staff will refer a proposed change to the NYSPSC, Sunrise Wind will provide electronic notice(s) of the filing of proposed changes to the EM&CP:
  - on all parties to this proceeding;
  - on owners of all properties that about the ROW, work areas and all properties on which property rights are required; and
  - and will attach a copy of the notice to each copy of the filing.
- The notice will 1) describe the original conditions and the requested change and 2) include any documents supporting the request. The notice will also state that persons may comment by writing or calling (followed by written confirmation) to the NYSPSC within 21 days of the notification date.
- Sunrise Wind will not execute any proposed change until Sunrise Wind has received oral or written approval, except in emergency situations threatening personal injury, property, or severe adverse environmental impact. Any oral approval from DPS Staff will be followed by written approval from the Director of EC&C or the NYSPSC.
- A sample EM&CP change request form is included in the Report Forms within Appendix HH of this EM&CP.

In the event that NYSDOS determines that such deviation would result in coastal effects that differ significantly from those reviewed in the Coastal Consistency Certification, Sunrise Wind will seek a written concurrence from NYSDOS for any such project changes that would require an amendment to the Coastal Consistency Certification. Nothing in the Certificate will be construed to limit or expand any rights Sunrise Wind may have to seek administrative or judicial review of any action or inaction by NYSDOS relating to any such deviation.

### 3.3.4 Health, Safety, and Emergency Services

Sunrise Wind has the right to require that any person seeking to access the Project first be appropriately trained in environmental protection and worksite safety. Sunrise Wind will provide site inspectors and scheduled visitors with appropriate personal protective equipment (PPE) for

any tours of the Project. This may include a properly fitted, currently valid hardhat, safety glasses with side shields, high visibility vest and steel or composite-toed boots at any time while on site, unless the visitor is in a vehicle or in a construction trailer. Sunrise Wind will require contractors or subcontractors to give an on-site tailboard safety briefing to site inspectors/visitors and may require site inspectors and scheduled visitors to comply with all safety and security requirements. Sunrise Wind will provide the number to call at any time in case of emergency.

Fire department and emergency management services will be notified prior to construction. Sunrise Wind will hold periodic training sessions, as needed, for the Town's Fire Department, and any other interested local fire department within Suffolk County, to review the procedures and protocols necessary to respond to emergency events at the OnCS–DC. Sunrise Wind will coordinate with PSEG LI to ensure that such training includes procedures and protocols for emergency events at the existing facilities adjacent to the OnCS–DC and Holbrook Substation. In addition, Sunrise Wind will keep fire department and emergency management services apprised of the presence of on-site hazardous chemicals and waste.

If an Occupational Safety and Health Administration (OSHA)-recordable construction accident (e.g., loss of consciousness and fractured bone) in connection with work on the Project, Sunrise Wind will report any such accident to DPS Staff as soon as possible, but no later than 24 hours after Sunrise Wind becomes aware of such accident. A copy of the accident report, if any, will be provided to DPS Staff after it has been finalized.

### 3.3.5 Traffic Safety

The Onshore Transmission Cable–NYSDOT ROW will traverse a NYS highway and the Project will require temporary modification of existing traffic patterns and the use of temporary traffic control devices and measures to provide protection of the traveling public, construction personnel and construction equipment in and through the work zone. Traffic management plans are discussed further in Section 7, *Standard Construction Practices*. Neither Sunrise Wind or any contractors will construct any new or improve any existing access roads outside of public ROWs not described in this EM&CP except in the case of emergency situations and with prompt notice filed with the Secretary.

Work within NYS highway ROW will be performed in accordance with the approved Highway Work Permit and Use and Occupancy agreement and in accordance with the official compilation of New York Codes, Rules, and Regulations (NYCRR), Title 17, Parts 127 and 131, NYS

Highway Law Section 52 and the traffic and work zone traffic safety standards required by NYSDOT specifications. Work zone traffic control for construction activities will comply with applicable rules and regulations including the National Manual of Uniform Traffic Control Devices (MUTCD) and 17 NYCRR Chapter V (New York Supplement). A Highway Work Plan for activities within highway ROWs is provided as Appendix L of this EM&CP.

MPT Plans, provided as Appendix K of this EM&CP, include plan drawings and general notes and will be used to manage and minimize the traffic impacts of the Project. The MPT Plans indicate the temporary signage and barriers necessary during the construction activities to enhance safety in the work zone. The MPT Plans require safety signage and traffic control personnel (*i.e.*, flagmen) to be employed to aide in directing and guiding traffic flow, as necessary, on roadways that are affected by construction. Industry standard safety practices, including guidance on directing pedestrians and bicyclists through the work area, will be implemented pursuant to the MPT plans. The MPT plans will further outline allowable hours of lane/street closures, if required, for the delivery of materials and identify restrictions on open pits and trenches.

Traffic through and approaching the work zone will be monitored by the contractor(s) and Sunrise Wind. Sunrise Wind will be responsible for providing weekly updates on construction and advance notice to the Town Engineer, Suffolk County Highway Department, Town Police Department, Suffolk County Police Department, and the NYS INFORM center of all detours, proposed street closings, or any other work that might affect the mobility of access of emergency vehicles. Sunrise Wind will ensure all hydrants and alarm boxes are kept clear and available.

Interference with snow plowing operations by drums, barricades, and other traffic control equipment will be kept to a minimum. Any devices disturbed or damaged by snow and ice control operations will be replaced and/or reset as necessary and as soon as possible by Sunrise Wind. Where the work zone traffic control schemes require installation of single or multiple runs of temporary concrete barrier, Sunrise Wind will remove any snow remaining along the temporary barrier.

NYSDOT and local highway departments will have authority to place inspectors on site to monitor and observe Project activities on NYS highways and local roads, or to request the presence of State or local police to ensure the safety of highway travelers, at such times and for such periods as NYSDOT deems appropriate.

Sunrise Wind will avoid direct disturbance to properties by accessing the Project from existing roadways as identified in the Onshore Transmission Cable–NYSDOT ROW Drawings in Appendix D of this EM&CP. Parking for Project construction workers will be in designated areas outside of the NYSDOT ROW that do not interfere with normal traffic, cause a safety hazard, or interfere with existing land uses. On-site parking for workers will be minimized where practicable. Property owners immediately adjacent to the Project will be provided written notification 72 hours before commencement of work in the vicinity of their property and if on-street parking restrictions will be placed.

### 3.3.6 Onshore Spill Prevention, Control, and Countermeasure Plan

The Onshore Spill Prevention, Control, and Countermeasure (Onshore SPCC) Plan described below is applicable to the storage, handling, transportation, and disposal of petroleum, fuels, oil, chemicals, hazardous substances, and other potentially harmful substances which may be used or stored during, or in connection with, onshore construction, operation, or maintenance. The Onshore SPCC Plan addresses measures that will be taken to avoid spills and improper storage or application in the vicinity of ecologically sensitive sites along the ROW and access roads. The Onshore SPCC Plan details the procedures for responding to and remediating the effects of petroleum, fuel, oil, chemical, hazardous substances, and other potentially harmful substance spills per the applicable state and federal laws, regulations, and guidance. Operational containment details and preliminary volume calculations for the anticipated oil-containing transformer and variable shunt reactor within the OnCS–DC and Holbrook Substation Expansion will be addressed in EM&CP 2.

#### 3.3.6.1 Storage, Handling, and Transportation of Petroleum Products and Chemicals

The Environmental Monitor will review construction activities on a continual basis to assure that petroleum products and chemicals are properly stored, handled, recycled, or disposed. Such chemicals and waste will be secured in a locked and controlled area.

The Contractor(s) will take precautions during the storage, handling, and transporting of petroleum products, chemicals, and other potentially harmful substances to avoid spillage in the work area. Hazardous materials will be transported, stored, and handled as recommended by suppliers and/or manufacturers and in compliance with applicable state and federal regulations. Sunrise Wind will keep the local fire department and emergency management teams apprised of the presence of on-site hazardous chemicals and waste.

To reduce the risks associated with petroleum products and chemicals, the following procedures will be followed:

- Store petroleum products and chemicals in original, properly labeled, containers;
- Maintain Safety Data Sheets (SDS) for petroleum products and chemicals onsite;
- Store materials that must be kept dry (fertilizers, plaster, dry ingredients, etc.) in indoor storage, temporary shelters, storage trailers, or tarpaulins;
- Provide secondary containment for gasoline and fuel storage vessels with a capacity greater than 25 gallons that are not mounted in a vehicle. The secondary containment will be constructed of an impervious material and be capable of holding a minimum of 110 percent of the vessel capacity;
- Train employees and other handlers of petroleum products and chemicals on proper reporting and handling requirements;
- Equip non-passenger vehicles with spill kits containing a variety of sorbents for small to large releases. Spill kits will be on hand during all refueling operations;
- Monitor onsite construction vehicles, including contractor employee vehicles for leaks;
- Perform regular preventative maintenance to reduce the risk of leakage;
- Remove or immediately repair any equipment that is leaking oil, fuel, or hydraulic fluid;
- Do not allow oils, hydraulic fluids, greases, and soaps to be washed off vehicles and/or equipment onto the ground;

Chemicals and petroleum products will not be stored, mixed, or loaded, nor will equipment be refueled, within 300 ft (91.4 m) of wetlands and waterbodies and/or within the New York State Coastal Area as defined within NYS Executive Law § 911 (1) and (2), unless otherwise authorized by an approved EM&CP(s). Requirements for refueling within 100 ft (30.5 m) of wetlands and waterbodies will be allowed in the circumstances outlined below or as otherwise authorized by an approved EM&CP(s).

Refueling of hand equipment will be allowed within 100 ft (30.5 m) of wetlands or waterbodies when secondary containment is used. Secondary containment will be constructed of an impervious material capable of holding the hand equipment to be refueled and at least 110% of the fuel storage container capacity. Fuel tanks of handheld equipment will be initially filled in an



upland location greater than 100 ft (30.5 m) from wetlands or waterbodies in order to minimize the amount of refueling within these sensitive areas. Crews will have sufficient spill containment equipment on hand at the secondary containment location to provide prompt control and cleanup in the event of a release. If a dewatering pump is operated closer than 100 ft (30.5 m) from the wetlands or waterbody, or within 300 ft (91.4 m) from tidal wetlands, it must be within secondary containment large enough to hold the pump and accommodate refueling.

Refueling of equipment will be allowed within 100 ft (30.5 m) of wetlands or waterbodies when necessary to maintain continuous operations and where removing equipment from a sensitive area for refueling would increase adverse impacts to the sensitive area. Fuel tanks of such equipment will be initially filled in an upland location greater than 100 ft (30.5 m) from wetlands or waterbodies in order to minimize the amount of refueling within these sensitive areas. All refueling of equipment within 100 ft (30.5 m) of wetlands or waterbodies will be conducted under the direct supervision of the environmental monitor. Absorbent pads or portable basins will be deployed under the refueling operation. In addition, the fuel nozzle will be wrapped in an absorbent pad and the nozzle will be placed in a secondary containment vessel (e.g., bucket) when moving the nozzle from the fuel truck to the equipment to be refueled. All equipment operating within 100 ft (30.5 m) of a wetland or waterbody will have sufficient spill containment equipment on board to provide prompt control and cleanup in the event of a release.

#### 3.3.6.2 Reporting a Release or Spill

The purpose of this Onshore SPCC notification guidance section is to provide instructions for general employees reporting a release/spill of oil or any other chemical to the environment. This guidance section covers oils, chemicals, and herbicides and releases to the environment in NYS, as defined below.

- Oil – means oil of any kind, including petroleum and mineral oil in electrical equipment, motor oil, fuel oil, hydraulic fluid, diesel fuel, etc.
- Polychlorinated biphenyl (PCB) – Contaminated Oil – means oil containing PCBs in the quantity ranging from 50 to 499 parts per million (ppm).
- PCB Oil – means oil containing PCBs in a concentration at or greater than 500 ppm.
- Chemical – any potentially hazardous substance such as sulfuric acid, ethylene glycol (anti-freeze), refrigerants, herbicides, etc.

- Release – means any spilling, leaking, pumping, pouring, emitting, or emptying of an oil or chemical to the environment.
- Reportable Quantity (RQ) – means that quantity of a material released to the environment as defined in Title 40 of the CFR Part 117 and 40 CFR Part 302.

All Project personnel are responsible to report any release of oil, chemical or herbicide to the Environmental Monitor. The contractor and Environmental Monitor will: provide assistance as requested for spill response activities; determine whether or not a chemical has exceeded the RQ and follow up with notification and reporting; and complete notification immediately to DPS Staff and NYSDEC, and notification to the National Response Center (NRC), if required. The Contractor or Environmental Monitor will contact the Project Manager and the Compliance Manager.

Project personnel are required by various local, state, and federal laws to notify different governmental agencies in the event of an oil spill or spill of a chemical (hazardous substance) within specified timeframes. Sunrise Wind will report all spills encountered, regardless of whether it is the spiller, to both the NYSDEC Spill Hotline and DPS Staff, in accordance with all federal and State regulations, and provide a copy of such notification contemporaneously to the affected property owner. Sunrise Wind acknowledges that neither the Town nor NYSDOT will undertake or accept financial responsibility for any remediation or similar activity with respect to the removal of hazardous wastes (6 NYCRR Parts 373 and 374) and non-hazardous solid industrial wastes (6 NYCRR Part 360) for any such spills caused by Sunrise Wind or its contractors. Responsibilities of Project personnel regarding spill responses are listed below.

#### 3.3.6.3 Project Employee Responsibilities

Responsibilities of all employees working on the Project include the following:

- Upon discovery of any oil or chemical spill, the Environmental Monitor will be immediately notified, regardless of volume spilled.
- As much information as possible will be provided when reporting a spill, including:
  - location of release
  - what material was released/spilled
  - when the spill was discovered
  - estimated amount spilled

- what caused the release
- a description of the spill area
- a description of impacted receptors and
- any other pertinent information
- The field crew, if necessary, will request clean-up help through the Environmental Monitor. Use of physical barriers and/or visible warnings (caution tape, cones, etc.) will be used in a way that does not restrict access to the spill area and unauthorized persons will be prevented from entering the area.

#### 3.3.6.4 Project Environmental Monitor(s) Responsibilities

Responsibilities of the Environmental Monitor(s) as they relate to the Onshore SPCC Plan include the following:

- Upon notification of a release, information from the caller will be gathered to identify substance spilled, volume, cause, date and time of spill, etc.
- A spill report will be prepared.
  - In accordance with NYSDEC regulations and guidance, the Environmental Monitor, with knowledge of any spillage of fuels, waste oils, other petroleum products or hazardous materials, will immediately notify Sunrise Wind who will then notify DPS Staff and NYSDEC of such spill. Oil spills will be reported to the NYS Spill Hotline (1-800-457-7362) within 2 hours, in accordance with the NYSDEC Spill Reporting and Initial Notification Requirements Technical Field Guidance.<sup>5</sup>
- In addition, oil spills to water and PCB oil spills will be reported to the NRC at 1-800-424-8802.

#### 3.3.6.5 Compliance Manager

Responsibilities of the Compliance Manager specific to the Onshore SPCC Plan include the following:

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<sup>5</sup> [http://www.dec.ny.gov/docs/remediation\\_hudson\\_pdf/1x1.pdf](http://www.dec.ny.gov/docs/remediation_hudson_pdf/1x1.pdf)

- Assistance in reportability requirements will be provided to the Environmental Monitor if requested.
- Assistance in deploying spill clean-up resources (equipment, contractors) will be provided when requested.
- The spill will be classified/completed/closed out.
- Assistance to clean-up crews in making arrangements for clean-up debris disposal will be provided.
- Clean-up efforts will be confirmed.
- Additional information will be provided to state agencies to close out the spill.

#### 3.3.6.6 Spill Clean-Up

The purpose of this onshore SPCC spill and release clean-up guidance section is to provide instructions in the clean-up of oil and other chemical spills. This guidance applies to who may be assigned to clean-up a spill or release.

- Any contractor or employee: Upon discovery of a spill, report details to the Environmental Monitor and Compliance Manager. Attempt to contain spill if feasible and remediate if possible. Request assistance with spill clean-up through the Environmental Monitor. Notify Sunrise Wind as soon as reasonably practicable, but in no event later than 4 hours from the occurrence, of the event, and details of the event.
- Environmental Monitor: Assist field crews with spill clean-up. Dispatch clean-up teams, as appropriate and needed.
- Sunrise Wind: Report all spills encountered, regardless of whether it is the spiller, to both the NYSDEC Spill Hotline and DPS Staff, in accordance with state and federal regulations (as described in the procedures above) and provide a copy of such notification contemporaneously to the affected property owner.

Reportable hazardous spills should be cleaned up by qualified, 40-hour HAZWOPER Certified personnel. If the spill contains hazardous materials, or has reached a waterbody, the Environmental Monitor will be contacted for assistance in obtaining help from qualified personnel with the clean-up.

Attempts will be made to immediately contain spills. Non-passenger vehicles will be equipped with a spill kit that is appropriate for the volume of fuel carried by the vehicle. Any leaks will be stopped and cleaned up immediately, in accordance with the guidelines as follows:

- Assess the spill: Determine material spilled. If hazardous material such as mercury, acid or PCB oil, contact the Environmental Monitor for help in securing Hazardous Materials personnel or spill contractor. Table 3-1 below identifies potential pollutant sources for construction activities.
- PPE: PPE may include, but not be limited to gloves, hardhats, safety glasses, steel toed shoes, coveralls, etc. If working near roadway, appropriate cones will be placed, and high visibility clothing will be worn. Note: Spills are unique. The clean-up methodology employed will depend upon the nature of the spill, the amount spilled, and the location of the spill.
- For Non-PCB Oil Spills to Land: Non-PCB oil spills include non-PCB labeled transformers, hydraulic oil, diesel fuel and motor oil. Clean-up requires removal of visible stained oil from the surface. Soil removal, use of oil sorbent pads, dust-free mineral absorbent, and use of a chemical solvent such as Citri-Kleen may be used for spill clean-up. Remove visible traces of oil, plus a 1-ft (0.3-m) zone around spill. Document clean-up on spill forms.
- Containerize waste in appropriate containers and label. If an unlabeled transformer has spilled, obtain a sample of the oil from the unit and conduct a field PCB test using a Chol-n-oil kit, or suitable alternative. Collect an additional sample for laboratory analysis. If results reveal > 50 ppm, waste clean-up debris must be handled as PCB contaminated and labeled as such until laboratory results determine otherwise. If Chol-n-oil results reveal < 50 ppm, the oil and waste may be handled as non-PCB until laboratory results are received. If no oil is left in the unit or a sample cannot be obtained, collect oily soil or debris and send to laboratory for analysis. Clean-up spill as noted above, collect additional soil sample or wipe samples to verify clean-up, containerize waste and label appropriately, and document clean-up on spill forms. Clean-up reusable equipment using rags and/or cleaners as necessary. If PCB results confirm that the oil spill was PCB contaminated or PCB oil, a United State Environmental Protection Agency (USEPA) Identification Number may be required prior to disposal of material. Sunrise Wind will contact the USEPA Environmental Department for assistance.

**Table 3-1. Potential Pollutant Sources for Construction Activities**

Pollutant	Quantity	Container and Storage Description
Medium Weight Used Oil	10 gallons	5-gallon steel containers, on pallets located inside secondary containment area
Used Oil	50 to 100 gallons	55-gallon drum inside a secondary containment area
Transformer Oil	Varies	Secondary containment
Hydraulic Fluid	Less than 25 gallons	Approved containers
Thinners/Solvents/Xylene/ Methyl Ketone/Acetone (OnCS-DC only)	Less than 25 gallons	1-gallon steel containers and 5-gallon steel containers, on pallets located inside secondary containment area
Paint	100 gallons	5-gallon steel containers located inside a secondary containment area
Gasoline	Less than 50 gallons	5-gallon steel containers located inside secondary containment for chainsaws, pumps, etc. Mobile fueling truck w/ spill kit on board, no full time storage
Diesel Fuel	30 to 100 gallons	Mobile fueling truck w/ spill kit on board, no full time storage
Herbicides	Varies	Approved containers and application devices Only to be used after the completion of construction activities if needed for ROW maintenance and control
Dry Materials (plaster, fertilizer, etc.)	Varies	Indoor storage, temporary shelters, storage trailers, tarpaulins, etc.
Solid Waste (litter and construction debris)	Varies	Covered Dumpsters
Sanitary waste	Varies	Portable facilities

### 3.3.6.7 Storage Practices

Contractors will take precautions during the storage, handling, and transporting of fuels, oils, chemicals, and other potentially harmful substances to avoid spillage in the work area.

Hazardous materials will be transported, stored, and handled as recommended by suppliers and/or manufacturers and in compliance with applicable state and federal regulations.

It is not anticipated that any hazardous wastes will be generated during construction of the Project. To reduce the risks associated with generating hazardous wastes, contractors will be in conformance with the NYSDEC Hazardous Waste Rules and Regulations and the following procedures will be followed:

- Train and instruct employees and other handlers of hazardous waste on the proper reporting, storage, inspection and handling requirements.
- Separate hazardous waste from normal waste through the segregation of storage areas and proper labeling of containers.
- Use appropriate storage and, when necessary, use NYSDOT-approved transportation containers, along with secondary containment measures.
- Prior to shipping hazardous wastes, verify that the hazardous waste transporters servicing the Project have required licenses, registrations and/or USEPA identification number that the waste is disposed at an approved/licensed facility.
- Transport hazardous waste under a properly completed manifest.
- Follow accurate record keeping requirements as to the quantity and nature of hazardous wastes generated onsite.
- To further reduce environmental risks associated with construction materials, the following procedures will be implemented:
  - Construction materials will be stored in a manner that minimizes exposure to precipitation and runoff.
  - Construction materials will be stored in a neat, orderly manner in appropriate containers with appropriate labels.
  - Construction waste material and rubbish from the work area will be removed and disposed of at properly licensed facilities.

### 3.3.7 Dewatering Plan

Dewatering will be required in some areas to control surface and subsurface water to perform necessary construction activities. Any dewatering that is required in excavated and/or trenched areas will be properly managed by appropriate control measures and Sunrise Wind will ensure that the appropriate dewatering measures will be implemented during construction.

A Dewatering Plan is included in Appendix S of this EM&CP. The Dewatering Plan describes the manner in which Sunrise Wind will handle surface and groundwater encountered during dewatering operations. Furthermore, if encountered, the Dewatering Plan describes safe methods to dispose of contaminated water.

### 3.3.8 Offshore Spill Prevention, Control, and Countermeasure Plan

The below sections outline what is typically included within Offshore SPCC Plans, such as measures that will be taken to avoid spills and improper storage or application in NYS coastal waters and details on the procedures for responding to and remediating the effects of petroleum, fuel, oil, chemical, hazardous substances, and other potentially harmful substance spills per the applicable state and federal laws, regulations, and guidance. Furthermore, in the event of a discharge or spill that relates to Project operations, the spill will be reported per the protocols outlined in the below sections. The overall environmental risk from unintended discharges or spills is expected to be low due to the nature and quantity of chemicals used and procedures in place for storage, handling, and disposal.

Additionally, offshore construction vessels contracted to conduct any work associated with phases of the Project will have onboard an USEPA, United States Coast Guard (USCG), and BOEM compliant Oil Spill Response Plan (OSRP) for accidental releases of petroleum, fuels, oil, chemicals, hazardous substances into the marine and coastal environment.

#### 3.3.8.1 Spill Prevention Methods

During construction of the Project, chemicals will be transported in original packaging from the manufacturer or in National Transportation Safety Council approved tote containers. Chemical transfers may occur daily depending on various contractor operational requirements and will be in compliance with local, state, and federal regulations. Chemicals to be disposed of or treated will be transported to designated onshore waste receiving sites that abide by safe and environmentally friendly methods in accordance with local, state, and federal regulations. OSRPs on vessels will further detail maximum expected quantities of anticipated chemicals to be used by the Project and will provide BMPs for fueling and power equipment servicing.

Vessels will be required to have an individual spill kit on board at all times appropriate for the volume of fuel carried by the vessel. Stocks of absorbent material onboard will be checked for adequacy and replenished as necessary. Additionally, in accordance with the Oil Pollution Act of 1990 and the MARPOL 73/78 international treaty, owners and operators of certain vessels are required to prepare Vessel Response Plans approved by the USCG. The USCG also regulates the at-sea discharges of vessel-generated waste under the authority of the Act to Prevent Pollution from Ships. Project vessels will be required to comply with the applicable USCG pollution prevention requirements. Vessels less than 79 ft (24.1 m) will also comply with the Small Vessel



General Permit issued by the USEPA on September 10, 2014, for compliance with National Pollutant Discharge Elimination System permitting.

The following measures will further ensure that spills due to the construction and/or operation of the Project are minimized:

- Equipment and storage tanks will be designed to minimize discharge or release potential and will be equipped with secondary containment.
- Petroleum products and chemicals will be stored in original, properly labeled, containers.
- SDS for petroleum products and chemicals will be maintained on each vessel.
- Alarms and monitoring devices will be used to identify material losses in tanks and equipment.
- Oils that are lighter than water will be used to aid in on-water recovery techniques.
- Employees and other handlers of petroleum products and chemicals will be trained on proper reporting and handling requirements.
- Vessels will be monitored and maintained to reduce the risk of potential leakage.
- Any vessels or equipment that are leaking oil, fuel, or hydraulic fluids will be removed or immediately repaired.
- Washing active vessels of any oils or chemicals into the surrounding ocean will not be allowed.

#### 3.3.8.2 Reporting a Release or Spill

Communication systems including telephones, mobile phones, and radio transmissions may be used for reporting during a release or spill event. Any personnel who detect a release or spill will immediately notify the Aquatic Environmental Monitor. Together, personnel and the Aquatic Environmental Monitor will provide assistance as requested for spill response activities, determine whether or not a chemical has exceeded the RQ, and provide appropriate notifications to required agencies. A summary of such agencies is outlined below and contact information will be provided in the emergency Contact List within the OSRP, which will be onboard all vessels at all times.

The Aquatic Environmental Monitor will assess spills and those that are incidental and do not pose a hazard to human health or the environment beyond the hazards associated with normal

facility operations will be non-reportable as they can easily be cleaned and controlled with a minimal amount of sorbents and are not released into the ocean. Examples include minor drips or leaks in contained areas. However, any spill that results in any quantity of oil or other hazardous chemicals being released into the ocean will be considered a non-incidental spill and will be reportable.

The following notifications must be made in the event of an offshore discharge of oil or risk of discharge of oil (provided in a prioritized list):

- USCG NRS
- Local USCG Sector Long Island Sound
- BOEM and Bureau of Safety and Environmental Enforcement
- NYSDEC Spill Hotline
- National Response Center
- Oil Spill Removal Organization
- Orsted Head of Marine Affairs

Contact information for these entities will be provided to vessels to be kept onboard at all times. Spills encountered, regardless of who created the spill, will be reported to both the NYSDEC Spill Hotline and DPS Staff, in accordance with the Certificate Conditions and state and federal regulations; and a copy of such notification will be provided to affected property owners if applicable.

During the course of an emergency event, Sunrise Wind will maintain a chronicle of events and response activities to develop daily incident updates and final written release reports. Each day a log including a summary of the prior day's efforts and results, summaries of resources at risk, predicted trajectories, and weather and tide predictions will be issued to the appropriate responding authorities.

In the event of non-incidental spills, written notifications may also be required. If there is no specific agency form requested, the written report will include the minimum following information:

- Name, address, and phone number of facility owner or operator
- Date and time of the incident

- Name and quantity of materials involved
- The extent of injuries (if any)
- Complete description of the circumstances causing the release, including potentially responsible parties
- Assessment of hazards to human health or the environment (if any)
- Description of containment and removal operations
- Description of any third-party damages
- Procedures instituted or planned to prevent a similar event from recurring

#### 3.3.8.3 Clean-Up/Response Procedures

In the event of an onboard non-incident spill, the spill will be captured, mopped up (using appropriate equipment), contained, and sent to shore for recycling/disposal as appropriate. Spill kits containing absorbent booms and pads will be available on vessels to ensure any spills can be quickly and appropriately addressed, cleaned, and disposed of. Each vessel will have preventative maintenance systems in place and procedures for any deck spills.

In the event of an incidental spill, required notifications will be made as outlined above. After appropriate notifications are made, the following will occur:

- An immediate decision regarding spill response equipment and personnel will be required.
- The appropriate Oil Spill Removal Organization (OSRO) resources and Spill Management Team personnel for the magnitude of the incident will be notified and activated as required.
- Sunrise Wind and the Environmental Monitor(s) will be notified and will commence response activity.
- A liaison with the USCG Federal On-Scene Coordinator and State On-Scene Coordinator will be provided to relay information about the incident status, report the action initiated, and coordinate initial shore-based response actions.
- Direct clean-up and coordination operations will occur with the USCG Federal On-Scene Coordinator until relieved by the Spill Management Team's Incident Commander's or Owner's representative (or the incident is concluded).

## SECTION 4 – ONSHORE ENVIRONMENTAL PROTECTION AND MITIGATION

Installation, operation, and maintenance activities for the Project will be in compliance with the approved EM&CP(s), the terms of the Certificate, and applicable state and federal regulatory and permit requirements. Siting of the Project and construction setup have been designed to avoid or minimize impacts to land use, visual resources, cultural and historic resources, natural resources, aquatic and terrestrial communities, and sensitive species and habitats; however, potential impacts to onshore environmental resources may still occur. Specific measures to reduce potential impacts to environmental resources are described below. The environmental monitoring and compliance team, described in Section 3, *Project Personnel and Procedures*, and Appendix G of this EM&CP, will be responsible for verifying that requirements of this EM&CP are adhered to during construction of the Project.

### 4.1 Land Use

An evaluation of land use was conducted within 500 ft (152 m) on either side of the Project Corridor. The below sections summarize existing land use conditions, potential impacts, and protection and mitigation measures.

#### 4.1.1 Summary of Existing Conditions and Impacts

Existing land use along the Project corridor was classified based on desktop review of online GIS data sources, aerial imagery, local comprehensive plans, as well as a field survey of the Onshore Facilities conducted in June, July and October 2020; March and July 2021; April 2022 and August 2022.

Desktop and field analyses confirmed the existing land uses along the majority of the Project Corridor to consist predominately of transportation, low to medium density residential land, commercial and industrial land, and utilities. The Landfall Laydown Area and ICW Laydown Areas are located paved areas the parking lots with surrounding land uses consisting of open land, recreational uses and wetlands/water. Land uses within the vicinity of the OnCS–DC are classified as predominantly industrial, and utility/transportation uses. Existing land uses within the vicinity of the existing Holbrook Substation include utility, residential, and commercial. Land uses within the area of the Temporary Equipment consists of open land and recreational uses and wetlands/water.

Federal Emergency Management Agency (FEMA) designated floodplains or Special Flood Hazard Areas (SFHA) are not located along and in the vicinity of the OnCS–DC, Holbrook Substation Expansion or Onshore Transmission Cable–NYSDOT ROW. The entirety of the Landfall Laydown Area and the Smith Point Park ICW Laydown Area 2 are located within the 100-year floodplain (Zone AE; the area with a 1 percent annual chance of flooding; Flood Insurance Rate Map [FIRM] panel 36103C0951H) and the flood elevation for the 100-year flood zones is 9 ft (2.7 m) North American Vertical Datum of 1988 (NAVD88). The entirety of the Smith Point Marina ICW Laydown Area 1 is also located within the 100-year floodplain (Zone AE; the area with a 1 percent annual chance of flooding; FIRM panel 36103C0951H) with a flood elevation of 7 ft (2.1 m). None of these Project components are not located in the Coastal Erosion Hazard Area (CEHA) regulated under NYSECL Article 34 and associated regulations in 6 NYCRR Part 505.

Information regarding agricultural districts along the land use study area was obtained from the Suffolk County Department of Economic Development and Planning, Division of Planning and Environment. Based on this information, there are no parcels within or in the vicinity of the Project in an Agricultural District.

There are no recreational facilities within the land use study areas of the OnCS–DC, Holbrook Substation or Onshore Transmission Cable–NYSDOT ROW. The Landfall Laydown Area, ICW Laydown Areas and the Temporary Equipment are located at Smith Point County Park and the Smith Point Marina. The Smith Point County Park is the largest park owned by Suffolk County and is popular with sportsmen, surfers, general beach visitors, and campers.

The construction of the OnCS–DC, Holbrook Substation Expansion, and the Onshore Transmission Cable–NYSDOT ROW is not anticipated to impact floodplains, agricultural lands or parks and recreational resources. The Onshore Transmission Cable–NYSDOT ROW will be underground, entirely below grade within public road ROWs and both the OnCS–DC and Holbrook Substation Expansion will be installed in an area surrounded by industrial/utility and commercial developments. It is anticipated that the duration of disturbance will be limited to the construction period and there will be no permanent impact upon land uses.

While the Landfall Laydown Area, ICW Laydown Areas and the Temporary Equipment will be located in floodplain and in park resources, impacts to these resources will be temporary and localized. The Landfall Laydown Area at Smith Point County Park and the Smith Point Marina ICW Laydown Area 1 will be located within paved areas of existing parking lots. The Smith Point Park ICW Laydown Area 2 is located in a previously disturbed area. Vegetation clearing will not be

required and grading may be minimal as workspaces will be largely limited to the developed areas (i.e., parking lot and surface roads). As shown in the Laydown Area Drawings in Appendix A of this EM&CP, continual pedestrian, and vehicular use of and access to park amenities within Smith Point County Park on Fire Island and the Smith Point Marina on the mainland and all other existing public access areas pedestrian and public access to the parking lot and park facilities will be maintained throughout construction. Similarly, Sunrise Wind's use of the Temporary Equipment efforts will not prevent the public from accessing the fishing pier on Smith County Park unless temporarily necessary for safety purposes (e.g., movement of equipment near access point to the fishing pier). Temporarily disturbed areas will be restored as detailed in Section 8, *Cleanup and Restoration*.

Operation of the Project will be consistent with established land uses and state and local land use policies, due to the Onshore Transmission Cable–NYSDOT ROW being installed entirely underground. The OnCS–DC will be located on approximately 7-acre (2.8-hectare) parcel land uses in the study area consist of industrial uses and the OnCS–DC will be consistent with these uses. The Holbrook Substation Expansion will be located on a portion of the existing substation property consistent with the existing land use and is not anticipated to impact land uses in the area.

#### 4.1.2 Protection and Mitigation Measures

During construction, Sunrise Wind will abide by the following measures to minimize potential impacts on existing land uses:

- Vegetation clearing and ground disturbance will be limited to the Project Corridor.
- Construction activities will be performed in accordance with local zoning requirements and regulatory approvals for the Project.
- The Project is consistent with the 2016 New York State Open Space Conservation Plan (NYSDEC et al., 2016).
- Construction and scheduled maintenance work at the Landfall Laydown Area and the ICW Laydown Areas will be confined to the period beginning the day after Labor Day and ending on the day before Memorial Day, of the succeeding calendar year, unless further restricted by the Town.

- After Labor Day, Sunrise Wind's construction efforts will not prevent the public from accessing the parking lot on Smith County Park. Similarly, Sunrise Wind's construction efforts will not prevent the public from accessing the fishing pier on Smith County Park unless temporarily necessary for safety purposes (e.g., movement of equipment near access point to the fishing pier). Temporary closures of the fishing pier for safety purposes will be limited to the maximum extent practicable as detailed in this EM&CP.
- The Project is consistent with local land use plans and policies in Suffolk County and the Town. Local plans were considered when designing the route and configurations of the Project to promote compatibility with existing and future land use.
- Parking for Project construction workers will be in designated areas outside of the NYSDOT ROW that do not interfere with normal traffic, cause a safety hazard, or interfere with existing land uses and on-site parking for workers will be minimized where practicable. Additional information on parking restrictions is included in Appendix K (MPT Plans) of this EM&CP.
- Areas temporarily disturbed as a result of the Project will be restored to pre-construction conditions (as further detailed in Section 8, *Clean-up and Restoration*) unless otherwise agreed upon in consultation with landowners.

## 4.2 Visual Resources

The following sections evaluate visual and aesthetic resources within the vicinity of the Project. A Visual Resource Assessment (VRA) was prepared for the Project and filed with the Amended Article VII Application (Environmental Design & Research [EDR], 2021a). A Visual Study Area (VSA) and Zone of Visual Influence (ZVI) was also prepared for the Holbrook Substation Expansion Supplement filed by Sunrise Wind (EDR, 2022a). The temporary components of the Project, including the Landfall Laydown Area and ICW Laydown Areas, and the Temporary Equipment will not result in a permanent visual impact; therefore, are not included in the VRA. Similarly, the Onshore Transmission Cable–NYSDOT ROW will be installed underground and will not result in permanent visual impacts and was not included in the VRA. The below sections summarize existing visual resources, potential impacts, and protection and mitigation measures.

### 4.2.1 Summary of Existing Conditions and Impacts

The OnCS–DC VSA covers a study area of approximately 31 square mi (81 square km) within the Towns of Brookhaven and Islip and small portions of the Villages of Lake Grove and Patchogue.

Land use within the OnCS–DC VSA consists of a mix of suburban residential and commercial development with pockets of industrial, community services, and open space uses throughout. These uses are connected by an extensive network of roadways including both local roads and the LIE, which cuts through the center of the OnCS–DC VSA. The LIRR also passes through the center of the OnCS–DC VSA. The dominant land use is single family residential, followed by industrial, open space, multi-family residential, commercial, and institutional.

The Holbrook Substation VSA extends 3 mi (4.8 km) around the proposed limits of disturbance and overlaps with the OnCS–DC VSA. The visual character of the Holbrook Substation VSA is generally made up of a mix of high-density development, ranging from industrial to residential. The Holbrook Substation VSA includes single-family residences and high-density residential complexes, such as apartment buildings. Additionally, the Holbrook Substation VSA is made up of industrial/utility development, such as MacArthur Airport, several electrical substations, a generating facility/power plant and a liquefied natural gas (LNG) facility. Recreational and open space include parks and golf courses, but also include planned open space and stormwater control features, which do not include facilitation for public access. Finally, schools and college campuses, agricultural land (typically nurseries), major transportation corridors (LIE [I-495] and Sunrise Highway [State Route (SR) 27]), commercial/retail areas, and local roads make up the remaining areas of the Holbrook Substation VSA.

To identify visually sensitive resources within the VSAs, the following sources of information were reviewed: digital geospatial data from NYS GIS Clearinghouse or the Environmental Systems Research Institute (ESRI); numerous national, state, county, and local agency/program websites; websites specific to identified resources; USGS 7.5-minute topographical maps; and web mapping services such as Google Maps. Results of these analyses show that the 3-mi (4.8-km) VSAs includes several Visual Sensitive Resources (VSRs) including: 1 resource listed on the National Register of Historic Places (NRHP), 1 Heritage Area; 6 Designated Trails; 13 Local Parks and Recreation Areas; 1 Publicly Accessible Conservation Land/Easement; 3 named lakes, ponds and reservoirs; and 20 high-use public areas including highways, hamlets and schools.

As a part of the VRAs, analyses of Project visibility were also undertaken to identify locations within the OnCS–DC VSA and Holbrook Substation VSA where there is potential for the OnCS–DC and Holbrook Substation Expansion to be seen from ground-level vantage points. Both the OnCS–DC and Holbrook Substation Expansion will include lightning masts, which will be the tallest structures within the facilities. The analysis included identifying potentially visible areas on



viewshed maps and verifying visibility in the field. To further illustrate the factors that affect visibility from the four selected viewpoints, line of sight profile drawings were prepared to depict the vegetation and other features along a direct line of sight between the viewer and the OnCS–DC and Holbrook Substation.

Visual impacts during construction will be relatively minor and short-term. During construction, there will be a temporary increase in truck traffic on area roadways in the vicinity of the Project. Local residents, commuters, and visitors may experience views of these conventional construction vehicles on roadways and/or see them at work on site. During construction, the site will have a comparable appearance to a typical construction project. Construction of the OnCS–DC and Holbrook Substation Expansion will be initiated by clearing woody vegetation from the site, as depicted on the drawings in Appendix B and Appendix C of this EM&CP, respectively. Trees cleared from the work area will be removed and disposed of offsite in accordance with the Vegetation Management and Restoration Plan in Appendix Z of this EM&CP. This will be a relatively small, but permanent, loss of forest habitat as well as the visual screening it provides. Once installed, throughout most of the VSAs, the OnCS–DC and the Holbrook Substation Expansion are not anticipated to be visible due to densely situated buildings and houses in the villages, and dense, mature evergreen and deciduous forest in the surrounding areas. Potential visibility of the OnCS–DC will be generally limited to a few areas within approximately 0.25 mi (0.4 km) of the site. Where visible, it is expected that views of the proposed OnCS–DC from most of these areas will be limited to the uppermost portions of the proposed lightning masts. Potential visibility of the Holbrook Substation Expansion will be generally limited to the existing LIPA ROW, and the residential properties abutting the ROW and/or side streets of the existing Holbrook Substation. Where visible, it is expected that views of the Holbrook Substation Expansion will be similar to those that exist today and the views from most of these areas will be limited to the uppermost portions of the relocated transmission structures.

As a result, operation of the OnCS–DC and Holbrook Substation will not result in significant changes to the existing visual character or scenic quality of the VSAs. Maintenance impacts are anticipated to be similar to impacts during the construction phase, except at a smaller scale and less frequent.

#### 4.2.2 Protection and Mitigation Measures

NYSDEC Program Policy DEP-00-2 Assessing and Mitigating Visual Impacts (NYSDEC, 2019) provides guidance for identifying and considering potential mitigation measures to reduce or eliminate the visibility of a project or alter a project's effect on scenic or aesthetic resources. As described in that guidance, a properly sited and designed project is the best way to mitigate potential visual impacts. The visual impact of the OnCS–DC and Holbrook Substation Expansion have been avoided and minimized through careful site selection. Due to the location in generally existing industrial areas and modest height of the facilities, and because the site is largely surrounded by mature evergreen and deciduous forest in the adjacent areas, long distance views and views from VSRs have largely been avoided. Existing vegetation that will remain following construction also minimizes visual impact from adjacent sites (including residences). In addition, the Holbrook Substation is sited adjacent to existing utility infrastructure, thereby avoiding the potential introduction of utility-related visual elements in areas where such facilities are not currently part of the landscape.

Clearing of forested habitat for the construction of the OnCS–DC and Holbrook Substation Expansion will be limited to the minimum needed for safe construction and operation of the facilities, and measures to avoid or minimize damage to trees not cleared will be implemented. As further detailed in Section 8, *Clean-up and Restoration*, following construction activities, temporarily disturbed areas around the periphery of the Holbrook Substation will be seeded (and stabilized with mulch and/or straw if necessary) to reestablish vegetative cover per the approved SWPPP(s), as well as consideration of planting of vegetation screening in consultation with PSEG LI. Upon the completion of construction of the OnCS–DC, Sunrise Wind will assess the need for additional restoration work and landscape improvements, including vegetation planting, or installed features to screen or landscape. Landscape improvement assessments will be conducted in consultation with the Town and landowners where applicable. Should visual mitigation be determined necessary, Sunrise Wind will prepare plans for any supplemental landscaping and plantings. The draft assessment and visual mitigation plans will be provided to DPS Staff for review and comment and a final plan will be filed with the Secretary within one year after the date the Project is placed in service.

Additionally, a Lighting Plan for the OnCS–DC is included as Appendix DD of this EM&CP and summarized below in Section 7, *Standard Construction Practices*. This plan addresses proposed lighting arrangements, designed to avoid off-site lighting visual effects, and includes a

requirement for full cutoff fixtures with no drop-down optical elements that can spread illumination and create glare.

### 4.3 Cultural and Historic Resources

Cultural and historic resources were assessed within the vicinity of the Project. The below sections summarize existing cultural and historic resources, potential impacts, and protection and mitigation measures.

#### 4.3.1 Summary of Existing Conditions and Impacts

Cultural resources are divided into two categories: historic resources and archaeological resources. Both can be listed on or be eligible for the NYS and/or National Register of Historic Places (S/NRHP). To review the Project's potential effect on cultural resources, resource-specific studies were prepared as well as consultation with the NYS Office of Parks, Recreation and Historic Preservation (NYSOPRHP) in their role as the State Historic Preservation Office (NYSHPO). Three reports were developed and filed with the Article VII Application to assess existing cultural resources and potential impacts: an Onshore Above-ground Historic Properties Report (EDR, 2021b) and a Phase 1 Archaeological Survey Report (EDR, 2021c and EDR, 2021d). Additionally, a supplemental survey-the Phase 1B Archaeological Survey Report (EDR, 2022b)-has been completed and is on record with the NYSPSC in this proceeding Sunrise Wind continues to consult with agencies relative to the Project's National Historic Preservation Act (NHPA) Section 106 Review and correspondences with the SHPO will be provided prior to construction.

For aboveground historic properties, desktop analysis, field surveys, and agency consultations resulted in the documentation of one S/NRHP-eligible historic resource, and eight S/NRHP-unevaluated historic resources occur within 1 mi (2 km) of the OnCS-DC. There is one S/NRHP-eligible historic resource within 1 mi (2 km) of the Holbrook Substation Expansion. The OnCS-DC and Holbrook Substation Expansion are the only above ground facilities that will be built as part of the Project and is, therefore, are the only parts of the Project with the potential to cause visual impacts to historic resources. The area of potential effect (APE) for indirect effects is restricted to areas where the OnCS-DC and Holbrook Substation Expansion will be potentially visible.

Potential visibility and visual effects resulting from construction and operation of the OnCS-DC and Holbrook Substation Expansion have been avoided and minimized through careful site selection. Due to the location in generally existing industrial areas and modest height of the facilities, and because the site is largely surrounded by mature evergreen and deciduous forest

in the adjacent areas, the OnCS–DC and Holbrook Substation Expansion will not be visible from historic properties. Existing vegetation that will remain following construction also minimizes visual impact from adjacent sites (including residences).

Construction of the Project will not require the demolition or physical alteration of any S/NRHP-eligible or S/NRHP-listed buildings and no temporary effects to historic properties resulting from construction activities are anticipated. The OnCS–DC and Holbrook Substation Expansion will not be visible from any historic properties, and the facilities will not have a significant effect on the visual character or aesthetic quality of the area associated with historic resources. Similarly, no terrestrial archaeological sites were identified within the APE of the Project and will, therefore, not be impacted as a result of construction of the Project.

Operation of the OnCS–DC and Holbrook Substation Expansion will not result in any direct impacts, including demolition or alteration, to any S/NRHP listed or eligible buildings, nor any other potential historic architectural resources. In addition, as previously described, neither the OnCS–DC and Holbrook Substation Expansion will be visible from, nor affect the visual setting of historic properties. Similarly, operation of the Project will not result in potential impacts to archaeological sites.

During the Phase 1 surveys for archaeological resources, it was determined that eight previously recorded archaeological sites are documented within 0.25 mi (2 km) of the terrestrial portions of the Project. These sites consist of a village, a burial, and lithic scatters. In addition, six previously recorded archaeological sites with historic-period components are located within 0.25 mi (0.4 km) of the Onshore Facilities. These sites, all of which are associated with former structures (*i.e.*, houses, tavern/store, mill, church, and coast guard station), consist of domestic and/or architectural artifact scatters/remains. None of the archaeological resources were identified within the APE of the OnCS–DC and Holbrook Substation footprints and Onshore Transmission Cable–NYSDOT ROW. The Project's potential effect on a given terrestrial archaeological resource would be physical disturbance to the resource during construction. The APE for direct effects from the onshore construction and installation are the areas where soil disturbance is anticipated to occur, including the OnCS–DC and Holbrook Substation footprints and Onshore Transmission Cable–NYSDOT ROW corridor. Based on the previously disturbed state of the laydown yards, surveys were not recommended at these areas.

In order to identify any archaeological sites that could be disturbed by onshore Project-related construction, Phase IB archaeological survey was proposed only in those areas which were

identified as potentially undisturbed. The entirety of the OnCS–DC, Holbrook Substation Expansion and Onshore Transmission Cable–NYSDOT ROW were found to be previously disturbed and were not included in the Phase 1B archeological survey. Based on the results of these surveys, no significant archaeological sites have been identified within the APE and the Project is not anticipated to result in any impacts to significant archaeological resources.

#### 4.3.2 Protection and Mitigation Measures

Construction activities will not take place in previously undisturbed areas where archaeological surveys have not been completed until such time as the appropriate authorities, including NYSOPRHP, and DPS Staff, have reviewed the results of any historic properties and archeological surveys that are required.

If archaeological materials are encountered during construction, and if continuing construction in the immediate vicinity (150 ft [46 m]) would be incompatible with the objective of preserving the quality and integrity of the resource, the area will be stabilized, and ground-disturbing activities will be ceased in the immediate vicinity (150 ft [46 m]) of the find to protect it from further damage. The restricted areas would extend from the maximum discernable limit of the archaeological resource. The only earth-moving activities that will occur within the restricted areas prior to notifications are those necessary for immediate stabilization of the exposed archaeological feature or deposit. The archaeological discovery location will be flagged, fenced off, or securely covered with steel plates and reasonable measures will be taken to ensure site security. Within 24 hours of such a discovery, DPS Staff and NYSOPRHP will be notified and consulted to determine the best course of action. Any discovery made on a weekend will be protected until DPS Staff and NYSOPRHP are notified of the discovery. No construction activities will be permitted in the vicinity of the find until such time as the significance of the resource has been evaluated by OPRHP and the need for and scope of impact mitigation has been determined by DPS Staff in consultation with NYSOPRHP. Qualified archaeologists will be engaged to assist in preliminary visual assessments and documentation, consultations with OPRHP and DPS Staff, and development of appropriate treatment or mitigation measures.

Should human remains or evidence of human burials be encountered during the conduct of archeological data recovery fieldwork or during construction, work in the vicinity of the find will be halted immediately to protect the remains from further disturbance. Immediately upon any such discovery, DPS Staff and NYSOPRHP will be notified and consulted with. Sunrise Wind will ensure that the treatment of human remains is done in accordance with the NYSOPRHP's

Human Remains Discovery Protocol (dated August 2018) and the Project's Onshore Unanticipated Discovery Plan provided as Appendix T to this EM&CP.

Archaeological or remains-related encounters and their handling will be reported in the status reports summarizing construction activities included in Appendix HH of this EM&CP.

#### 4.4 Topography/Geology/Soils/Groundwater

Existing topography, geology, soils, and groundwater conditions were studied within a 500 ft (152 m) study area surrounding the laydown yards, OnCS-DC, the Holbrook Substation Expansion and the Onshore Transmission Cable-NYSDOT ROW. The below sections summarize existing topography, geology, soil, and groundwater resources, potential impacts, and protection and mitigation measures.

##### 4.4.1 Summary of Existing Conditions and Impacts

Existing topography, geology, soil, and groundwater conditions were compiled based on desktop review of available resources and associated field surveys.

The Landfall Laydown Area and ICW Laydown Areas are at an approximate topographic elevation of approximately 0 ft (0 m). The approximate topographic elevation at the OnCS-DC is approximately 80 ft (24.4 m) to 84 ft (25.6 m) and is generally flat, but gently sloping southwest to northeast. The approximate topographic elevation of the Holbrook Substation ranges from 125 ft (38.1 m) above mean sea level (amsl) just outside the southwestern portion of the substation to 111 ft (33.8 m) amsl just outside the northeastern corner of the existing fence. While the area within the existing fence line of the Holbrook Substation is generally flat, the area gently slopes from west to east.

The geology of Long Island is dominated by terminal moraines and glacial outwash deposits derived from Wisconsinan Laurentide glacial advance and retreat, accompanied by Holocene sea-level transgression, which eroded and redistributed outwash deposits to form the present barrier-island system (Schwab et al. 2014; USGS 2017). The land mass of Long Island is also a product of glacial and post-glacial processes. The Wisconsin episode is predominantly responsible for the surficial geology of the modern Long Island region. During the Wisconsin glacial stage, an ice sheet moved to approximately the center of Suffolk County and stopped, leaving before it two terminal moraines, which are now known as the Ronkonkoma moraine and the Harbor Hills moraine. After the ice sheet reached its southern limits in Suffolk County, it began to melt. The melted water flowed into streams and carried a large volume of sand and gravel

farther south. This sand and gravel were deposited in two relatively flat outwash plains; one between the Ronkonkoma moraine and the Atlantic Ocean and the other between the Harbor Hill moraine, which extends from the western edge of Nassau County, along the northern shore of Long Island, to its easternmost point at Fisher's Island, and the Ronkonkoma moraine (USDA, 1975). The Ronkonkoma moraine and the Harbor Hills moraine are parallel in the western half of Long Island but diverge near Peconic Bay. The Harbor Hill moraine and the Ronkonkoma moraine are comprised primarily of poorly sorted till, including sand, pebbles, rocks, and boulders, while the outwash plains located between the moraines, and south of the Ronkonkoma moraine, include varying amounts of well-sorted sand and gravel. The Ronkonkoma moraine was deposited as a terminal moraine at the end of a glacial lobe and forms the spine of Long Island (Sanders and Merguerian 1994). Streams draining southward at the edge of the glacier deposited an outwash plain of sandy material that is now the southern Long Island coastal zone and shore. The bedrock under Suffolk County varies in depth from approximately 400 ft (121 m) below ground surface (bgs) along the northern coastline of the Town of Southold, to approximately 2,000 ft (609 m) bgs along the central part of the southern coastline of Fire Island.

Soils were characterized in accordance with the Soil Survey of Suffolk County, New York (USDA, 1975). The predominant soil series found at the OnCS-DC and Holbrook Substation is the Carver series, while along the Onshore Transmission Cable-NYSDOT ROW the predominate soil series is Riverhead series. The Carver series consists of deep, excessively drained, coarse-textured soils that form throughout Suffolk County on rolling moraines and broad outwash plains. The Riverhead series consists of deep, well-drained, moderately coarse textured soils that formed in a mantle of sandy loam or fine sandy loam over thick layers of coarse sand and gravel.

Long Island is considered a sole source aquifer region, meaning groundwater is the single drinking water source for the island. NYSDEC has stated that the aquifers underlying Long Island are among the most prolific in the country (NYSDEC, n.d.) and flow is characterized by a groundwater divide, extending east- west along the length of the island. Three key aquifers make up the Long Island aquifer system: the Upper Glacial Aquifer, the Lloyd Aquifer, and the Magothy Aquifer (USGS, 2018). Groundwater flow on Long Island is characterized by a groundwater divide, extending east-west along the length of the Island corresponding with the topographically higher land surface altitudes (Como et al. 2018). To the north of the groundwater divide, horizontal groundwater flow is generally to the north; in areas south of the

divide, groundwater flows toward the south. Groundwater flows generally to the south, toward the Atlantic Ocean (Como et al. 2018). Depth to groundwater ranges from approximately 3 ft (0.9 m) below grad surface (bgs) at the Temporary Equipment and Landfall Laydown Area to approximately 40 ft (12.2 m) bgs in the vicinity of the OnCS–DC.

No permanent significant impacts related to topography, geology, soils, or groundwater are anticipated from construction or operation of the Project. In areas where grading and the excavation of previously disturbed soils are required, existing drainage patterns will be maintained and temporary erosion controls such as straw bale and/or silt fence barriers and the protection of soil stockpiles will aid in reducing potential impacts. The OnCS–DC will be located on relatively flat land and the Holbrook Substation Expansion will be located on undeveloped land adjacent to the existing Holbrook Substation, also on relatively flat land. The construction of the OnCS–DC and Holbrook Substation Expansion will include general site preparation, excavation, and grading. Construction activities will include general site preparation and excavation for the installation of the underground Onshore Transmission Cable–NYSDOT ROW duct bank. However, no significant impacts are anticipated to existing topography as a result of the construction of the Project. Furthermore, the installation of the Project will not encounter bedrock; therefore, no blasting has been proposed.

#### 4.4.2 Protection and Mitigation Measures

Sunrise Wind has developed a Material Management Plan (Appendix O of this EM&CP) that outlines the process and procedures for the handling of all soils and any contaminants or hazardous waste encountered during construction. While grading and excavation will be minimal, any excavated material not eligible to be used as backfill will be removed and the final material disposal location will be submitted to DPS Staff, the Town, and NYSDEC at least 30 days prior to disposal. Sunrise Wind will dispose of all material and will comply with 6 NYCRR Part 360 et seq. If contamination in the ground is detected during construction of the Facility, and such contamination is of the kind that will lead to volatilization or off-gassing of such contamination or chemical constituents thereof, Sunrise Wind will contact NYSDOH, NYSDEC, and DPS Staff prior to further disturbance. Additionally, Sunrise Wind will conform to practices and procedures described in the DER-10/Technical Guidance for Site Investigation and Remediation and the NYSDOH Generic Community Air Monitoring Plan (CAMP), to the extent applicable.

A Dewatering Plan (Appendix S of this EM&CP) was also developed to assist in the management of groundwater and evaluate any known or suspected contaminated sites to determine if



proposed dewatering operations will influence or draw-in any contamination from adjacent sites, and the expected maximum concentrations of those contaminants.

If environmental or engineering constraints require siting of the Onshore Transmission Cable–NYSDOT ROW within 100 ft (30.5 m) of a known existing, active drinking water supply well, Sunrise Wind will perform pre- and post-construction water turbidity testing, provided Sunrise Wind is granted access by the property owner. The results of such tests and reports will be made available to the parties upon request. Should NYSDOH-certified laboratory testing conclude that the water turbidity from an existing, active drinking water supply well was less than the New York State standard of 5 Nephelometric Turbidity Units for drinking water prior to construction, but failed to meet such standards post- construction, Sunrise Wind will consult with the property owner to construct a new water well at least 100 ft (30.5 m) from the Onshore Transmission Cable, as practicable given siting constraints and landowner preferences.

A SWPPP in compliance with GP-0-20-001 for each necessary EM&CP 1 component (*i.e.*, OnCS–DC, Onshore Transmission Cable and Onshore Interconnection Cable, and Holbrook Substation Expansion) are included in Appendices P, Q and R, respectively, of this EM&CP.<sup>6</sup> The SWPPP(s) will be used to minimize any potential impacts to existing groundwater and soils. The SWPPP(s) include temporary erosion control measures (*e.g.*, silt fence, compost filter sock, straw bales) to be used during construction to reduce the risk of soil erosion, fugitive dust from exposed soils, and siltation.

Following construction, the onshore Project Corridor will be restored as described in Section 8, *Clean-up and Restoration*. Erosion controls and permanent vegetation will be restored as appropriate for those locations. Disturbed pavement, curbs, and sidewalks (if applicable) will be restored by Sunrise Wind to their preconstruction condition or improved, or as otherwise addressed in an applicable agreement with the local government.

Permanent stormwater management measures are also required (and included within the SWPPP(s)) for the OnCS–DC and Holbrook Substation Expansion due to the increase in impervious area and increase in stormwater runoff. Post- construction stormwater management practices at the OnCS–DC will include catch basins, surface inlets, trench drains, storm collection

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<sup>6</sup> Appendix R is currently a placeholder appendix that will be supplemented as soon as the draft SWPPP for the Holbrook Substation Expansion is available.

pipes, and stormwater storage structures(drywells) which function as a below grade stormwater infiltration system. Once installed, these systems will be maintained in accordance with the SWPPP(s)

## 4.5 Terrestrial Vegetation

Terrestrial vegetation within the Project area was reviewed based on published land cover data, field surveys of ecological community types, and vegetation inventories compiled during field surveys. The below sections summarize existing terrestrial vegetation, potential impacts, and protection and mitigation measures.

### 4.5.1 Summary of Existing Conditions and Impacts

On mainland Long Island, residential and industrial development has removed or degraded much of the historical natural communities.

According to National Land Cover Database (NLCD) data, the Landfall Laydown Area consists of 100 percent developed land; the Smith Point Marina ICW Laydown Area 1 consists of 72 percent developed (high intensity and medium intensity) and 28 percent barren land (rock/sand/clay); the Smith Point Park ICW Laydown Area 2 consists of 79 percent developed (low and medium intensity), 16 percent barren land (rock/sand/clay) and 5 percent developed, open space; the OnCS–DC is 100 percent developed (low, medium and high); the Holbrook Substation is 54 percent developed (low, medium and high) and 46 percent developed, open space; the Onshore Transmission Cable–NYSDOT ROW is 100 percent developed (low, medium and high) and the Temporary Equipment is 100 percent open water.

Field surveys allowed for qualitative refinement of existing land cover through field identification of ecological community types described in the *New York Natural Heritage Program (NYNHP) Publication Ecological Communities of New York State (ECNYS)* (Edinger et al., 2014). Using this refined classification, the Landfall Laydown Area and ICW Laydown Areas were determined to be primarily associated with a Paved Road/Path ecological community. The OnCS–DC and Holbrook Substation were determined to be primarily associated with Paved Road/Path, Urban Structure Exterior and Brushy Cleared Land ecological communities. The Onshore Transmission Cable–NYSDOT ROW consists primarily of Paved Road/Path, Mowed Roadside/Pathway, and Mowed Lawn ecological communities. Finally, the Temporary Equipment is associated with the Marine Intertidal Gravel/Sand Beach and Paved Road/Path ecological communities.

The laydown yards were selected as they have been previously disturbed, open land with minimal vegetation. The OnCS–DC was also selected as it is generally flat, already disturbed and very limited vegetation clearing would be required at this location minimizing impacts to terrestrial vegetation. Construction of the Holbrook Substation Expansion will result in initial land disturbance and tree clearing. Construction of the Holbrook Substation Expansion is expected to result in approximately 1.0 acres (0.4 ha) of permanent tree clearing. Sunrise Wind will use mechanical clearing methods for the construction of the Project and will not use any herbicides/pesticides during construction and installation.

Construction-related impacts to terrestrial vegetation will be minor and short-term along the Onshore Transmission Cable–NYSDOT ROW. Impacts to vegetation will be avoided or minimized since cable installation will occur within existing paved portions of road ROWs, where practicable. As a result, ground disturbance associated with cable burial will be limited primarily to the unvegetated and impervious surfaces of the Paved Road/Path ecological community, thereby avoiding the need to disturb or remove vegetation. Adequate workspace to accommodate an open trench exists within the paved roads and the adjacent road shoulders. Some clearing, grubbing, and/or trimming of vegetation within the Mowed Roadside/Pathway and other maintained communities that comprise the road shoulders may be necessary during construction. However, any such activities will be short-term, minor, and confined to the Project Corridor. The construction workspace will be kept to the minimum width necessary to accommodate space for safe equipment passage, materials staging, open trenching and other activities associated with the Onshore Transmission Cable–NYSDOT ROW installation.

The Temporary Equipment will be located in open water and along the shoreline of Smith Point County Park. There is no terrestrial vegetation present along the shoreline at its proposed location, and thus it will not impact any terrestrial vegetation.

#### 4.5.2 Protection and Mitigation Measures

Several protection and mitigation measures will be implemented to minimize any adverse impacts to terrestrial vegetation.

##### 4.5.2.1 Vegetation Management and Restoration Plan

A Vegetation Management and Restoration Plan (Appendix Z of this EM&CP) has been developed to outline management and maintenance of vegetative communities within the Project area. Topics discussed within this plan include: a Tree Protection Plan; vegetation

clearing and disposal methods; and ROW maintenance. No application of herbicides, fungicides, or pesticides is proposed during construction activities. Additional information on clean-up and restoration efforts can be found in Section 8, *Clean-up and Restoration*.

Vegetation clearing will be avoided or minimized due to construction occurring within existing, cleared industrial properties; however, the OnCS–DC and Holbrook Substation Expansion will require minimal vegetation clearing and removal. Some clearing, grubbing, and/or trimming of vegetation will also occur within the mowed roadside and other maintained communities comprising road ROW shoulders as well as the Onshore Transmission Cable–NYSDOT ROW corridor. See the Vegetation Management and Restoration Plan in Appendix Z of this EM&CP for additional details.

#### 4.5.2.2 Invasive Species Control and Management Plan

An ISCMP has been prepared and is provided in Appendix AA of this EM&CP. The goal of the ISCMP is to achieve no net increase of invasive species due to construction related activities. The ISCMP includes the following information:

- Baseline invasive species surveys and report
- BMPs including pre-construction invasive species control, if necessary
- Post-construction monitoring protocols
- A preliminary adaptive management strategy

## 4.6 Wetlands and Waterbodies

Wetlands and waterbodies identified within or proximate to the Project, including freshwater wetlands and surface waters, were assessed. The below sections summarize existing wetland and waterbody resources, potential impacts, and protection and mitigation measures.

### 4.6.1 Summary of Existing Conditions and Impacts

Waterbodies and wetlands located within or proximate to the Project were identified through review of published information, government agency maps, and field surveys conducted in June and October 2020, March and July 2021, April 2022 and August 2022.

The US Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) database and NYSDEC freshwater wetland map data were reviewed for the presence of wetlands within or near the Project. There are no designated NWI wetlands or NYSDEC-regulated freshwater

wetlands located within 500 ft (152 m) of the OnCS–DC, Holbrook Substation Expansion, Onshore Transmission Cable–NYSDOT ROW or laydown yards. No wetland or waterbodies were delineated in these areas during the field surveys. No streams were identified during field surveys and no mapped NYSDEC-regulated streams are crossed by these Project components.

There are mapped tidal wetlands in the vicinity of the Landfall Laydown Area, ICW Laydown Areas and at the Temporary Equipment. In addition, these areas are located adjacent to the Atlantic Ocean and Great South Bay waterbodies. Wetland delineations confirmed the presence of the tidal wetlands and the waterbodies. The Landfall Laydown Area will be located within the parking lot and will not impact NYSDEC-tidal wetlands or their regulated adjacent areas. The ICW Laydown Areas will not impact NYSDEC-tidal wetlands but will be located in portions of the regulated 300-ft (91.4 m) adjacent area and will result in temporary impacts. The Temporary Equipment has been designed to minimize impacts to wetland resources, as described in the Temporary Equipment Analysis in Appendix F of this EM&CP but will also result in temporary impacts to wetland and waterbody resources.

#### 4.6.2 Protection and Mitigation Measures

Sunrise Wind will perform all construction, operation, and maintenance of the Project in a manner that first avoids and then minimizes, to the maximum extent practicable, adverse impacts to wetlands and waterbodies and appropriate adjacent areas.

As described in Section 3, *Project Personnel and Procedures*, Sunrise Wind will take all necessary precautions to preclude contamination of any wetland or waterbody by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate, washings from transit mix trucks, mixers, or other devices or any other environmentally deleterious materials associated with the Project. If required, concrete batch plant operations and concrete washout areas will be located a minimum of 300 ft (91.4 m) away from any wetland or waterbody. Sunrise Wind will secure and safely contain all equipment and machinery outside of wetlands and waterbodies, at the end of each work day, unless moving the equipment will cause additional environmental impact.

Sunrise Wind will notify DPS Staff and NYSDEC via telephone within two hours if there is a discharge to a wetland or waterbody resulting in a violation of NYS Water Quality Standards. A written description provided via email of the discharge, photographs, and a summary of remedial activities, will be provided to DPS Staff and NYSDEC within 24 hours of such discharge.

The Dewatering Plan additionally provides protection and impact minimization for wetlands and waterbodies. The Dewatering Plan can be found in Appendix S of this EM&CP. Dewatering pumps operated within the adjacent areas as will be within secondary containment large enough to hold the pump and accommodate refueling.

If there are impacts to freshwater wetlands or in areas where impacts to wetland adjacent areas have been proposed, Sunrise Wind will stabilize such areas 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 will be seeded with a seed mix of native plants that are appropriate for wetlands and upland areas adjacent to wetlands and described in the Vegetation Management and Restoration Plan (Appendix Z). Overall vegetative cover in restored wetland or wetland adjacent areas will be monitored for a minimum of 5 years or until an 80% cover of plants with the appropriate wetland or upland plants (as appropriate) has been reestablished over all portions of the restored area.

As described in the Invasive Species Management and Control Plan (Appendix AA), invasive species growth in the restored wetland or wetland adjacent areas will be monitored for a minimum of 5 years. The proportion of invasive species in the freshwater wetlands and 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 in wetlands has not been established or the proportion of invasive species within a wetland has increased, Sunrise Wind will consult with NYSDEC and prepare a Wetland Planting Remedial Plan (WPRP) in accordance with the approved EM&CP and will submit the WPRP to NYSDEC and DPS for acceptance prior to implementation.

#### 4.6.2.1 Water Quality Certification

A WQC will be issued and complied with pursuant to Section 401 of the federal Clean Water Act (CWA). Issuance of a WQC implies compliance with standards if all other Certificate conditions are complied with. Water quality standards set forth in 6 NYCRR Parts 701, 702, 703 and 704, and Sections 301, 302, 303, 306, and 307 of the federal CWA (see 33 USC §§ 1311, 1312, 1313, 1313a, and 1317) will not be contravened.

#### 4.6.2.2 Wetland Impact Minimization and Mitigation Plan

Based on desktop analysis and field surveys, Sunrise Wind anticipates temporary impacts to regulated wetlands and adjacent regulated areas. In accordance with the Certificate, Sunrise

Wind developed a Wetland Impact Minimization and Mitigation Plan (Appendix W to this EM&CP).

#### 4.7 Important Habitats and Rare, Threatened, and Endangered Species

The below sections evaluate the potential to encounter important habitats and rare, threatened, and endangered (RTE) species protected under NYS (6 NYCRR Part 182) and/or under the federal Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1544, 87 Stat. 884, as amended). The below sections summarize these existing terrestrial RTE resources, potential impacts, and protection and mitigation measures. RTE marine resources are discussed in section 5.4, below.

##### 4.7.1 Summary of Existing Conditions and Impacts

The Project Corridor crosses four Significant Coastal Fish and Wildlife Habitats (SCFWH), three of which are located in the vicinity of the Landfall Laydown Area, ICW Laydown Areas and the Temporary Equipment – Great South Bay-East, Smith Point County Park and Moriches Bay. The establishment and use of the Landfall Laydown Area and ICW Laydown Areas will not impact species found within the SCFWHs. The Landfall Laydown Area and ICW Laydown Areas will be located in previously disturbed areas and will not impact breeding habitats. Further, as detailed in Section 1.6, *Construction Schedule*, some construction activities will be restricted to specified work windows which will minimize potential impacts to species and breeding habitats. Some activities at the Landfall Laydown Area and ICW Laydown Areas will be limited to the period beginning the day after Labor Day and ending on the day before Memorial Day, of the succeeding calendar year, unless further restricted by the Town. From April 1 to August 31, while activities are occurring at the Landfall Laydown Area and ICW Laydown Areas, Sunrise Wind will immediately notify NYSDEC if the Environmental Monitor observes nesting behaviors of nesting shorebirds described in Certificate Condition 122(a) within 500 ft (152.4 m) of the Landfall Laydown Area and the ICW Laydown Areas.

State and federally listed RTE species potentially located in the vicinity of the Project were identified based on agency correspondence and coordination, literature review, and field surveys. For a preliminary determination of potential Project impacts on RTE species, an Official Species List was obtained from the USFWS Information for Planning and Consultation (IPaC) website. In its March 27, 2020, April 15, 2021 and August 25, 2022, letters, the NYNHP identified

known occurrences of several RTE plant and animal species within the vicinity of the Project. Agency correspondences are included in Appendix GG of this EM&CP.

Onshore RTE species potentially occurring along or within the Project based on the agency correspondences above include:

- Sandplain Gerardia (*Agalinis acuta*), Federally Endangered
- Seabeach Amaranth (*Amaranthus pumilus*), Federally and NYS Threatened
- Blunt-lobed Grape Fern (*Botrychium oneidense*), NYS Threatened
- Collin's Sedge (*Carex collinsii*), NYS Endangered
- Water Pigmyweed (*Crassula aquatica*), NYS Endangered
- Sandplain Wild Flax (*Linum intercursum*), NYS Threatened
- Piping Plover (*Charadrius melodus*), Federally Threatened and NYS Endangered
- Red Knot (*Calidris canutus rufa*), Federally and NYS Threatened
- Roseate Tern (*Sterna dougallii dougallii*), Federally and NYS Endangered
- Common Tern (*Sterna hirundo*), NYS Threatened
- Least Tern (*Sternula antillarum*), NYS Threatened
- Hairy-necked tiger beetle (*Cincindela hirticollis*), NYS Rare
- Eastern pirate perch (*Aphredoderus sayanus*), NYS Rare
- Atlantic silverside (*Menidia menidia*), NYS Rare
- Northern Long-Eared Bat (*Myotis septentrionalis*), Federally and NYS Threatened

Onshore biological resource assessments for the Project (field surveys) were conducted in 2021 and 2022. No RTE species were documented within the Project's limit of disturbance during field surveys.

Due to construction timeframes, construction techniques, and optimized routing of the Project, impacts to these potential RTE species during construction activities are expected to be minor to none and are detailed below by species group:

- **Plants.** Onshore construction of the Project is primarily confined to existing roadways and previously disturbed areas, minimizing the need for ground disturbance where potential



RTE plants would be located. Additionally, no RTE plant species were identified within during field surveys; therefore, no impacts are anticipated.

- **Insects.** Onshore construction of the Project is primarily confined to existing roadways and previously disturbed areas. Due to the rarity of the species, the lack of ecological communities where the species lives, and the limited amount of tree clearing that will occur, impacts to the hairy-necked tiger beetle are expected to be minor to negligible.
- **Birds.** The breeding habitats of red knot, roseate terns, piping plover and common terns do not occur in Project construction areas outside of Smith Point County Park. No on-beach work (*i.e.*, between the back dune and MLW) will occur between April 1 and August 31 to avoid impacts to RTE nesting shorebirds. From April 1 to August 31, while construction is occurring at the Landfall Laydown Area and ICW Laydown Areas, Sunrise Wind will immediately notify the NYSDEC if its Environmental Monitor observes nesting behaviors by any above-referenced nesting shorebirds within 500 ft (152.4 m) of the Landfall Laydown Area or ICW Laydown Areas. Due to the mobility and rarity of the listed bird species and construction timing and techniques, impacts to RTE bird species are expected to be minor to negligible.
- **Mammals.** The NLEB (*M. septentrionalis*) roosts and breeds in trees during the summer breeding season. Terrestrial forested habitats in the vicinity of Project Corridor may provide summer roosting, pup-rearing and foraging habitat for bats, potentially including the state and federally threatened NLEB. As described more in the NLEB Avoidance and Minimization Plan included as Appendix X of this EM&CP, Sunrise Wind conducted an acoustic bat survey in August 2022 following the USFWS' *Range-wide Indiana Bat and Northern Long-eared Bat Survey Guidelines* (USFWS Guidelines). Although NLEB were not detected in the Project area during summer 2022 surveys, and no known occupied habitat for NLEB occurs within the proposed limits of clearing for the Project (totaling approximately 14.6 forested acres [5.9 ha]), NLEB have previously been documented nearby (within 0.5 mile [0.8 km] of Project features), and the USFWS considers any forested areas with trees greater than 3 inches (7.6 cm) diameter to be potential suitable roost habitat. The Project has incorporated measures to avoid potential impacts to NLEB, as required in Certificate Condition 75 (b). The Project's Onshore Facilities have been designed to follow existing developed corridors as much as possible, although selective tree clearing is necessary for construction. Currently, selective tree clearing is anticipated

to be restricted to the NYSDEC's approved tree-clearing window from December 1–February 28; however, depending on when permits are received, some portions of the 14.6 acres (15.9 ha) of clearing will likely need to occur outside of this window, particularly those associated with the OnCS–DC, Onshore Interconnection Cable and Holbrook Substation Expansion Area at the west end of the Project area (~13.2 total acres [5.3 ha]). Based on available information, including onsite acoustic bat presence absence surveys in 2022, NLEB are not present in this western portion of the Project area or in the surrounding 1.5 miles (2.4 km). The remaining 1.4 acres (0.6 ha) of tree clearing along the Onshore Transmission Cable is currently scheduled to occur during the December 1–February 28 approved tree-clearing window. Accordingly, the Project is able to meet Certification Conditions 75 (b) (i) and (ii). Vegetation/tree clearing during construction has the potential to cause mortality or injury to bat individuals that are less mobile (e.g., pups) during the summer roosting period. However, minimizing and selective tree clearing will be conducted at the OnCS–DC and Holbrook Substation Expansion and along the Onshore Transmission Cable–NYSDOT ROW, minimizing potential impacts to bats.

Once construction is complete, any ground disturbance caused by the onshore construction, will be restored to pre-construction conditions as described in Section 8, *Clean-up and Restoration*. No maintenance is anticipated unless a fault or failure occurs due to damage from outside influences, such as unexpected digs from other parties. Therefore, negligible impacts to onshore RTE species or associated habitats are expected during operation of the Project.

#### 4.7.2 Protection and Mitigation Measures

Prior to the commencement of Project construction, Sunrise Wind will provide all workers with pertinent information on potential RTE species in the Project Area.

If any T&E species, as defined in 6 NYCRR Part 182 or plant species identified under 6 NYCRR Part 193 are encountered on the onshore portion of the Project Corridor the following actions will be taken:

- DPS Staff and NYSDEC will be notified within 24 hours of discovery (or as soon as possible, in the event that more than 24 hours are needed to compile the required details for such reports/notifications) if the Environmental Monitor confirms a nest, roost, or area where

the species were seen exhibiting any breeding or roosting behavior. In turn, and unless continued operations are necessary for protection of human life or property, Sunrise Wind will secure the area where rights exist and safely cease construction in that area until DPS Staff, in consultation with NYSDEC, authorizes recommencement of activities;

- Excluding bald eagles and unfledged piping plover chicks an area at least 500 feet in radius around the active nest or roost will be posted and avoided until notice to continue construction, ground clearing, grading, maintenance, or restoration activities are granted by DPS Staff and NYSDEC;
- An area at least 1,000 meters in radius (from the ocean-side low water line or the farthest extent of dune habitat) around the active nest with unfledged piping plover chicks will be identified and any on-beach areas as defined in Condition 75 (c) within that radius will be avoided until notice to continue construction, ground clearing, grading, maintenance, or restoration activities has been granted by DPS Staff and NYSDEC. Further, any on-beach areas as defined in Condition 75 (c) within that radius that are also within the Project Corridor will be posted by Sunrise Wind;
- For bald eagles, an area at least 660 feet in radius with a visual buffer, or 1/4 mile with no visual buffer, around the active nest or roost will be posted and avoided until notice to continue construction, ground clearing, grading, maintenance or restoration activities are granted by DPS Staff and NYSDEC; and
- The active nest(s) or nest tree(s) or roost(s) will not be approached under any circumstances unless authorized by DPS Staff and NYSDEC.
- If a NYS threatened or endangered bird species is demonstrating breeding or roosting behavior, it will be reported to the DPS Staff and NYSDEC within twenty-four (24) hours (or as soon as possible, in the event that more than 24 hours are needed to compile the required details for such reports/notifications).

During construction, restoration, operation and maintenance of the Facility and associated facilities, Sunrise Wind will maintain a record of all observations of NYS RTE species. During construction, the on-site Environmental Monitor will be responsible for recording all occurrences of NYS threatened or endangered species within the Project Corridor as described in Section 3, *Project Personnel and Procedures*. A record of observed RTE species will be maintained and bi-

weekly monitoring reports will be submitted to NYSDEC and DPS Staff. Report forms are located in Appendix HH of this EM&CP.

After construction is complete, incidental observations of any NYS threatened or endangered species will be documented and reported to the DPS Staff and NYSDEC, in accordance with the reporting requirements in subparagraph (iii) of this paragraph.

If any work results in, or is likely to result in, an incidental take of a RTE species as defined in 6 NYCRR Part 182 and/or the ESA, then work must stop where the take occurred or is likely to occur (Stop Work Area). After work is stopped, an Endangered or Threatened Species Mitigation Plan and Implementation Agreement (RTE Plan/Agreement) will be submitted demonstrating proposed mitigation measures that will result in a Net Conservation Benefit to that species. The RTE Plan/Agreement will be prepared in accordance with 6 NYCRR Part 182.11. Work will not recommence in the Stop Work Area until the RTE Plan/Agreement is accepted by NYSDEC and such RTE Plan/Agreement is implemented.

No tree clearing activities will occur at any time within 150 ft (45.7 m) of any NLEB maternity roosts or 0.25 mile (0.4 km) of any NLEB hibernacula. All tree clearing activities occurring greater than these distances but within 1.5 miles (2.4 km) of a NLEB detection or 5 miles (8.0 km) of a NLEB hibernaculum site will be conducted between December 1 and February 28. From March 1 to November 30, Sunrise Wind will leave uncut all snag and cavity trees as defined under NYSDEC Program Policy ONRDLF-2 Retention on State Forests, unless their removal is necessary for the protection of human life and property. When necessary, snag and cavity trees may be removed after being cleared by the Environmental Monitor, who will conduct a survey for bats exiting the tree. This survey will begin 1/2 hour before sunset and continue until at least 1 hour after sunset or until it is otherwise too dark to see emerging bats. Unoccupied snag and cavity trees in the approved clearing areas will be removed within 24-hours of the exit-count survey.

Finally, there will be no on-beach work (i.e., between the back dune and Mean Low Water [MLW]) between April 1 and August 31 in any year to avoid the risk for incidental take of federally- and State-listed nesting shorebirds. This time-of-year restriction does not prohibit Sunrise Wind from performing construction work at the Landfall Work Area or the ICW Work Area. From April 1 to August 31, while construction is occurring at the Landfall Work Area or ICW Work Area, Sunrise Wind will immediately notify NYSDEC if its environmental monitor observes nesting behaviors if nesting shorebirds described in Certificate Condition 122(a) within 500 feet of the Landfall Work Area or ICW Work Area.

#### 4.7.2.1 Avian Management Plan

Sunrise Wind has developed an Avian Management Plan (Appendix Y of this EM&CP) that outlines the minimization measures to be implemented during construction of the Project to avoid and/or minimize impacts to protected avian species and/or their habitats during construction and operation of the Project.

#### 4.7.2.2 NLEB Avoidance and Minimization Plan

Sunrise Wind has also developed a NLEB Avoidance and Minimization Plan (Appendix X of this EM&CP) that outlines the minimization measures and monitoring protocols to be implemented during construction of the Project to avoid and/or minimize impacts to the species and/or their habitats.

### 4.8 Noise

Existing noise conditions were measured in the vicinity of the OnCS–DC and along the Onshore Transmission Cable-NYSDOT ROW to evaluate potential impacts from operational, daytime construction, and nighttime construction noise. The temporary components of the Project, including the laydown yards and work areas and the Temporary Equipment will be limited to temporary noise during site preparation and typical vehicle/boat use, and therefore are not included below. The below sections summarize these existing noise resources, potential impacts, and protection and mitigation measures.

#### 4.8.1 Summary of Existing Conditions and Impacts

Noise-sensitive receptors (NSRs) are located in the vicinity of the Project include nearby residences, public lands, commercial properties, and industrial properties.

Two field surveys of ambient existing conditions were performed in accordance with ANSI/ASA standards. The initial field survey included both short-term and long-term measurements from September 23 to September 26, 2020. A second field survey was conducted at three locations near the OnCS–DC over a continuous 7-day-long period to estimate the residual sound levels from July 19 to July 27, 2022. Results of noise measurements collected at the OnCS–DC and the Onshore Transmission Cable-NYSDOT are summarized as follows:

- **OnCS–DC.** Field measurements of existing ambient conditions were conducted at six survey locations near the Union Avenue Site. Existing conditions at survey locations near the OnCS–DC were influenced by typical community noise sources such as road traffic. Other prominent sources of sound at these survey locations were insects, birds, leaf rustle,

and noise from nearby industrial facilities. Existing sound levels range from 50-57 dB during the day and 47-61 dB at night.

- **Onshore Transmission Cable–NYSDOT ROW.** Field measurements of existing ambient conditions were conducted at eight survey locations along the Onshore Transmission Cable–NYSDOT ROW corridor. Existing sources of sound along the Onshore Transmission Cable–NYSDOT ROW corridor include natural ambient sources such as wind through the trees, local traffic on the roadways and traffic on the LIE. In addition, existing ambient sound levels along the Onshore Transmission Cable–NYSDOT ROW corridor have been estimated based on the methodology described in the Federal Transit Administration (FTA) guidance manual (FTA, 2018). The closest receptors along the Onshore Transmission Cable–NYSDOT ROW are approximately 200 ft (61 m) from the LIE and existing sound levels are estimated to be 65 dB during the day.

Construction of the OnCS–DC and Holbrook Substation Expansion will occur during daytime hours. Activities associated with construction may include: site preparation, excavation and grading; construction of foundations; construction of electric grounding, duct banks, and underground conduits; installation of appropriate drainage systems and station service (including electrical and water); and installation of all above ground structures including transformer, switchgear, and cable systems. Construction of the OnCS–DC is expected to generate a sound level of approximately 86 dB at a distance of 50 ft (15 m) from the center of the activity, 79 dB at a distance of 110 ft (33.5 m), and 75 dB at a distance of 173 ft (53 m). The closest residential NSR is approximately 1,300 ft (396 m) away from the center of construction activities, and construction noise at that distance is anticipated to be 58 dB, per results of modeling efforts. This indicates that the sound level of construction noise at residential NSRs would not exceed permissible sound level limits. BMPs will be implemented to further reduce noise at NSRs. Since these construction activities are anticipated to be of relatively short duration, construction of the OnCS–DC is not expected to cause an adverse impact.

Operational noise at the OnCS–DC will include new sources of sound such as the converter transformers, reactors, filters, and outdoor HVAC equipment. Other noise sources such as corona sources, switching devices, and generators are transient, insulated within buildings, reserved for use during rare emergency situations only, or otherwise do not typically make significant contributions to the overall equivalent continuous sound level. The OnCS–DC components and structural elements of buildings will incorporate sound mitigation measures to meet acoustical

requirements. The Project sound level at the most impacted residence, approximately 984 ft (300 m) away from the property line, was calculated to be 40 dBA, which will result in an increase of 0 dBA in the total sound level relative to existing conditions. The results of a prominent tone analysis indicated that a tonal penalty is not applicable at NSRs. Operation of the Holbrook Substation Expansion will not introduce new sources of noise and noise from routine operation is not anticipated, except during routine maintenance that may require short-term use of equipment with noise emissions to facilitate inspections and repairs.

Onshore Transmission Cable–NYSDOT ROW construction will generate noise of approximately 88 dBA ( $L_{eq}[8h]$ ) at a distance of 40 ft (12 m) from the center of construction activities. Because construction will continuously progress along the corridor, exposure to noise at any location will be temporary. Since the activities associated with installation of the Onshore Transmission Cable–NYSDOT ROW is anticipated to be of relatively short duration and primarily limited to daytime hours, this construction is not expected to cause adverse impacts. There will be no permanent noise-generating equipment associated with Onshore Transmission Cable–NYSDOT ROW; therefore, operational noise was not further evaluated.

## 4.8.2 Protection and Mitigation Measures

Construction activities will be restricted to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday, except for construction activity in connection with any HDD; cable pulling, grouting, and laying, cable joint splicing; OnCS–DC work, and other activities reasonably necessary to comply with NYSDOT or other contractual restrictions on daytime construction in or along roadways or public access areas. In addition to the aforementioned exceptions, this restriction will not require the cessation of construction activities that require continuous work effort once started (e.g., commissioning the OnCS–DC), as discussed in Certificate Condition 76.

Within seven (7) months after the commercial operation date of the OnCS–DC Site, Sunrise Wind will perform and complete at least one sound compliance test and the results will be submitted to the NYSPSC through a report from an independent acoustical or noise consultant, no later than eight (8) months after the commercial operation date, specifying whether or not the OnCS–DC Site is found in compliance with all Certificate conditions regarding noise.

### 4.8.2.1 Construction Noise Control Plan

As indicated above, Sunrise Wind intends to limit construction activities to the hours of 7:00 a.m. to 7:00 p.m.; however, in the instances work must be conducted between 7:00 p.m. and 7:00

a.m. Sunrise Wind has developed an Onshore Construction Noise Control Plan (Appendix EE of this EM&CP) to minimize potential noise impacts from the Project. The Construction Noise Control Plan considers the locations of noise sources, the anticipated schedule of construction and identifies BMPs to minimize impacts from construction noise.

## 4.9 Electromagnetic Fields

An Onshore Electromagnetic Fields (EMF) Assessment for onshore cables was filed with the Amended Article VII Application. The below sections summarize the results of EMF conditions in the vicinity of the Project, potential impacts, and protection and mitigation measures.

### 4.9.1 Summary of Existing Conditions and Impacts

Existing EMF conditions in the vicinity of the Project are the result of natural phenomena and/or existing operational electrical facilities constructed nearby. Sunrise Wind will design, engineer, and construct the Project such that its operation will comply with the EMF guidelines and standards established by the NYSPSC in Opinion No. 78-13, issued June 19, 1978, and the Statement of Interim Policy on Magnetic Fields of Major Electric Transmission Facilities, issued September 11, 1990, or the NYSPSC's most recent electric and magnetic field guidelines and standards in effect at the time the NYSPSC grants the Certificate. The Onshore Transmission Cable-NYSDOT ROW will not be a direct source of an electric field above ground due to the cable construction, duct bank, and burial underground. The 1990 NYPSC standards requires magnetic-field calculations be performed for operation at current flows equal to the winter normal conductor rating and evaluated at the edge of the transmission line ROW at a height of 3.3 ft (1 m) above ground. A ROW is not specified for portions of the route, so all comparisons to the NYPSC limit were performed at a conservatively short distance of 10 ft (3 m) from the center of the transmission line.

No electrical equipment or transmission cables will be energized until the entire Project is operable; therefore, there are no anticipated EMF impacts during construction of the Project.

Modeling results for the Onshore Transmission Cable-NYSDOT ROW installed in duct banks showed the highest calculated magnetic field at 3.3 ft (1 m) above ground was 786 mG with, inclusive of the ambient geomagnetic field of 511 mG and a maximum change of 275 mG from the DC cables when the DC duct bank is installed in an east-west direction, which occurs where the Onshore Transmission Cable-NYSDOT ROW follows the LIE South Service Road. Thus, calculations of the magnetic field are in accordance with the NYSPSC's standards.



EMF around the OnCS–DC and the Holbrook Substation Expansion were not modeled as the highest EMF levels around the perimeter of the facility are likely due to the existing transmission lines entering and exiting the existing Holbrook Substation. This is consistent with IEEE Standard 1127, which notes:

In a substation, the strongest fields near the perimeter fence come from the transmission and distribution lines entering and leaving the substation. The strength of fields from equipment inside the fence decreases rapidly with distance, reaching very low levels at relatively short distances beyond substation fences (Institute of Electrical and Electronic Engineers [IEEE] 2013).

Therefore, the equipment in the OnCS–DC and the Holbrook Substation Expansion are not expected to contribute significantly to the EMF levels outside the boundaries of the facilities.

#### 4.9.2 Protection and Mitigation Measures

Sunrise Wind has designed, engineered, and will construct and operate the Project such that it will comply with the EMF guidelines and standards established by the NYSPSC noted above, therefore, additional protection and mitigation measures are not required.

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## SECTION 5 – OFFSHORE ENVIRONMENTAL PROTECTION AND MITIGATION

The only Project activity covered by this section in this EM&CP is the Temporary Equipment at Smith Point County Park. Installation and use of the Temporary Equipment will be in compliance with the approved EM&CP(s), the terms of the Certificate, and applicable federal regulatory and permit requirements. The Project has been designed to avoid or minimize offshore impacts to submerged cultural resources, natural resources, aquatic communities, sensitive marine habitats, and the fisheries industry; however, potential impacts to offshore resources may still occur.

Specific measures to reduce potential impacts to offshore environmental resources are described below. The environmental monitoring and compliance team, described in Section 3, *Project Personnel and Procedures*, and the ECP provided as Appendix G of this EM&CP, will be responsible for verifying that requirements of this EM&CP are adhered to during construction of the Project.

### 5.1 Marine Cultural and Historic Resources

Marine cultural and historic resources were assessed within the area of the Temporary Equipment. The below sections summarize existing cultural and historic resources, potential impacts, and protection and mitigation measures.

#### 5.1.1 Summary of Existing Conditions and Impacts

Marine cultural and historic resources within the area of the Temporary Equipment were assessed through desktop reviews. To assess the presence of previously recorded marine archaeological resources near the Temporary Equipment, the National Oceanic and Atmospheric Administration (NOAA) Office of Coastal Survey Automatic Wreck and Obstruction Information System (AWOIS) database, electronic navigational charts database, and the proprietary BOEM shipwreck database were queried for areas within 1 mi (0.9 nm, 2 km) of the Temporary Equipment. Background research also included a review of historic documents, previous research reports, state site files, shipwreck inventories, and historic maps. Relevant geological and paleo environmental research was also reviewed to assist in the reconstruction of environmental conditions during the periods of potential pre-contact land use. In addition, site file and shipwreck data at the SHPO was reviewed within 1 mi (0.9 nm, 2 km) of the Temporary

Equipment. Based on this review, no shipwrecks were reported in the NYSHPO records within the area of the Temporary Equipment.

No potentially significant submerged archaeological resources were identified in the desktop review within the area of the Temporary Equipment. Therefore, no impacts to submerged pre-contact archaeological resources, submerged shipwrecks or other post-contact archaeological sites are anticipated as a result of installation of the Temporary Equipment. However, unanticipated archaeological materials could be encountered during construction activities. As such, Section 5.2.1, *Protection and Mitigation Measures*, details protection and mitigation measures for unanticipated discoveries.

As described in Section 1, *Site and Project Description*, the Temporary Equipment will likely be set up in three to four weeks. The Temporary Equipment will be used during each season of construction activity and remain in place for the duration of construction of the Project. Removal of the Temporary Equipment is not anticipated to impact marine archaeological resources.

### 5.1.2 Protection and Mitigation Measures

Sunrise Wind has committed to avoid or minimize impacts to potential marine archaeological resources to the extent practicable.

Although no impacts to resources are expected from the installation and use of the Temporary Equipment, unanticipated archaeological materials could be encountered during construction. Should archaeological materials be encountered, the Offshore Unanticipated Discovery Plan will be implemented that will include stop-work and notification procedures to be followed. The Offshore Unanticipated Discovery Plan is provided as Appendix U to this EM&CP.

If unanticipated archaeological discoveries occur during offshore construction, Sunrise Wind will stop work in the immediate vicinity (within 150 ft [45.7 m]) of the find and consult a qualified marine archaeologist to assist in determining the origin of any finds and immediate measures, if appropriate and feasible, to stabilize the archaeological resource. The avoidance distance would extend from the maximum discernible extent of the archaeological resource. Within 24 hours of such onshore or offshore discovery, Sunrise Wind will notify and consult with DPS Staff and NYSOPRHP to determine the best course of action. Any discovery made on a weekend will be protected until DPS Staff and NYSOPRHP are notified of the discovery. No construction activities will be permitted in the vicinity of the find until such time as the significance of the

resource has been evaluated by NYSOPRHP and the need for and scope of impact mitigation has been determined by DPS Staff in consultation with NYSOPRHP and Sunrise Wind. Sunrise Wind may engage qualified archaeologists to assist in preliminary visual assessments and documentation, consultations with NYSOPRHP and DPS Staff, and development of appropriate treatment/mitigation measures.

## 5.2 Marine Water and Sediment Quality

The following sections outline the marine physical and chemical characteristics in the area of the Temporary Equipment and summarize existing resources, potential impacts, and protection and mitigation measures.

### 5.2.1 Summary of Existing Conditions and Impacts

Desktop analyses were completed within the area of the Temporary Equipment to provide information on existing water quality, bathymetry, sediment type, and sediment quality. Desktop analyses included review of the following:

- Local, regional, state, and federal agency-published papers and reports for water and sediment quality and resources in Suffolk County and on Long Island
- Relevant published journal articles

During installation of the Temporary Equipment of the Project, sediment suspension and deposition may occur due to placement of the spuds. These activities may result in short-term and localized suspension of sediment in the water column. Magnitude of impacts will depend on the sediment grain size, volume and rate of sediment suspended, and existing currents.

Vessels traveling to and from the Temporary Equipment will operate in nearshore waters, which will increase the possibility of discharges and/or releases in the nearshore environment. Some liquid wastes will be allowed to be discharged, such as domestic water, deck drainage, treated sump drainage, uncontaminated ballast water, and uncontaminated bilge water. These discharges are not expected to cause impacts to water or sediment quality.

The Temporary Equipment will be utilized during construction of the Project and then will be removed. Activities associated with the removal of the Temporary Equipment are anticipated to be similar to installation activities, resulting in short-term and localized suspension of sediment in the water column.

## 5.2.2 Protection and Mitigation Measures

### 5.2.2.1 Discharges and Releases

Vessels traveling to and from the Temporary Equipment will operate in nearshore waters, which will increase the possibility of discharges and/or releases in the nearshore environment. Routine discharges of wastewater (e.g., gray water) or liquids (e.g., ballast, bilge, deck drainage, stormwater) may occur. However, vessel waste will be required to be offloaded, stored, and disposed of in accordance with the Certificate and applicable federal regulations. In addition, compliance with applicable Project-specific management practices and requirements will minimize the potential for adversely impacting water quality and marine life. In accordance with the Oil Pollution Act of 1990 and the MARPOL 73/78 international treaty, owners and operators of certain vessels are required to have a USEPA, USCG, and BOEM compliant OSRP. In addition, the USCG regulates the at-sea-discharges of vessel-generated waste under the authority of the Act to Prevent Pollution from Ships. Project vessels will be required to comply with the applicable USCG pollution prevention requirements. Additionally, vessels less than 79 ft (24.1 m) long will comply with the Small Vessel General Permit issued by the USEPA on September 10, 2014, for compliance with National Pollutant Discharge Elimination System permitting.

Accidental spill or release of oils or other hazardous materials will be managed through the offshore SPCC and OSRP detailed in Section 3, *Project Personnel and Procedures*. The likelihood of discharges and releases is expected to be low with impacts to water and sediment quality unlikely.

## 5.3 Marine Fish and Wildlife Resources

The following sections outline the marine fish and wildlife resources in the area of the Temporary Equipment, summarized potential impacts to those resources, and protection and mitigation measures.

### 5.3.1 Summary of Existing Conditions and Impacts

Desktop analyses were completed to assess existing benthic, shellfish, finfish, marine mammal, and sea turtle species. Desktop analyses included coordination with resource agencies, a published literature review, and review of online data portals and mapping databases.

Benthic and shellfish resources in the vicinity of the Temporary Equipment include submerged aquatic vegetation (SAV).

No recent SAV or benthic macroalgae habitats were mapped within the immediate vicinity of the Temporary Equipment. Historical data from 2002 and 2018 indicated the potential presence of SAV within the Project Corridor in the general vicinity of the Temporary Equipment (NYSDOS et al., 2020.). An SAV survey was conducted in October 2022 within an assessment area that included the Project Corridor in the vicinity of the Temporary Equipment. That survey is described in the SAV Survey Plan in Appendix CC of this EM&CP and the summary report will be provided to DPS Staff, NYSDOS, and NYSDEC. Based on the results of that survey, no indications of significant populations of eelgrass were found within the proposed site for the Temporary Equipment. While some individual shoots were identified in the northeast corner of the Project Corridor at least 120 ft (36.5 m) from the Temporary Equipment, an extant SAV bed was not observed. Therefore, pursuant to Certificate Condition 155, Sunrise Wind does not expect that the installation, use and removal of the Temporary Equipment will impact SAV.

Anticipated finfish along and within the vicinity of the Temporary Equipment include demersal assemblages. Demersal finfish as a whole are generally considered to be high-value fish and are sought by both recreational and commercial fishers. Pelagic species are potentially abundant nearshore and offshore in the warm season and decline in the cold season (Scotti et al., 2010). Demersal species of anadromous finfish potentially present in the vicinity of the Temporary Equipment include the winter flounder (*Pseudopleuronectes americanus*), striped bass (*Morone saxatilis*) and Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*). Some pelagic species are highly migratory and reported to be present in near-coastal and shelf surface waters of the Southern New England-New York Bight in the summer. Comparatively, coastal migratory pelagic fish include fast-swimming, schooling fish species ranging from shore to the continental shelf edge and are sought by both recreational and commercial fishers. Pelagic species of anadromous fish potentially present within the ICW include: American shad (*Alosa sapidissima*), alewife (*Alosa pseudoharengus*), blueback herring (*Alosa aestivalis*), Atlantic menhaden (*Brevoortia tyrannus*), and the Atlantic sea herring (*Clupea harengus*) (BOEM, 2013; Scotti et al., 2010). One federally listed fish species may occur in the vicinity of the ICW: Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) α; however, no critical habitat for this fish species is present within the ICW.

Marine mammals most commonly seen in the ICW include harbor seal (*Phoca vitulina*), and gray seal (*Halichoerus grypus*) (Kenney and Vigness-Raposa 2010; NYSDEC 2020; Tetra Tech and LGL 2020). Additionally, four species of sea turtles may occur along or within the ICW, all of which are



federally listed. These include the green sea turtle (*Chelonia mydas*), Kemp's ridley sea turtle (*Lepidochelys kempii*), and, loggerhead sea turtle (*Caretta caretta*).

The Temporary Equipment may briefly impact the marine resources in its direct vicinity. The sessile and slow-moving benthic organisms and finfish inhabiting the sediments below where the Temporary Equipment will be installed at Smith Point County Park may be crushed by the spuds from the barge during installation, which may lead to injury or mortality. The sediments in the vicinity of the planned location of the Temporary Equipment are expected to range from very fine sand to small gravels. As such, the sessile and slow-moving benthic organisms in this vicinity are likely to include infaunal polychaetes, tube-building amphipods, infaunal bivalves, epifaunal barnacles, and/or blue mussels, as well as attached macroalgae. The Temporary Equipment will be designed and detailed such that it avoids resting on the seafloor during all tide levels. The Temporary Equipment may also shade the sediments in its vicinity, reducing the photosynthetically active radiation available for new SAV. However, the Temporary Equipment has been sited to avoid documented SAV and the time of year when the proposed Temporary Equipment is planned to be installed will likely occur after the seasonal SAV senesce (late fall) and prior to when the SAV begin germinating (early spring), and thus will minimize impacts to future new SAV. Marine mammals and sea turtles in the ICW may be able to detect barge traffic and activities associated with installation of the Temporary Equipment. Seals hauled out on land or in the ICW in the immediate vicinity may experience direct, short-term impacts from land disturbance and noise; however, these effects are expected to be limited to temporary behavioral disturbance (e.g., entering the water).

### 5.3.2 Protection and Mitigation Measures

Due to expected impacts to marine life summarized in Section 5.3.1, *Summary of Existing Conditions and Impacts*, multiple protection and mitigation measures will be implemented to minimize adverse effects to the extent practical. These measures are outlined in the sections below.

#### 5.3.2.1 Observation or Discovery of Protected Species

As a condition of the Certificate, Sunrise Wind is required to report observations of RTE species and species of special concern (SSC), including marine mammals, sea turtles, or sturgeon that are discovered at any time during in-water construction activities in NYS waters. Sunrise Wind will also comply with NOAA Fisheries and BOEM requirements for protected species mitigation, monitoring, and reporting as detailed in the federal Construction and Operations Plan approval

and Incidental Take Authorization issued for this Project. Protected species covered under this protocol includes species protected under the Marine Mammal Protection Act and state and federally listed RTE species. Protected species reports submitted to BOEM and NOAA Fisheries will also be provided to NYSDEC.

As defined in Certificate Condition 75(f), Sunrise Wind will maintain a record of all observations of RTE species and SSC during construction, operation, and maintenance, to include the following information:

- Species identification (if known) or description of the animal
- Number of individuals
- Age and sex of individuals (if known)
- Time, date, and location (latitude/longitude) of the observation or discovery of each individual observed to the nearest accuracy within Sunrise Wind's property rights
- Condition of the animal (e.g., injured or deceased, state of decomposition, observed injuries)
- Observed behaviors of the animal, if alive
- Name(s) and contact information of the person(s) involved with the observation or discovery
- Nature of, and distance to, any project construction, maintenance, or restoration activity
- Weather conditions at the site for the previous 48 hours
- Photographs or video footage of the animal, if available
- General circumstances under which the animal was discovered
- Confirmation that the NOAA Fisheries Hotline was notified and any relevant discussions during that notification

Sunrise Wind will also provide the report to NYSDEC within 24 hours for sightings or discoveries of injured or deceased state or federally protected species that occur in NYS waters during monitoring.

Observations of RTE species and SSC will be summarized in bi-weekly monitoring reports submitted to NYSDEC and DPS Staff. A final report documenting occurrences and observations of

protected species will be prepared and provided to NYSDEC and DPS staff within 90 days of completion of cable installation activities, which will be described in EM&CP 2. The report will summarize activities and provide an estimate of the number of ESA-listed species or sea turtles observed or taken during the activities. The report will provide the following information:

- Dates, times, and locations of in-water activities
- Times and locations of protected species observations
- Weather conditions at the times of protected species observations
- Details of marine mammal sightings (e.g., species, numbers, and behaviors)
- Details of any observed takes (behavioral disturbance or injury/mortality)

Sunrise Wind will include NYSDEC as a recipient of this report and will explicitly identify sightings that occurred in NYS waters, differentiated from U.S. territorial waters.

#### 5.3.2.2 Winter Flounder Monitoring Plan

To avoid risk of an incidental take of Winter Flounder, no in-water seabed disturbing activities will occur in the ICW between December 15 and May 31 in any year. However, the installation and removal of the Temporary Equipment may occur within this window in accordance with a Winter Flounder Monitoring and Minimization Plan included as Appendix BB of this EM&CP.

#### 5.3.2.3 Noise

Installation of the Temporary Equipment will include the use of spuds and driven piles. The only marine mammal species commonly reported in the ICW are seals. Harbor and grey seals may be able to detect barge traffic and pile driving activities associated with installation of the Temporary Equipment. Seals hauled out on land or in the ICW in the immediate vicinity may experience direct, short-term impacts from land disturbance and noise; however, these effects are expected to be limited to temporary behavioral disturbance (e.g., entering the water). Monitoring and mitigation measures will be implemented to prevent the exposure of marine mammals to underwater sound levels produced during construction of the temporary pier. These proposed mitigation measures include pile driving only during daylight periods, use of protected species monitors (PSOs), and establishment of shutdown and pre-clearance monitoring zones.

## 5.4 Fisheries Management and Resources

The following sections outline the fisheries resources within the ICW, summarized potential impacts to those resources, and protection and mitigation measures.

### 5.4.1 Summary of Existing Conditions and Impacts

Commercial and recreational fisheries in NYS waters are further managed by several regulatory agencies, including the Atlantic States Marine Fisheries Commission (ASMFC), as well as ocean management plans of various types. Additionally, unmanaged forage species such as anchovies, silversides, and sand lances may occur throughout the ICW. Many of these species have not been assessed, and the abundance of most forage species varies annually based on environmental factors independent of the stock biomass (MAFMC 2017).

Great South Bay is identified as the largest protected, shallow, coastal bay in NYS. Many of the commercially and ecologically important demersal, pelagic, and anadromous species expected to be present within the Great South Bay as important forage, nursery, and spawning habitat. Forage finfish species can be found throughout Great South Bay at different times of the year. The USFWS Northeast Coastal Areas Study (1991) identified Atlantic silverside as the most dominant finfish species year-round. The report also identified bay anchovy as a dominant forage species in the summer and sand lance in the winter (USFWS 1991). As a result of the abundance of forage species in Great South Bay, the waterbody is utilized as forage and nursery habitat for a variety of species identified as commercially or recreationally important, including summer flounder, winter flounder, bluefish, black sea bass, cunner, striped bass, weakfish, and tautog (USFWS 1991). Striped bass are the primary commercially important anadromous species in Great South Bay, but additional, ecologically important species such as anadromous alewife utilize the bay during their seasonal spring migration up the Carmans River (NYSDEC 2008).

Work associated with the Temporary Equipment will take place within the Project corridor in or immediately adjoining NYS waters, specifically the Great South Bay and ICW, which contain navigational channels including those used by commercial and recreational fishers. However, the Temporary Equipment has been located outside the navigational channels and impacts to fishers and/or their equipment are not anticipated.

### 5.4.2 Protection and Mitigation Measures

As previously described, Sunrise Wind will avoid or minimize, to the extent practicable, significant potential impacts to fishing operations by locating the Temporary Equipment outside fishing areas and navigational channels.

As further detailed in Section 6.3, *Fishing Community Outreach Program*, a Fisheries Compensation Plan is included as a part of the Fishing Community Outreach Program to include provisions for compensating fishers for gear losses during all phases of the Project and to provide reimbursement for any temporary displacement of fishing activities directly resulting from the Project. Additionally, the Fishing Community Outreach Program details communication with commercial, recreational, and for-hire (charter) fishing activities regarding this Project. The program will inform the fishing community of Project activities and as such will avoid or minimize the potential for fishing operations to be impacted by the Project.

Sunrise Wind has also prepared a Mariner Notification Plan as Appendix J to this EM&CP to coordinate with fisherman and mariners on project activities throughout construction.

### 5.5 Electromagnetic Fields

The installation and use of the Temporary Equipment will not result in EMF.

### 5.6 References

- Bureau of Ocean Energy Management (BOEM). 2013. Commercial wind lease issuance and site assessment activities on the Atlantic Outer Continental Shelf offshore Rhode Island and Massachusetts revised environmental assessment. OCS EIS/EA BOEM 2013-1131. Accessed April 2020.  
[https://www.boem.gov/sites/default/files/uploadedFiles/BOEM/Renewable\\_Energy\\_Program/State\\_Activities/BOEM%20RI\\_MA\\_Revised%20EA\\_22May2013.pdf](https://www.boem.gov/sites/default/files/uploadedFiles/BOEM/Renewable_Energy_Program/State_Activities/BOEM%20RI_MA_Revised%20EA_22May2013.pdf).
- Kenney, R.D. and K.J. Vigness-Raposa. 2010. Marine mammals and sea turtles of Narragansett Bay, Block Island Sound, Rhode Island Sound, and nearby waters: An analysis of existing data for the Rhode Island Ocean Special Area Management Plan. Technical Report #10. In: Rhode Island Coastal Resources Management Council. Rhode Island Ocean Special Area Management Plan (OceanSAMP), Volume 2.
- Mid-Atlantic Fishery Management Council (MAFMC). 2017. Unmanaged forage omnibus amendment: Amendment 20 to the Summer Flounder, Scup, and Black Sea Bass Fishery

Management Plan, Amendment 18 to the Mackerel, Squid, and Butterfish Fishery Management Plan, Amendment 19 to the Surf Clam and Ocean Quahog Fishery Management Plan, Amendment 6 to the Bluefish Fishery Management Plan, Amendment 5 to the Tilefish Fishery Management Plan, Amendment 5 to the Spiny Dogfish Fishery Management Plan, including an environmental assessment, regulatory impact review, and regulatory flexibility act analysis.

National Marine Fisheries Service (NOAA Fisheries). 2019. Draft 2019 marine mammal stock assessment report, U.S. Atlantic and Gulf of Mexico.

New York State Department of Environmental Conservation (NYSDEC). 2008. Coastal Fish & Wildlife Habitat Assessment Form – Great South Bay-East. Accessed October 2020.  
[https://www.dos.ny.gov/opd/programs/consistency/Habitats/LongIsland/Great\\_South\\_Bay\\_East.pdf](https://www.dos.ny.gov/opd/programs/consistency/Habitats/LongIsland/Great_South_Bay_East.pdf).

NYSDEC. 2020. Marine mammals of New York. Accessed August 2022.  
<https://www.dec.ny.gov/animals/108573.html>.

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Scotti, J., Stent, J., and K. Gerbino. 2010. Final report: New York commercial fisherman ocean use mapping.

Tetra Tech and LGL. 2020. Final comprehensive report for New York Bight whale monitoring aerial surveys, March 2017 – February 2020.

US United States Fish and Wildlife Service (USFWS). 1991. Northeast coastal areas study: Significant coastal habitats of southern New England and portions of Long Island, New York.

## SECTION 6 – COMMUNITY RELATIONS

Sunrise Wind has coordinated with applicable regulatory agencies, municipal officials, landowners, and subject matter experts (SME) during development of this EM&CP, in accordance with the Certificate Conditions. Sunrise Wind will continue to coordinate with DPS Staff, NYSDEC, NYSDOS, New York State Department of Agriculture and Markets (NYSDAM), NYSDOT, USCG, County, Town o, emergency personnel, local mariners, and landowners with abutting properties for the life of the Project. Coordination will include consultation and notifications, facilitation of comments and complaint resolution, and outreach programs, as described below.

### 6.1 Consultation and Public Notice

Once Sunrise Wind has filed a copy of this EM&CP with the Secretary for approval by the NYSPSC and served copies of the EM&CP Filing Notice on all parties to the proceeding and on the landowners and/or residents along the Project route. In addition, a link to an electronic copy of the EM&CP will be sent electronically to all NYSDEC licensed commercial fisherman in accordance with the Mariners Notification Plan included as Appendix J to this EM&CP. In accordance with the Certificate Conditions, the EM&CP Filing Notice has been published in the *Long Island Advance*, *South Bay's Neighbor Newspaper*, *The South Shore Press*, *The Suffolk Times*, *Tide of Moriches*, and the *Village Beacon Record*. A hard copy of this EM&CP will be available for inspection during normal business hours at the Brookhaven Free Library, Mastic-Moriches-Shirley Library, and Sachem Public Library.

Sunrise Wind will submit a Notice of Intent to commence work (Construction NOI), no less than 14 days before commencing construction, to the NYSDEC Bureau of Energy Project Management, Division of Environmental Permits, 625 Broadway, Albany, NY 12233-1750 and NYSDOT Region 10 Traffic Engineer, 250 Veteran's Memorial Highway, Room 6A6, Hauppauge, NY 11788.

Simultaneously, Sunrise Wind will provide the Construction NOI to:

- Local officials, including the Town and County Clerk, the County DPW, and emergency personnel, including local police and fire departments;
- LIPA and/or PSEG LI, and any other affected utilities;
- NYSDOT, NYSAGM, NYSDOS and DPS Staff;

- Persons who own properties that are crossed by or about the Project Corridor. Sunrise Wind will give such notices by affixing them to the doors of residences or by mailing the notices via United States Postal Service Mail;
- All NYSDEC licensed commercial fisherman.

Sunrise Wind will file a copy of the generic form of the Construction NOI to the Secretary prior to the commencement of construction and will post the same to the Project website<sup>7</sup>.

The Construction NOI will be written in language reasonably understandable to the average person and will contain:

- a map and a description of the Project;
- the anticipated date for start of construction;
- the name, address, toll-free telephone number for Sunrise Wind;
- a description of where to get more information about the Project, including the Project website address and the location of document repositories; and
- a statement that construction of the Project is under the jurisdiction of the NYSPSC, which is responsible for enforcing compliance with environmental and construction conditions, and which may be contacted at an address and telephone number to be provided in the notice.

Sunrise Wind will hold a pre-construction meeting at least 14 days prior to the start of construction. The date of the pre-construction meeting will be finalized in consultation with the NYSDEC. An agenda, location, and invitation list will be agreed upon among DPS Staff and Sunrise Wind. Sunrise Wind will provide notice of the meeting to all invitees at least 10 days prior to the meeting date. The invitation list will include at a minimum the contractors, DPS Staff, NYSDEC, NYSDOT, NYSDOS, NYSAGM, LIPA and/or PSEG LI, the Suffolk County DPW, and any impacted utility. Maps showing designated travel routes, construction worker parking and access road locations and a general Project schedule will be available at the meeting for the attendees. Sunrise Wind will supply draft minutes from this meeting to all attendees. The attendees may offer corrections or comments, which Sunrise Wind will consider in good faith, and Sunrise Wind will issue

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<sup>7</sup> <https://sunrisewindny.com/>



the finalized meeting minutes to all attendees and invitees, and the Long Island Commercial Fisheries Association (LICFA). If for any reason, a Contractor is replaced during construction, and one or more new Contractors are needed, another pre-construction meeting will be held with the Contractor(s) prior to starting work. The meeting will be held in substantially the same format as outlined in Certificate Condition 66, with one exception: the pre-construction meeting with the new Contractor(s) will be conducted prior to starting work, but as construction will already be in process, it will not be held at least 14 days prior to the start of construction. Interested State agencies will be invited to the meeting(s) but will not be required to attend.

At least 14 days (or as authorized by DPS Staff) before construction of the Onshore Transmission Cable begins in any area, Sunrise Wind will, in such area: (a) delineate both edges of the Onshore Transmission Cable Corridor, as certified, where not otherwise in a roadway; (b) stake and/or flag all Project Corridor access roads and all work pads and pulling pads; (c) where Sunrise Wind has a right of access, use markers to delineate, other than in beach and ocean areas, all environmentally sensitive areas including, but not limited to, wetlands and the 100 foot adjacent and setback areas associated with regulated freshwater wetlands and the 300 foot adjacent areas associated with regulated tidal wetlands, threatened or endangered species habitat, contaminated soil areas, etc. and such markings will be left in place, and restored if disturbed, until complete of construction activities and restoration in the impacted area; (d) flag any danger trees to be removed in such area for review and comment by DPS Staff and NYSDEC; and (e) notify DPS Staff and NYSDEC when the above-described field stake-out is complete in such area.

During construction, Sunrise Wind will provide DPS Staff, NYSDOT, NYSAGM and NYSDEC with weekly status reports transmitted by electronic mail summarizing construction activities and indicating construction activities and locations scheduled for the following 14 days. Sunrise Wind will also provide weekly status reports transmitted electronically to NYSDOS and NYS-licensed fisherman indicating construction activities and locations for the following 14 days. Sunrise Wind will inform the USACE and NYSDOS of any changes in the design of the Project that have the potential to impact any USACE-issued permit or authorization and will file a copy of such correspondence with the Secretary.

Within 10 days of the completion of the final restoration of the Project for each phase of the Onshore Transmission Cable, SRWEC-NYS, OnCS-DC, Onshore Interconnection Cable, and the Holbrook Expansion, Sunrise Wind will file notice with the Secretary that all restoration for that

phase has been completed in compliance with this Certificate and the EM&CP(s) and will demonstrate that all other locations have been stabilized until the commencement of the following phase of construction. Additionally, Sunrise Wind will file with the Secretary notice of Commercial Operation no later than 10 days after the date on which the Project has achieved Commercial Operation, defined as the date on which energy is sold in commercial quantities, excluding test energy, and is transmitted through the Project (Commercial Operation).

## 6.2 Complaint Management and Resolution Plan

The full-time construction oversight and supervision personnel along with contact information are included in the EM&CP in Section 3, *Project Personnel and Procedures*. Additionally, the following Project contact personnel will be employed to facilitate the submission and receipt of comments and complaints as described in the Complaint Management and Resolution Plan included as Appendix I to this EM&CP.

## 6.3 Fishing Community Outreach Program

The intent of the Fishing Community Outreach Program is to include all communications with mariners, commercial, recreation, and for-hire fishermen as required by the Certificate. The regional Orsted corporate website contains information for mariners, including communications and briefings with mariners, commercial, recreational, and for-hire (charter) fishermen licensed by NYSDEC (NYSDEC-Licensed Fishermen); mariner safety information; and hazard notification. Communication with the fishing community will be conducted through several channels and will be facilitated by various personnel as described in the Mariner Notification Plan included as Appendix J to this EM&CP.

## 6.4 Fisheries Compensation Plan

The Sunrise Wind Fisheries Compensation Plan will be provided as an appendix to EM&CP 2 and will satisfy the requirements of the Certificate Conditions. The Fisheries Compensation Plan includes details of what events qualify for compensation and the instructions and forms for mariners to utilize in the event an incident occurs.).

## SECTION 7 – STANDARD CONSTRUCTION PRACTICES

Installation, operation, and maintenance activities for the Project will comply with the approved EM&CP(s) and with applicable regulations and permit requirements. Sunrise Wind will design, engineer, and construct the Project in accordance with the applicable and published planning and design standards of the New York Independent System Operator, Inc. (NYISO); New York State Reliability Council; the Northeast Power Coordinating Council; the North American Electric Reliability Corporation; and successor organizations. Sunrise Wind will construct the Project in a manner that conforms to all applicable national and international electrical standards. Upon completion of the Project, Sunrise Wind will file a letter with the Secretary certifying that the Project was constructed in full conformance with the National Electric Safety Code (NESC). Project construction and installation have been designed to avoid or minimize impacts to existing traffic patterns, infrastructure, utilities, and vegetation. The following sections include information on construction sequencing and detailed work descriptions for both offshore and onshore components, as well as other standard construction practices within the NYS waters.

As described in Section 1.6, *Construction Schedule* and per the Certificate “Commencement of Construction” is defined as: the beginning of unlimited and continuous tree clearing, site clearing, ground disturbance, site preparation (except installation of temporary erosion and sedimentation control measures), and grading activities related to installation of the Project. Commencement of Construction does not include: (1) soil or groundwater testing, surveying (such as geotechnical drilling), or similar pre-construction activities undertaken to determine the adequacy of the Project Corridor for construction and the preparation of filings pursuant to the Certificate; and (2) other activities, such as limited staging and limited tree cutting required to perform such pre-construction activities.

### 7.1 Construction Sequencing

The construction sequencing is based on typical construction methods and equipment and will be coordinated with other construction and maintenance activities taking place at the same time and in the same vicinity by the Town and Suffolk County DPWs and NYSDOT. The construction sequence described is typical, and some activities may occur concurrently or in sequence. The construction schedule was previously outlined in Section 1.6, *Construction Schedule*. The general installation sequences for the laydown areas, the OnCS–DC, the Holbrook

Substation Expansion, the Onshore Transmission Cable–NYSDOT ROW, and the Temporary Equipment are as described below.

#### 7.1.1 Laydown Areas

- Survey, staking, and protection of any sensitive areas/services
- Installation of erosion and sediment controls in accordance with the SWPPP (Appendix Q of this EM&CP)
- Establish access to the work site and required traffic management setups
- Implement safety measures at the work site (e.g., fencing, gates and signage)

#### 7.1.2 OnCS–DC

- Survey, staking, and protection of any sensitive areas/services
- Installation of erosion and sediment controls in accordance with the SWPPP (Appendix P of this EM&CP)
- Establish access to the work site and required traffic management setups (e.g., stabilized construction entrance)
- Implement safety measures at the work site (e.g., fencing, signage)
- Coordination of utility mark outs with 811 Dig Safe prior to all ground disturbing activities, and initial site survey and layout
- Site preparation, including vegetation clearing in accordance with the Vegetation Management and Restoration Plan (Appendix Z of this EM&CP)
- Excavation and grading
- Installation of ground grid, foundations and cable duct banks
- Installation of building shells on foundations (limited to the control house and storage buildings)

#### 7.1.3 Holbrook Substation Expansion

- Survey, staking, and protection of any sensitive areas/services
- Installation of erosion and sediment controls in accordance with the SWPPP (Appendix R of this EM&CP)

- Establish access to the work site
- Implement safety measures at the work site (e.g., fencing and signage)
- Coordination of utility mark outs with 811 Dig Safe prior to all ground disturbing activities, and initial site survey and layout
- Site preparation, including and vegetation clearing in accordance with the Vegetation Management and Restoration Plan (Appendix Z of this EM&CP)
- Demolition and removal of existing structures
- Excavation and grading
- Installation of structure foundations and underground trenches
- Installation of equipment on foundations
- A site acceptance test will be conducted, and all equipment attachments will be completed
- As required, equipment will be filled with insulating fluid and/or insulating gas
- Restoration of disturbed areas and appropriate landscaping
- Transmission line structure relocations and undergrounding will occur as necessary throughout the process, sequenced to ensure continued reliable transmission operations
- Testing and commissioning in strict adherence to the NYISO protocol and LIPA/PSEG-LI standards

#### 7.1.4 Onshore Transmission Cable–NYSDOT ROW

- Consultations with the NYSDOT as applicable, for work within state public roadway ROWs
- Coordination of utility mark outs with 811 Dig Safe prior to all ground disturbing activities, and initial site survey and layout
- Installation of erosion and sediment controls in accordance with the SWPPP (Appendix Q of this EM&CP) and vegetation clearing in accordance with the Vegetation Management and Restoration Plan (Appendix Z of this EM&CP)
- Site preparation, including survey and traffic management setup
- Saw cutting of pavement and trench excavation

- Installation of onshore splice vaults
- Installation of the underground duct bank, trench backfill and temporary pavement patch
- Temporary restoration of pavement and ground disturbances

## 7.2 Description of Work

Construction activities will occur both onshore and offshore for development of the Project. The following sections outline the general description of work and proposed methods for each of these Project components.

### 7.2.1 Laydown Areas

The staging of construction equipment and materials will only occur at the designated areas as described in Section 1.2.1, *Laydown Areas* and specified in the Laydown Yard Drawings in Appendix A. These areas will be used for vehicle parking, site offices and work trailers, cable and equipment storage, storing excavated soil, construction equipment/materials, consumables, sedimentation control materials, and other materials pertinent to the construction of the Project. Typical equipment that may be stored within these areas include electrical equipment, steel framing, conduit, reels of cable, etc.

Transportation of materials and equipment to and from the laydown areas will be accomplished primarily by transporting containerized cargo via trucks. Access will normally take place during regular business hours and deliveries will be scheduled between 7:00 a.m. and 7:00 p.m., except for cable or other oversized deliveries or nighttime deliveries needed to comply with NYSDOT restrictions on daytime construction in or along roadways or public access areas or to facilitate construction activities that require a continuous work effort once started. Security will be controlled 24/7, at both construction and staging areas.

To the extent required in connection with the delivery of oversized components, supplies, or equipment for the Project, Sunrise Wind or its suppliers will obtain any required permits from applicable State or local agencies, including NYSDOT, subject to Certificate Condition 14 and to the ongoing jurisdiction of the NYSPSC. Oversized delivery of cable and other materials for the Project will occur in accordance with traffic controls specified in the MPT Plans in Appendix K of and the Highway Work Plan in Appendix L of this EM&CP to minimize, to the extent practical, disruption of traffic and be coordinated with the NYSDOT to the extent the delivery will occur on

or impact a NYSDOT roadway. In addition, Sunrise Wind will provide DPS Staff and NYSDOT, and, as applicable, the Town, with at least one-week advanced notice of each oversized delivery that will require a road closure, in compliance with the MPT Plan.

Equipment that may be used for construction of the Project is listed below. Specific equipment used will depend partly on the Contractor(s) and associated construction activity; therefore, the list is not exhaustive.

- Offshore
  - Barge (anchored or jack-up)
  - Floating material barge
  - Towing tug
  - Survey vessel
  - Multi-purpose vessel
  - Support vessel/inflatable boat
  - Crane
- Onshore
  - Crane
  - Front-end loader
  - Heavy-duty truck
  - Pickup truck
  - Self-propelled modular transportation
  - Bulldozer
  - Excavator
  - Trencher
  - Dump truck
  - Bucket truck
  - Telescoping forklift

- Generator(s)
- Trenchless drill rig
- Dewatering equipment
- Concrete trucks

Additionally, the Landfall Laydown Area and ICW Laydown Areas will be used as laydown to support the Landfall HDD and ICW HDD, and cable installation within Smith Point County Park. This will involve installation of perimeter fencing to secure the area within paved areas and no clearing or grading will be required.

### 7.2.2 OnCS–DC

Prior to construction but after final designs are submitted and buildings are identified for construction of the OnCS–DC, Sunrise Wind will obtain review and written certification by a public entity recognized by the NYSDOS as having the requisite training or qualifications that the construction plans are in compliance with the Uniform Fire Prevention and Building Code.

Construction of the OnCS–DC will involve surveys and protection of select features and utilities, delineation of vegetation to be protected, clearing and grading, foundation and equipment installation, site restoration, and commissioning. Work at the OnCS–DC site will begin with the survey, staking, and protection of any trees and vegetation to remain, and demarking of existing services. Temporary environmental erosion controls such as swales and erosion control devices will be installed in accordance with BMPs as provided in the approved SWPPP (Appendix P to this EM&CP). These controls will be maintained until the site is restored and stabilized. Access to the work site will then be established, restricting public access, and the required safety measures will be implemented, such as signage, fencing and traffic controls. The work site will be cleared of vegetation. Installation of foundations will require excavation to support construction of stormwater management components and installation of other equipment. Blasting is not expected; however, if required, the appropriate blasting plans will be prepared, and approvals will be obtained prior to any such activity. The storage building and control room will be installed upon completion of concrete foundations and cable duct banks as part of EM&CP 1. The equipment will be rigged and placed on the concrete foundations. The transport and logistics company that will act as sub-contractor to the equipment manufacturer will be responsible for all logistical services, e.g., engineered rigging/skidding and hauling plans, routing, permitting, clearance checking, escort, police escort, load analysis of transport, as well as dimensional



restrictions. Upon installation of the equipment on the foundations, earthing, and alignment checking will be performed, and when required, anchoring and temporary protection from weather will be applied. Upon placing the equipment, a site acceptance test will be undertaken; all attachments will be completed associated with each equipment.

Construction of the OnCS–DC will typically involve work during daylight hours and the use of temporary security and safety lighting if work at night is necessary. Should lighting be required during construction, it will be kept minimal at night and subject to NYS and local requirements unless there is work in progress on site or lights are required for safety and security purposes.

### 7.2.3 Holbrook Substation Expansion

Construction of the Holbrook Substation Expansion will generally involve surveys and marking out of existing utilities, installation of all erosion and sediment control measures specified, clearing, excavation and grading, demolition and removal of existing structures, foundation and equipment installation, site restoration, and commissioning. Work will begin with the survey, staking, and protection of any sensitive areas/services. Temporary environmental erosion controls such as swales and erosion control socks will be installed in accordance with BMPs as provided in the approved SWPPP (Appendix R to this EM&CP). These controls will be maintained until the site is restored and stabilized. Access to the work site will then be established by demarcating the location, restricting access from the public, and the required safety measures will be implemented. The expansion work area will be cleared of vegetation. Mechanical vegetation clearing methods will be used for clearing of approximately 1 acre (0.4 ha) of trees, and no herbicides/pesticides will be used during construction and installation. The total area of disturbance for the Holbrook Substation Expansion is not expected to exceed 5 acres (2.2 ha); the final footprint of the Holbrook Substation Expansion will be approximately 2 acres (0.8 ha). Portions of the expansion area will be excavated to a lower elevation to match the elevation of the existing substation and graded; the disturbed areas outside of the final site footprint will be restored.

Existing structures within the Holbrook Substation, as well as existing transmission structures outside the fence that are required to be removed will be deconstructed and disposed of in accordance with applicable regulations and standards and LIPA/PSEG LI requirements. In addition, several existing 138 kV and 69 kV overhead transmission circuits will have to be relocated, re-terminated, reconfigured, and/or undergrounded to support the substation expansion.

Installation of foundations will require excavation. Blasting is not expected; however, if required, the appropriate blasting plans and approvals will be obtained prior to any such activity. All the major equipment will be installed upon completion of concrete foundations and cable duct banks. The equipment will be rigged and placed on the concrete foundations. The transport and logistics company that will act as sub-contractor to the equipment manufacturer will be responsible for all logistical services, e.g., engineered rigging/skidding and hauling plans, routing, permitting, clearance checking, escort, police escort, load analysis of transport, as well as dimensional restrictions. Upon installation of the equipment on the foundations, earthing, and alignment checking will be performed, and when required, anchoring and temporary protection from weather will be applied. Upon placing the equipment, a site acceptance test will be undertaken; all attachments will be completed associated with each equipment. When required, the equipment will be filled with insulating fluid and/or insulating gas.

Transmission line structure relocations and undergrounding will occur as necessary throughout the process and will be required to be sequenced to ensure continued reliable transmission operations. The detailed sequence for line relocations will be reviewed and approved through PSEG LI and NYISO along with Sunrise Wind.

Structure installation work may require removal of any nearby vegetation and preparation of a suitable work pad to support the equipment and construction works including appropriate erosion and sedimentation controls around the work area. A drill rig (or similar) will dig the necessary hole to support the necessary structure embedment depth, or the concrete caisson installation. The structure is placed in the hole or on the foundation and wires are transferred from the existing structure to the new structures. The existing structure is then removed.

Construction of the Holbrook Substation Expansion will typically involve work during daylight hours and the use of temporary security and safety lighting if work at night is necessary. Should lighting be required during construction, it will be kept minimal at night and subject to NYS and local requirements unless there is work in progress on site or lights are required for safety and security purposes.

#### 7.2.4 Onshore Transmission Cable–NYSDOT ROW

At least 14 days (or as authorized by DPS Staff) before construction of the Onshore Transmission Cable begins in any area, Contractor(s) will, in such area: (a) delineate the centerline and both edges of the cable trench, as certified; (b) stake and/or flag access roads and work zones for

the HDD and other trenchless crossings; (c) where Sunrise Wind has a right of access, mark, other than in beach and ocean areas, all environmentally sensitive areas including, but not limited to, wetlands and the 100-ft (30.5-m) adjacent and setback areas associated with regulated freshwater wetlands and the 300-ft (91.4-m) adjacent areas associated with regulated tidal wetlands, threatened or endangered species habitat, contaminated soil areas, etc.; (d) flag any trees to be removed for review and acceptance by DPS Staff, NYSDEC, and the Town; and (e) notify DPS Staff and the Town when the above-described field stake-out is complete in such area.

The Onshore Transmission Cable–NYSDOT ROW will be installed in an underground duct bank consisting of concrete encased conduits, utilizing cable vaults for installation and maintenance access. Each vault will be accessible by up to two manhole covers visible from the surface. Existing pavement, gravel, or dirt will be removed, and a trench will be excavated. Once each portion of the trench is excavated, the conduit will be assembled, and placed below grade (burial depth will vary along the route based upon avoidance of other below grade utilities), and the area around the conduit will be filled with concrete. Once the concrete is installed, the trench will be backfilled with fluidized thermal backfill that meets minimum sub-base requirements for pavement restoration. Temporary pavement patch will be applied over the duct bank and will be followed by full paving of the disturbance area or the road as appropriate.

Splice vault locations are depicted on the Onshore Transmission Cable–NYSDOT ROW Drawings in Appendix D of this EM&CP. Details on cable pulling and splicing is provided in the Onshore Cable Pulling and Splicing Plan in Appendix M of this EM&CP.

### 7.2.5 Temporary Equipment

Some equipment and materials required for the Landfall HDD, ICW HDD, cable pulling and duct bank construction will be transported via barge to Smith Point County Park due to existing weight limit restrictions on the Smith Point Bridge. The Temporary Equipment will be installed at Smith Point County Park to aid in the transport of equipment/materials.

The barge transporting the construction equipment and materials is moored to the offshore end of the trestle and the equipment and materials are driven across the trestle onto the shore.

This trestle would be approximately 16 ft (4.9 m) wide to accommodate the safe transfer of the equipment as well as provide adequate walkway for the crew. Based on the available

bathymetry data, the trestle will be extended approximately 240 ft (73.2 m) offshore to ensure an adequate clearance under the transfer barge/ push boats and mudline, at all tide levels. The trestle structure will be comprised of a light aluminum deck system (or a similar alternative) supported on steel or aluminum girders framed into driven steel piles.

The piles will be placed in the mudline by a barge-based crane. It is estimated that approximately 24 driven piles will be required. The barge-based crane will require two to four temporary spuds to hold its station during installation.

It is anticipated it will take approximately three to four weeks for both installation of the pier and its removal upon completion of the work on Fire Island. The Temporary Equipment will be used during each season of construction activity and remain in place for the duration of construction of the Project.

The Temporary Equipment is depicted in the Temporary Equipment Drawings in Appendix E of this EM&CP. Details on anchoring for the Project is provided in the Anchoring Plan in Appendix N of this EM&CP.

### 7.3 Standard Mitigation for Construction

Construction impacts from the Project will be minimized with a number of standard mitigation measures and construction practices.

#### 7.3.1 Dust Control

A localized increase in fugitive dust may result during onshore construction activities. To minimize fugitive dust and airborne debris from construction activities, exposed soils and roadways will be wetted as needed during extended dry periods (except where such activities may create ice), in accordance with the SWPPP(s). Water for dust control will come from municipal water supplies/sources. Practices and procedures regarding dust control will be followed by contractors, including the DER-10/Technical Guidance for Site Investigation and Remediation (NYSDEC, 2010) and Appendix 1A of the DER-10 document, the NYS Department of Health (NYSDOH) Generic Community Air Monitoring Plan (NYSDOH, 2010). If contamination in the ground is detected during construction and the contamination could lead to volatilization or off-gassing, the NYSDOH, NYSDEC, and DPS Staff will be contacted prior to further disturbance. Additionally, Sunrise Wind would conform to practices and procedures described in the DER-10/Technical Guidance for Site Investigation and Remediation and the NYSDOH Generic Community Air Monitoring Plan, to the extent applicable.

### 7.3.2 Night Work

Most construction activities are planned to occur between 7:00 a.m. and 7:00 p.m.; however, some construction activities may be performed at night due to the following:

- Safety reasons
- To protect life and/or property
- Other activities reasonably necessary to comply with NYSDOT restrictions on daytime construction in or along roadways or public access areas

These construction activities will be conducted in accordance with the Onshore Construction Noise Control Plan included as Appendix EE to this EM&CP.

There are fewer constraints to the construction activities at the OnCS–DC that could require nighttime construction. Sunrise Wind will schedule relatively longer construction activities that should not be interrupted, such as transferring oil to transformers, to begin earlier in the daytime construction window to minimize the risk of needing to construct at night.

When nighttime work is required, temporary auxiliary lighting will be used to illuminate the workspace and maintain visibility for both worker and public safety. All traffic signs related to the Project will be sufficiently visible during evening work hours to provide adequate traffic safety for the public and construction workers. Temporary lighting, to the extent practical will be focused on the work area to minimize lighting impacts to adjacent properties and comply with applicable NYSDOT and Town specifications for temporary construction lighting.

### 7.3.3 Lighting Plan

The Lighting Plan is included as Appendix DD to this EM&CP. The Lighting Plan describes the security lighting area needs at the OnCS–DC and includes specifications for provision of safe work conditions and task lighting restrictions, cutoff fixture requirements, and manufacturers cut sheets.

In addition, the Lighting Plan describes the temporary auxiliary lighting that will be will be used to illuminate the workspace and maintain visibility for both worker and public safety during nighttime activities described in Section 7.3.2.

#### 7.3.4 Utility Relocation

During construction, Sunrise Wind will comply with the requirements for the protection of underground facilities set forth in 16 NYCRR Part 753 "Protection of Underground Facilities." The Onshore Transmission Cable–NYSDOT ROW have been investigated for known utility crossings. Utility information was compiled from record drawings and field collection.

Sunrise Wind will coordinate mark-outs with 811 Dig Safe of existing, known utilities on the pavement prior to all ground disturbing activities, and initial site survey and layout. Such coordination notifications will be served at least 2 but not more than 10 working days, not including the date of the call, before the commencement date of the excavation or demolition. During the length of the Project, the one call requirements will be adhered to, and one call tickets will be updated every 10 days.

As work crews approach the marked-out utilities, soft-dig techniques may be used. Depending on the situation, and the utility involved, soft-dig techniques could consist of hand digging, vacuum excavation, and/or tooth-less buckets on the excavators. An excavation spotter will always be present during excavation procedures to ensure a second set of eyes on all digging operations. Once the conduit is installed, care will be taken while backfilling around the utility to avoid damage. Vibration monitoring and/or other surveys will not occur on adjacent properties or off ROW areas.

If utility relocation is required, the utility owner will be notified of the required relocation and Sunrise Wind will directly coordinate with them to develop a relocation plan and minimize service disruptions. If service disruptions are required, Sunrise Wind will utilize the utility owner's notification system to notify the impacted community. In addition, access to surrounding utilities will be maintained during construction in case an interruption unrelated to the Project were to occur. Once the conduit is installed, care will be taken while backfilling around the utility to prevent damage. Identified utility crossings will be noted on the as-built drawings. Sunrise Wind will use best efforts to avoid any thermal or capacity derating of any existing or proposed LIPA transmission and distribution cables along the entire route of the Project.

Sunrise Wind will coordinate with LIPA and/or PSEG LI to minimize outages. In the event a customer outage is necessary to facilitate construction, Sunrise Wind will confidentially file notice of the same with the Commission's Records Access Officer. Within 60 days of Commission issuance of a Certificate, Sunrise Wind will begin the process of consulting with LIPA and/or PSEG Long Island regarding the Project's construction schedule to, among other things, coordinate

system outage requirements, if any, and avoid or minimize conflicts with LIPA's and/or PSEG Long Island's internal construction and operation programs.

### 7.3.5 Highway Work Plan

The Highway Work Plan describes how Sunrise Wind, and its contractors will incorporate operational procedures to minimize traffic impacts during construction of the Project. Additional guidance on MPT schemes, including detour routes and construction access schemes, are detailed in the MPT Plans found in Appendix K of this EM&CP. The Highway Work Plan pertains to all onshore components of the Project that may impact vehicular traffic within and immediately adjacent to the Project site, within the Town and was prepared in coordination with the Town Highway Department, NYSDOT, and DPS Staff in compliance with 17 NYCRR Part 131. The Highway Work Plan is included as Appendix L of the EM&CP. Several additional work plans were used to inform the Highway Work Plan: the Soil Handling and Erosion Control Plan, which is located within the SWPPP; the Vegetation Management and Restoration Plan; the Onshore Construction Noise Control Plan, and the Lighting Plan.

Sunrise Wind will coordinate all construction work on the Onshore Transmission Cable—NYSDOT ROW with the appropriate NYS (including the NYSDOT Transportation Management Center in Hauppauge) and municipal officials and will obtain the required authorization for such work, subject to the Commission's continuing jurisdiction as appropriate. Sunrise Wind will periodically consult with NYS and local highway transportation agencies about traffic conditions near the Project site and will notify each such transportation agency of the approximate date manhole-related work will begin within highways under their respective jurisdictions.

Coordination with planned highway and roadway construction and repair projects will be necessary prior to Project construction. Sunrise Wind will consult with Brookhaven Public School District prior to the commencement of construction and the MPT Plan (Appendix K of this EM&CP) reflects the outcomes of those consultations, including any measures taken with respect to school bus routes. Sunrise Wind will use best efforts to coordinate its construction schedule with the Brookhaven Public School District to ensure that such that construction operations will not interfere with the district's start and dismissal times and bussing schedules. Sunrise Wind will notify the Town engineer, the Suffolk County Highway Department, the Suffolk County Police Department, the Town Police Department, DPS Staff and the NYSDOT Inform Center of all detours, proposed street closings, or any other work that might affect the mobility or access of

emergency vehicles. In addition, Sunrise Wind will ensure that hydrants and alarm boxes are kept clear and available.

## 7.4 References

NYSDEC. 2010. DER-10, Technical Guidance for Site Investigation and Remediation.

[https://www.dec.ny.gov/docs/remediation\\_hudson\\_pdf/der10.pdf](https://www.dec.ny.gov/docs/remediation_hudson_pdf/der10.pdf). Accessed November 2020.

New York State Department of Health. 2010. Generic Community Air Monitoring Plan. Accessed December 10, 2020. [https://www.dec.ny.gov/docs/remediation\\_hudson\\_pdf/der10.pdf](https://www.dec.ny.gov/docs/remediation_hudson_pdf/der10.pdf)



## SECTION 8 – CLEAN-UP AND RESTORATION

Clean-up and restoration efforts will be conducted during and after construction, so that affected areas are restored to pre-existing conditions unless otherwise agreed upon in consultation with local entities. Debris remaining from construction such as excess concrete, scrap metals, and surplus or extraneous materials will be removed and disposed of appropriately. Following construction, Project areas will be restored to pre-construction grades and contours, except for the OnCS–DC and the Holbrook Substation Expansion. Vegetation and landscaping will be restored where applicable and once stabilization has been achieved, temporary erosion controls will be removed in accordance with the SWPPP(s) (see Appendices P through R of this EM&CP). Disturbed pavement, curbs, and sidewalks will be restored to their original preconstruction condition or improved.

### 8.1 Clean-Up Procedures

#### 8.1.1 Onshore Clean-Up

During construction, operations, and maintenance, the Project ROW will be kept clear of debris to the extent possible. Timber, logs, or other vegetation cleared from temporary work areas, Onshore Transmission Cable–NYSDOT ROW and sites for the OnCS–DC and the Holbrook Substation Expansion will be removed and disposed of in accordance with the Vegetation Management and Restoration Plan in Appendix Z and the ISCMP in Appendix AA of this EM&CP. Following construction, any debris or excess construction materials within the Project Corridor or within the temporary work areas and laydown yards will be removed to a facility duly authorized to receive such material. No burying or burning of construction debris or excess construction materials will be allowed.

#### 8.1.2 Offshore Clean-Up

Once the Temporary Equipment is no longer needed, the Temporary Equipment will be dismantled, and any debris or excess construction materials will be removed to a facility duly authorized to receive such material.

Unintended spills and leaks of petroleum or hazardous chemicals onshore and offshore will be cleaned up in accordance with the spill prevention controls and countermeasures in Section 3, *Project Personnel and Procedures*, of this EM&CP).

## 8.2 Restoration

Restoration activities may vary with the specific construction area to be restored. Grading plans, along with temporary and permanent soil stabilization measures, mulching applications, replacement of street pavement, and other restoration details and specifications are included in the Project drawings and the SWPPP(s). Specifications for testing, stockpiling, reuse or removal from site, storage, erosion control, restoration, and compaction of backfill in trenches are included in the Soil Handling and Erosion Control Plan in the SWPPP(s). General restoration activities and Project-specific details for non-agricultural and nonresidential, urban/residential, coastal, and underwater areas are described below, followed by Project-specific details.

If any temporary easement or construction areas not identified in this EM&CP are needed, Sunrise Wind will seek an amendment to the EM&CP pursuant to the Certificate. Following restoration, Sunrise Wind will let temporary construction areas revegetate naturally or return to the original land use to the extent that it does not interfere with the inspection, operation, or maintenance of the Project.

Sunrise Wind will use best efforts to ensure permanent restoration activities are completed within 120 days of the completion of onshore construction, exclusive of: (i) construction window restrictions; (ii) other construction restrictions specified herein; (iii) weather conditions that preclude planting activities; and (iv) seasonal restrictions for paving. The maintenance window specified will not apply to emergency situations, repairs, or any work performed inside the splice vaults.

### 8.2.1 Restoration in Non-Agricultural and Non-Residential Areas

#### 8.2.1.1 Grading

Prior to grading activities at the OnCS–DC and the Holbrook Substation Expansion, erosion and sediment control BMPs will be installed as depicted on the Drawings in Appendices B and C, respectively and described in the SWPPP(s) in Appendices P and R, respectively of this EM&CP. Erosion and sediment control BMPs have been developed in accordance with the New York Standards and Specifications for Erosion and Sediment Control. After construction, areas where grading occurs will be restored to pre-construction contours unless changes in grade requested to improve the area or are necessary for the safe and efficient maintenance and operation of the Project. Upland spoil-disposal areas will be graded and stabilized, as described below, as the Project advances.

Construction sites will not be graded unless necessary for work to be completed. Grading will occur within the limits of disturbance, will be kept to a minimum, and will only be completed as is necessary for safe and efficient operation of the site.

Except where required to comply with the design specifications, to restore roadway and shoulder surfaces, and to reuse uncontaminated excavated materials, fill will consist of clean soil, sand and/or gravel that is free of the following substances: asphalt, slag, broken concrete, demolition debris, garbage, household refuse, tires, woody materials including tree or landscape debris, and metal objects. Best efforts will be made to use fill materials that are visually free of invasive species, in accordance with the ISCMP in Appendix AA.

#### 8.2.1.2 Soil Stabilization

In areas where soil disturbance activity has temporarily or permanently ceased, disturbed sites at OnCS–DC and the Holbrook Substation Expansion outside the permanent footprints will be stabilized following restoration to pre-construction contours through seeding and mulching with straw to reduce soil erosion, in accordance with the New York Standards and Specifications for Erosion and Sediment Control. The application of soil stabilization measures will be initiated by the end of the next business day and completed within 14 days from the date the current soil disturbance activity ceased, in accordance with GP-0-20-001. To minimize the risk of introducing invasive species, use of hay will be strictly prohibited.

In all sections of the onshore Project Corridor where these measures may prove beneficial, topsoil will be removed from the combined width of the subsoil stockpile area, trench, construction assembly and traffic zones. The depth of the topsoil removal will include the “A” horizon down to the beginning of the subsoil “B” horizon, generally not to exceed a maximum of 12 inches. Topsoil will be stockpiled separate from other excavated materials. The exposed surface of the subsoil will be the work surface. Topsoil material will be stripped, stockpiled, and if suitable, returned in its natural sequence to restore the original soil profile. During the clearing/construction phase, site-specific depths of topsoil stripping will be monitored by Sunrise Wind. Where ROW construction includes cut-and-fill of the soil profile across grades, topsoil will be stripped and separately stockpiled, where practical, on the upslope edge of the ROW.

#### 8.2.1.3 Mulch Application

Mulching is the placement of material, including but not limited to grass (via permanent or temporary seeding), straw, and wood chips on the soil surface to cover and hold in place

unstable soils. Mulching reduces loss of soil moisture by evaporation and decreases the possibility of seedling damage from soil-heaving caused by freezing and thawing.

Mulch will be applied to areas that will be seeded in erosion-prone locations and can be used to protect areas brought to final grade at an unfavorable time for seeding or planting, in accordance with the New York Standards and Specifications for Erosion and Sediment Control. The areas then can be planted when the time is appropriate without removing the mulch. Mulch also will be applied in the immediate vicinity of replacement plants to encourage the downward movement of surface water.

Mulch will be spread uniformly in a continuous blanket of sufficient thickness, typically 1 to 2 inches (2.5 to 5 cm). The mulch may be spread by hand or machine. Anchorage such as jute mesh will be used as required. For standard mulching, Sunrise Wind will use clean, local, straw to the extent practicable. To minimize the risk of introducing invasive species, use of hay will be strictly prohibited.

#### 8.2.1.4 Vegetation Plantings

Restoration of vegetation will occur in accordance with the Vegetation Management and Restoration Plan, included as Appendix Z to this EM&CP. Vegetation restoration in specified areas in cooperation with affected landowners will include preparation of the soil for subsequent plantings, application of topsoil on unpaved areas, and the replacement of trees over 4 inches (10 cm) in diameter (measured 4 ft (1.2 m) above ground) or shrubs over 4 ft (1.2 m) in height damaged or destroyed by activities during construction, operation, or maintenance, regardless of where located, with the equivalent type trees or shrubs, subject to the provisions of 6 NYCRR Part 575, Prohibited and Regulated Invasive Species, except where:

- equivalent-type replacement trees or shrubs would interfere with the proper clearing, construction, operation, or maintenance of the Project;
- replacement would be contrary to sound ROW management practices or to the Vegetation Management and Restoration Plan included as Appendix Z of this EM&CP; or
- a property owner on whose land the damaged or destroyed trees or shrubs were located declines replacement (or other recorded easement or license holder with the right to control replacement declines replacement).

#### 8.2.1.5 Ground Cover Restoration

During construction activities, soil disturbance will be kept to a minimum to the extent practicable. Ground cover restoration will be accomplished through either allowing the native seed bank to re-establish or using an approved conservation seed mix. Grass areas that are damaged will be seeded and the grass seed will be of fresh, clean, certified crop seed. Seeding operations will commence after an acceptable seedbed has been established, as presented above. Any fertilizer will be added at the appropriate rates after the seed is applied. Seed mixtures and seed rates to be used and the fertilizer rates for fall and spring planting periods are presented in the SWPPP(s).

Suitable native upland ground cover will be established where appropriate on disturbed areas upon completion of construction. Restored areas should have 80 percent permanent ground cover within one growing season following construction, in accordance with GP-0-20-001. Seeded areas will be evaluated and re-seeded as necessary to achieve 80 percent cover at the optimum time or by the following growing season (*i.e.*, two growing seasons after construction is complete).

#### 8.2.1.6 Planting Time Periods

Grassy areas approved for seeding will be seeded during optimal time periods, which are approximately between April and May for spring seeding and approximately between August and September for fall seeding. Seeding will not be permitted during high winds or when the ground surface is too wet or too dry for proper working.

For optimum survival and success, deciduous plants will generally be planted from March to May or October to December, while evergreen plants may generally be planted from April to May or September to October. No planting will be conducted in frozen topsoil or when the soil is in an unsatisfactory working condition.

#### 8.2.1.7 Plant Inspection and Maintenance

As described in Section 3, *Project Personnel and Procedures*, one independent, third-party Environmental Monitor will be assigned full-time to the Project. Additionally, in accordance with GP-0-20-001, weekly inspections, at a minimum, will be conducted by the independent, third-party Environmental Monitor following the start of construction until at least 80 percent revegetation of disturbed areas has occurred (except for winter periods when only monthly inspections may be appropriate). The Environmental Monitor will meet the requirements of a

Qualified Inspector, in accordance with GP-0-20-001. Ground disturbances will be evaluated and re-seeded as necessary to achieve 80 percent cover.

The Environmental Monitor will also inspect plants in containers before planting and at planting locations to verify compliance with local guidelines and requirements. To ensure that any deficiencies noted during initial inspection have been resolved, the Environmental Monitor will also inspect completed planting and conduct a final inspection at the end of the maintenance period.

### 8.2.2 Restoration in Residential Areas

Construction of the Project may require a variety of restoration activities, including the repair or replacement of above ground and underground structures (e.g., those related to water and gas services), street pavements, curbs, sidewalks, and other features, in accordance with the measures presented in the Onshore Transmission Cable–NYSDOT ROW Drawings in Appendix D and the SWPPP in Appendix Q of this EM&CP.

Pavement, curbs, and sidewalks removed or damaged by construction will be restored to their original pre-construction condition unless otherwise agreed upon in consultation with Suffolk County or the Town DPWs. Sunrise Wind will consult, where applicable, the Town DPW or the Regional Office or County Engineer of the NYSDOT and incorporate applicable specifications for curb or street restoration. Pavement cuts will be restored to the adjacent pavement grade to eliminate recessed areas where snow cannot be plowed or where the plows may snag. This provision will be followed on roads on which Project construction is occurring to allow for snow and ice removal. Pavement restoration will be “curb-to-curb” resurfacing, unless otherwise mutually agreed upon with the Suffolk County or the Town DPWs. Pavement restoration will occur between May 1 and September 30.

If impacted, yards, lawns, and other maintained areas will be returned to a condition equal to the condition that existed before construction activities. Upon completion of the Project, Sunrise Wind will assess the need for additional restoration work and landscape improvements, including vegetation planting, earthwork or installed features to screen or landscape the Project with respect to road crossings, residential areas, the OnCS–DC and the Holbrook Substation. Landscape improvement assessments will be conducted in consultation with the landowners where applicable.

### 8.2.3 Coastal and Offshore Restoration

In coastal areas, construction and restoration work will be compliant with the provisions of 6 NYCRR Part 505 of Coastal Erosion Management Regulations. Sunrise Wind will replant or reseed any existing vegetated areas of parkland and beach/dunes that are disturbed during construction and operation of the Temporary Equipment.

### 8.2.4 Temporary Access Roads

Temporary, unimproved access roads will be returned to pre-construction grade, seeded, and mulched during restoration. Constructed gravel roads will be restored to a condition at least equal to that which existed at the start of the Project.

### 8.2.5 Laydown Yards

The laydown areas are described in Section 1, *Site and Project Description*, and included with the Laydown Yard Drawings in Appendix A. Following construction, Sunrise Wind will ensure that debris remaining from staging activities, such as excess concrete, scrap metals, and surplus or extraneous materials or equipment will be disposed of in an acceptable manner and location. Sunrise Wind will let the temporary construction areas revegetate naturally or return to its original land use to the extent that it does not interfere with the inspection, operation, or maintenance of the utility facilities.

### 8.2.6 Culverts

There are no newly proposed culverts to be installed for the Project. Sunrise Wind will inspect all culverts that convey streams within the Project Corridor as identified in the Onshore Transmission Cable–NYSDOT ROW Drawings in Appendix D and will assure that they are not crushed, blocked or otherwise damaged during construction, restoration and/or decommissioning of the Project. If a culvert is blocked, crushed, or otherwise damaged, Sunrise Wind will, where feasible, immediately repair the culvert or replace it with alternative measures appropriate to maintaining proper aquatic connectivity and stream flow. Where feasible, culvert repairs or replacement will not result in reduced opening width or height.

## SECTION 9 – OPERATIONS AND MAINTENANCE

Once all components of the Project has been installed, Sunrise Wind will commence commissioning to meet standards for grid interconnection reliability and provide a baseline of the characteristics including a baseline time domain reflectometer and high potential test. Commissioning testing will include:

- Visual and function tests of bonding and grounding system;
- Cable jacket integrity testing;
- Partial discharge testing at accessories (land only);
- Continuity tests of conductor and cable protection;
- Non-destructive impedance and leakage tests for insulation and conductors;
- Ground resistance measurements; and
- Time domain reflectometer for both optical (fiber) and electrical (power) to establish reference baseline performance metrics.

Sunrise Wind will inspect, monitor, maintain and repair the Project through commercial operation until decommissioning, as described below. The Project is considered to have achieved commercial operation on the date in which energy is sold in commercial quantities (excluding test energy) and is transmitted through the Project.

Within 120 days of commercial operation, Sunrise Wind will submit to DPS Staff, NYSDEC, NYSDOS, NYSDOT, and NYSAGM as-built drawings of the Project, certified by a Professional Engineer or Licensed Land Surveyor that is licensed in New York State showing the final installation route and location of the Project.

### 9.1 Post-Construction Inspection and Monitoring, Maintenance and Repair

The Project will be inspected post-installation and routinely monitored through Commercial Operation; however, no maintenance needs are expected unless a fault or failure occurs due to damage from unforeseen outside influences.

#### 9.1.1 OnCS–DC

The OnCS–DC will be monitored and controlled remotely through the Supervisory Control and Data Acquisition (SCADA) system on a continuous basis. The SCADA interface system provides



monitoring, control, and protection of the high voltage and low voltage equipment and auxiliary components. This ensures safe monitoring and control of the station in operation. The protection and control equipment, such as relays and other electronics, will be housed within the control building and/or encased in secure weatherproof cabinets.

During normal operation in the event station power may be lost, an Uninterruptible Power Supply will operate to keep essential systems functional. Inspections and tests will be conducted regularly based on a manufacturer-recommended schedule and any repairs will be based on manufacturer-suggested methods.

Annual visual inspections (for an initial 3 years then every 5 years thereafter) and thermography of the equipment, including terminations, is anticipated to ensure operating conditions are not creating any higher than designed operating conditions of equipment.

All fire protection measures utilized at the OnCS–DC will meet local code requirements and industry standards such as National Fire Protection Association. A fire detection and alarm system will be installed to monitor the OnCS–DC control room.

Sunrise Wind will also monitor and maintain the post-construction stormwater management practices at the OnCS–DC in accordance with the operation and maintenance plan in the SWPPP in Appendix P of this EM&CP.

### 9.1.2 Holbrook Substation Expansion

Upon completion of construction, PSEG LI will operate, inspect and maintain the Holbrook Substation in accordance with their standard operating procedures.

Sunrise Wind is responsible to procure, construct, own, maintain and in case of any failure, repair or replace the transmission cable(s). Sunrise Wind is responsible for the termination of the cable and will own and maintain/repair/replace the termination/cable as well.

PSEG LI will also monitor and maintain the post-construction stormwater management practices at the Holbrook Substation in accordance with the operation and maintenance plan in the SWPPP in Appendix R of this EM&CP.

### 9.1.3 Onshore Transmission Cable–NYSDOT ROW

Maintenance work on the Onshore Transmission Cable–NYSDOT ROW will include vault inspections that are intended to monitor condition of the interior of the vault as well as all interior cable connections (e.g., bonding, grounding, link box, etc.).

Annual visual inspections (for an initial 3 years then every 5 years thereafter) and thermography of the equipment, including terminations, is anticipated to ensure operating conditions are not creating any higher than designed operating conditions of equipment.

Sunrise Wind will perform maintenance work on the Onshore Transmission Cable–NYSDOT ROW between October 1 and April 30. Should Sunrise Wind need to perform such work outside of the window specified, Sunrise Wind may seek authorization pursuant to the EM&CP amendments procedures described in Section 3, *Project Personnel and Procedures*, of this EM&CP. The maintenance window specified does not apply to emergency situations, repairs, or any work performed inside the splice vault.

## 9.2 Decommissioning Plan

Decommissioning will comply with the Certificate and applicable USACE individual permit conditions. The Project is expected to have a 25-year operational lifetime.

The Primary Decommissioning Plan will be included as an appendix to EM&CP 2 and will include the methods for decommissioning all Project components and provides information on the financial capability and securities for decommissioning activities. Decommissioning estimates contained in the Decommissioning Plan will be updated after one year of Project operation and every fifth year thereafter.

Prior to commencing the activities and process described within the Primary Decommissioning Plan, Sunrise Wind will notify landowners along the route of planned decommissioning activities. The notifications will be delivered by mail both 6 months and 2 weeks prior to commencing and will include direction on where to find additional detail on the Decommissioning Plan, activities and potential impacts. In addition to direct mail, notice will also be provided in local news outlets.

In addition, a Short-Term Decommissioning Plan is included as Appendix FF to this EM&CP, that addresses assets that are captured by this Phase 1 EM&CP that are abandoned by the Sunrise Wind in the event future phases of construction are not completed and the Project is not ultimately energized.

\*\*\*

**FIGURE**



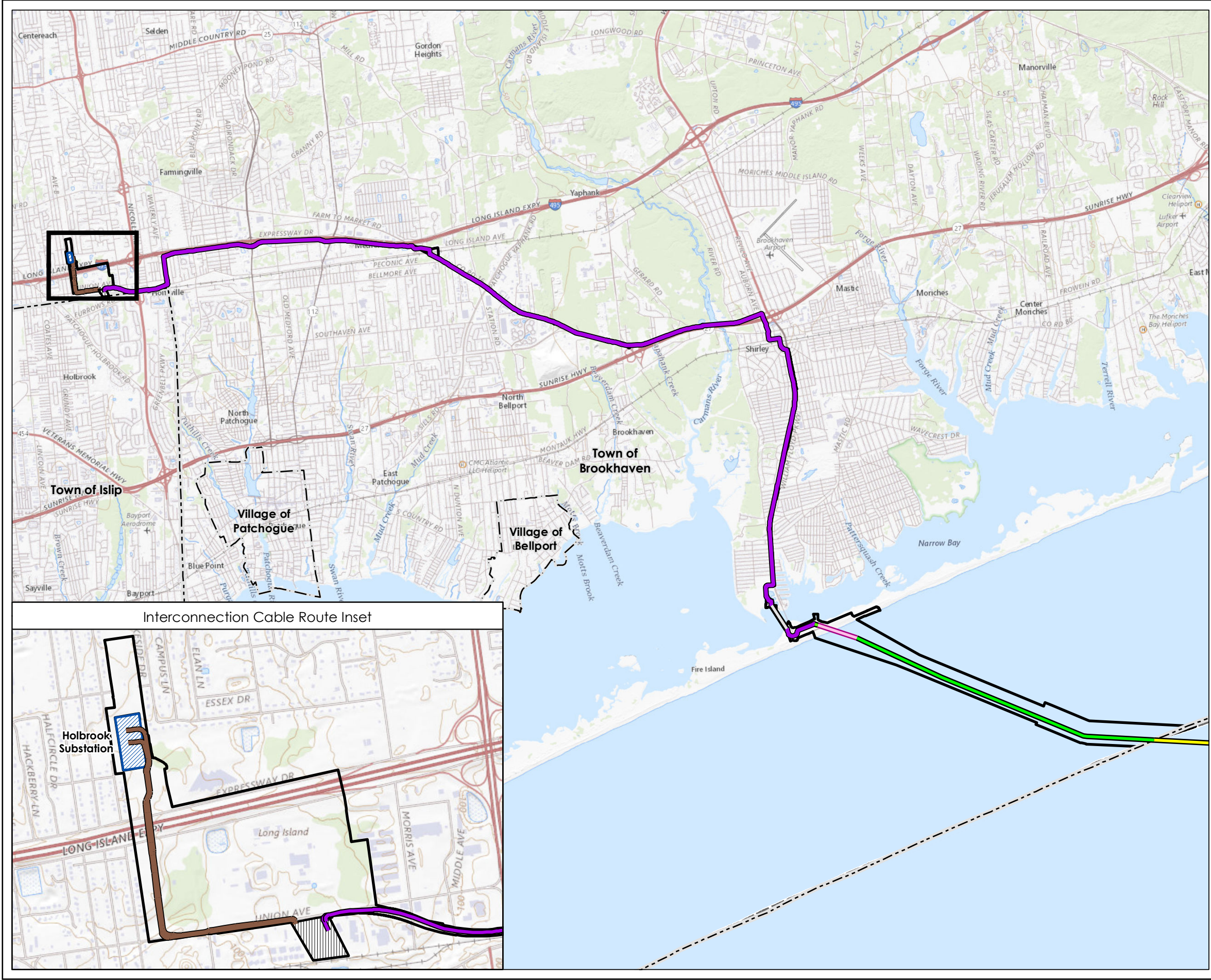


Figure 1  
Project Location

Sunrise  
Wind

Powered by  
Ørsted &  
Eversource

Legend

- Sunrise Wind Farm (SRWF)
- Sunrise Wind Export Cable (SRWEC-OCS)
- Sunrise Wind Export Cable (SRWEC-NYS)
- Landfall HDD A
- Intracoastal Waterway HDD (ICW HDD)
- Onshore Transmission Cable
- LIE Service Road Route
- Onshore Interconnection Cable Route
- Union Avenue Site / Onshore Converter Station (OnCS-DC)
- Holbrook Substation
- Sunrise Wind New York Cable Corridor
- Village Boundary
- Town Boundary

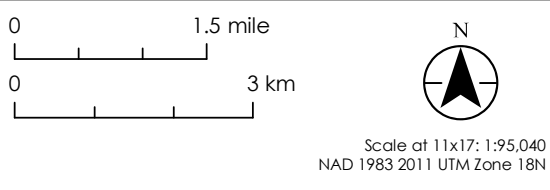
Notes

1. Routes are indicative and subject to engineering design changes.

Sources

Base map: USGS The National Map

Date	08/09/2022
Project Number	2028113199
Prepared By	GC
Reviewed By	SBG



REFERENCE MAP

