CROWLEY | FLECK PLLP
ATTORNEYS

Brian R. Bjella
100 West Broadway, Suite 250
P.O. Box 2798
Bismarck, ND 58502-2798
701.223.6585
bbjella@crowleyfleck.com

September 16, 2014

Mr. Darrell Nitschke
Executive Director
NORTH DAKOTA PUBLIC
SERVICE COMMISSION
600 E. Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

Dear Mr. Nitschke:

In re: Antelope Hills Wind Project, LLC
Antelope Hills Wind Energy Project
Mercer County, North Dakota
Case No. PU-14-679

Enclosed for filing is one copy each of 11 exhibits for the Antelope Hills Wind Energy Project.

Please call should you have any questions.

Very truly yours,

BRIAN R. BJELLA

bw
Enc.

"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

October 22, 2010

Bruce Moreira
Environmental Scientist
HDR Engineering, Inc.
701 Xenia Avenue South, Suite 600
Minneapolis, MN 55416

Dear Mr. Moriera:

RE: Antelope Hills Wind Project – Mercer County, North Dakota
Sunflower Wind Project – Morton & Stark Counties, North Dakota
Silver Sage Wind Project – Oliver County, North Dakota

The North Dakota Game and Fish Department has reviewed this project for wildlife concerns.

Our primary concern with wind power development is the disturbance of native prairie associated with construction of turbines, access roads, and other associated facilities. We ask that work within native prairie be avoided to the extent possible. This could include micro-siting turbines onto adjacent previously disturbed land, locating access roads on existing section line trails rather than across undisturbed native prairie, etc.

The Golden Valley Wildlife Management Area (WMA) is located in the west half of section 32, T146N, R89W, within the project boundary of the Antelope Hills Wind Project. The Wilbur Boldt WMA is located in the northeast quarter of section 34, T142N, R83W, immediately adjacent to the project boundary of the Silver Sage Wind Project. We ask that wind turbines be set-back from WMA's a sufficient distance to minimize possible disturbance to wildlife.

The National Wetland Inventory indicates numerous wetlands within the proposed project area. We recommend that any unavoidable wetland impacts be replaced in kind, above-ground appurtenances not be placed in wetland areas, and no alterations be made to existing drainage patterns.

We also recommend that routine monitoring for avian and bat mortality be included as part of the facility maintenance plan for the life of the project. We would appreciate being kept informed as this project progresses, and if possible, we would like the GPS coordinates for each turbine after the site has been established.

Sincerely,

Paul Schadewald
Chief
Conservation & Communication Division

js

HDR ONE COMPANY | *Many Solutions* SM

August 6, 2010

Mr. Jeffrey Towner
USFWS - Ecological Services
North Dakota Field Office
3425 Miriam Avenue
Bismarck, ND 58501-7926

RE: Antelope Hills Wind Project in Mercer County, North Dakota

Dear Mr. Towner:

HDR Engineering, Inc. (HDR) is gathering environmental information on the proposed Antelope Hills Wind Project (Project), as proposed by Antelope Hills Wind Project, LLC, which is a subsidiary of Infinity Wind Power (Infinity). The proposed wind project will be located in Mercer County in west central North Dakota. The project area is shown on the enclosed map.

Typically, wind project construction includes erecting wind turbines and constructing associated facilities such as gravel access roads, an underground electrical collector system, electrical collector substations, and overhead transmission lines. Although final locations of the turbines, access roads, and the electrical collector system have not been determined at this time, the table below identifies Township sections potentially affected by the project:

Sections within Antelope Hills Wind Project Boundary

County	Township	Range	Sections
Mercer	145N	88W	6-7
	145N	89W	1-12
	145N	90W	1-3, 11-12
	146N	89W	29-32
	146N	86W	14-15, 21-24, 25-28, 33-36

HDR welcomes any comments the U.S. Fish and Wildlife Service (USFWS) may have on the project at this time. In particular, HDR requests your review of the sections identified in the above table for potential effects to federally listed threatened or endangered species or other sensitive natural resources.

HDR Engineering, Inc.
701 Xenia Avenue South, Suite 600
Minneapolis, MN 55416
Phone (763) 591-5400
Fax (763) 591-5413
www.hdrinc.com

HDR also requests that you provide locations of USFWS wetland or grassland easements, and the locations of parcels that the USFWS may be targeting for easements, within the proposed project boundary. Information provided in a GIS format, if available, would be most helpful; however, legal descriptions or hard copy maps would also help HDR and Infinity in reviewing the project.

We appreciate any input or information that you might provide at this time. If you require additional information or have questions regarding the Antelope Hills Wind Project, please feel free to call me at (763) 278-5925.

Sincerely,

HDR Engineering, Inc.

Bruce Moreira
Environmental Scientist

Enclosures: Project Location Map

cc: Terry Ellsworth, U.S. Fish and Wildlife Service
Jon Koehn, Infinity Wind Power

HDR ONE COMPANY | *Many Solutions* SM

August 6, 2010

Mr. Jeb Williams, Wildlife Resource Management Supervisor
North Dakota Game and Fish Department
100 North Bismarck Expressway
Bismarck, ND 58501-5095

RE: Antelope Hills Wind Project in Mercer County, North Dakota

Dear Mr. Williams:

HDR Engineering, Inc. (HDR) is gathering environmental information on the proposed Antelope Hills Wind Project (Project), as proposed by Antelope Hills Wind Project, LLC which is a subsidiary of Infinity Wind Power (Infinity). The proposed wind project will be located in Mercer County in west central North Dakota. The project area is shown on the enclosed map.

Typically, wind project construction includes erecting wind turbines and constructing associated facilities such as gravel access roads, an underground electrical collector system, electrical collector substations, and overhead transmission lines. Although final locations of the turbines, access roads, and the electrical collector system have not been determined at this time, the table below identifies Township sections potentially affected by the project:

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	145N	90W	1-3, 11-12
	146N	89W	29-32
	146N	90W	14-15, 21-24, 25-28, 33-36

HDR welcomes any comments the North Dakota Game and Fish Department (NDGFD) may have at this time. In particular, HDR requests your review of the sections identified in the above table for potential effects to known threatened or endangered species or other sensitive natural resources.

HDR Engineering, Inc.
701 Xenia Avenue South, Suite 600
Minneapolis, MN 55416
Phone (763) 591-5400
Fax (763) 591-5413
www.hdrinc.com

HDR also requests you provide locations of any state easements, and the locations of parcels that the NDGFD may be targeting for easements within the proposed project boundary. Information provided in the format of a GIS layer, if available, would be most helpful; however, legal descriptions or hard copy maps would also assist Infinity and HDR in reviewing the project.

We appreciate any input or information that you might provide at this time. If you require additional information or have questions regarding the Antelope Hills Wind Project, please feel free to call me at (763) 278-5925.

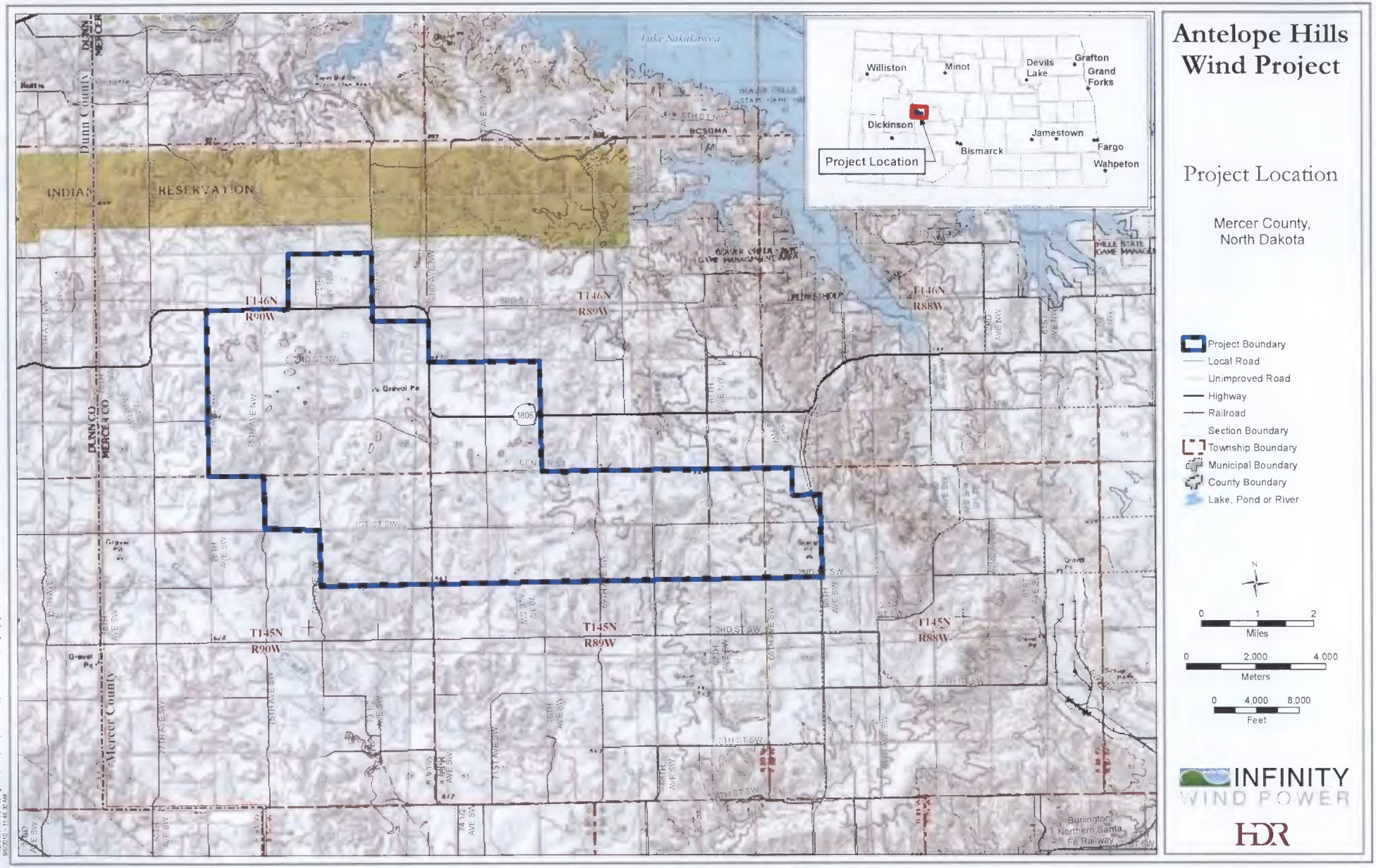
Sincerely,

HDR Engineering, Inc.

Bruce Moreira
Environmental Scientist

Enclosures: Project Location Map

cc: Jon Koehn, Infinity Wind Power


Lake Sakakawea
INDIAN RESERVATION
Dunn County
Mercer County
T146N R90W
T146N R89W
T146N R88W
T145N R90W
T145N R89W
T145N R88W
Williston
Minot
Devils Lake
Grafton
Grand Forks
Dickinson
Bismarck
Jamestown
Fargo
Wahpeton
Project Location
Antelope Hills Wind Project
Project Location
Mercer County, North Dakota
Project Boundary
Local Road
Unimproved Road
Highway
Railroad
Section Boundary
Township Boundary
Municipal Boundary
County Boundary
Lake, Pond or River
N
0 1 2
Miles
0 2,000 4,000
Meters
0 4,000 8,000
Feet
INFINITY WIND POWER
HDR

INFINITY
WIND POWER

August 12, 2014

Sheriff Dean Danzeisen
Mercer County Sheriff
P.O. Box 39
Stanton, ND 58571

RE: Request for Comments on a Proposed Wind Project
Antelope Hills Wind Project – Morton and Stark Counties

Dear Sheriff Danzeisen:

Infinity Wind Power (Infinity) is developing the Antelope Hills Wind Project, which is located on the west side of Mercer County. The town of Golden Valley is located approximately 8 miles to the south, while the town of Beulah is located approximately 12 miles to the southeast. The project will consist of up to 86 wind turbines with tip heights of up to 442 feet. In addition to the wind turbines, the project would also include underground electrical collection lines, a project substation, operations and maintenance yard, a 9.5 mile overhead transmission line and a permanent meteorological monitoring tower. The project will require permits to be issued from Mercer County and the North Dakota Public Services Commission amongst other agencies. We anticipate filing applications for permits for the project this month. Under our current schedule, construction would commence in early 2015 with a commercial operation date toward the end of 2015.

The purpose of this letter is to request comments from your department related to the Project. The information provided by your department will be utilized in the siting of project components. If possible, I would appreciate it if you could provide any feedback regarding the project and any recommendations that you may have by September 12, 2014.

If you have any questions or concerns related to this correspondence, I can be reached at 805-569-6185 or via email at cwillis@infinitywind.com

Thanks,

Casey Willis
Senior Project Manager

INFINITY
WIND POWER

October 23, 2013

Kenneth L. Fredericks, Jr.
781 Highway 8N
Halliday, ND 58636

RE: Notification of the Antelope Hills Wind Project – Mercer County

Dear Mr. Fredericks:

I'm contacting you today to notify you of a wind energy project that my company is developing in proximity to the airstrip you manage. Infinity Wind Power (Infinity) is developing the Antelope Hills Wind Project located approximately 6 miles to the north of Golden Valley and 10 miles to the northwest of Beulah in Mercer County. The project will consist of up to 65 wind turbines with tip heights of up to 442 feet.

We recently contacted the North Dakota Aeronautics Commission to obtain information related to airstrips that are in proximity to the project area. The database from the Aeronautics Commission identified your airstrip in proximity to the Antelope Hills Project area. The attached map shows the project boundary in proximity to your airstrip. Infinity has submitted obstruction evaluation requests to the Federal Aviation Administration (FAA). The FAA issued determinations of no hazard for the Project.

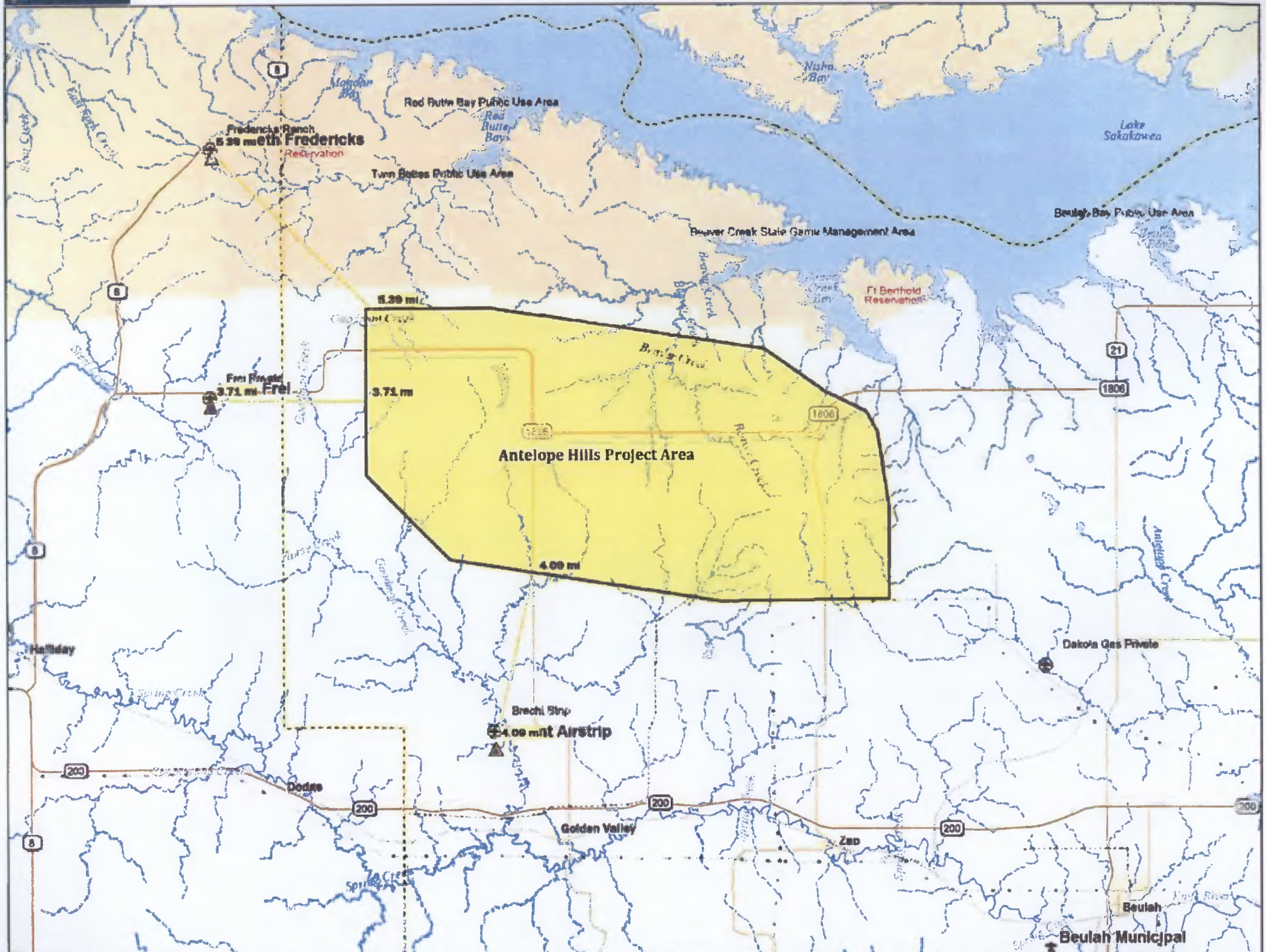
If you have any questions or concerns related to the Antelope Hills Wind Project, I can be reached at 805-569-6185 or via email at cwillis@infinitywind.com

Thanks,

Casey Willis
Senior Project Manager

DELORME

XMap® 7



Data use subject to license.

www.delorme.com

Scale 1 : 200,000

1" = 3.16 mi

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INFINITY
WIND POWER

October 23, 2013

Deen & Leona Brecht
RR NR 1
Golden Valley, ND 58541

RE: Notification of the Antelope Hills Wind Project – Mercer County

Dear Denn & Leona Brecht:

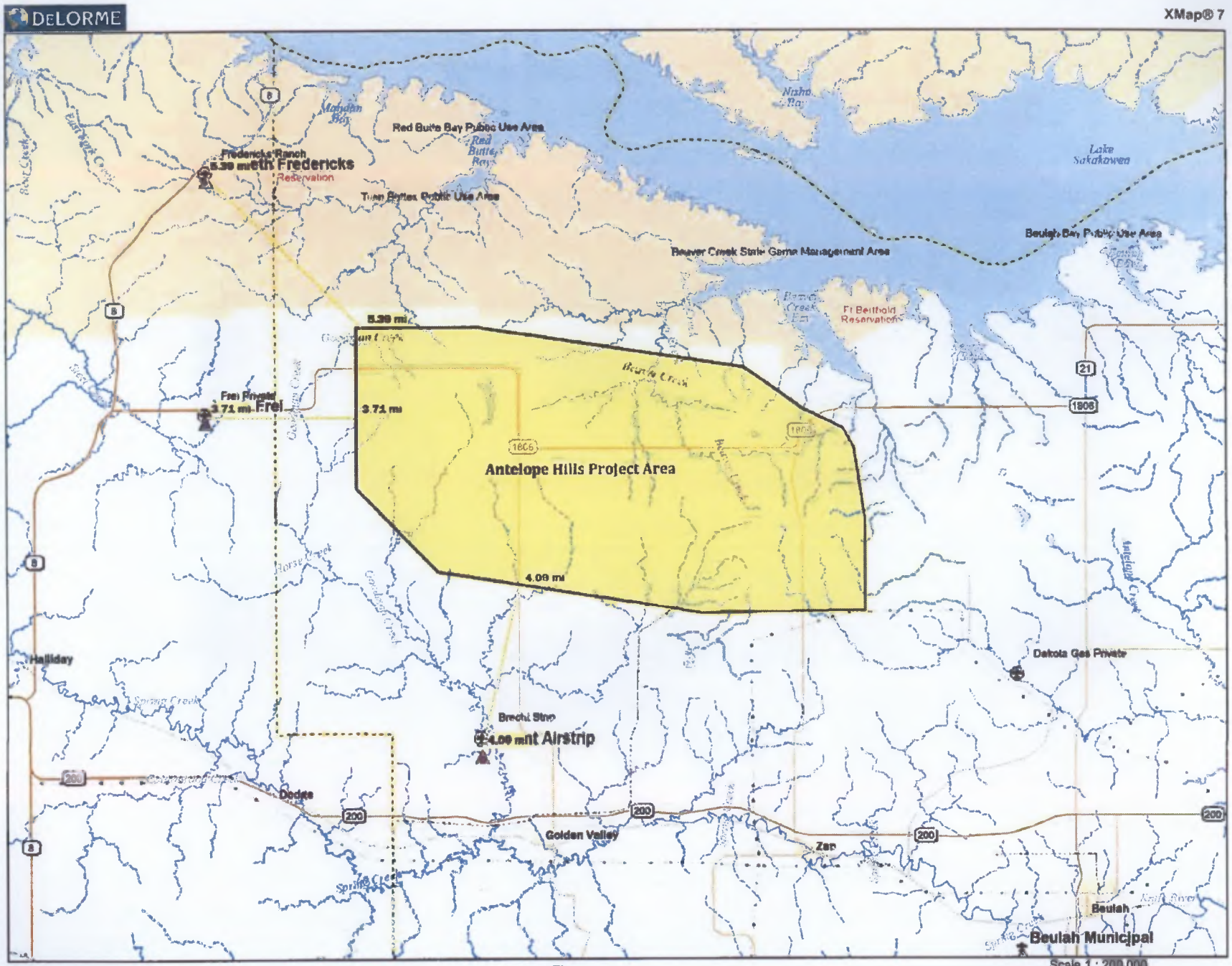
I'm contacting you today to notify you of a wind energy project that my company is developing in proximity to the airstrip you manage. Infinity Wind Power (Infinity) is developing the Antelope Hills Wind Project located approximately 6 miles to the north of Golden Valley and 10 miles to the northwest of Beulah in Mercer County. The project will consist of up to 65 wind turbines with tip heights of up to 442 feet.

We recently contacted the North Dakota Aeronautics Commission to obtain information related to airstrips that are in proximity to the project area. The database from the Aeronautics Commission identified your airstrip in proximity to the Antelope Hills Project area. The attached map shows the project boundary in proximity to your airstrip. Infinity has submitted obstruction evaluation requests to the Federal Aviation Administration (FAA). The FAA issued determinations of no hazard for the Project.

If you have any questions or concerns related to the Antelope Hills Wind Project, I can be reached at 805-569-6185 or via email at cwillis@infinitywind.com

Thanks,

Casey Willis
Senior Project Manager


DeLORME
XMap® 7
Red Butte Bay Public Use Area
Red Butte Bay
Lake Sakakawea
Beaver Creek State Game Management Area
Ft Berthold Reservation
Fredericks Ranch
5.39 mi
Reservation
Twin Buttes Public Use Area
5.39 mi
3.71 mi
Frei Private
3.71 mi
Frei
Antelope Hills Project Area
4.09 mi
1805
1806
21
Halliday
Dodge
Golden Valley
Zap
Beulah
Dakota Gas Private
Beulah Municipal
Scale 1 : 200,000
1" = 3.16 mi
Data Zoom 10-0
Data use subject to license.
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www.delorme.com

HDR ONE COMPANY | *Many Solutions* SM

August 6, 2010

Mr. Jeb Williams, Wildlife Resource Management Supervisor
North Dakota Game and Fish Department
100 North Bismarck Expressway
Bismarck, ND 58501-5095

RE: Antelope Hills Wind Project in Mercer County, North Dakota

Dear Mr. Williams:

HDR Engineering, Inc. (HDR) is gathering environmental information on the proposed Antelope Hills Wind Project (Project), as proposed by Antelope Hills Wind Project, LLC which is a subsidiary of Infinity Wind Power (Infinity). The proposed wind project will be located in Mercer County in west central North Dakota. The project area is shown on the enclosed map.

Typically, wind project construction includes erecting wind turbines and constructing associated facilities such as gravel access roads, an underground electrical collector system, electrical collector substations, and overhead transmission lines. Although final locations of the turbines, access roads, and the electrical collector system have not been determined at this time, the table below identifies Township sections potentially affected by the project:

Sections within Antelope Hills Wind Project Boundary

County	Township	Range	Sections
Mercer County	145N	88W	6-7
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	145N	90W	1-3, 11-12
	146N	89W	29-32
	146N	90W	14-15, 21-24, 25-28, 33-36

HDR welcomes any comments the North Dakota Game and Fish Department (NDGFD) may have at this time. In particular, HDR requests your review of the sections identified in the above table for potential effects to known threatened or endangered species or other sensitive natural resources.

HDR Engineering, Inc.
701 Xenia Avenue South, Suite 600
Minneapolis, MN 55416
Phone (763) 591-5400
Fax (763) 591-5413
www.hdrinc.com

HDR also requests you provide locations of any state easements, and the locations of parcels that the NDGFD may be targeting for easements within the proposed project boundary. Information provided in the format of a GIS layer, if available, would be most helpful; however, legal descriptions or hard copy maps would also assist Infinity and HDR in reviewing the project.

We appreciate any input or information that you might provide at this time. If you require additional information or have questions regarding the Antelope Hills Wind Project, please feel free to call me at (763) 278-5925.

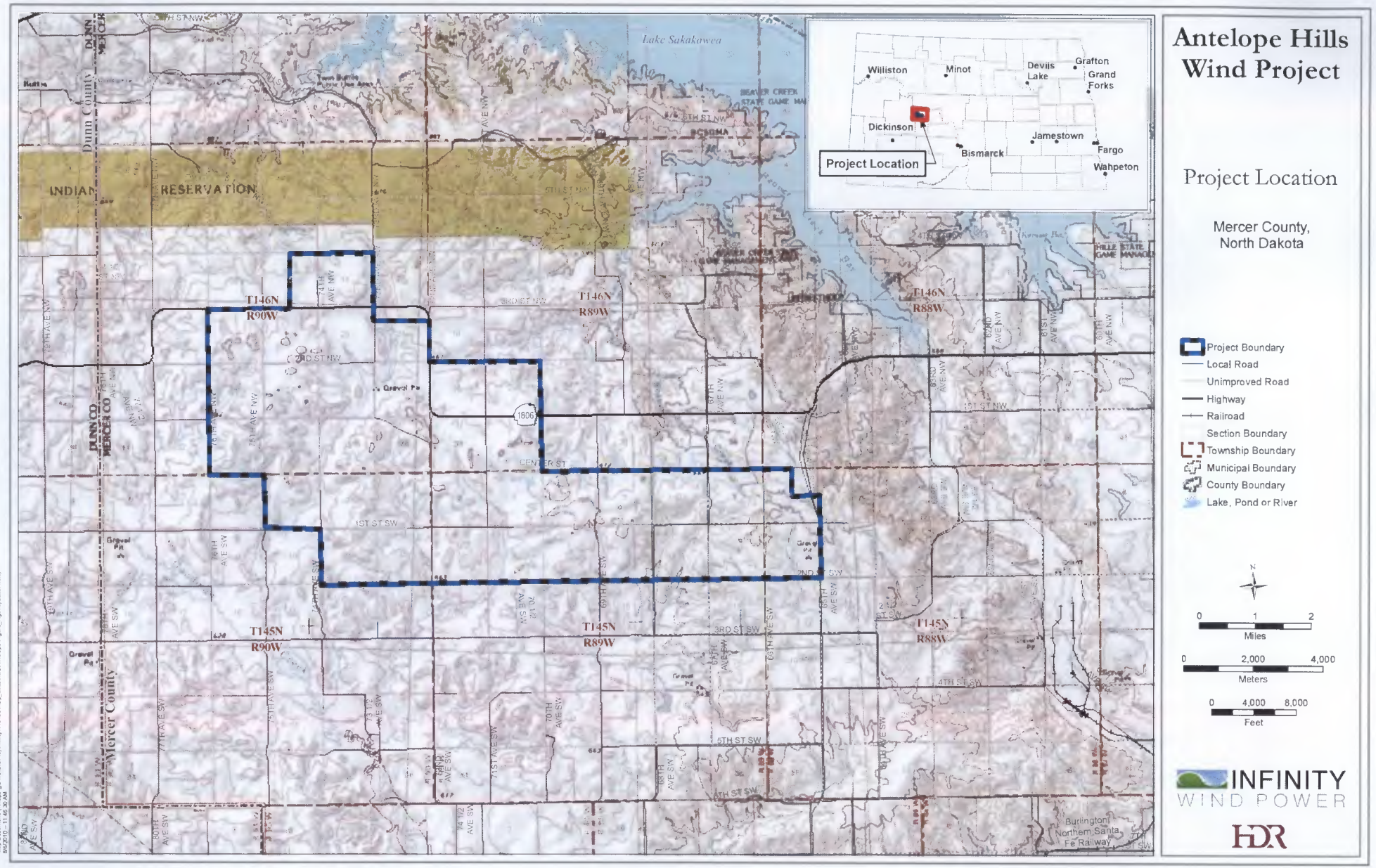
Sincerely,

HDR Engineering, Inc.

Bruce Moreira
Environmental Scientist

Enclosures: Project Location Map

cc: Jon Koehn, Infinity Wind Power


Lake Sakakawea
INDIAN RESERVATION
Dunn County
Mercer County
T146N R90W
T146N R89W
T146N R88W
T145N R90W
T145N R89W
T145N R88W
1806
Williston
Minot
Devils Lake
Grafton
Grand Forks
Dickinson
Jamestown
Bismarck
Fargo
Wahpeton
Project Location
Antelope Hills Wind Project
Project Location
Mercer County, North Dakota
Project Boundary
Local Road
Unimproved Road
Highway
Railroad
Section Boundary
Township Boundary
Municipal Boundary
County Boundary
Lake, Pond or River
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0 1 2
Miles
0 2,000 4,000
Meters
0 4,000 8,000
Feet
INFINITY WIND POWER
HDR

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501

DEC 1 2010

Mr. Bruce Moreira
Environmental Scientist
HDR Engineering, Inc.
701 Xenia Avenue South, Suite 600
Minneapolis, Minnesota 55416

Re: Sunflower Wind Project, Morton, and Stark Counties
Antelope Hills Wind Project, Mercer County
Silver Sage Wind Project, Oliver County

Dear Mr. Moreira:

This is in response to your August 6, 2010, solicitation of views and comments letters for the proposed Sunflower, Antelope Hills, and Silver Sage Wind Projects. The proposed projects would be developed by Sunflower Wind Project, LLC, Antelope Hills Wind Project, LLC, and Silver Sage Wind Project, LLC, all subsidiaries of Infinity Wind Power (Infinity).

The projects would consist of typical wind project construction, including erecting wind turbines and constructing associated facilities such as gravel access roads, an underground electrical collector system, electrical collector substation, and overhead transmission lines. The final locations of the turbines, access roads, and the electrical collector system have not yet been identified.

The following areas may be affected by the project:

Sunflower Wind Project:
Morton County: T. 138 N., R. 90 W., Sections 4-6
T. 139 N., R. 90 W., Sections 16-23, 26-33
Stark County: T. 138 N., R. 91 W., Sections 1, 2
T. 139 N., R. 91 W., Sections 23-25, 35, 36

Antelope Hills Wind Project:
Mercer County: T. 145 N., R. 88 W., Section 6, 7
T. 145 N., R. 89 W., Section 1-12
T. 145 N., R. 90 W., Sections 1-2, 11, 12
T. 146 N., R. 89 W., Sections 29-32
T. 146 N., R. 86 W., Sections 14, 15, 21-28, 33-36

Silver Sage Wind Project:

Oliver County: T. 142 N., R. 83 W., Section 13, 14, 23-26, 35, 36
T. 142 N., R. 82 W., Sections 8, 16-18, 19-22, 27-34
T. 141 N., R. 82 W., Section 3, 4

We offer the following comments under the authority of and in accordance with the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668d, 54 Stat. 250), Executive Order 13186 "Responsibilities of Federal Agencies to Protect Migratory Birds", the Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.), the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57), and the National Environmental Policy Act (NEPA).

The U.S. Fish and Wildlife Service (Service) holds certain resources in trust and manages them for the benefit of the American people. These resources include migratory birds, inter-jurisdictional fish, federally-listed threatened and endangered species of plants and animals and their habitats, and units of the National Wildlife Refuge system. One goal of Service policy is that conservation of fish and wildlife resources receive equal consideration with other features of resource development, and that conservation actions are coordinated with those other forms of development. Another goal is to conserve, protect, and enhance fish and wildlife and their habitats to facilitate the balanced development of the Nation's natural resources.

Migratory Birds

Adequate consideration for avian and other wildlife resources early in the site evaluation process can help to minimize impacts and facilitate project review. Wind developers are encouraged to avoid impacts to prairie and other native habitats to the maximum extent practicable. Avoidance of impacts can be most effectively achieved by taking a landscape scale view, beginning with the process of prospecting for suitable sites for wind power development. Companies should assess not only those factors that indicate favorable conditions for development, such as a consistent wind resource, access to transmission, willing landowners, available financing, etc., but also anticipated impacts to wildlife and their habitats. Equal consideration should be accorded to wildlife resource conservation as to other features of development. When considering a project in a particular wind resource area, companies should use all available tools to ensure they have taken all practicable steps to avoid impacts to native habitats. This can be accomplished by utilizing GIS products depicting significant areas of contiguous prairie to site development in areas that are already impacted or fragmented. This analysis and potential site comparison should be accomplished prior to making any significant financial commitments, including entering into lease agreements with landowners. The Service's Interim Wind Turbine Siting Guidelines encourage project proponents to conduct a Potential Impact Index (PII) analysis on several potential sites within wind resource areas to assist in their selection of a wind power site that minimizes the potential to impact migratory birds and other wildlife. If the Service's interim guidelines were not used to evaluate potential sites for development, the project developer should indicate which method(s) they used to assess avian and other wildlife resource impacts before selecting this site for development. The alternatives analysis for the project should describe the

potential project sites that were evaluated and why they were rejected based on potential trust resource impacts.

The Service has coordinated with the Avian Power Line Interaction Committee (APLIC) to develop guidelines to assist companies in formulating Avian Protection Plans (APP). The guidelines can be accessed from APLIC's website at http://www.aplic.org/. These plans are utility specific and designed to reduce operational risks that result from avian interactions with electric utility facilities, but we suggest they may be adapted to wind energy facilities. Wind energy projects have the potential to negatively affect bats as well as avian species. Therefore, we encourage project developers to formulate an Avian and Bat Protection Plan (ABPP) if bats migrate through or may be present in the project area. The Service has issued an August 03, 2010, white paper with guidance related to the development of project specific ABPPs (enclosed) for renewable energy facilities. Some of the things that the Service looks for in an APP or ABPP are typically a statement of company policy confirming the company's commitment to work cooperatively towards the protection of migratory birds and bats; identification of the process under which the company will obtain and comply with all necessary permits, including, but not limited to, nest relocation, temporary possession, depredation, salvage/disposal, and scientific collection; discussion of the company's plan for monitoring and reporting all incidents of avian or bat injury or mortality; a commitment to make all reasonable efforts to construct and modify infrastructure to reduce the incidence of avian and bat mortality; a mechanism to review existing practices, ensuring quality control and allowing for adaptive management; and a plan for providing adequate training for all appropriate utility personnel. An APP or ABPP reporting system is important to help the company pinpoint areas of concern by tracking both the specific locations where mortalities may be occurring, as well as the extent of such mortalities and the remedial actions taken/planned to address identified problem areas.

To minimize the electrocution hazard to birds, the Service, with support from the Rural Utilities Service, recommends that new or updated overhead power lines be constructed in accordance with the current guidelines for preventing raptor electrocutions. The recommended guidelines can be found in "2006 Suggested Practices for Avian Protection on Power Lines". To increase power line visibility and reduce bird fatalities resulting from collisions with power lines, the Service recommends all new power lines that cross or run adjacent to rivers or large wetlands be modified according to "Mitigating Bird Collisions with Power Lines: The State of the Art in 1994". Both publications can be obtained by writing or calling the Edison Electric Institute, P.O. Box 266, Waldorf, Maryland 20604-0266, (1-800-334-5453) or visiting their website at www.eei.org.

The MBTA prohibits the taking, killing, possession, and transportation, (among other actions) of migratory birds, their eggs, parts, and nests, except when specifically permitted. While the Act has no provision for allowing unintentional take, the Service realizes that some birds may be killed during wind project construction and operation even if all known reasonable and effective measures to protect birds are used. The Office of Law Enforcement (OLE) carries out its mission to protect migratory birds through investigations and enforcement, as well as by fostering relationships with individuals, companies, and industries that have taken effective steps to avoid take of migratory birds and by encouraging others to implement measures to avoid take

of migratory birds. It is not possible to absolve individuals, companies, or agencies from liability even if they implement bird mortality avoidance or other similar protective measures. However, OLE focuses its resources on investigating and prosecuting individuals and companies that take migratory birds without identifying and implementing all reasonable, prudent, and effective measures to avoid that take. Companies are encouraged to work closely with Service biologists to identify available protective measures when developing project plans and/or avian protection plans, and to implement those measures prior to/during project construction and operation.

To the extent practicable, construction should be scheduled for late summer or fall/early winter so as not to disrupt waterfowl or other wildlife during the breeding season (February 1 to July 15). If work is proposed to take place during the breeding season or at any other time which may result in the take of migratory birds, their eggs, or active nests, the Service recommends that the project proponent take all practicable measures to avoid and minimize take, such as maintaining adequate buffers, to protect the birds until the young have fledged. The Service further recommends that if field surveys for nesting birds are conducted with the intent of avoiding take, that any documentation of the presence of migratory birds, eggs, and active nests, along with information regarding the qualifications of the biologist(s) performing the surveys, and any avoidance measures implemented at the project site be maintained. Should surveys or other available information indicate a significant impact to migratory birds, the Service requests that this office be contacted for further consultation on the extent of the impact and the long-term implications of the intended use of the project on migratory bird populations.

Bald and Golden Eagles

The BGEPA, prohibits anyone from taking bald eagles, including their parts, nests, or eggs without a permit issued by the Secretary of the Interior. The Act provides criminal and civil penalties for persons who take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof. The Act defines take as pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb. "Disturb means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior." In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagles return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment.

While the bald eagle tends to be more closely associated with forested areas near water (Buehler 2000), they have been found nesting in single trees several miles from the nearest water body. Especially early in the nesting season, eagles can be very sensitive to disturbance near the nest site and may abandon their nest as a result of low disturbance levels, even from foot traffic. A

buffer of at least 1/2 mile should be maintained for all bald and golden eagle nests. A permit is required for any take of golden eagles or their nests. Permits to take golden eagles or their nests are available only for legitimate emergencies and as part of a program to protect golden eagles.

The Service is not currently aware of any bald or golden eagle nests in the immediate vicinity of the project areas. There are numerous documented bald eagle nests in Mercer, Morton, and Oliver Counties. The Service recommends surveying for bald and golden eagle nests out ½ mile from the proposed project areas. If any nests are found during the survey, the Service recommends that Infinity document the location and contact the Service for further coordination. The Service has developed national guidelines regarding bald eagle management and recommends that Infinity review these guidelines during the project planning process. The guidelines are available at http://www.fws.gov/southdakotafieldoffice/NationalBaldEagle ManagementGuidelines.pdf.

Threatened and Endangered Species

A list of federally threatened and endangered species that may occur within the proposed project's area of influence is (enclosure 1). This list fulfills requirements of the Service under the ESA.

If a Federal agency authorizes, funds, or carries out a proposed action, the responsible Federal agency, or its delegated agent, is required to evaluate whether the action "may affect" listed species or critical habitat. This includes funding available from the U.S. Treasury Department under the American Recovery and Reinvestment Act. If the Federal agency or its designated agent determines the action "may affect, is likely to adversely affect" listed species or result in destruction or adverse modification of critical habitat, the responsible Federal agency shall request formal section 7 consultation with this office. If the evaluation shows a "no effect" determination for listed species or critical habitat, further consultation is not necessary. If a private entity receives Federal funding for a construction project, or if any Federal permit or license is required, the Federal agency may designate the fund recipient or permittee as its agent for purposes of informal section 7 consultation. The funding, permitting, or licensing Federal agency is responsible to ensure that it's actions comply with the ESA, including obtaining concurrence from the Service for any action that may affect a threatened or endangered species or result in the destruction or adverse modification of designated critical habitat.

The Aransas Wood Buffalo Population (AWBP) of whooping cranes is the only self sustaining migratory population of whooping cranes remaining in the wild. These birds breed in the wetlands of Wood Buffalo National Park in Alberta and the Northwest Territories of northern Canada, and overwinter on the Texas coast. Whooping cranes in the AWBP annually migrate through North Dakota during their spring and fall migrations.

Endangered whooping cranes have been documented using stopover habitat in the vicinity of this proposed project area. The proposed project areas are located within those portions of the whooping crane migration corridor that include 75-95% of all confirmed whooping crane

sightings in North Dakota (enclosure 2). The presence of suitable roosting and feeding habitat for whooping cranes, and location within the whooping crane migration corridor, document the potential for whooping crane presence in the proposed project area. A wind energy project in this wind resource area has the potential to affect whooping cranes during their annual spring and fall migration through North Dakota. Potential effects may be direct (e.g. collision mortality) or indirect (e.g. avoidance of the site resulting in cranes seeking alternate habitat). The best available information indicates that whooping cranes avoid stopover habitat that is developed with wind energy appurtenances, particularly wind turbines. This avoidance may deny them the use of important habitat, and thus may result in an adverse effect in the form of harm by significant habitat modification. Whooping cranes use migration stopover habitat opportunistically and may not use the same stopovers annually. Whooping cranes often stop wherever they happen to be late in the day when they find conditions no longer suitable for migration. This tendency can make for a very unpredictable pattern of stopover use, depending on daily weather conditions. The Service recommends mapping wetlands at the project site within one (1) mile of all turbines, identifying potentially suitable whooping crane stopover habitat, and analyzing the potential effects to migrating whooping cranes from loss of use of this habitat for migration stopovers.

The interactions of whooping cranes with wind turbines and wind farms are currently not fully known, although it is expected that these large birds with relatively low maneuverability are susceptible to mortality via collisions with turbines. The highest known source of mortality to fledged whooping cranes is from striking power lines. Currently, collisions with power lines have accounted for the death or serious injury of at least 46 whooping cranes since 1956. If power lines will be constructed in association with this project, the Service recommends they be placed underground to avoid collision mortality. If underground construction is not practicable, we recommend installation and maintenance of visual marking devices on all new power lines within one mile of potentially suitable whooping crane stopover habitat, and an equal length of existing power line in the whooping crane migration corridor within one mile of potentially suitable whooping crane habitat.

Any party is responsible to ensure that their activities comply with pertinent Federal Laws, including the ESA, BGEPA, and the MBTA, even in the absence of a Federal nexus. If an activity is likely to result in "take" of a federally-listed species, the project proponent or landowner has the option of developing a Habitat Conservation Plan (HCP) in consultation with FWS. Using the voluntary guidelines referenced above will help to ensure compliance with the MBTA and BGEPA. The Service requests that Infinity respond to the Service indicating how Infinity intends to demonstrate compliance with applicable Federal wildlife laws. While the projects' potential for take has not yet been determined, Infinity should note that if "take" of any federally listed threatened or endangered species is anticipated, Infinity is advised to develop an HCP and apply for an Incidental Take Permit (ITP).

Fish and Wildlife Service Property Interests

The Service administers Waterfowl Production Areas owned in fee title as well as wetland and

grassland easements throughout North Dakota. A review of Service realty records for the proposed project area indicates Service property interests are located in the proposed project area. Wetland easements are legal agreements with private landowners that permanently protect wetland basins from being drained, burned, leveled, or filled. Grassland easements are legal agreements with landowners that permanently protect grassland vegetation, primarily native prairie, from being destroyed or developed. Grassland easements prevent these grasslands from being converted to cropland. Mowing, haying, and grass seed harvesting must be delayed on grassland easements until after July 15 each year to protect grassland nesting birds. The primary responsibility in protecting these interests is to review all proposed uses to ensure that the requests are compatible with Service easement regulations and various laws and policies. These comments and suggestions are made in an attempt to accomplish three goals: 1) avoid impacts to Service grassland and wetland easements in the project area as much as possible; 2) if unavoidable, ensure that any proposed turbine and associated infrastructure impacts (roads, buried collection lines, transmission lines, sub-stations, etc.) on any Service easement areas are kept to an absolute minimum; and 3) investigate all potential alternatives to eliminate or reduce impacts to easement areas to protect the integrity of the easement.

High Value Habitat Avoidance

High value wildlife habitat types in North Dakota include native prairies, wetlands, wooded draws, and riparian forests. We recommend that construction of wind towers and appurtenant facilities in the above habitat types be avoided whenever possible.

Since the 1800s, North Dakota has lost approximately 75 percent of its native grasslands, primarily due to crop production. Native prairie has significant natural resource values including:

- Provides habitat for a number of migratory and resident grassland birds whose populations are declining.
- Provides nesting habitat for millions of waterfowl.
- Contains 200-300 plant species, which provide genetic diversity important to agriculture and medicine.
- Provides habitat for thousands of insects including the Dakota skipper, a candidate species for listing under the ESA, and other butterflies (Ex: Regal fritillary, Tawny crescent).
- Crucial for soil and water conservation.
- Provides recreational opportunities (hunting, bird watching/wildlife observation, hiking).
- Living laboratories for scientific research.

Our review of NWI maps indicates that wetland areas are located within the project areas. NWI data can be accessed directly by visiting their website at (wetlands.fws.gov). Section 404 of the Clean Water Act regulates placement of fill materials in certain wetlands. A Corps of Engineers' 404 permit may be required if fill material will be placed in aquatic sites, including wetlands.

The project proponent should contact Mr. Dan Cimarosti, Regulatory Office, Corps of Engineers, 1513 South 12th Street, Bismarck, North Dakota 58504 (701-255-0015), to determine their permit requirements. If a 404 permit is required, the Service will also provide recommendations on this project to the Corps.

Construction activities should be conducted in a manner that will minimize impacts to the wildlife and the existing habitat in the project area. To help avoid impacts, we recommend the project proponent:

- Reseed disturbed native prairie with a diverse native grass/forb seed mixture. Obtain seed stock from nurseries within 250 miles of the project area to insure the particular cultivars are well adapted to the local climate.
- Minimize grassland disturbance by using fewer, larger turbines, and limiting new road construction.
- Design meteorological towers to be self standing (no guywires). If towers must be guyed, install and maintain appropriate visual line marking devices to reduce the potential for avian collision mortality
- Locate appurtenant facilities to avoid placement of fill in wetlands along the route.
- Install and maintain appropriate erosion control measures to reduce sedimentation and water quality degradation of wetlands and streams near the project area.
- Replace unavoidable wetland losses with functionally equivalent wetlands.

Research, Monitoring, and Assessment

We recommend project proponents conduct collision monitoring studies designed to determine the effect of several factors, such as site selection, turbine designs, the layout of wind plants, wind plant operations, habitat alteration, and changes in available perching and nesting sites, on bird deaths. Annual reports outlining the results of these monitoring studies should be submitted to this office. The Avian Subcommittee of the National Wind Coordinating Committee (NWCC) has developed a guidance document to assist wind energy developers in designing studies that will produce credible and comparable results of avian interaction with wind power plants. The NWCC document, "Studying Wind Energy/Bird Interactions: A Guidance Document. Metrics and methods for determining or monitoring potential impacts on birds at existing and proposed wind energy sites," can be obtained by contacting the National Wind Coordination Committee, c/o RESOLVE, 1255 23rd Street, Suite 275, Washington, D.C. 20037, or by visiting their website at (www.nationalwind.org).

We wish to stress the importance of implementing the recommendations contained in this letter, and of coordinating in a substantive and ongoing way with this office as your project planning proceeds. The way in which your company implements the Service's recommendations will determine whether or not your projects can be certified as complying with Federal wildlife laws.

Thank you for the opportunity to provide comments. If you require further information as

project planning proceeds, please contact Breanne Vander Naald of my staff, or contact me directly, at (701) 250-4481, or at the letterhead address.

Sincerely,

Jeffrey K. Towner

Jeffrey K. Towner
Field Supervisor
North Dakota Field Office

Enclosures (3)

cc: Army Corps of Engineers, Bismarck
(Attn: Dan Cimarosti)
Director, ND Game & Fish, Bismarck
(Attn: Paul Schadewald)

INFINITY
WIND POWER

August 12, 2014

Carmen Reed
Mercer County Emergency Services
P.O. Box 39
1021 Arthur Street
Stanton, ND 58571-0039

RE: Request for Comments on a Proposed Wind Project
Antelope Hills Wind Project – Morton and Stark Counties

Dear Ms Reed:

Infinity Wind Power (Infinity) is developing the Antelope Hills Wind Project, which is located on the west side of Mercer County. The town of Golden Valley is located approximately 8 miles to the south, while the town of Beulah is located approximately 12 miles to the southeast. The project will consist of up to 86 wind turbines with tip heights of up to 442 feet. In addition to the wind turbines, the project would also include underground electrical collection lines, a project substation, operations and maintenance yard, a 9.5 mile overhead transmission line and a permanent meteorological monitoring tower. The project will require permits to be issued from Mercer County and the North Dakota Public Services Commission amongst other agencies. We anticipate filing applications for permits for the project this month. Under our current schedule, construction would commence in early 2015 with a commercial operation date toward the end of 2015.

The purpose of this letter is to request comments from your department related to the Project. The information provided by your department will be utilized in the siting of project components. If possible, I would appreciate it if you could provide any feedback regarding the project and any recommendations that you may have by September 12, 2014.

If you have any questions or concerns related to this correspondence, I can be reached at 805-569-6185 or via email at cwillis@infinitywind.com

Thanks,

Casey Willis
Senior Project Manager

INFINITY
WIND POWER

October 23, 2013

Larry Frei
7910 Highway 1806
Halliday, ND 58636

RE: Notification of the Antelope Hills Wind Project – Mercer County

Dear Mr. Frei:

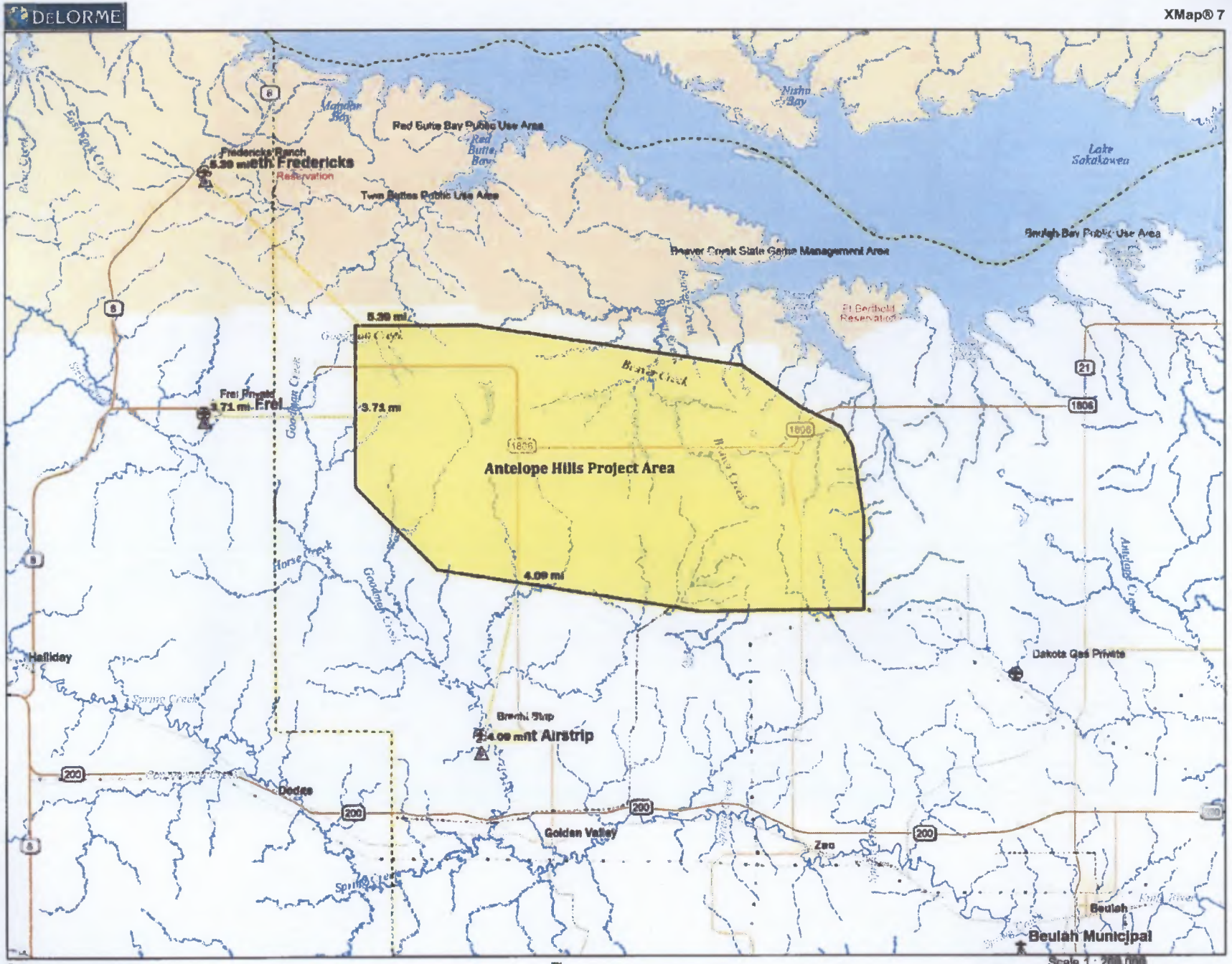
I'm contacting you today to notify you of a wind energy project that my company is developing in proximity to the airstrip you manage. Infinity Wind Power (Infinity) is developing the Antelope Hills Wind Project located approximately 6 miles to the north of Golden Valley and 10 miles to the northwest of Beulah in Mercer County. The project will consist of up to 65 wind turbines with tip heights of up to 442 feet.

We recently contacted the North Dakota Aeronautics Commission to obtain information related to airstrips that are in proximity to the project area. The database from the Aeronautics Commission identified your airstrip in proximity to the Antelope Hills Project area. The attached map shows the project boundary in proximity to your airstrip. Infinity has submitted obstruction evaluation requests to the Federal Aviation Administration (FAA). The FAA issued determinations of no hazard for the Project.

If you have any questions or concerns related to the Antelope Hills Wind Project, I can be reached at 805-569-6185 or via email at cwillis@infinitywind.com

Thanks,

Casey Willis
Senior Project Manager


DeLORME
XMap® 7
Red Butte Bay Public Use Area
Red Butte Bay
Lake Sakakawea
Twin Buttes Public Use Area
Beaver Creek State Game Management Area
Antelope Hills Project Area
5.30 mi
9.73 mi
4.09 mi
Frel Private
3.71 mi Frel
Halliday
Dodge
Golden Valley
Zap
Beulah
Beulah Municipal
Dakota Gas Private
Data use subject to license.
© DeLorme. XMap® 7.
www.delorme.com
Scale 1 : 200,000
1" = 3.16 mi
Data Zoom 10-0

Receptor ID	Status	Nearest Siemens	Distance - Nearest Siemens'
1		69	1856
2		71	4926
3	Participating	74	3090
4		A15	2417
5	Participating	60	1644
6		A15	6249
7	Participating	45	1807
8	Participating	41	1397
9	Participating	32	3218
10	Participating	A09	1739
11	Participating	A05	2387
12		A04	7515
13		A04	8003
14	Participating	A04	3448
15		A03	4080
16		18	4327
17	Participating	14	2087
18		A03	3355
19	Participating	02	1375
20		04	5094
21		04	4606
22	Participating	32	1572
23	Participating	A12	2259
24	Participating	50	2634
25		A14	4179
26		50	6297
27		A13	7431
28		A13	9545
29		A14	6730
30		A14	6052
31		75	16458
32		70	19210
33		70	16127
34		75	2451
35	Participating	71	1658
36		70	7626
37		74	9816
38	Participating	50	1519

Nearst V100	Nearest V-100 Distance	Nearest V-110	Nearest V-110 Distance
79	1856	80	1856
80	4973	82	4926
84	3090	85	3090
70	2417	72	2417
66	1644	68	1644
70	6249	72	6249
52	1807	52	1807
44	1397	47	1397
A10	1897	36	3218
40	1769	43	1739
A07	2806	33	2387
A07	8526	A01	7515
A05	9327	A01	8003
A05	4937	A01	3448
15	5678	18	4080
18	4327	21	4327
A03	1750	15	2087
A04	3086	18	3355
02	1336	02	1375
04	5094	05	5094
04	4606	05	4606
32	1572	36	1572
69	2259	71	2259
57	2634	57	2634
A17	4473	A05	4179
57	6297	57	6297
A16	7392	A04	7431
A16	9518	A04	9545
A17	6836	A05	6730
A17	6382	A05	6052
86	15732	86	16458
A18	19210	81	19210
A18	16127	81	16127
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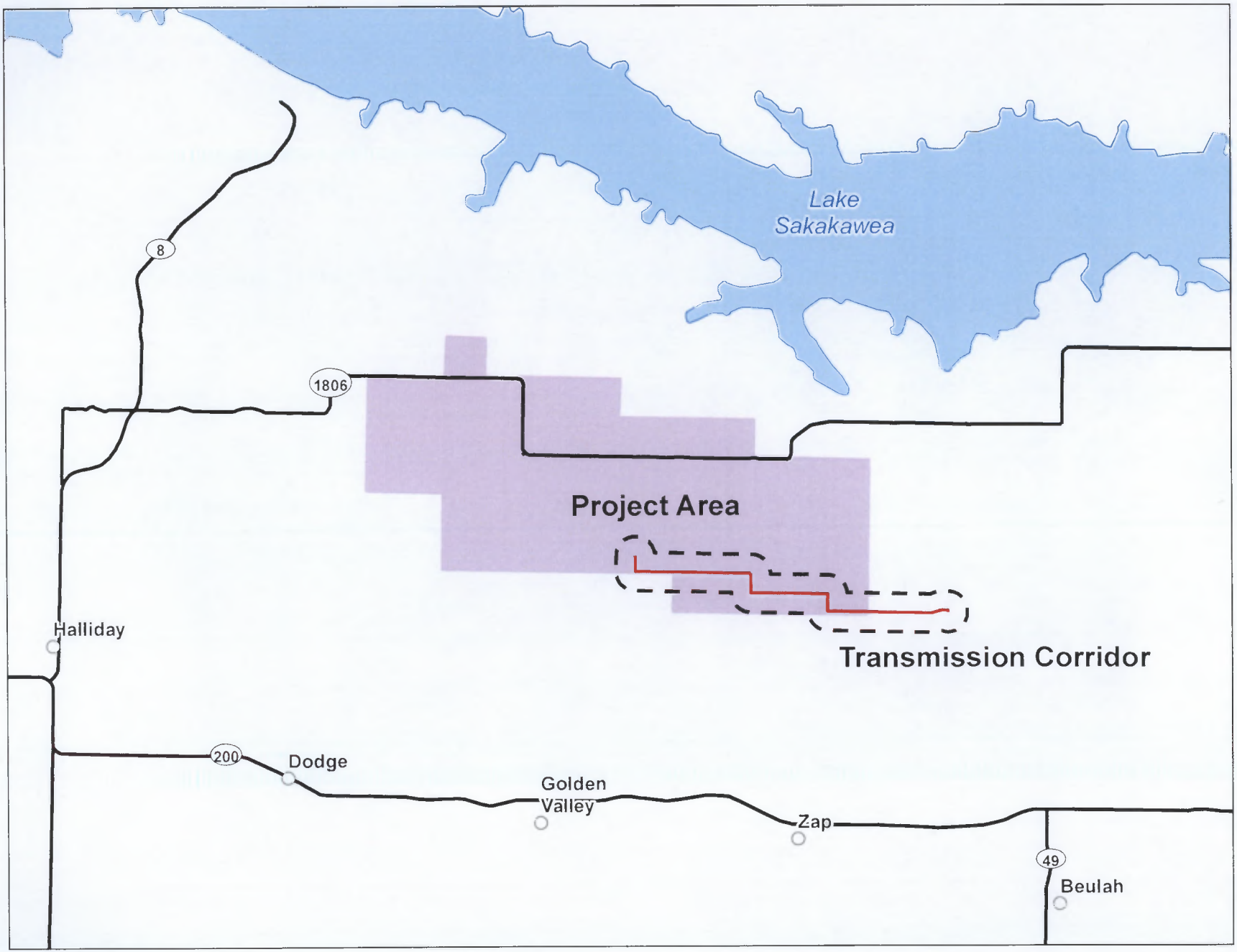
Lake
Sakakawea
8
1806
Project Area
Transmission Corridor
Halliday
200
Dodge
Golden
Valley
Zap
49
Beulah