EXHIBIT 16

Oregon
Theodore R. Kulongoski, Governor

Department of Fish and Wildlife
Northeast Region
107 20th Street
La Grande, OR 97850
(541) 963-2138

Valerie Franklin
Project Manager
Antelope Ridge Wind Farm
53 SW Yamhill Street
Portland, OR 97204

May 31, 2010

Dear Ms. Franklin:

The Oregon Department of Fish and Wildlife (ODFW) appreciates Horizon and Western EcoSystems Technology, Inc. (WEST) providing ODFW the opportunity to review and comment on the draft Elkhorn Big Game Monitoring Study Report. Enclosed are ODFW's recommended edits and comments to this report which, if incorporated, ODFW believes would improve its content, discussion, and conclusions.

Introduction

Within the introduction, WEST indicates that ODFW's concern with the potential for displaced animals is increased crop damage. There will be areas of management complications if animals are pushed onto private agricultural lands in the valley. However, displacement of mule deer and elk from winter range will ultimately lead to population level impacts. Some of these animals will be displaced into summer range or poorer quality winter range where survival will be compromised. Therefore, ODFW recommends that the introduction be modified to include population level impact concerns associated with potential displacement of mule deer and elk from critical winter range.

Density Estimates

Page 4 includes the methodology used to estimate the density and detection probability for big game species. ODFW does not believe the methodology included clearly describes how density estimates were calculated. Therefore, ODFW recommends that the final report include additional information on methodology used to determine and analyze density estimates. Please include a definition of cluster size. Also include if all locations from two flights per year or if only one flight per year was used to estimate density. If data from two flights per year were used (data pooled), there needs to be some clarification of how density estimates were adjusted or affected by potential double sampling.

The results of the big game density analyses are presented on Pages 6-7. WEST concludes that based upon non-overlapping 90% confidence intervals (CI), significant increases in mule deer occurred between 2005 and 2008 and significant increases in elk occurred between 2005 and 2008 and 2009. This paragraph should be modified to indicate there was a significant increase in mule deer and elk density estimates, not numbers, or provide the expansion of the density estimate to the population estimate for the study area.

Mule deer counted within the big game aerial survey project area decreased from 1,560 counted in three flights (average of 520 per flight) in 2004-2005 to 1,170 counted in four flights in 2008-2009 (average of 293 per flight). Given the information provided on numbers of deer and density estimates, a discussion is needed in the final report with possible explanations for why density numbers increased as they did, even though mule deer numbers decreased. To assist with this discussion, ODFW recommends that WEST insert an additional table in the final report which includes AIC models and analyses. The final report should reference this table and include a discussion of whether or not there were competing models and if these competing models produced different results. To further clarify analyses, ODFW also recommends that Table 4b be modified to include numbers of groups and individuals per species.

Density estimates, 90% CIs, and detection probability area presented in Table 4a. The confidence intervals in 2008 and 2009 are much broader than CIs for 2004 and 2005 indicating much more variation in the density estimate. This could be due to sample sizes in 2008 and 2009. Some overlap in CIs occurs between 2005 and 2009, between 2004 and 2008 and 2009, and between 2008 and 2009. The discussion should include an assessment of how these large and overlapping CIs may affect density analyses.

Group Size

Group size information is presented on Pages 7-8. Based on the data provided to ODFW by Horizon and WEST, average mule deer group sizes included in the draft report are different than calculated by ODFW. For example average mule deer group size calculated by WEST in 2009 is 15.2 versus 17.03 calculated by ODFW. Therefore, for both ground and aerial surveys, ODFW requests that a table(s) be included in the final report summarizing number of animals and groups by species counted in each survey year.

ODFW Analysis

The final draft report provides statistics that elk and deer were located further from wind turbines and associated activities in winter 2008 and 2009 compared to the baseline of 2004 and 2005 prior to initiation of construction. Missing from the analysis was an estimate of the threshold where responses of mule deer and elk to the project were not measurable.

Horizon and WEST provided trend flight information to ODFW. Using this information, ODFW scientists Bruce Johnson and Priscilla Coe examined changes in distributions of mule deer using two methods. First, ODFW estimated core areas using pre and post

construction distributions with kernel estimators of groups of deer weighted by group size. Second, ODFW determined distances of groups (weighted by group size) in 500 m distance bands from the nearest turbine and visually inspected patterns to provide insight into shifts in distribution. ODFW then compared counts of animals within distance bands for pre and post construction periods. While this analysis provided similar trends in deer distributions presented in the final draft report where deer were further from the turbine strings, ODFW's analysis provided additional information in shifts in distributions. ODFW found that deer shifted core areas of use away from northern turbine strings, use of Ramo Flat was greatly reduced, and the core area identified in the pre construction flights on the site of the southernmost turbine string shifted further south (Figures 1, 2 and 3).

Compared to pre construction use, counts of mule deer during post construction surveys was reduced in the first seven distance bands evaluated, 0 to 500 m out to 3,000 to 3,500 m (Figure 4). This shift in distribution of mule deer is consistent with deer response to natural gas development in Wyoming (Sawyer et al. 2009[1]), where mule deer avoided liquefied gathering systems and selected areas greater than 2.6 to 4.35 km from a well pad.

Results from the Elkhorn big game study illustrate the dynamic nature of mule deer distribution and may be used to begin making predictions of how deer may respond to the development of the Antelope Ridge Wind Farm. Therefore, ODFW recommends that its analysis of changes in distribution of mule deer be included in the final report. ODFW also recommends that its analysis be the catalyst for Horizon to conduct an expanded analysis of distributions of mule deer and habitat selection that may be used to help in planning of the Antelope Ridge Wind Farm.

Additional Analysis Requests

Winter Monitoring Flights

In the draft final report, WEST's general conclusion was that deer and elk were located further from turbines following construction, but with the more severe winter weather conditions in 2008 and 2009 it was difficult to draw any conclusions. ODFW recognizes that the analysis was complicated by weather with winter weather more severe in 2008 and 2009. Unfortunately, the study was concluded in 2009 so trend flights were not conducted in 2010, which was a mild winter. ODFW believes it is in the best interest of both Horizon and ODFW to determine if mule deer habituate to the turbine strings. Therefore, ODFW recommends that WEST conduct a minimum of two additional years of winter monitoring flights to determine if mule deer habituate to the Elkhorn Valley Wind Project turbine strings and associated human activity.

Missing from the discussion of the draft final report is the decrease in mule deer numbers counted from 2004-2005 to 2008-2009. Mule deer counted within the project survey area decreased from 1,560 counted in three flights (average of 520 per flight) in 2004-2005 to 1,170 counted in four flights in 2008-2009 (average of 293 per flight). These counts indicate that deer likely shifted their distributions out of the project area.

Wind turbines are placed on ridges where wind currents are strongest and most consistent; areas in winter that would also have more bare ground and less deep snow pack because of the scouring effects of the persistent wind. Thus, one would predict that areas immediately adjacent to wind turbines prior to construction would have higher densities of deer and elk compared to areas where wind was not as strong resulting in deeper or more persistent snow pack. If there was no effect of either the turbines or human activities associated with the wind development, winter counts should be equivalent to predevelopment conditions. Because winter counts of mule deer decreased post construction, the presence of turbines and/or associated human activities likely influenced mule deer distribution.

Mule Deer Distribution and Habitat Selection

WEST indicates it is unknown if the more severe winters that occurred during Elkhorn post-construction surveys may have influenced the shift in distributions due to environmental conditions (e.g., forage and refuge opportunities) or if the presence of the wind turbines and associated human activities led to an increase in density and herd size post construction. ODFW did not have access to or attempt to link any habitat characteristics with mule deer distributions pre and post construction. From inspection of locations on digital elevation maps, it appeared deer selected for south aspects. In addition, there were some characteristics of the landscape at 1501 to 2000 m (Figure 4) that deer avoided. Therefore, ODFW requests that Horizon conduct additional analysis of data to provide information on habitat selection of mule deer in the project area. ODFW recommends that the additional analysis of mule deer distribution include covariates such as elevation, aspect, slope, habitat type, and distance to nearest turbine pad. The additional analysis could be included in the final report or a subsequent report, and could be used to help in planning of the Antelope Ridge Wind Farm (Figure 5).

Report Conclusions

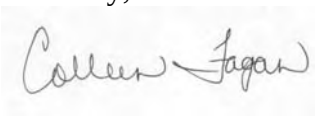
Within the draft final report's conclusions, WEST indicates the number of big game animals in the survey area increased after project construction. However, mule deer counted within the project survey area decreased from 1,560 counted in three flights in 2004-2005 to 1,170 counted in four flights in 2008-2009. Given the decrease in number of groups and number of mule deer counted post construction, the final report should include a discussion of the decrease in mule deer and its conclusion should indicate that the number of mule deer in the survey area decreased after project construction.

One principal objective of this study was to recommend further studies or potential mitigation measures, if warranted. This objective is not addressed in the draft final report. Instead, the authors conclude that data regarding big game interactions with the Elkhorn Valley Wind Project are inconclusive at this point. There was a statistically significant increase in distance to turbines for mule deer and elk between pre and post construction surveys. Based on the information presented and analyses conducted, ODFW believes facility presence and human disturbance likely impacted big game distribution and habitat selection. However, it is unknown to what degree facility presence, human disturbance, or winter weather conditions may have influenced displacement responses. Therefore, ODFW recommends that its analyses be included in

this report and the additional analyses recommended by ODFW also be included in this or a subsequent report. ODFW also recommends that the discussion and conclusions in the final report be revised to include the comments and recommendations discussed in this letter.

ODFW would like to thank Horizon and WEST for providing mule deer data for our analyses. If you have questions or need additional information, please call me at (541) 962-1835 or Bruce Johnson at (541) 962-6556.

Sincerely,



Colleen Fagan
NE Region Hydropower Coordinator

Cc: Craig Ely, ODFW La Grande
Bruce Johnson, ODFW La Grande
Jon Germond, ODFW Salem
Gary Miller, USFWS
Sue Oliver, ODOE

[1] Sawyer, Hall, M.J. Kauffman, and R.M. Nielson. 2009. Influence of Well Pad Activity on Winter Habitat Selection Patterns of Mule Deer. The Journal of Wildlife Management 73(7):1052-1060.

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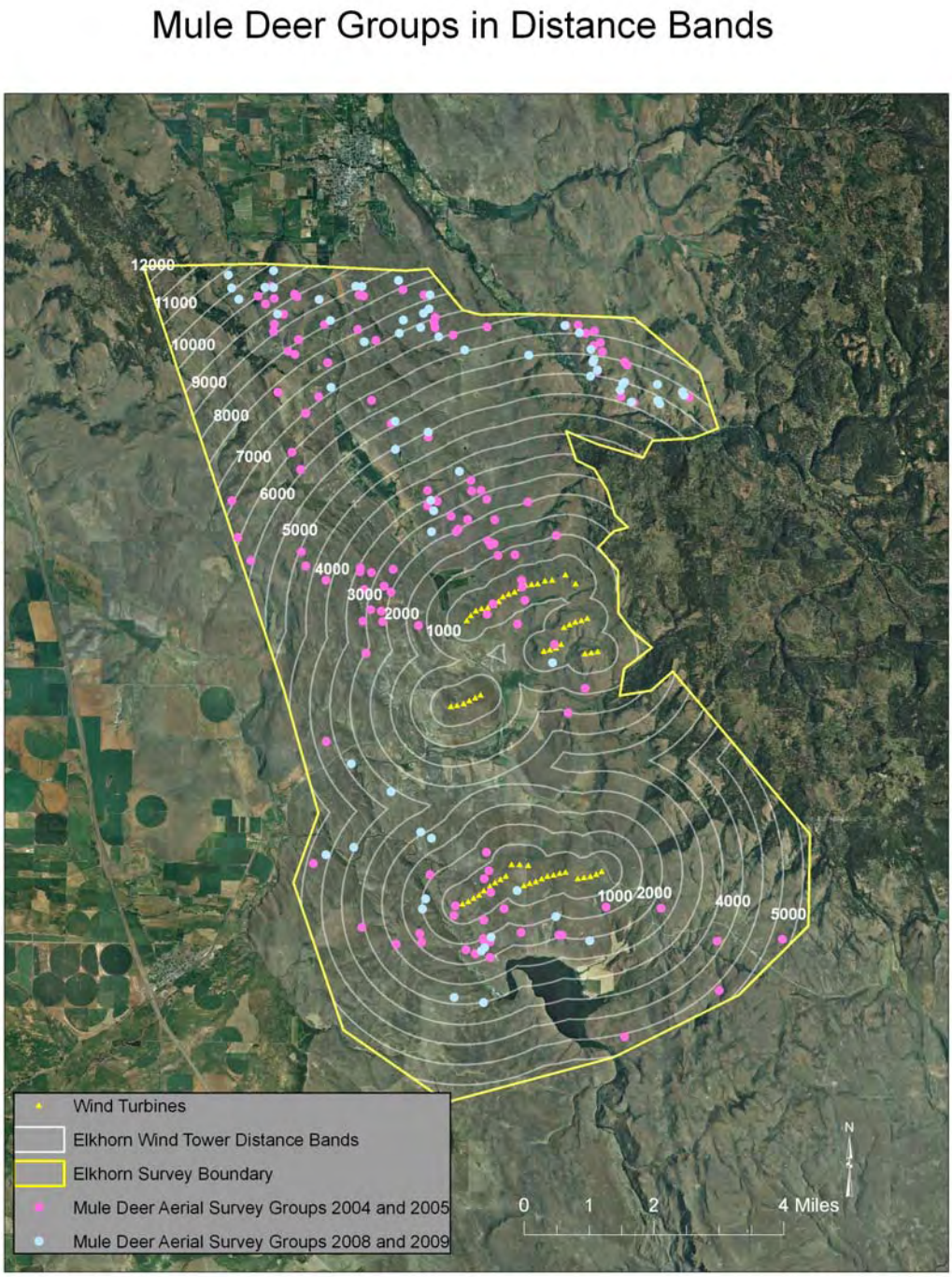

Figure 1. Locations of mule deer recorded in 3 flights prior to construction and 4 flights post construction and 500 m distance bands around turbines in the Elkhorn Valley Wind Project. The most distant band is 12000 m from the nearest turbine string.

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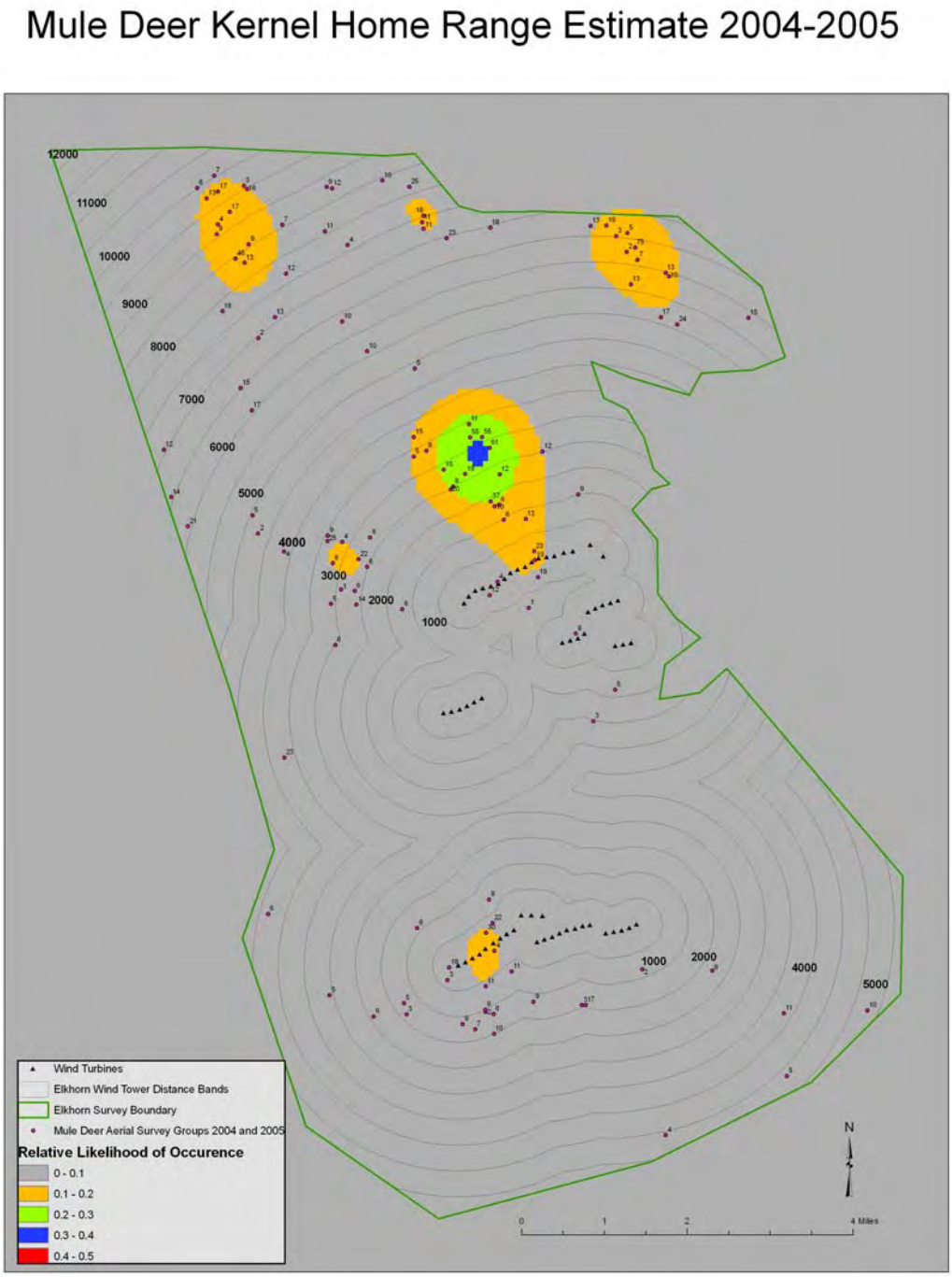

Figure 2. Distributions of mule deer during 3 flights in winter 2004 and 2005 prior to construction of the Elkhorn Valley Wind Project. Concentrations of deer are denoted by the kernel estimators, and colors indicate increasing probabilities of deer using an area.

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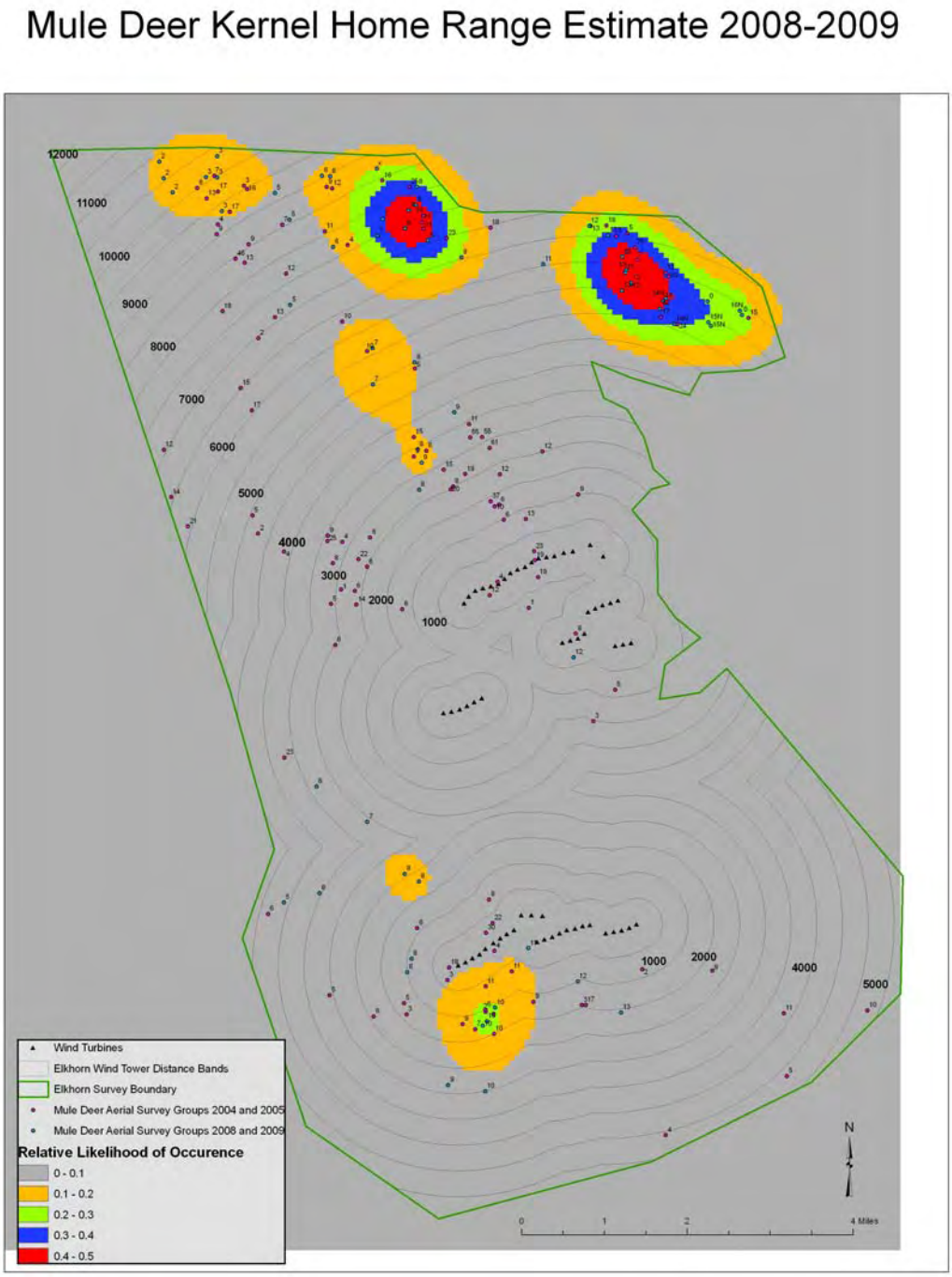

Figure 3. Distributions of mule deer during 4 flights in winter 2008 and 2009 after construction of the Elkhorn Valley Wind Project. Concentrations of deer are denoted by the kernel estimators, and colors indicate increasing probabilities of deer using an area.

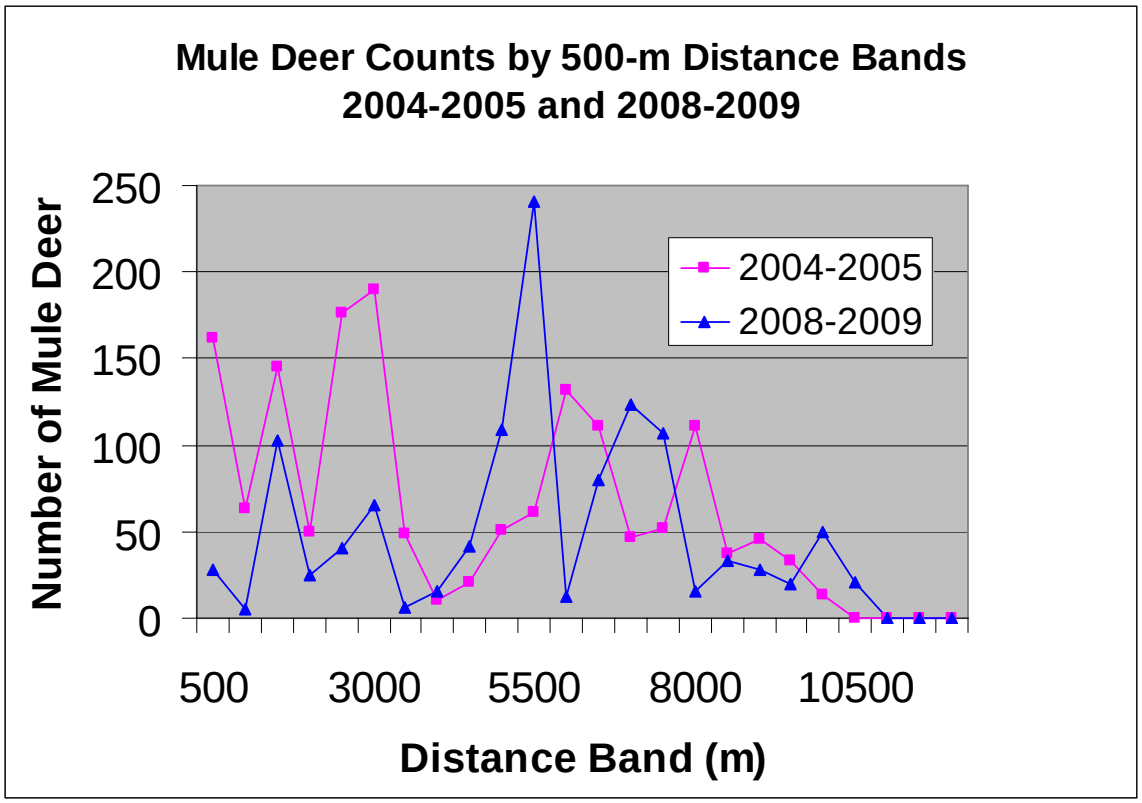

Figure 4. Counts of mule deer in 500 m distance bands from the nearest turbine from 3 pre construction (2004-2005) and 4 post construction (2008 – 2009) flights conducted within the Elkhorn Valley Wind Project.

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Post-construction Mule Deer Home Range Kernel Estimates with Proposed Antelope Ridge Wind Farm Boundaries

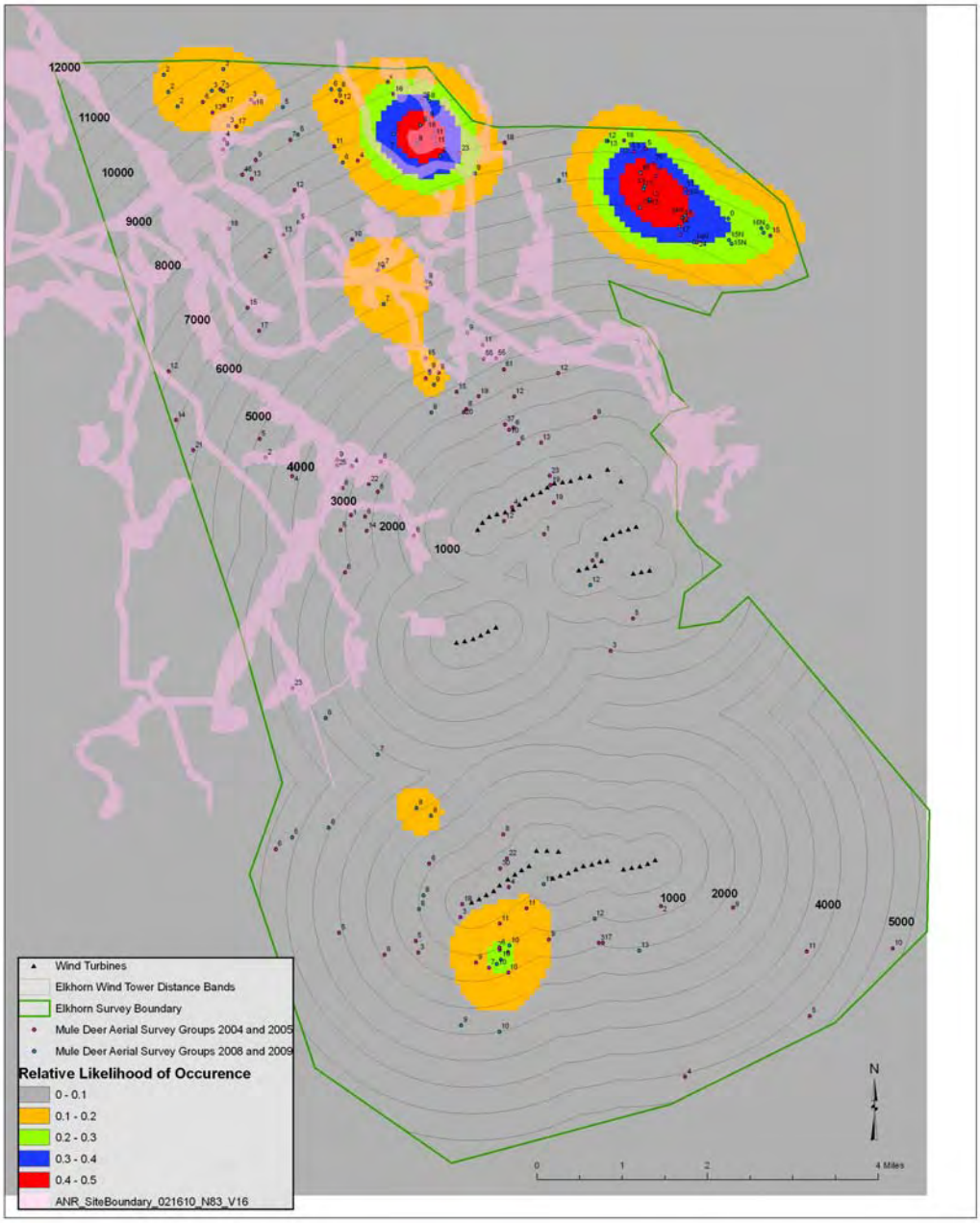

Figure 5. Proposed development of the Antelope Ridge Wind Farm and kernel distributions of mule deer observed during 4 flight follow construction of the Elkhorn Valley Wind Project (2008-2009).