

JAN HASSELMAN (WSB #29107)  
jhasselman@earthjustice.org  
STEPHEN D. MASHUDA (WSB #36968)  
smashuda@earthjustice.org  
JOSHUA OSBORNE-KLEIN (WSB #36736)  
josborne-klein@earthjustice.org  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
(206) 343-7340  
(206) 343-1526 [FAX]

*Attorneys for Northwest Energy Coalition, Intervenor*

BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of Application No. 2006-01 )  
)  
)  
)  
)  
ENERGY NORTHWEST )  
)  
)  
)  
)  
)  
)  
)  
)  
PACIFIC MOUNTAIN ENERGY )  
CENTER POWER PROJECT )  
\_\_\_\_\_ )

I, declare under penalty of perjury under the laws of the state of Washington that the following is true and correct:

I, NANCY HIRSH, declare as follows:

1. I am a citizen of the United States and a resident of Seattle, Washington. I am employed as the Policy Director for the NW Energy Coalition ("NWECC").

2. NWEC is a non-profit alliance of more than 100 member organizations, including environmental, civic, and human service organizations, unions, utilities, and business groups. NWEC also has approximately 200 individual members in Oregon, Washington, Idaho, Montana, and British Columbia. NWEC's principle place of business is in Seattle, Washington.

3. NWEC's mission is to promote a clean and affordable energy future for the Pacific Northwest by meeting all new energy demand with energy efficiency and new renewable resources; ensuring full and fair accounting for the environmental effects of energy decisions; protecting and restoring the fish and wildlife of the Columbia River Basin; ensuring that ratepayers and low-income residents of the region have affordable energy bills; and providing informed public involvement in building a clean and affordable energy future. NWEC works for an energy future that is reliable and affordable with the least overall cost to society and our natural environment. NWEC opposes the application of Energy Northwest ("ENW") for site certification of the Pacific Mountain Energy Center ("PMEC") in Kalama, Washington, because certification of the PMEC application will frustrate NWEC's mission. See Application 2006-01 (filed July 30, 2007). NWEC seeks to intervene in this adjudication in its own right and as a member of the Washington Environmental Council.

4. As policy director, I coordinate the work of NWEC's policy team in advocating for investments in clean and affordable energy services. I also direct NWEC's efforts to enhance investments in energy conservation, renewable resources, and low income energy services through its work with utilities, commissioners, regulators, and policymakers.

5. I have a Bachelor of Science degree from the School of Natural Resources at the University of Michigan. I have made numerous presentations to national and state audiences on the effect of federal and state laws on global warming and the need for more specific greenhouse

gas emissions reduction programs. I serve as Chair of the Board of the Renewable Northwest Project. I formerly served as Chair of the Sierra Club National Energy Committee. Prior to joining NWECC, I spent twelve years in Washington, D.C., working on national energy policy issues for Environmental Action Foundation and the National Wildlife Federation.

6. I have testified as an expert witness before the Washington Energy Facility Site Evaluation Council ("EFSEC") in the past. Specifically, in Sumas Energy 2, Inc., Application No. 99-1 (Sept. 21, 2001), I provided expert testimony on the adequacy of greenhouse gas mitigation efforts. I have also testified as an expert witness before the Washington Utilities and Transportation Commission, the Idaho Public Utilities Commission, and the Public Utility Commission of Oregon. My testimony in each proceeding focused on utility rate structures, resource planning, investments in energy efficiency, and low-income energy programs. I have also served as a resource planning expert witness in electric utility regulatory proceedings in Georgia, Maryland and the District of Columbia.

7. NWECC has long been involved in utility resource planning and decision-making as well as statewide energy planning. NWECC has worked on issues surrounding the siting and operation of power generation facilities in the Pacific Northwest when specific projects raise new and precedential issues for the state or region. For example, NWECC intervened in Sumas Energy 2, Inc., Order No. 743 (EFSEC May 10, 2000), to oppose construction of a natural gas-fired power plant in Sumas, Washington, that lacked a strong greenhouse gas emissions reduction plan. Id. at 10. NWECC provided analysis of proposed renewable energy projects and a proposed coal-fired power plant to state and federal agencies. NWECC also worked to secure voter approval of I-937, which requires Washington's major utilities (those with 25,000 customers or

more) to gradually increase the amount of new renewable resources in the electricity supply to 15% by 2020 and pursue cost-saving energy efficiency opportunities.

8. On May 3, 2007, Governor Gregoire signed ESSB 6001, which establishes an emissions performance standard modeled after the standard enacted in California in 2006. ESSB 6001's emissions performance standard is initially set at 1,100 pounds of carbon dioxide per megawatt-hour generated, with the potential for lowering that threshold every five years. The emissions performance standard codified in ESSB 6001 applies to new utility long-term financial commitments and to new baseload power plants commencing operation in Washington after June 30, 2008. The legislature intended ESSB 6001 to work in conjunction with chapter 80.70 RCW, as referenced in section 1(1)(e) of the bill. The proposed PMEC project must comply with the mandates of both chapter 80.70 RCW and ESSB 6001.

9. NWEC was instrumental in securing the passage of ESSB 6001. We worked closely with prime sponsor Senator Craig Pridemore, the Washington State Legislature, and interested stakeholders to secure a bill that would require increases in the efficiency of new energy generation facilities in and serving Washington State. NWEC invested substantial resources securing the passage of ESSB 6001 and has an institutional interest in ensuring that the law is faithfully implemented and executed. NWEC intends to continue its involvement by participating in the pending rulemaking to implement ESSB 6001. Considering NWEC's involvement in the passage of ESSB 6001, it has an institutional interest in ensuring that the bill is faithfully implemented and executed in a manner consistent with the statutory text and legislative intent.

10. NWEC has also worked to ensure that there is informed public involvement in building a clean and affordable energy future. This interest is furthered by the Washington State

Energy Financing Voter Approval Act, chapter 80.52 RCW, which prohibits public utilities from issuing or selling bonds to finance new energy facilities over 350 MW without a majority vote from customers served by that utility. This interest is also furthered by the demands of the State Environmental Policy Act (“SEPA”), chapter 43.21C RCW. NWECC seeks to intervene in this adjudication to ensure that the PMEC proposal undergoes adequate public review and satisfies the procedural requirements of such statutes.

11. The organizational members of NWECC have significant interests in the outcome of this adjudication. For example, Save our Wild Salmon (“SOS”) is a nationwide coalition of conservation organizations, commercial and sport fishing associations, businesses, river groups, and taxpayer advocates working to restore Pacific Northwest wild salmon and the communities that depend on them. SOS will be harmed if operation of PMEC contributes to increases in atmospheric greenhouse gas concentrations and the associated changes in surface water conditions. Other members of NWECC include Alternative Energy Resources Organization, Montana Renewable Energy Association, National Center for Appropriate Technology, Northwest Energy Efficiency Council, Northwest Solar Center, Pacific Energy Innovation Association, Renewable Northwest Project, Climate Solutions, and Climate Trust. Each of these members has invested time or resources in promoting renewable energy or GHG mitigation programs in the Pacific Northwest and will be impacted by certification of the proposed PMEC’s application.

12. NWECC and its members rely on a clean environment and a healthy and stable climate for recreational, aesthetic, and economic purposes. These interests are threatened by PMEC, which may emit up to six million tons of CO<sub>2</sub> annually. See DEIS at 1-5. Such increases in atmospheric GHG concentrations threaten the interests of NWECC and its members by

contributing to increases in average temperatures, changes in vegetation zones, higher elevation treelines, shifting biomes, disrupted animal and plant breeding, a longer and more intense allergy season, rising sea levels, declining snowpacks, longer fire seasons, drier summers, and warmer stream and river temperatures.

13. In light of NWEC's involvement with ESSB 6001, its staff and members have special expertise on issues relevant to the present adjudication. For example, if allowed to intervene, I can personally testify on the functions and purposes of ESSB 6001, its interaction with chapter 80.70 RCW and Executive Order 07-02, the legislative intent behind ESSB 6001, and past applications of chapter 80.70 RCW. I can also testify about the renewable energy and energy efficiency potential in Washington State, how the PMEC may impact the availability and development of such resources, and provide an overview of major climate change events and reports occurring over the last several years.

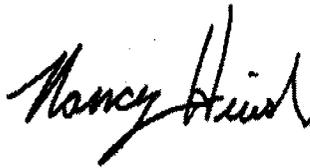
14. The organizational members of NWEC have expertise in the technical issues surrounding the PMEC application. If allowed to intervene, NWEC, on behalf of its members, intends to offer the evidence addressing the following issues:

- a. The sufficiency of ENW's plan for carbon sequestration;
- b. The life-cycle environmental and economic impacts resulting from the use of various fuel supplies identified by ENW for the PMEC;
- c. How increases in greenhouse gas emissions from operation of the PMEC may impact the people and ecology of the Pacific Northwest; and
- d. The lessons learned from implementation of the California law that served as a model for ESSB 6001.

NWEC is currently in discussion with its member organizations and other organizations to

secure experts to testify to the issues listed above. If allowed to intervene, NWECC intends to conduct discovery on the technical aspects of the proposed carbon sequestration plan and other emissions mitigation efforts at issue in the PMEC application. NWECC will have its experts and others review such discovery and provide EFSEC with analysis of the technical and economic feasibility of the PMEC proposal.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 12 day of September, 2007, at Seattle, Washington.



---

NANCY HIRSH

