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DOCKET 09-AFC-3
DATE JAN 9 1 2011
RECD. JAN 2 1 2011

STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission

In the Matter of:) DOCKET: 09-AFC-03
) EXHIBIT 901
Mariposa Energy Project) REBUTTAL TESTIMONY OF
_____) DICK SCHNIEDER

The Mariposa Energy Project will make it impossible for Alameda County to meet its greenhouse gas (GHG) reduction targets contained in the county's Climate Action Plan for Unincorporated Communities.¹ In 2010, Alameda County prepared a Climate Action Plan (CAP) to comply with state mandates to reduce greenhouse gas emissions. The CAP was adopted by the Alameda County Planning Commission on November 15, 2010, and is now before the Board of Supervisors for action.

The CAP is a policy document enabling Alameda County to meet State Laws AB 32 and SB 375, which require the county to reduce its GHG emissions to 1990 levels. This is a decrease of approximately 15% from the County's 2005 levels. Actions in the Alameda County CAP, if fully implemented, will enable the County's unincorporated areas to reduce their GHG emissions by 238,200 Metric Tons per year (MT/Yr) of Carbon Dioxide Equivalents, which is 15% below 2005 levels.²

However, operation of the Mariposa Energy Project will release 440,533 MT/Yr of Carbon Dioxide Equivalents.³ This level of emissions is nearly two times all the emission reductions the County hopes to achieve in its CAP, completely vitiating the County's ability to meet its requirements under State Law.

¹ Alameda County (Unincorporated Areas) Community Climate Action Plan, available at http://www.acgov.org/cda/planning/documents/100921_Alameda_CAP_Public_Review_FinalV2_hi-res.pdf
² Ibid., Page 1.
³ Mariposa Energy Project, Application for Certification, Table 5.1-19. available at http://www.energy.ca.gov/sitingcases/mariposa/documents/applicant/afc/MEP%20Volume%201/MEP_005.1_Air%20Quality.pdf

RESUME OF DICK SCHNEIDER

My name is Richard A. Schneider. I reside at 6867 Wilton Drive, Oakland, CA 94611. I am a scientific writer and environmental policy consultant. I received a B.A. in Anatomy and Physiology from the University of California at Berkeley and an M.S. in Energy and Resources from the University of California at Berkeley. I am co-author of *Toxics A to Z: A Guide to Everyday Pollution Hazards* (University of California Press, 1991) and a member of the American Association for the Advancement of Science.

I was co-author of Alameda County Measure D, the Save Agriculture and Open Space Lands Initiative, passed by the Alameda County electorate on November 7, 2000. I was one of four legal proponents of Measure D and co-chaired Citizens for Open Space in Alameda County, the committee created to pass the initiative. Subsequent to the enactment of Measure D, I advised attorneys from Alameda County Counsel's office and from Earthjustice Legal Defense Fund who defended Measure D in the court challenge brought by developers. Measure D was upheld in its entirety by both the Alameda County Superior Court and by the State of California Court of Appeal. Currently, I serve as the primary Sierra Club spokesperson for Measure D, and I am regularly involved in official county proceedings implementing the initiative.

From 1999 through 2002, I served as Conservation Chair of the Sierra Club San Francisco Bay Chapter. The Bay Chapter encompasses Alameda, Contra Costa, Marin, and San Francisco counties. It has approximately 35,000 members. Previously I chaired the Sierra Club Northern California-Nevada Regional Energy Committee. During 2010, I was a member of the Sierra Club Task Force for the Alameda County Climate Action Plan.

Previous testimonies to the California Energy Commission include:

Richard A. Schneider, Richard Sextro, Anthony Usibelli, "Sierra Club Testimony in the Matter of the California Energy Commission Position on Need for the Harry Allen-Warner Valley Energy System," on behalf of the Sierra Club Northern California Regional Conservation Committee, 5 May 1980.

Richard A. Schneider and Michael R. Eaton, "Managing Nuclear Wastes: California Policy and the Federal Program, A discussion of the status of nuclear waste reprocessing and storage in the context of Sections 25524.1 and 25524.3 of the California Resources Code," (Sierra Club, San Francisco, 1978), 110 pp.

Richard Schneider, "Sierra Club Testimony before the State of California Energy Resources Conservation and Development Commission regarding the Policy Overview Section of the Biennial Report," on behalf of the Sierra Club California Energy Task Force, 10 December 1976.

DECLARATION OF SERVICE

I, Alan Carlton, declare that on January 21, 2011, I served and filed copies of the attached Mariposa Energy Project (MEP) (09-AFC-3) Declaration of Alan Carlton. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[<http://www.energy.ca.gov/sitingcases/mariposa/index.html>].

The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

For service to all other parties:

sent electronically to all email addresses on the Proof of Service list;

by personal delivery or by depositing in the United States mail at Sacramento, California, with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 09-AFC-3
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I declare under penalty of perjury that the foregoing is true and correct.

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