

S271869

IN THE SUPREME COURT OF CALIFORNIA

CHEVRON U.S.A., INC., et al.

Plaintiffs and Respondents,

vs.

COUNTY OF MONTEREY, et al.

Defendants;

PROTECT MONTEREY COUNTY and DR. LAURA SOLORIO

Intervenors and Appellants.

After a Decision by the Court of Appeal
Sixth Appellate District, Case No. H045791

Appeal from a Judgment Entered in Favor of Plaintiffs
Monterey County Superior Court
Case No. 16-CV-3978 and consolidated cases
Honorable Thomas W. Wills, Judge

INTERVENORS' MOTION REQUESTING JUDICIAL NOTICE

Volume 7, Pages 472 - 484

Catherine Engberg (SBN 220376)
*Kevin P. Bundy (SBN 231686)
Aaron M. Stanton (SBN 312530)
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, California 94102
Telephone: (415) 552-7272
Facsimile: (415) 552-5816
Engberg@smwlaw.com
Bundy@smwlaw.com
Stanton@smwlaw.com

*Deborah A. Sivas (SBN 135446)
Environmental Law Clinic
Mills Legal Clinic at Stanford
Law School
559 Nathan Abbott Way
Stanford, California 94305-8610
Telephone: (650) 723-0325
Facsimile: (650) 723-4426
Dsivas@stanford.edu

(Additional attorneys listed on next page)

*Hollin Kretzmann (SBN 290054)
Center for Biological Diversity
1212 Broadway, Suite 800
Oakland, California 94612
Telephone: (510) 844-7100
Facsimile: (510) 844-7150
Hkretzmann@biologicaldiversity.org

*Michael Geibelson (SBN 179970)
Robins Kaplan LLP
2049 Century Park East, #3400
Los Angeles, California 90067
Telephone: (310) 552-0130
Facsimile: (310) 229-5800
MGeibelson@RobinsKaplan.com

Attorneys for Intervenors and Appellants
PROTECT MONTEREY COUNTY and DR. LAURA SOLORIO

INTERVENORS' CHRONOLOGICAL INDEX

<u>Date</u>	<u>Title of Document</u>	<u>Volume</u>	<u>First Page</u>
1961	Exhibit A Legislative History of Senate Bill 703, Chapter 2074 (1961)	2	14
1970	Exhibit B Legislative History of Senate Bill 161, Chapter 799 (1970)	3	148
1970	Exhibit B, Continued Legislative History of Senate Bill 161, Chapter 799 (1970)	4	232
1972	Exhibit C Legislative History of Senate Bill 1022, Chapter 898 (1972)	5	330
1972	Exhibit C, Continued Legislative History of Senate Bill 1022, Chapter 898 (1972)	6	378
Sept. 10, 2018	Exhibit D Governor's Executive Order No. B-55-18	7	472
Sept. 23, 2020	Exhibit E Governor's Executive Order No. N-79-20	7	479
Mar. 28, 2022	Motion Requesting Judicial Notice	1	1

INTERVENORS' ALPHABETICAL INDEX

<u>Title of Document</u>	<u>Date</u>	<u>Volume</u>	<u>First Page</u>
Exhibit A Legislative History of Senate Bill 703, Chapter 2074 (1961)	1961	2	14
Exhibit B Legislative History of Senate Bill 161, Chapter 799 (1970)	1970	3	148
Exhibit B, Continued Legislative History of Senate Bill 161, Chapter 799 (1970)	1970	4	232
Exhibit C Legislative History of Senate Bill 1022, Chapter 898 (1972)	1972	5	330
Exhibit C, Continued Legislative History of Senate Bill 1022, Chapter 898 (1972)	1972	6	378
Exhibit D Governor's Executive Order No. B-55-18	Sept. 10, 2018	7	472
Exhibit E Governor's Executive Order No. N-79-20	Sept. 23, 2020	7	479
Motion Requesting Judicial Notice	Mar. 28, 2022	1	1

EXHIBIT D

EXECUTIVE ORDER B-55-18 TO ACHIEVE CARBON NEUTRALITY

WHEREAS climate change is causing historic droughts, devastating wildfires, torrential storms, extreme heat, the death of millions of trees, billions of dollars in property damage, and threats to human health and food supplies; and

WHEREAS California's forests, agricultural and ranch lands, wetlands, oceans, and other natural and working landscapes define the beauty and well-being of our state, but tragically are suffering increasing degradation caused by changing climate; and

WHEREAS California has established ambitious targets to reduce carbon emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050; and

WHEREAS nations came together to adopt the Paris Agreement under the United Nations Framework Convention on Climate Change, which calls for preventing average global temperatures from rising more than 2°C (3.6°F) above pre-industrial levels and pursuing efforts to keep warming below 1.5°C (2.7°F); and

WHEREAS California has strong partnerships through the Under2Coalition with more than 200 jurisdictions around the world, representing 1.3 billion people, committing themselves to meeting the Paris Agreement goals and going beyond them wherever possible; and

WHEREAS scientists agree that worldwide carbon pollution must start trending downward by 2020, and carbon neutrality—the point at which the removal of carbon pollution from the atmosphere meets or exceeds emissions—must be achieved by midcentury; and

WHEREAS the achievement of carbon neutrality will require both significant reductions in carbon pollution and removal of carbon dioxide from the atmosphere, including sequestration in forests, soils, and other natural landscapes; and

WHEREAS California's 2017 Climate Scoping Plan charts the steps to achieve the state's greenhouse gas emissions goals, presenting a balanced set of economically viable and technologically feasible actions for carbon reduction; and

WHEREAS California has taken the following specific steps to reduce greenhouse gas emissions:

- Requiring significant reductions of destructive super pollutants including black carbon and methane;
- Supporting clean transportation to reduce petroleum use 45 percent by 2030;
- Setting a goal of 5 million zero emission vehicles by 2030;
- Proposing to double the reduction in the carbon intensity of fuels through the Low Carbon Fuel Standard by 2030;
- Moving the state to 100 percent clean energy by 2045;
- Requiring the state to double the rate of energy efficiency savings in buildings;
- Extending and improving the state's cap-and-trade program;
- Directing cap-and-trade funds to greenhouse gas reducing programs which benefit disadvantaged communities;
- Developing a Forest Carbon Plan to better manage California's forest land.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, do hereby issue this Executive Order, effective immediately:

IT IS HEREBY ORDERED THAT:

1. A new statewide goal is established to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter. This goal is in addition to the existing statewide targets of reducing greenhouse gas emissions.
2. The California Air Resources Board shall work with relevant state agencies to develop a framework for implementation and accounting that tracks progress toward this goal.
3. The California Air Resources Board shall work with relevant state agencies to ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal.
4. The California Natural Resources Agency, the California Environmental Protection Agency, the California Air Resources Board, and the California Department of Food and Agriculture shall include sequestration targets in the Natural and Working Lands Climate Change Implementation Plan consistent with the carbon neutrality goal.
5. All policies and programs undertaken to achieve carbon neutrality shall seek to improve air quality and support the health and economic resiliency of urban and rural communities, particularly low-income and disadvantaged communities.
6. All policies and programs undertaken to achieve carbon neutrality shall be implemented in a manner that supports climate adaptation and biodiversity, including protection of the state's water supply, water quality and native plants and animals.
7. State agencies will engage the support, participation, and partnership of universities, businesses, investors, and communities, as appropriate, to achieve the goals contained in this order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 10th day of September 2018.

EDMUND G. BROWN, JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State



EXHIBIT E

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-79-20

WHEREAS the climate change crisis is happening now, impacting California in unprecedented ways, and affecting the health and safety of too many Californians; and

WHEREAS we must accelerate our actions to mitigate and adapt to climate change, and more quickly move toward our low-carbon, sustainable and resilient future; and

WHEREAS the COVID-19 pandemic has disrupted the entire transportation sector, bringing a sharp decline in demand for fuels and adversely impacting public transportation; and

WHEREAS as our economy recovers, we must accelerate the transition to a carbon neutral future that supports the retention and creation of high-road, high-quality jobs; and

WHEREAS California's long-term economic resilience requires bold action to eliminate emissions from transportation, which is the largest source of emissions in the State; and

WHEREAS the State must prioritize clean transportation solutions that are accessible to all Californians, particularly those who are low-income or experience a disproportionate share of pollution; and

WHEREAS zero emissions technologies, especially trucks and equipment, reduce both greenhouse gas emissions and toxic air pollutants that disproportionately burden our disadvantaged communities of color; and

WHEREAS California is a world leader in manufacturing and deploying zero-emission vehicles and chargers and fueling stations for cars, trucks, buses and freight-related equipment; and

WHEREAS passenger rail, transit, bicycle and pedestrian infrastructure, and micro-mobility options are critical components to the State achieving carbon neutrality and connecting communities, requiring coordination of investments and work with all levels of governments including rail and transit agencies to support these mobility options; and

WHEREAS California's policies have contributed to an on-going reduction in in-state oil extraction, which has declined by over 60 percent since 1985, but demand for oil has not correspondingly declined over the same period of time; and

WHEREAS California is already working to decarbonize the transportation fuel sector through the Low Carbon Fuel Standard, which recognizes the full life cycle of carbon in transportation emissions including transport into the State; and

WHEREAS clean renewable fuels play a role as California transitions to a decarbonized transportation sector; and

WHEREAS to protect the health and safety of our communities and workers the State must focus on the impacts of oil extraction as it transitions away from fossil fuel, by working to end the issuance of new hydraulic fracturing permits by 2024; and

WHEREAS a sustainable and inclusive economic future for California will require retaining and creating high-road, high-quality jobs through sustained engagement with communities, workers and industries in changing and growing industries.

NOW THEREFORE, I, GAVIN NEWSOM, Governor of the State of California by virtue of the power and authority vested in me by the Constitution and the statutes of the State of California, do hereby issue the following Order to pursue actions necessary to combat the climate crisis.

IT IS HEREBY ORDERED THAT:

1. It shall be a goal of the State that 100 percent of in-state sales of new passenger cars and trucks will be zero-emission by 2035. It shall be a further goal of the State that 100 percent of medium- and heavy-duty vehicles in the State be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks. It shall be further a goal of the State to transition to 100 percent zero-emission off-road vehicles and equipment by 2035 where feasible.
2. The State Air Resources Board, to the extent consistent with State and federal law, shall develop and propose:
 - a) Passenger vehicle and truck regulations requiring increasing volumes of new zero-emission vehicles sold in the State towards the target of 100 percent of in-state sales by 2035.
 - b) Medium- and heavy-duty vehicle regulations requiring increasing volumes of new zero-emission trucks and buses sold and operated in the State towards the target of 100 percent of the fleet transitioning to zero-emission vehicles by 2045 everywhere feasible and for all drayage trucks to be zero-emission by 2035.
 - c) Strategies, in coordination with other State agencies, U.S. Environmental Protection Agency and local air districts, to achieve 100 percent zero-emission from off-road vehicles and equipment operations in the State by 2035.

In implementing this Paragraph, the State Air Resources Board shall act consistently with technological feasibility and cost-effectiveness.

3. The Governor's Office of Business and Economic Development, in consultation with the State Air Resources Board, Energy Commission, Public Utilities Commission, State Transportation Agency, the

Department of Finance and other State agencies, local agencies and the private sector, shall develop a Zero-Emissions Vehicle Market Development Strategy by January 31, 2021, and update every three years thereafter, that:

- a) Ensures coordinated and expeditious implementation of the system of policies, programs and regulations necessary to achieve the goals and orders established by this Order.
 - b) Outlines State agencies' actions to support new and used zero-emission vehicle markets for broad accessibility for all Californians.
4. The State Air Resources Board, the Energy Commission, Public Utilities Commission and other relevant State agencies, shall use existing authorities to accelerate deployment of affordable fueling and charging options for zero-emission vehicles, in ways that serve all communities and in particular low-income and disadvantaged communities, consistent with State and federal law.
 5. The Energy Commission, in consultation with the State Air Resources Board and the Public Utilities Commission, shall update the biennial statewide assessment of zero-emission vehicle infrastructure required by Assembly Bill 2127 (Chapter 365, Statutes of 2018) to support the levels of electric vehicle adoption required by this Order.
 6. The State Transportation Agency, the Department of Transportation and the California Transportation Commission, in consultation with the Department of Finance and other State agencies, shall by July 15, 2021 identify near term actions, and investment strategies, to improve clean transportation, sustainable freight and transit options, while continuing a "fix-it-first" approach to our transportation system, including where feasible:
 - a) Building towards an integrated, statewide rail and transit network, consistent with the California State Rail Plan, to provide seamless, affordable multimodal travel options for all.
 - b) Supporting bicycle, pedestrian, and micro-mobility options, particularly in low-income and disadvantaged communities in the State, by incorporating safe and accessible infrastructure into projects where appropriate.
 - c) Supporting light, medium, and heavy duty zero-emission vehicles and infrastructure as part of larger transportation projects, where appropriate.
 7. The Labor and Workforce Development Agency and the Office of Planning and Research, in consultation with the Department of Finance and other State agencies, shall develop by July 15, 2021 and expeditiously implement a Just Transition Roadmap, consistent with the recommendations in the "Putting California on the High Road: A Jobs and Climate Action Plan for 2030" report pursuant to Assembly Bill 398 (Chapter 135, Statutes of 2017).

8. To support the transition away from fossil fuels consistent with the goals established in this Order and California's goal to achieve carbon neutrality by no later than 2045, the California Environmental Protection Agency and the California Natural Resources Agency, in consultation with other State, local and federal agencies, shall expedite regulatory processes to repurpose and transition upstream and downstream oil production facilities, while supporting community participation, labor standards, and protection of public health, safety and the environment. The agencies shall report on progress and provide an action plan, including necessary changes in regulations, laws or resources, by July 15, 2021.
9. The State Air Resources Board, in consultation with other State agencies, shall develop and propose strategies to continue the State's current efforts to reduce the carbon intensity of fuels beyond 2030 with consideration of the full life cycle of carbon.
10. The California Environmental Protection Agency and the California Natural Resources Agency, in consultation with the Office of Planning and Research, the Department of Finance, the Governor's Office of Business and Economic Development and other local and federal agencies, shall develop strategies, recommendations and actions by July 15, 2021 to manage and expedite the responsible closure and remediation of former oil extraction sites as the State transitions to a carbon-neutral economy.
11. The Department of Conservation's Geologic Energy Management Division and other relevant State agencies shall strictly enforce bonding requirements and other regulations to ensure oil extraction operators are responsible for the proper closure and remediation of their sites.
12. The Department of Conservation's Geologic Energy Management Division shall:
 - a) Propose a significantly strengthened, stringent, science-based health and safety draft rule that protects communities and workers from the impacts of oil extraction activities by December 31, 2020.
 - b) Post on its website for public review and consultation a draft rule at least 60 days before submitting to the Office of Administrative Law.

IT IS FURTHER ORDERED that as soon as hereafter possible, the Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 23rd day of September 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **CHEVRON U.S.A. v. COUNTY OF MONTEREY (PROTECT MONTEREY COUNTY)**

Case Number: **S271869**

Lower Court Case Number: **H045791**

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **bundy@smwlaw.com**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
BRIEF	FINAL 2022.03.28 Intervenors_ Opening Brief FINAL AS FILED
REQUEST FOR JUDICIAL NOTICE	Volume 1
REQUEST FOR JUDICIAL NOTICE	Volume 2
REQUEST FOR JUDICIAL NOTICE	Volume 3
REQUEST FOR JUDICIAL NOTICE	Volume 4
REQUEST FOR JUDICIAL NOTICE	Volume 5
REQUEST FOR JUDICIAL NOTICE	Volume 6
REQUEST FOR JUDICIAL NOTICE	Volume 7
PROOF OF SERVICE	FINAL 2022.03.28 - POS RJN Vol. 1-7

Service Recipients:

Person Served	Email Address	Type	Date / Time
Sean Hecht Frank G. Wells Environmental Law Clinic 181502	hecht@law.ucla.edu	e-Serve	3/28/2022 7:51:54 PM
Theodore Boutrous Gibson Dunn & Crutcher LLP 132099	tboutrous@gibsondunn.com	e-Serve	3/28/2022 7:51:54 PM
Jeffrey Dintzer Alston & Bird LLP 139056	jeffrey.dintzer@alston.com	e-Serve	3/28/2022 7:51:54 PM
Dione Garlick Gibson, Dunn & Crutcher 293012	dgarlick@gibsondunn.com	e-Serve	3/28/2022 7:51:54 PM
Andrew Bassak Hanson Bridgett LLP 162440	abassak@hansonbridgett.com	e-Serve	3/28/2022 7:51:54 PM
Donald Oldaker Clifford and Brown 166230	doldaker@clifford-brownlaw.com	e-Serve	3/28/2022 7:51:54 PM
Kevin Bundy	bundy@smwlaw.com	e-	3/28/2022

Shute, Mihaly & Weinberger LLP 231686		Serve	7:51:54 PM
Leslie Girard Monterey County Counsel	girardlj@co.monterey.ca.us	e-Serve	3/28/2022 7:51:54 PM
Gene Tanaka Best Best & Krieger LLP 101423	gene.tanaka@bbklaw.com	e-Serve	3/28/2022 7:51:54 PM
Todd Smith Ragghianti Freitas LLP	tsmith@rflawllp.com	e-Serve	3/28/2022 7:51:54 PM
Deborah Sivas Mills Legal Clinic at Stanford Law School 135446	dsivas@stanford.edu	e-Serve	3/28/2022 7:51:54 PM
Michael Geibelson Robins Kaplan LLP 179970	mgeibelson@robinskaplan.com	e-Serve	3/28/2022 7:51:54 PM
Hollin Kretzmann Center For Biological Diversity 290054	hkretzmann@biologicaldiversity.org	e-Serve	3/28/2022 7:51:54 PM
Jacqueline Zischke Attorney at Law 171670	jzischkelaw@charter.net	e-Serve	3/28/2022 7:51:54 PM
Jason Retterer JRG Attorneys at Law 194651	jason@jrgattorneys.com	e-Serve	3/28/2022 7:51:54 PM
Edward Renwick Hanna and Morton LLP 29325	erenwick@hanmor.com	e-Serve	3/28/2022 7:51:54 PM
Barton Thompson Attorney at Law 72927	bthompson@omm.com	e-Serve	3/28/2022 7:51:54 PM
Alison Hahm Communities for a Better Environment 336969	ahahm@cbecal.org	e-Serve	3/28/2022 7:51:54 PM
Julia Forgie NRDC 304701	jforgie@nrdc.org	e-Serve	3/28/2022 7:51:54 PM
Elizabeth Vissers Office of the County County, County of Santa Clara 321365	elizabeth.vissers@cco.sccgov.org	e-Serve	3/28/2022 7:51:54 PM
Matthew Kline O'Melveny & Myers LLP 211640	mkline@omm.com	e-Serve	3/28/2022 7:51:54 PM
Matthew C. Wickersham 241733	matt.wickersham@alston.com	e-Serve	3/28/2022 7:51:54 PM
Dana L. Craig	dcraig@gibsondunn.com	e-Serve	3/28/2022 7:51:54 PM
Christopher A. Rheinheimer 253890	crheinheimer@hansonbridgett.com	e-Serve	3/28/2022 7:51:54 PM

Heather A. Welles 302256	hwelles@omm.com	e-Serve	3/28/2022 7:51:54 PM
Dimitri D. Portnoi 282871	dportnoi@omm.com	e-Serve	3/28/2022 7:51:54 PM
Glenn Danas 270317	gdanas@robinskaplan.com	e-Serve	3/28/2022 7:51:54 PM
David Balch 226519	david@jrgattorneys.com	e-Serve	3/28/2022 7:51:54 PM
Daniel Ress	dress@crpe-ej.org	e-Serve	3/28/2022 7:51:54 PM
Damon Nagami	dnagami@nrdc.org	e-Serve	3/28/2022 7:51:54 PM

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

3/28/2022

Date

/s/Kevin Bundy

Signature

Bundy, Kevin (231686)

Last Name, First Name (PNum)

Shute, Mihaly & Weinberger LLP

Law Firm