

**CEASE AND DESIST ORDER CCC-25-CD-01,  
RESTORATION ORDER CCC-25-RO-01,  
ADMINISTRATIVE CIVIL PENALTY CCC-25-AP3-01**

**1.0 CEASE AND DESIST ORDER CCC-25-CD-01**

Pursuant to its authority under California Public Resource Code (“PRC”) Section 30810, the California Coastal Commission (“the Commission”) hereby orders and authorizes Sable Offshore Corporation (“Sable”); its successors in interest, heirs, officers, managers, assigns, employees, agents, and contractors; and any other persons or entities acting in concert with any of the foregoing (hereinafter collectively referred to as “Sable”) to take all actions required by this Cease and Desist Order, in compliance with its terms, including by complying with the following:

- 1.1 Cease and desist from engaging in or undertaking any development, as that term is defined in the Coastal Act (PRC Section 30106) and the Santa Barbara County Local Coastal Program (at Section 35-58), that requires a coastal development permit on any of the property and/or locations defined in Section 4.3, below, as the Santa Ynez Unit unless confirmed by the Executive Director of the Coastal Commission to have received the requisite Coastal Act authorization or to be exempt, including but not limited to the following development undertaken or planned at A) locations onshore: excavation; removal of major vegetation; fill of wetlands; grading and widening of roads; installation of metal plates over water courses; dewatering and discharge of water; removal, replacement, and reinforcement of pipeline and pipeline infrastructure; and other development associated with the return to service of Las Flores Pipelines CA-324 and CA-325 and; B) at locations offshore: placement of sand and cement bags on the seafloor below and adjacent to Sable’s out-of-service offshore oil and water pipelines; as part of an effort to restart the Santa Ynez Unit oil production operations and bring the pipelines back into use.
- 1.2 Fully and completely comply with the terms and conditions set forth herein, including the terms and conditions of Cease and Desist Order No. CCC-25-CD-01, Restoration Order No. CCC-25-RO-01, and Administrative Penalty No. CCC-25-AP3-01 (collectively, “Orders”). These Orders provide authorization under the Coastal Act for the development required herein, including any restoration activities described below, so long as such development is undertaken in accordance with the terms and conditions of these Orders.
- 1.3.A Within 30 days of the effective date of these Orders, submit complete coastal development permit (“CDP”) applications or a single consolidated CDP application (as provided for in the Coastal Act in PRC Section 30601.3) for: (a) after the fact (“ATF”) authorization for all unpermitted development as defined in Section 4.2, below, conducted at both onshore and offshore locations; as well as

(b) prospective authorization for any proposed development activities that have not yet been completed but that are contemplated in Sable's current plans. Sable shall not withdraw or impede final action in any way on this CDP application(s). Sable shall comply with the terms and conditions of any CDP approved pursuant to the application(s) submitted under these Orders by the deadlines required in the CDP(s).

1.3.B A complete CDP application shall include, at a minimum,

For onshore development:

- Site plans for each anomaly repair location depicting, but not limited to: topographic contours, grading (cut, fill, export), sensitive resources (Environmentally Sensitive Habitat Area ("ESHA"), wetlands), applicable Best Management Practices ("BMPs"), equipment staging, stockpiles, details specific to work to be performed at each site (wrap, pipeline cut and replacement), cross sections and diagrams of the work to be performed, and surveys of property lines/easements/right-of-ways;
- Grading totals (cut, fill, export) for each site and all of the types of work (anomaly excavation, road creation/widening/maintenance, crossings of wetlands or watercourses, etc.) plus the combined total grading for all of the work (both that already occurred and future proposed development);
- Specific details on the amount and type of vegetation clearing and trimming (area, amount of limbing, plant species and alliances, per the Manual of California Vegetation);
- List of all construction and erosion control BMPs;
- Geology and soils report;
- Site-specific biological survey reports prepared by a qualified biologist;
- A site survey of all ESHA buffers of 100 feet from location of ESHA;
- Site-specific delineation of single parameter wetlands;
- Measures to avoid, minimize and mitigate for adverse impacts to ESHA, wetlands and sensitive plant and animal species;
- Site-specific cultural resources surveys and measures to avoid and minimize potential adverse impacts on cultural resources (including outreach and coordination with Tribes that may have cultural connections to the restoration area and use of tribal monitors during ground disturbance activities);
- Project schedule (with a breakdown of the hours of construction, number of days and time of year that construction took place or is proposed to take place at each location);
- Evidence that permits or authorization from other agencies have been granted or applied for;
- CEQA determination.

For offshore development:

- Site plans for each span remediation location depicting, but not limited to: bathymetric contours, fill placement areas, results of marine habitat surveys (such as sandy bottom, rocky, reef, kelp), applicable BMPs including material staging/stockpiles/hazardous materials and spill response, details specific to work to be performed at each site (such as number of bags, slopes), cross sections and diagrams of the work performed;
- Information on the vessels and ROVs that were used for the work and information on how the vessels and ROVs were maintained to prevent the release of any fuel or oils;
- Information on where the vessels were moored and how they transited to and from the site;
- Information on any commercial and recreational fishing in the area that could have been affected by project activities and any advance coordination that occurred with fishing communities;
- Information on the specific type of cement mix used and information demonstrating how it will be safe for use in the marine environment over the life of the development;
- In the event that anchors are needed, identify contingency anchor areas away from sensitive marine habitat and species;
- Marine resources survey including survey of the seafloor and information on marine species in the area of the development. This should also include a quantification of the totals of each type of benthic habitat impacted by the development as well as the methodology used for the survey;
- Analysis of alternatives to the proposed cement bags, and measures to avoid or minimize quantity of fill and potential adverse impacts from the fill (e.g. use different materials other than concrete that may have less of an environmentally impact (i.e., 100% sand, use of "T bar" support, change in orientation/slope of the bags to minimize their impact on the seafloor);
- Site-specific cultural resources surveys of the development area and measures to avoid and minimize potential adverse impacts on cultural resources;
- Project schedule with hours of construction, total number of days, and time of year work occurred;
- Evidence that permits or authorization from other agencies have been granted or applied for;
- CEQA determination

Sable shall provide complete responses to any request for information made by the appropriate permitting agency within 10 days of the date of such request, unless additional time is provided by the Executive Director pursuant to Section 14, below.

- 1.3.C Sable shall submit the application(s) required by Section 1.3.A in one of the following manners: (a) as one, consolidated permit application, submitted to the Commission pursuant to PRC section 30601.3; or (b) if the County agrees to process an application for the work within its LCP permitting jurisdiction, Sable may submit an application for the work in that area to the County, and a separate application for the work in the Commission's permitting jurisdiction to the Commission. To maximize the likelihood of compliance with these Orders and to rectify this matter in the most efficient manner possible, thereby limiting the costs to the state and increasing the potential for accelerated restoration and reduced impacts on resources, if Sable elects to proceed with option (a), above (consolidated CDP application), the Administrative Penalty outlined in Section 3, below, will be reduced according to the provisions of that section. The Executive Director may extend the deadline for submittal of the CDP application pursuant to Section 14, below.
- 1.3.D In the event the appropriate permitting agency denies the CDP application in whole or in part, Sable shall submit, for the review and approval of the Executive Director of the Commission, a Removal Plan that provides for the removal of that development that was already completed but for which after-the-fact authorization was denied. Sable shall submit this Removal Plan within 30 days of final action on said denial and shall commence implementation of this Removal Plan within 30 days of Executive Director approval thereof and shall complete all removal and activities within 30 days of commencement, unless an extension is granted by the Executive Director for good cause pursuant to Section 14, below. If the Executive Director determines that any removal activities negatively impacted resources protected under the Coastal Act, Respondent shall submit an amendment to the Restoration Plan required pursuant to Section 6, below, to restore any resources impacted.
- 1.3 Obtain and comply with the terms and conditions of all other mandatory approvals or permits for the work required herein that are issued by other government agencies having jurisdiction over that work, consistent with these Orders, and comply with the terms and conditions of such approvals/permits.
- 1.4 Any questions of intent or interpretation of any condition in the CDP issued pursuant to the terms of these Orders will be resolved by the Executive Director of the Commission after consultation with Sable.

## **2.0 RESTORATION ORDER CCC-25-RO-01**

Pursuant to its authority under PRC Section 30811, the Commission hereby orders and authorizes Sable to undertake all the restorative actions set forth in Section 6.0, below.

## **3.0 ADMINISTRATIVE PENALTY CCC-25-AP3-01**

- 3.1. Pursuant to its authority under PRC Section 30821.3, the Commission hereby imposes on Sable an administrative penalty of \$14,987,250
- 3.2. To maximize the likelihood of compliance with these Orders and to rectify this matter in the most efficient manner possible, thereby limiting the costs to the state and increasing the potential for accelerated restoration and reduced impacts on resources, if Sable elects to proceed with option (a) as described in Section 1.3.C, above (consolidated CDP application), the Administrative Penalty will be reduced by 10% of the total amount (i.e., \$1,498,725). If, however, at any point prior to the Commission staff filing the CDP application as complete, Sable takes any steps that would interfere with the processing of the CDP application, including any attempt to delay or avoid submittal of the CDP application, the penalty amount shall not be reduced, and Sable shall be required to pay any remaining penalty amount to bring the full payment up to \$14,987,250.
- 3.3. Within 180 days of the effective date of this Administrative Penalty, Sable shall pay the full penalty (or reduced penalty pursuant to Section 3.2, above). The monetary penalty shall be made out to and deposited in the Violation Remediation Account administered by the California State Coastal Conservancy (see PRC Section 30821.3(k) and 30823). The monetary penalty shall be submitted to the Commission's San Francisco office, at the address provided in Section 7.0, to the attention of Stephanie Cook of the Commission, payable to the account designated under the Coastal Act, and include a reference to these Orders by number.

#### **4.0 DEFINITIONS COMMON TO ALL ORDERS**

- 4.1 Orders: Cease and Desist Order No. CCC-25-CD-01, Restoration Order No. CCC-25-RO-01, and Administrative Civil Penalty CCC-25-AP3-01 are collectively referred to herein as "the" or "these Orders."
- 4.2 Unpermitted Development: The phrase "Unpermitted Development" as used herein means all "development" as that term is defined in PRC Section 30106 that Sable has undertaken in the Coastal Zone that required authorization pursuant to the Coastal Act but for which no such authorization was obtained, including, but not limited to, excavation with heavy equipment; removal of major vegetation; grading and widening of roads; installation of metal plates and other fill material within wetlands; dewatering and discharge of water; pipeline removal, replacement, and reinforcement; installation of shutoff valves; and other development associated with the Las Flores Pipelines CA-324 and CA-325; as well as offshore development including, but not necessarily limited to, placing sand and cement bags on the seafloor below and adjacent to out-of-service offshore oil and water pipelines; all without the requisite Coastal

Act authorization, as part of an effort to restart Santa Ynez Unit oil production operations and bring the pipelines back into use.

- 4.3 Santa Ynez Unit: The Santa Ynez Unit consists of three offshore platforms (Hondo, Harmony, and Heritage), Las Flores Canyon processing facility, Pacific Offshore Pipeline Company (POPCO) Gas Plant, associated electrical transmission facilities and lines, oil, natural gas and produced water transport pipelines, including pipelines CA-325 and CA-325 and associated rights-of-way (ROW) and easements.
- 4.4 Restoration Area: All areas within, along, or around the Santa Ynez Unit, as defined above, and any other areas impacted in connection with work on any portion of the Santa Ynez Unit, upon which Unpermitted Development occurred. This identifies the location where the unpermitted development was undertaken.

## **5.0 ENTITIES AND PERSONS SUBJECT TO THIS CEASE AND DESIST ORDER, RESTORATION ORDER, AND ADMINISTRATIVE PENALTY ACTION**

Sable Offshore Corp.; its successors in interest, assigns, lessees, officers, managers, employees, agents, and contractors; and any other persons or entities acting in concert with or on behalf of any of the foregoing are jointly and severally subject to all requirements of these Orders.

## **6.0 RESTORATION PLAN**

Within 60 days of issuance of these Orders, Sable shall submit, for the review and approval of the Commission's Executive Director a Revegetation Plan; a Temporary Erosion Control Plan, a Remedial Grading Plan, a Cultural Resources Plan, and a Monitoring Plan (hereinafter collectively referred to as "the Restoration Plan"). The Restoration Plan shall set forth the measures that Sable shall undertake to implement erosion control measures, undertake remedial grading, revegetate the Restoration Area to address permanent and temporal losses of habitat and other resources affected by the Unpermitted Development, implement cultural resource protections and monitoring, and monitor the restoration to ensure the success of restoration activities.

### **6.1 General Provisions of the Restoration Plan:**

- 6.1.A The Restoration Plan shall include an initial assessment of all Unpermitted Development and a site-specific biological assessment for all of the areas in which Unpermitted Development occurred. This will form the basis of the Restoration Area as defined in Section 4.4. These initial site assessments shall include, at a minimum, a plan that (a) delineates all areas where the development listed in Section 4.2 was undertaken, (b) details the nature of the

work undertaken, and (c) identifies the coastal resources, specifically: on the ground environmentally sensitive habitat areas (“ESHA”), including but not limited to riparian, oak woodland, chaparral, coastal sage scrub, and/or native grasslands, as shown on a biological resources survey, (d) a single-parameter wetlands delineation, (e) an evaluation of protected plant and animal species in those areas that could have been affected by the Unpermitted Development, and the timing and duration of all Unpermitted Development, including as such development relates to the timing of bird and other animals’ nesting and breeding seasons, including but not limited to those species identified under the California Endangered Species Act or federal Endangered Species Act such as the southern California steelhead, southwestern pond turtle, tidewater goby, and California red-legged frog. For Unpermitted Development that occurred offshore, Sable shall also include in this initial assessment: the physical and chemical composition of the materials used to form the concrete bags, a survey of the seafloor identifying the type of substrate(s) within the area of the Unpermitted Development (i.e., sandy bottom or rock reef/bedrock) and a quantification of the total of each type of substrate impacted by the Unpermitted Development, a survey identifying the marine species in the area of the Unpermitted Development, and location of any anchor points that were used. Based on this initial assessment, Sable shall identify areas where the work may have adversely affected coastal resources protected under the Coastal Act and/or the Santa Barbara County Local Coastal Program, and where restoration is needed to address temporal and permanent losses of habitat. The Executive Director will make the final determination of the size and scale of location of, and impacts caused by, the Unpermitted Development. These areas will be known as the Restoration Area.

- 6.1.A.1 Within 15 days of the effective date of these Orders and prior to the submittal of the Restoration Plan, Sable shall submit, for the Executive Director’s review and approval, a description of the qualifications of the proposed Specialist(s), including a description of their educational background, training, and experience related to the preparation and implementation of the Restoration Plan described herein. To meet the requirements to be a qualified Specialist specifically for the restoration component of the Restoration Plan, one must have experience successfully completing restoration projects of a similar scale and scope involving restoration of ESHA in the Gaviota region of Santa Barbara County. A qualified Specialist must also have experience in wildlife surveys, including those species identified under the California Endangered Species Act or federal Endangered Species Act that may be present in or near the Restoration Area (see also Section 6.3.A, below). In addition, to meet the requirements for the development and implementation of plans related to the remedial grading, and erosion activities required herein, a qualified Specialist must have experience successfully designing plans for and implementing these plans for

restoration of wetlands, restorative grading, erosion control, and hydrology.

- 6.1.A.2 The Restoration Plan shall include a survey map from a licensed surveyor, with input from the Specialist(s), drawn to scale, that shows the specific parameters, locations and extents of: 1) the boundaries of the Restoration Area and associated areas affected by the Unpermitted Development; 2) the physical items placed or allowed to come to rest on or in the Restoration Area; 3) the areas from which native vegetation and wetlands were removed or impacted; 4) the current topography of all landscape features within the Restoration Area and the topography of all landscape features within 100 feet of the Restoration Area; 5) the locations of all erosion control measures to be installed pursuant to Section 6.7, below; 6) the locations of all species, individually delineated and labeled, to be planted pursuant to Section 6.9, below; 8) the specific locations and directions from which photographs will be taken for the annual monitoring reports; and 9) the locations where remedial grading will take place. Pursuant to Section 6.8, below.
- 6.1.A.3 The Restoration Plan shall provide that, prior to the initiation of any restoration activities, the boundaries of the Restoration Area shall be physically delineated in the field using temporary non-plastic measures such as fencing or colored wooden stakes. The Restoration Plan shall further provide that all delineation materials shall be removed when no longer needed, and verification of such removal shall be provided in the annual monitoring report corresponding to the reporting period during which the removal occurred. No more than one week prior to commencement of ground disturbance in a particular work area at all restoration sites, a qualified biologist shall survey the ground-disturbance area for any sensitive, protected and/or endangered species, which may include, but be not limited to, California red-legged frog (*Rana draytonii*), southwestern pond turtle (*Actinemys pallida*), tidewater goby (*Eucyclogobius newberryi*) and southern California steelhead (*Oncorhynchus mykiss irideus*), and if any such animals are present within the Restoration Area, shall coordinate with the California Department of Fish and Wildlife ("CDFW") staff to determine if work should be delayed until the species is no longer present or if it can be relocated to nearby suitable habitats an appropriate distance away from the work area.
- 6.1.A.4 The Restoration Plan shall include a specific schedule/timeline of activities for each of the Restoration Plan components; the procedures to be used, and identification of the parties who will be conducting the restoration activities. The schedule/timeline of activities in the Restoration Plan shall be in accordance with the deadlines in these Orders and shall be in



accordance with the ideal planting seasons. In addition, the schedule/timeline of activities shall incorporate the following restrictions:

- 6.1.A.4.1 The Restoration Plan shall include a detailed explanation of how Sable will proactively address potential impacts to raptors and protected bird species and other protected animals, from restoration activities. This explanation shall be based on a nesting bird/habitat survey of areas within 500 feet of all work to be conducted. In the event that Sable is unable to obtain access to neighboring properties for surveying, survey areas shall be limited to on or along the Sable easements to which impact from the Unpermitted Development occurred. The survey shall be attached to and incorporated into the Restoration Plan. Both the biologist and the methods for the survey must be approved by the Executive Director.
- 6.1.A.4.2 All in-creek or stream work for temporary erosion control and remedial grading activities under the approved Restoration Plan shall occur during the dry season from May 1 through October 31. This period may be extended for a limited period of time if the situation warrants such a limited extension, if approved by the Executive Director. Restoration activities restricted to this period include any work within the bed to the bank or the outer edge of riparian vegetation, whichever is the greater distance.
- 6.1.A.4.3 If during the rainy season (Nov 1-April 30) season, in-creek or stream work is necessary and such work is authorized by the Executive Director to occur during this time, Sable shall implement the following best management practices (BMPs), and include such measures in the Restoration Plan:
  - 6.1.A.4.3.1 In addition to other measures that may be required by CDFW and the Regional Water Quality Control Board (RWQCB), all in-water construction work shall, at a minimum, be done with a qualified biological monitor with expertise in the identification of threatened, endangered and/or sensitive species on-site at all times during all in-water restoration work. Should the biological monitor identify any sensitive species that could be adversely affected by restoration activities, restoration work shall be halted and Sable shall contact the appropriate resource agency (USFWS or CDFW) to determine an appropriate course of action.
  - 6.1.A.4.3.2 Any materials or structures temporarily placed within the creek or stream where protected species, such as those noted above, are or may be present, shall be designed, constructed, and maintained such that it does not constitute a barrier to upstream or downstream movement of the species. Additionally, Sable shall

include: 1) measures to avoid capture of fish and wildlife in pumps or other equipment that contain mechanisms; 2) measures to maintain acceptable noise levels (e.g. using low-noise equipment, placing sandbags or another noise reduction device around pumps); and 3) measures to prevent sediment and debris from entering the creek channel or adjacent areas. Dust control measures shall be provided. Any and all debris resulting from construction activities shall be removed immediately. Any debris inadvertently discharged into coastal waters shall be recovered immediately and disposed of consistent with the requirements of this order.

6.1.A.4.3.3 Equipment shall avoid contact with water to the extent feasible. If that is infeasible, there shall be protocols for ensuring that all equipment that may come into contact with surface or subsurface water in the creek or stream channel is cleaned prior to contact, in order to prevent introduction of invasive species or substances that could impact the water quality of or native habitat in the creek or stream.

6.1.A.4.3.4 Water in the creek or stream shall either be diverted from work areas or barriers, such as coffer dams, shall be installed to prevent water from entering the work area.

6.1.A.4.3.5 Any fueling, maintenance and washing of construction equipment shall occur within upland areas outside of ESHA/wetlands and within designated staging areas. Mechanized heavy equipment or other vehicles shall not be refueled, maintained or washed within 100 feet of coastal waters.

6.1.A.4.3.6 Fuels, lubricants, and solvents shall not be allowed to enter coastal waters. Hazardous materials management equipment including oil containment booms and absorbent pads shall be available immediately on-hand at the project site, and a registered first-response, professional hazardous materials clean-up/remediation service shall be locally available on call. Any accidental spill shall be rapidly contained and cleaned up.

6.1.A.5 Each component of the Restoration Plan shall include a narrative report, specific to that component, describing the restoration activities to take place, the procedures to be used, and identification of the parties who will be conducting such activities. Along with a narrative report of each component of the Restoration Plan to be completed, Sable shall also submit photographs depicting the work, taken from the designated photo points. The photographic report shall show implementation of each

component of the Restoration Plan, demonstrating progress before, during, and after completion of each component of the work.

- 6.1.A.6 The Restoration Plan shall provide appropriate contact information for each landowner where restoration activities would be carried out to facilitate coordination with Commission staff regarding the scope of proposed work. Commission staff will use that information to make all reasonable efforts to reach out to and consider input provided by such landowners prior to approval of the Restoration Plan.
- 6.2 The Restoration Plan shall include a detailed description of all equipment to be used. Non-mechanized hand tools shall be used for invasive, non-native plant removal. The Restoration Plan shall state that any equipment utilized to implement the Restoration Plan shall not adversely impact resources protected under the Coastal Act, including, but not limited to: public access, geological stability, erosion, integrity of landforms, water quality, sensitive species, and the existing and restored native vegetation. If circumstances require the use of mechanized equipment, Sable shall submit a supplemental plan, for the review and approval of the Executive Director, that describes the proposed use of such equipment, including routes the equipment will take and locations of such use, and shall detail the following in the supplemental plan:
- 6.2.A Limitations on the hours of operations for all equipment and measures that addresses, at a minimum: 1) potential impacts from equipment use, including disturbance of areas where revegetation will occur and the responses thereto; 2) potential spills of fuel or other hazardous releases that may result from the use of mechanized equipment and the responses thereto; and 3) any potential water quality impacts.
- 6.2.B Designated areas for staging of any mechanized equipment and other materials, including receptacles and temporary stockpiles of materials, provided that equipment shall be covered, enclosed on all sides, located as far away as possible from drain inlets and any waterway, a minimum of 100 feet from any sensitive habitat, and not stored in contact with the soil or sandy beach, and not stored in areas reserved for public parking.
- 6.2.C Designated and confined areas for fueling, maintaining and washing machinery and equipment shall be specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. The discharge of hazardous materials into any receiving waters is prohibited.
- 6.2.D Prior to commencement of work under the approved Restoration Plan, Sable shall submit to the Executive Director written evidence that all necessary approvals have been obtained. If an agency requires a change to the Restoration

Plan as submitted and/or approved, Sable shall submit proposed revisions for Executive Director review and approval.

### 6.3 Wildlife Protection

6.3.A Sable shall retain the services of a qualified biologist (hereinafter, “biologist”) with appropriate qualifications acceptable to the Executive Director, to monitor the site during restoration activities and conduct surveys of sensitive species and to monitor all restoration activities. Sable shall submit the contact information and qualifications of all monitors with a description of their duties and their on-site schedule to the Executive Director for review and approval pursuant to Section 6.1.A.1, above. Should a biological monitor identify any sensitive species that could be adversely affected by restoration activities, such work shall be halted, and Sable shall contact the appropriate resource agency (USFWS or CDFW) to determine an appropriate course of action. For the purpose of these Orders, “sensitive species” shall be taken to mean any special-status wildlife species. Special-status species are species listed as: Endangered, Threatened, or Rare under the federal or state Endangered Species Acts; Candidate Species, California Fully Protected Species, and, pursuant to CEQA Guidelines Section 15380(d), all other species tracked by the California Natural Diversity Database (CNDDB), which are considered by the CDFW to be those species of greatest conservation concern (e.g. S1-S3 and G1-G3 Listed Species), and locally important species including, but not limited to: raptors, Steelhead trout, California red-legged frog, Tidewater goby, and Western pond turtle.

6.3.B To avoid impacts to nesting birds, restoration activities shall be scheduled outside of the avian breeding and nesting season (February 1 through September 15). No restoration activities shall occur within 300 feet of roosting or foraging birds. If the Executive Director determines that restoration activities may occur during the breeding and nesting season, then restoration activities shall be done with the following protective measures:

6.3.C If restoration activities must occur during bird nesting season (February 1 through September 15), a qualified biologist with experience conducting bird surveys shall survey for active nests of any federally or state listed threatened or endangered species, species of special concern, fully protected species, species with global rarity rankings of G1-G3 and/or state rarity rankings of S1-S3, or any species of raptor or wading birds, within 7 days prior to commencement of restoration activities, and once a week thereafter during construction, to detect any such activity within 500 feet of the project area.

6.3.D If an active nest(s) of any of the above species is located within 300 feet of construction activities (500 feet for raptors), the qualified biologist shall halt construction activities to enable Respondent to employ BMPs to ensure that construction activities do not disturb or disrupt nesting activities.

- 6.3.E Results of nesting bird surveys, ambient noise studies, and any follow-up construction avoidance measures shall be documented in monthly reports by the qualified biologist and submitted to the Commission Executive Director throughout the bird breeding season.
- 6.4 Prior to commencement of work under the approved Restoration Plan, Sable shall submit to the Executive Director written evidence that all other necessary government approvals have been obtained. If an agency requires a change to the approved Restoration Plan, Sable shall submit proposed revisions for the Executive Director's review and approval under Section 7.0 (Submittal of Documents). These Orders provide Coastal Act authorization for all development required herein.
- 6.5 These Orders require the following deadlines that shall be reflected in the Restoration Plan:
- 6.5.A Within 15 days of the effective date of these Orders, Sable shall submit the qualifications of the proposed Specialist(s) for the Executive Director's review and approval.
- 6.5.B Within 60 days of the approval of the Specialist(s) by the Executive Director, Sable shall submit the proposed Restoration Plan to the Commission's Executive Director for their review and written approval.
- 6.5.C Within 30 days of the approval of the Restoration Plan by the Executive Director, Sable shall commence implementation of the Restoration Plan through commencing the restoration activities and installing temporary erosion control measures. Sable shall implement each phase of the Restoration Plan according to the deadlines set forth in each section, as described more fully, below.
- 6.5.D Within 15 days of the completion of each element of the Restoration Plan (i.e., Erosion Control Plan, Remedial Grading Plan, etc.), Sable shall submit a narrative report pursuant to Section 6.1.A.5, prepared by the Specialist(s), for the review and approval of the Executive Director, documenting all restoration work performed pursuant to the plan, which shall include a summary of dates on which work was performed and accompanying photographs documenting implementation of the respective components of the Restoration Plan.
- 6.5.E If timing in which the Executive Director approves the Restoration Plan creates a situation that causes work to occur during avian nesting season, breeding season for protected species, or outside of the ideal planting season as determined by the Specialist, Sable shall request an extension of deadlines pursuant to Section 14.0 and the Executive Director may, for good cause, extend this deadline to provide for a more successful restoration and to protect such species.

- 6.6 Sable shall actively monitor for trash and/or other debris and promptly remove any such debris or trash from the Restoration Area, as necessary, to ensure the ongoing success of the restoration activities.

6.7 TEMPORARY EROSION CONTROL PLAN

- 6.7.A Sable shall submit, as part of the Restoration Plan, a Temporary Erosion Control Plan, prepared by a qualified Specialist approved pursuant to Section 6.1.A.1, to stabilize the soil and prevent erosion, to address ground disturbance during any restoration activities, and to stabilize the soil and prevent erosion during the establishment of any vegetation planted pursuant to Section 6.9, below.
- 6.7.B The Temporary Erosion Control Plan shall include: 1) a narrative report describing all temporary run-off and erosion control measures to be used including replacement and/or re-compaction of any excavated materials, and restorative grading to be done during and after restoration activities; and 2) a site plan identifying and delineating the locations of all temporary erosion control measures that will be installed pursuant to this plan, including seeding of location-appropriate plant species to assist in erosion control and 3) specify that the remedial grading and installation of erosion control features shall take place only during the dry season (May 1 through October 31).
- 6.7.C The Temporary Erosion Control Plan shall indicate that all erosion control measures are required to be installed and fully functional in the Restoration Area prior to, or concurrent with, the initial restoration activities required by these Orders and maintained at all times of the year throughout the remedial grading, revegetation, and monitoring process, to minimize erosion across the site, and consistent with the deadlines established herein for the removal of the temporary erosion control measures.
- 6.7.D All temporary construction related erosion control materials shall be comprised of bio-degradable materials, including the material used to encase fiber rolls and other erosion control devices. To minimize wildlife entanglement and plastic debris pollution, the use of temporary rolled erosion and sediment control products with plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers used in fiber rolls, erosion control blankets, and mulch control netting) is prohibited. Any erosion-control associated netting shall be made of natural fibers and constructed in a loose-weave design with movable joints between the horizontal and vertical twines.
- 6.7.E The erosion control measures shall remain in place and be maintained at all times of the year until the plantings have become established, or in the case of erosion control measures for winter rainstorms, until such time period established by the approved Restoration Plan, and then all such measures shall be removed and properly disposed of by Sable. Verification of such removal shall be provided

in the monitoring or completion report for the monitoring report period during which the removal occurred.

6.7.F The Temporary Erosion Control Plan shall include the following deadlines:

- 6.7.F.1 Within 15 days of the approval of the Restoration Plan by the Executive Director, Sable shall commence the implementation of the Temporary Erosion Control Plan.
- 6.7.F.2 Within 15 days of commencing installation activities under the Temporary Erosion Control Plan, Sable shall conclude installation.
- 6.7.F.3 Within 15 days of the completion of the installation of erosion control measures under the Temporary Erosion Control Plan, Sable shall submit evidence for the Executive Director's review and approval in the form of a narrative report. The Temporary Erosion Control Plan Report shall also show the devices installed, the type of devices installed, and document their impact, if any.

## 6.8 REMEDIAL GRADING PLAN

- 6.8.A The Restoration Plan shall include a Remedial Grading Plan prepared by a qualified Specialist approved pursuant to Section 6.1.A.1 above, that will describe all measures necessary to return the Restoration Area to the original, pre-violation topography if it is determined by the Executive Director, based upon the information received pursuant to Section 6.1.A, that such remedial grading is necessary to restore the pre-violation topography.
- 6.8.B The Remedial Grading Plan shall include a narrative description that demonstrates how the proposed remedial grading will restore the Restoration Areas to the pre-violation topography. If fill materials are to be used, the narrative shall discuss which fill materials will be used, the origin of the fill materials, how the fill materials are compatible for use within the Restoration Area, how much of each type of material will be used, and the differences and similarities between the fill materials and existing materials located in the corresponding portions of the Restoration Area.
- 6.8.C If historic data or topographical maps are not available for this location, Sable shall propose an approximation of the topography which existed in the area prior to the Unpermitted Development based on undisturbed slopes in the area, for the review and approval of the Executive Director. If an approximation is used, the Specialist shall submit in writing that the proposed approximation is the most accurate depiction of what the topography looked like prior to the occurrence of the Unpermitted Development. If it is determined by the Specialist that a different topography will result in a more successful restoration and will benefit coastal

resources, the Specialist may propose a different topography to meet these goals.

6.8.D The Remedial Grading Plan shall include sections showing original and finished grades, and a quantitative breakdown of grading amounts (cut/fill/export), drawn to scale with contours that clearly illustrate, as accurately as possible, the pre-violation topography and the current, unpermitted topography. The Remedial Grading Plan shall demonstrate how the proposed remedial grading will restore impacted areas to their original, pre-violation topography. The Remedial Grading Plan shall identify the source and date for all of the data used to produce this information.

6.8.E The Remedial Grading Plan shall state that remedial grading activities undertaken pursuant to the Restoration Plan shall not disturb areas outside of the Restoration Area. Prior to initiation of any activities resulting in physical alteration of the areas affected by the Unpermitted Development, the disturbance boundary shall be physically delineated in the field using temporary non-plastic measures such as fencing or colored wooden stakes.

6.8.F The Remedial Grading Plan shall include the following deadlines:

6.8.F.1 Within 15 days of completing Temporary Erosion Control Plan, Sable shall begin implementation of the Remedial Grading Plan.

6.8.F.2 Within 45 days of commencing implementation of the remedial grading activities, Sable shall complete implementation of the Remedial Grading Plan.

6.8.F.3 Within 15 days of the completion of the implementation of the Remedial Grading Plan Sable shall submit evidence, for the Executive Director's review and approval, in the form of a narrative report as described in 6.1.A.5, showing that the remedial grading has been completed pursuant to the approved Restoration Plan.

## 6.9 REVEGETATION PLAN

6.9.A The Restoration Plan shall include a Revegetation Plan prepared by a qualified Specialist, approved pursuant to Section 6.1.A.1 above, that will describe the measures necessary to revegetate the Restoration Areas such that these areas meet the goals, standards and objectives of these Orders.

6.9.B The Revegetation Plan shall include a detailed description of the methods that shall be utilized to restore the Restoration Area that is determined, pursuant to Section 6.1.A, to have been adversely impacted by the Unpermitted Development. The Revegetation Plan shall include detailed descriptions, including graphic representations, narrative reports, and photographic evidence,



as necessary. The Revegetation Plan shall demonstrate that the Restoration Area and additional areas to account for the temporal and permanent losses of habitat caused by the Unpermitted Development will be revegetated using plant species endemic to and appropriate for the locations where Unpermitted Development occurred.

- 6.9.C The Revegetation Plan shall identify the natural habitat type(s) that are the reference site(s)/model(s) for the restoration and shall describe the desired relative abundance of particular species in each vegetation community. The reference site(s) shall be natural areas with the least amount of disturbance and located as close as possible to the Restoration Area, so long as the habitat type is similar to that impacted by the Unpermitted Development. If an undisturbed reference site does not exist, an otherwise representative area may be proposed, accounting for vegetation and topography changes due to disturbance, and in conjunction with published descriptions of local habitat using relevant, peer-reviewed literature. Alternatively, if an undisturbed reference site or otherwise representative area are not available or suitable for the proposed restoration, the peer-reviewed literature along with membership rules per the Manual of California Vegetation (Sawyer, Keeler-Wolf and Evens 2009; available online at <https://vegetation.cnps.org>) for the appropriate habitat alliance-level, may be used to determine the desired relative abundance of native vegetation and particular species in each vegetation community. The Revegetation Plan shall be based on one or more reference sites specific to the habitat type(s) upon which the Unpermitted Development occurred. The Revegetation Plan shall explicitly lay out the restoration goals, standards and objectives for the restoration based on the respective model(s).
- 6.9.D The Revegetation Plan shall be based on these Reference Sites, which, along with information from the scientific literature, shall be used to identify the plant species that are native to the site and will be planted in the areas determined by the Executive Director pursuant to Section 6.1.A, above, to be adversely impacted in the Restoration Area. The Revegetation Plan shall explicitly state the restoration goals, standards and objectives for the revegetation effort, with the goal of achieving the revegetation performance standards in the allotted period, which may include, but are not limited to, diversity and native plant cover requirements and require the control of invasive plants. Based on these goals, the Revegetation Plan shall identify the species that are to be planted (plant "palette") and provide a rationale for and description of the size and number of container plants, seed mix, the rate and method of seed application, the method of planting, irrigation requirements and irrigation schedule. The Revegetation Plan shall indicate that plant propagules and seeds must come from local, native stock. If plants, cuttings, or seeds are obtained from a nursery, the nursery must certify that they are of local origin and are not cultivars. The Revegetation Plan shall provide specifications for preparation of nursery stock. Technical details of planting methods (e.g., spacing, mycorrhizal inoculation, etc.) shall be included.

shall not employ non-native plant species, which could supplant native plant species in the Restoration Area.

6.9.E The Revegetation Plan shall include a schedule for installation of plants, removal of non-native plants, and completion of revegetation within the Restoration Area and any other area revegetated to account for the temporal and permanent losses of habitat caused by the Unpermitted Development. The Specialist shall recommend removal of non-natives outside the Restoration Area if they determine that such non-natives could impact or limit the success of the native plantings within the Restoration Area.

6.9.F The revegetation schedule shall include specific time periods and deadlines, including identifiable interim goals for planting, other revegetation activities, and additional non-native species removal work spread out over the time period established in this section.

6.9.G Sable is responsible for ensuring the ongoing survival of the plantings, shall undertake measures necessary to ensure the success of such plantings, and shall replace any dead or dying plants with native plants approved through this Revegetation Plan.

6.9.H The Revegetation Plan shall describe the proposed use of artificial inputs, such as irrigation, fertilizer, or herbicides, including the full range of amounts of the inputs that may be utilized. The minimum amount necessary to support the establishment of the plantings for successful restoration shall be utilized.

6.9.I The Revegetation Plan shall include the following deadlines:

6.9.I.1 Within 15 days of completing implementation of the Remedial Grading Plan, Sable shall begin implementation of the Revegetation Plan. The schedule/timeline of activities in the Restoration Plan shall be in accordance with the deadlines in these Orders and shall be in accordance with the ideal planting seasons.

6.9.I.2 Within 45 days of commencing implementation of activities under the Revegetation Plan, Sable shall complete implementation of all planting activities under the Revegetation Plan.

6.9.I.3 Within 15 days of the completion of all revegetation activities, Sable shall submit evidence, for the Executive Director's review and approval, in the form of a narrative report as described in Section 6.1.A.5, demonstrating that the revegetation has been completed pursuant to these Orders and the approved Restoration Plan.

## 6.10 CULTURAL RESOURCES SURVEY AND PLAN

6.10.A Sable shall submit, for review and approval of the Executive Director, a Cultural Resources Survey and Cultural Materials Plan prepared by a qualified professional, defined in Section 6.1.A.1 below as the “Archeological Specialist”, which shall assess the extent to which the restoration activities required by these Orders have any potential to uncover or otherwise disturb cultural resources. Prior to the preparation of the Cultural Resources Survey and Cultural Materials Plan, Sable shall submit the qualifications of the proposed Archeological Specialist for the Executive Director’s review and approval, including a description of the archeologist’s background, training, and experience.

After the Executive Director has approved the Restoration Plan, but before the first commencement of activities required by the Restoration Plan, Sable shall convene an on-site pre-meeting with the Archeological Specialist, the Native American Most Likely Descendant(s) (MLD) and Native American Monitor(s), as defined in Section 6.10.D, below, to ensure that all parties understand the procedures to be followed pursuant to these Orders and the approved Cultural Resources Survey and Cultural Materials Plan

In order to protect cultural resources on any location where restoration activities will occur pursuant to these Orders, the Cultural Resources Survey and Cultural Materials Plan shall incorporate the following measures and procedures, and Sable shall implement such measures and procedures.

6.10.B In preparing Cultural Resources Survey and Cultural Materials Plan, the Archeological Specialist, as defined in Section 6.10.C, below, shall consult with the Native American Monitor(s), as defined in Section 6.10.D, below.

6.10.C The Archeologist Specialist shall be a professional archeologist who has experience in cultural and archeological fieldwork, preferably in Santa Barbara County. The archeologist must be selected in consultation with the Executive Director consistent with the standards of the Native American Heritage Commission (“NAHC”). The Cultural Resources Survey and Cultural Materials Plan shall identify the Archeological Specialist and include a description of his/her education, training, and experience. Native American Monitors

6.10.D The Native American Monitor(s) shall be the monitor(s) who will monitor work to be conducted pursuant to these Orders, according to the provisions of the Cultural Resources Survey and Cultural Materials Plan. The Native American monitors shall be selected by the appropriate tribe as designated by the NAHC.

6.10.E The Cultural Resources Survey and Cultural Materials Plan shall require that the Archeological Specialist shall document any cultural materials, including but not limited to, human remains and grave-related artifacts, traditional cultural sites, religious or spiritual site, village sites, or other artifacts, (“Cultural Materials”)

encountered during the course of work conducted pursuant to these Orders, and such documentation shall be included in a report to the Executive Director within 15 days of identification.

6.10.F During all ground disturbance and subsurface activity that occurs on the Restoration Area or any location where restoration activities may occur pursuant to the requirements of these Orders that have any potential to uncover or otherwise disturb cultural deposits, the Native American Monitors may be present on the Restoration Area.

6.10.G Sable shall fund sufficient Native American Monitors to assure that all remedial grading or other restoration activities that have any potential to uncover or otherwise disturb cultural deposits are monitored at all times. More than one Monitor at the Restoration Area may be necessary during times with multiple soil disturbance locations. In instances where more than one Monitor is necessary and less than all Native American Monitors necessary respond to request to monitor particular areas within 7 days, Sable shall halt work until Native American Monitors are available.

6.10.H Prior to the disposal of any materials from the restoration activities, the Archeological Specialist shall identify, as best as possible, soil that may contain cultural materials and, if determined by the Archeological Specialist and the MLD and Native American Monitors to be necessary, screen it for evidence of such materials. Any cultural materials, including cultural midden materials, human remains, and archeological features, shall be documented and reburied, or transported offsite in coordination with guidance from the Archeological Specialist and Native American Monitors. If human remains are encountered during soil screening, Sable shall comply with all applicable State and Federal laws, including but not limited to, contacting the County Coroner, NAHC, and the MLDs

6.10.I All identification of soil, soil screening, and restoration activities conducted pursuant to these Orders shall be monitored by the Native American Monitors. In addition, the Native American Monitors shall be provided access to the site to inspect the Restoration Area prior to removal and/or restoration. Sable shall not restrict the Native American Monitors from communicating with Commission staff. If human remains are encountered during inspection of the Restoration Area, Sable shall comply with all applicable State and Federal laws including, but not limited to, immediately stopping working and contacting the County Coroner, NAHC, and the MLD

6.10.J If any Cultural Materials are discovered, all restoration activities in that particular area shall cease. The Archaeological Specialist shall submit a proposal to the Executive Director for his review and approval on how Sable will address such discovery, consistent with the Cultural Resources Survey and Cultural Materials Plan. Restoration activity may proceed only at such time as the Executive

Director has determined that Sable has complied with all obligations of the Cultural Resources Survey and Cultural Materials Plan.

6.10.K Should human remains be discovered on-site during the course of the restoration activities, immediately after such discovery, the on-site archaeologist and Native American monitor(s) shall notify the County Coroner within 24 hours of such discovery, and all restoration activities shall be temporarily halted until the remains can be identified. An "exclusion zone" may be established around the discovery area. If the County coroner determines that the human remains are those of a Native American, the coroner shall contact the NAHC within 24 hours, pursuant to Health and Safety Code Section 7050.5. The NAHC shall deem the Native American most likely descendant (MLD) to be invited to participate in the identification process pursuant to Public Resources Code Section 5097.98. Sable shall comply with the requirements of Section 5097.98 and work with the MLD person(s) to preserve the remains in place, move the remains elsewhere onsite, relinquish the remains to the descendants for treatment, or determine other culturally appropriate treatment. Within five (5) calendar days of notification to NAHC, Sable shall notify the Executive Director of the discovery of human remains and identify any changes to the proposed Cultural Resources Survey and Cultural Materials Plan that may be needed related to the inadvertent discovery. The Executive Director will maintain confidentiality regarding the presence of human remains on the site. If such discovery requires changes to the Restoration Plan, Sable shall submit, within 30 days of notifying the Executive Director, and amendment to the plan for the Executive Director's review and approval.

## 6.11 MONITORING PLAN

6.11.A The Restoration Plan shall include a Monitoring Plan prepared by a qualified Specialist, approved pursuant to Section 6.1.A.1 above, that will provide for monitoring the Restoration Area over a period of, at a minimum, 5 years from the completion and full implementation of the Restoration Plan to ensure successful restoration.

6.11.B The Monitoring Plan shall describe the monitoring and maintenance methodology, including sampling procedures, sampling frequency, goals, standards, objectives, and contingency plans to address potential problems with restoration activities or unsuccessful restoration of the Restoration Area.

6.11.C The Monitoring Plan shall include an initial site survey showing the Restoration Area, the areas and types of revegetation mapped to the appropriate alliance-level, and specific photo points that will be used for the annual reports and site visits described below.

- 6.11.D The Monitoring Plan shall specify the number of site visits (at a minimum on a quarterly basis) that the Specialist shall conduct annually for the duration of the monitoring period for the purpose of inspecting and maintaining, at a minimum, the following: all erosion control measures; non-native species eradication; trash and debris removal; and the health and abundance of original and/or replacement plantings planted pursuant to these Orders and consistent with the Revegetation Plan. It is Sable's obligation to ensure a successful restoration that will meet the established goals, standards, and objectives, which may necessitate more site visits than required herein.
- 6.11.E Sable shall submit no later than December 31 of the first year of monitoring and subsequently on an annual basis and during the same one-month period of each year for at least 5 years from the completion of the revegetation phase of the Restoration Plan, for the review and approval of the Executive Director, a monitoring report prepared by the Specialist that evaluates compliance with the approved Restoration Plan. These reports shall also include photographs taken during the periodic site inspections demonstrating the success of the restoration. The locations from which the photographs are taken shall not change over the course of the monitoring period.
- 6.11.F If periodic inspections or the annual monitoring reports indicate that the restoration project or a portion thereof is not in conformance with the Restoration Plan or these Orders or has failed to meet the goals and/or performance standards specified in the Restoration Plan, Sable shall implement approved contingency plans.
- 6.11.G At the end of the five-year monitoring period, Sable shall submit, for the review and approval of the Executive Director, a final detailed report prepared by the Specialist that documents the successful implementation of the Restoration Plan. If the Executive Director determines from this final report that the restoration has in part, or in whole, been unsuccessful and/or did not meet the final success criteria, based on the requirements of the respective plan, Sable shall submit a Revised Restoration Plan, and the monitoring program shall be revised accordingly.
- 6.11.H The Revised Restoration Plan shall be prepared by the Specialist, approved by the Executive Director, and shall specify measures to correct those restoration activities that have failed or are not in conformance with the original, approved Restoration Plan. The Executive Director will then determine whether the Revised Restoration Plan must be processed as a new Restoration Order, or a CDP. After the Revised Restoration Plan has been approved, these measures, and any subsequent measures necessary to carry out the original, approved Restoration Plan, shall be undertaken by Sable as required by the Executive Director until the goals of the original, approved Restoration Plan have been met. Following Sable's full implementation of the Revised Restoration Plan, the

duration of the monitoring period shall be extended for a period of time equal to that during which the project remained out of compliance, but in no case less than two annual reporting periods.

6.11.I The Monitoring Plan shall include the following deadlines:

- 6.11.I.1 As part of the Restoration Plan, within 60 days of the effective date of these Orders, Sable shall submit, for review and approval of the Executive Director, the Monitoring Plan.
- 6.11.I.2 The monitoring period shall begin immediately upon the full implementation of the Restoration Plan and shall extend for a period of, at a minimum, 5 years.
- 6.11.I.3 Sable shall submit no later than December 31 of the first year of monitoring and subsequently on an annual basis and during the same one-month period of each year for at least 5 years from the completion of the revegetation phase of the Restoration Plan, for the review and approval of the Executive Director, a monitoring report.
- 6.11.I.4 At the end of the five-year monitoring, Sable shall submit, for the review and approval of the Executive Director, a final detailed report prepared by the Specialist that documents the successful implementation of the Restoration Plan.

## **ADDITIONAL PROVISIONS COMMON TO THESE ORDERS**

### **7.0 SUBMITTAL OF DOCUMENTS**

All plans, reports, photographs, documents and funds submitted to the Commission pursuant to these Orders shall be sent to both of the following addresses, with the original sent to the San Francisco office, and additionally sent via electronic mail to:

With a copy sent to:

California Coastal Commission  
Attn: Stephanie Cook  
455 Market Street, Suite 300  
San Francisco, CA 94105  
[Stephanie.Cook@coastal.ca.gov](mailto:Stephanie.Cook@coastal.ca.gov)

California Coastal Commission  
Attn: Wesley Horn  
89 S. California Street, STE 200  
Ventura, CA 93001  
[Wesley.Horn@coastal.ca.gov](mailto:Wesley.Horn@coastal.ca.gov)

### **8.0 FINDINGS**

This Cease and Desist Order, Restoration Order, and Administrative Penalty Assessment are issued on the basis of the findings adopted by the Commission, as set forth in the document entitled "Staff Report: Recommendations and

Findings for Cease and Desist Order, Restoration Order, and Administrative Civil Penalties.” The Commission has ordered and authorized the activities required in these Orders and has determined them to be consistent with the resource protection policies set forth in Chapter 3 of the Coastal Act if carried out in compliance with the terms of these Orders.

## **9.0 EFFECTIVE DATE AND TERMS OF THESE ORDERS**

The effective date of these Orders is the date the Commission votes to approve these Orders. These Orders shall remain in effect permanently unless and until rescinded by the Commission.

## **10.0 COMMISSION JURISDICTION**

The Commission has jurisdiction to issue the Cease and Desist Order pursuant to PRC Section 30810, jurisdiction to issue the Restoration Order pursuant to PRC Section 30811, and jurisdiction to impose the Administrative Civil Penalties pursuant to PRC Section 30821.3.

## **11.0 SITE ACCESS**

11.1 Sable shall provide Commission staff and staff of any agency having jurisdiction over the work being performed under these Orders with access to all portions of the Restoration Area and any area needed for Commission staff to safely access the Restoration area. Nothing in these Orders is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Commission staff and other relevant agency staff may enter and move freely about the following areas: (1) any areas on which the development as defined in Section 4.2, above, occurred, (2) any areas where work is to be performed pursuant to these Orders or pursuant to any plans adopted pursuant to these Orders, (3) any areas necessary in order to view the areas where work is being performed pursuant to the requirements of these Orders, (4) any areas where evidence of compliance with these Orders may lie for purposes including but not limited to, inspecting records, logs and contracts; and overseeing, inspecting, documenting, and reviewing the progress of Sable in carrying out the terms of these Orders.

11.2 Sable shall provide Commission staff with documentation of their right to enter and take action as required pursuant to these Orders on any property not owned by Sable.

## **12.0 APPEAL**

Pursuant to PRC Section 30803 (b), any person or entity against whom this Cease and Desist Order under Section 1.0 is issued may file a petition with the



Superior Court for a stay of this Cease and Desist Order. Pursuant to Section 30803(a), any person may maintain an action for declaratory and equitable relief to restrain any violation of this division, including violations of a cease and desist or restoration order issued pursuant to this division.

### **13.0 GOVERNMENT LIABILITY**

Neither the State of California, nor the Commission, nor its employees shall be liable for injuries or damages to persons or property resulting from acts or omissions by Sable in carrying out activities pursuant to these Orders; nor shall the State of California, the Commission or its employees be held as a party to any contract entered into by Sable or their agents in carrying out activities pursuant to these Orders.

### **14.0 DEADLINES**

The Executive Director may extend deadlines specified herein. Any extension request must be made in writing and received by Commission staff ten (10) days prior to expiration of the subject deadline. Any such request shall be sent to the address listed in Section 7.0, above

### **15.0 SUCCESSORS AND ASSIGNS**

These Orders shall bind Sable and all its successors in interest, newly created LLCs, partnerships, and corporations, heirs, and assigns.

### **16.0 REVISION OF DELIVERABLES**

The Executive Director may require revisions to deliverables under these Orders, as necessary to satisfy the requirements in these Orders, and Sable shall revise any such deliverable consistent with the Executive Director's specifications and resubmit them for review and approval by the Executive Director by the deadline established by the modification request from the Executive Director.

### **17.0 MODIFICATION AND AMENDMENTS**

Except as provided in Section 14 of these Orders, or for ministerial corrections, these Orders may be amended or modified only in accordance with the standards and procedures set forth in Section 13188(b) and 13197 of Title 14 of the California Code of Regulations.

### **18.0 SEVERABILITY**

Should any provision of these Orders be found invalid, void, or unenforceable, such illegality or unenforceability shall not invalidate the whole, but these Orders shall be construed as if the provision(s) containing the illegal or unenforceable part were not a part hereof.

## **19.0 GOVERNMENT JURISDICTION**

These Orders shall be interpreted, construed, governed, and enforced under and pursuant to the laws of the State of California.

## **20.0 COMPLIANCE OBLIGATION**

Strict compliance with this Cease and Desist Order, Restoration Order, and Administrative Penalty by all parties subject hereto is required. Failure to resolve violations addressed herein or comply with any term or condition of this Cease and Desist Order, Restoration Order, and Administrative Penalty, including any deadline contained herein, will constitute a violation of these Orders and may result in the imposition of civil penalties under PRC Section 30821.6 of up to six thousand dollars (\$6,000) per day for each day in which each violation persists. In addition, failure to comply with any terms or conditions of these Orders may result in the Commission seeking judicial relief and additional penalties as authorized under Chapter 9 of the Coastal Act, including PRC Sections 30820, 30821.3(d), and 30822

## **21.0 NO LIMITATION OF AUTHORITY**

Except as expressly provided herein, nothing in these Orders shall limit or restrict the exercise of the Commission's enforcement authority pursuant to Chapter 9 of the Coastal Act (PRC Sections 30800 to 30824), including the authority to require and enforce compliance with these Orders and the authority to take enforcement action for Coastal Act violations beyond those that are specified in Section 4.2 of these Orders.

Executed in \_\_\_\_\_ on behalf of the California Coastal Commission:

\_\_\_\_\_  
Dr. Kate Huckelbridge  
Executive Director  
California Coastal Commission

\_\_\_\_\_  
Date