

Attachment F

Notice of Exemption
for the Guadalupe-Nipomo Dunes Center's
Sphinx Excavation, Restoration, and Exhibition Project

ATTACHMENT C: ENVIRONMENTAL DOCUMENT

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Jim Heaton, Planning & Development

2011 NOV 18 PM 3:37

COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APN: 113-020-021

Case No.: 11CDH-00000-00043

Location: 6530 Main Street

Project Title: Lost City Production's Ten Commandments Excavation

Project Description:

The project description is based on: the following documents submitted by the applicant and/or agent: the application for Coastal Development Permit submitted on October 13, 2011; the attached document entitled "Planning and Permit Proposal to Conduct Archaeological Research at CA-SBA-2392H" as revised on September 29, 2011; and, the memo from applicant's agent, David Swenk, dated October 25, 2011.

The project constitutes a salvage effort to recover a sample of materials remaining from the movie set built for Cecil B. DeMille's 1923 version of "The Ten Commandments" as well as documentary filming of the recovery efforts. The site is located on County-owned lands in the Guadalupe Dunes area. All work would be restricted to no more than 800 square feet per artifact within an approximately 2.5 acre portion of a 488 acre parcel, as depicted on the site map (Attachment E). The area of proposed excavation is known from a 1990 phase 1 investigation which established a surface-mapping grid of the movie set and which determined the rate of dune movement in the area since 1923.

The following artifacts are targeted for recovery and restoration:

- The Sphinxes: Exploratory excavations will be conducted in the probable location of the buried Sphinxes. If feasible (depending on current condition and accessibility), at least one Sphinx will be retrieved and restored.
- Horse's Head: This 5-by-10-foot bas-relief plaster statue is probably the last remaining portion of the large horse-drawn chariot relief that once spread across the western wall of the Main Gates.
- Lion Statues: There were eight lion statues that decorated the throne of Ramses. Each was approximately eight feet tall.

The following may also be salvaged depending upon funding:

- The Four Main Ramses Statues: Exploratory work will be conducted on the buried remains of these statues. Pieces that are likely to be destroyed by the elements will be stabilized and removed.

Standard archaeological data recovery and reporting techniques will be used for all aspects of this project as outlined in the Register of Professional Archaeologists Standards of Research Performance (2010). Archaeological excavation units will be positioned within the overall site grid to recover materials listed above. Work will be confined to these areas only, thereby avoiding disturbance to areas of the resource that

will remain intact. All work will be conducted with hand tools (shovels, trowels, brushes, etc.). The project will require less than 50 cubic yards of grading, will not create cuts or fills in excess of 3 feet, and the site will be restored to natural surface contours when complete. No excavation work will be conducted below the 1923 dune surface. All excavations will be overseen by a Native American monitor provided by the Santa Ynez Band of Chumash Indians.

A total maximum of 17 personnel would be on site at any given time: 8 field crew (archaeologists), 3-4 film crew including a production assistant, 2-4 support for screening, and one crew member will be designated as a lookout to discourage public trespass in the project site. Hours of operation, including salvage operations and filming, will be from dawn to dusk.

As the site represents a single time event, excavations will be conducted in stratigraphic levels that most closely conform to the feature being recovered. Cultural materials from each feature location will be screened and bagged separately and a description of each feature area completed. Non critical overburden and surrounding sand removal required to obtain easy access to feature areas will be excavated and screened by supervised personnel. Once the area around a targeted feature is exposed, a team of four professional archaeologists will be assigned to expose the feature using small tools, bare hands and brushes. Care will be taken to avoid undercutting pieces of plaster and a pressurized water sprayer will be used to maintain the moisture content of the sand to prevent sloughing and undercutting.

Larger objects will be uncovered in situ, then drawn and photographed prior to removal. Field photos will be taken of each section. To protect against damage, and to strengthen the remains, the exposed areas of plaster will be impregnated with consolidant. If used in the field, consolidant will be applied by brush. In the event that extremely fragile sections of relief or statuary are encountered which will not survive the removal/transport process, a mold of the piece will be taken in situ if possible.

Upon completion of fieldwork, all excavation areas will be backfilled to the original surface contour. Mapping spikes, grid string and flagging tapes will be removed. Major grid markers will remain in place for use by future researchers but will be hammered flush with the dune surface to avoid impact to wildlife or the environment.

All artifacts recovered or remaining on the site are the property of the County of Santa Barbara and will be curated pursuant to County direction.

Name of Public Agency Approving Project: County of Santa Barbara
Name of Person or Agency Carrying Out Project: Lost City Production's LLC

Exempt Status: (Check one)

- Ministerial
 Statutory Exemption
 Categorical Exemption
 Emergency Project
 Declared Emergency

Cite specific CEQA and/or CEQA Guideline Section: 15331

Reasons to support exemption findings:

The project can be found exempt from environmental review under State CEQA Guidelines Section 15331 [Historic Resources Restoration/Rehabilitation]. Section 15331 is intended to exempt projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources. The excavation of historic archeological resources is for the purpose of artifact stabilization, restoration and preservation. The project is consistent with the requirement of this exemption.

There is no substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment. The exceptions to the categorical exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:

- (a) **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.\

CEQA Guidelines Section 15300.2(a) provides that the potential exception for 'location' does not apply to the Categorical Exemption at Section 15331.

- (b) **Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

There are no significant incremental or measurable cumulative impacts associated with recovery of the film set artifacts and the filming of the recovery. Therefore, this exception to the Categorical Exemption is not applicable to the proposed project.

- (c) **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

An archaeological resource exists in proximity to the proposed area of excavation. The proposed project, however, will be carefully gridded and laid out to be restrictive in its direct impacts. There are no known, unusual circumstances surrounding the project site or the proposed project. Project implementation does not have a reasonable possibility of having a significant effect on the environment due to unusual circumstance. Therefore, this exception does not apply.

- (d) **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to

improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The project will not be visible by travelers on any highway designated as a state scenic highway. Therefore, this finding can be made.

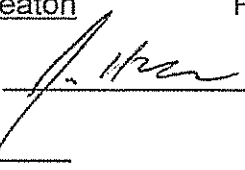
- (e) **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

There are no known hazardous or toxic sites on the subject parcel. Therefore this exception does not apply.

- (f) **Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The purpose of the project is to locate, document and preserve known artifacts of historical significance. Therefore the project does not have potential have a substantial adverse change in the historic resource.

Lead Agency Contact Person: Jim Heaton Phone #: (805) 884-8050

Department/Division Representative:  Date: 10/25/11

Acceptance Date: 10/31/11

distribution: Hearing Support Staff

Project file (when P&D permit is required)
Date Filed by County Clerk: _____.