



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Honorable Board of Supervisors

FROM: Glenn Russell, Ph.D., Director, Planning & Development

DATE: October 18, 2011

RE: Lost City Guadalupe Dunes Archaeology Project

During Public Comment at the recent Board of Supervisors meeting of October 11, 2011, a number of individuals expressed concerns regarding the need for permits for an archaeology project on County owned land in the Guadalupe Dunes area. This project has been designed to recover, remove, and restore archaeological remains of the movie sets constructed for the silent movie *The Ten Commandments*, which were buried in the dunes after completion of filming of the movie in 1923. The project is proposed by film maker Peter Brosnan, who wishes to make a documentary about the excavation, and archaeologist Dr. John Parker. The project will be carried out in collaboration with the Guadalupe Dunes Center. The following memo briefly explains what permits are required, why the issue was the subject of public comment at your recent Board meeting, and what we propose to do to expedite the necessary permit process. Based on a meeting with project proponents and County staff that was convened immediately following the Board hearing on October 11, 2011, this expedited permit process is acceptable to the project applicants and will enable the fieldwork portion of the project to take place in December of this year.

In January of this year, the applicant, Dr. John Parker, went to the North County P&D office inquiring about necessary permits for the project. Unfortunately, P&D staff erroneously issued an exemption for the project, which is located in the appeals area of the Coastal Zone in an area with Environmentally Sensitive Habitat overlay. The project includes excavation and removal of materials and production of a film documenting the excavations and restoration work. Due to the nature of the project and the very broad definition of development in our Coastal Zoning Ordinance, a Coastal Development Permit with a Hearing (CDH) is required. I was unaware of this error until I was contacted by representatives of the Chumash Tribe on September 27, who expressed concerns about the requirement for consultation in the permit process and that the applicant had denied their requests for such consultation. They also expressed concerns about the absence of a CEQA process. We immediately informed the applicant of the need for a CDH, tribal consultation, and CEQA review.

Following lengthy communications with P&D staff concerning the requirement for the permit, project proponents addressed your Board during Public Comment on October 11. They expressed their frustration that they had planned their project in reliance on the exemption issued by P&D. They also identified the significant benefits that would result from this project both for the Dunes Center and the community of Guadalupe; benefits that would be lost now that a lengthy and costly permit process would effectively make the project infeasible. Immediately following the Board Hearing, we convened a meeting in Santa Maria of P&D management, County Counsel, and project proponents, including representatives of the Dunes Center, the City of Guadalupe, and the Santa Maria Chamber of Commerce. Archaeologist Dr. John Parker, Filmmaker Peter Brosnan, and major funder Francesca Judge participated via conference call. P&D staff proposed the following solution which includes an expedited permit process at no cost to the applicant:

- No grading permit will be required for the project. Based on their initial application, it appeared that a grading permit was necessary, but additional information recently provided indicated that a grading permit is not necessary.
- A film permit is required, which is a simple administrative permit that should not affect the timeline. We requested that they submit the film permit application during the week of October 17.
- A County Parks entry permit is also required.
- Consultation with the Chumash is required. Sam Cohen, representative of the Tribe, testified to that effect during public comment and indicated that he would follow up with a confirmation letter. Freddy Romero, tribal member and representative of the Elders Council should also be included in consultation. The Tribe has offered to provide tribal personnel free of charge to monitor the excavations to ensure that no nearby Chumash sites are impacted.
- Because this project is for the restoration and preservation of historical resources, CEQA categorical exemption 15331 will be relied on.
- We reiterated the need for a CDH (CDP with a hearing) with the following time line:
 - Applicant submits the CDH application on October 12 or 13.
 - Zoning Administrator hearing on October 31, which is the soonest a hearing can be scheduled and meet the ten day noticing requirement.
 - Following a local appeal period and subsequent Coastal Commission appeal period, County could issue the required CDH on approximately December 2, at which point they can begin excavating.
 - Their work plan has one week of startup and mapping work at the site, which does not require a permit, so they can actually begin that work immediately following Thanksgiving.
 - They would then do their planned three weeks of fieldwork in December.
 - P&D will absorb permit processing costs.

We explained to them that this was the fastest way forward and that there were no other quicker options. They agreed that this would get their project going and indicated they would submit the necessary applications as discussed. I deeply regret the inconvenience, uncertainty, and extra expense that our staff's error caused the applicants for this preservation project. We look forward to completing the permit process and the start of the project.