
Appendix D-1

Archaeological Resources Inventory Report

September 28, 2022

14187

Arun Toor
Toor Capital LLC
27725 Road 92
Visalia, California 93277**Subject: Archaeological Resources Inventory Report for the Chandler Grove Annexation Project,
Tulare County, California**

Dear Mr. Toor:

This letter report provides a summary of the cultural resources inventory conducted by Dudek for the proposed Chandler Grove Annexation Project (Project), located in Tulare County, California. The County of Tulare (County) is the lead agency responsible for compliance with the California Environmental Quality Act (CEQA). Dudek completed a Southern San Joaquin Valley Information Center (SSJVIC) records search, a Native American Heritage Commission (NAHC) Sacred Lands File search, and subsequent tribal outreach. An intensive pedestrian survey for cultural resources was completed for the entire Project site. All cultural resources work was completed in compliance with the standards and guidelines defined by the California Office of Historic Preservation (OHP) and CEQA.

1 Project Location

The proposed Project would consist of a mixed-use development on approximately 231 acres of active agricultural land in Tulare County, California (Figure 1. Project Location Map; Figure 2. Project Site). Approximately 10.3 acres of perimeter right-of-way would be dedicated as part of the Project, leaving approximately 220 acres for development. Once developed, the Project site would include approximately 1,176 total units of low-, medium-, and high-density housing (165.03 acres), a central park (13.0 acres), a neighborhood commercial center (10.8 acres), a community center (0.78 acres), and a school (6.0 acres). Parks would act as natural areas; provide stormwater detention; and include playgrounds, plazas and shelters, open turf areas for field sports, and trails for recreation. Trails throughout the site would connect to schools, parks, the community center, and the commercial center. A piped irrigation canal passes through the Project site from north to south. The housing would include approximately 375 units of low-density single-family units, 249 units of medium-density single-family units and townhomes, and 552 high-density apartments.

The Project site is currently within unincorporated Tulare County, but is planned to be annexed to the City of Tulare (City) as part of the Project. The Project site is composed of four separate parcels: Assessor's Parcel Numbers 184-050-007, 184-050-034, 184-050-035, and 184-050-010. The Project site is bound by South Oakmore Street (Road 124) to the west, Road 130 and Munson Road to the east, Avenue 228 to the north, and East Bardsley Avenue to the south. The site is currently within the County's Exclusive Agricultural Zone – 40 Acre Minimum (AE-40), Ag Preserve Number 0002326, and under Ag Preserve Contract Number 06925. The Project site is located within the College of the Sequoias North Transit-Oriented Development Plan area that is outlined in the Tulare Transit-Oriented Development Plan for the City of Tulare. Characteristics of transit-oriented development consist of having

access to a robust transit network, a mix of land uses (housing types as well as business and public uses), and available pedestrian and bicycle facilities. The proposed Project would be generally consistent with the Transit-Oriented Development Plan in its design.

The Project site falls within Public Lands Survey System Section 8 of Township 20 South, Range 25 East on the Tulare, California, 7.5-minute U.S. Geological Survey Quadrangle maps. Elevations of the Project site range from 285 feet to 300 feet above mean sea level.

2 Project Description

The proposed Project would include approximately 1,176 total units of low-, medium-, and high-density housing; a neighborhood commercial center; a community center; a Kindergarten through 8th grade public school; and a central park. The Project would provide housing opportunities that are consistent with the City's General Plan Housing Element (City of Tulare 2016) and the Tulare Transit-Oriented Development Plan for the City of Tulare for the College of the Sequoias North area (City of Tulare 2013). The Project intends to create a new community to serve existing and future Tulare residents, as well as the College of the Sequoias community on a site that can be served by existing utilities, services, and street access. The Project would feature a sustainable residential neighborhood that includes the use of reclaimed water for irrigation and uses sustainable building materials and practices.

The Project site is within the jurisdiction of unincorporated Tulare County but in the City of Tulare's Sphere of Influence. As described in the City's 2013 Final Municipal Service Review (County of Tulare 2013), state law requires that the Local Agency Formation Commission conduct periodic reviews and updates of the Sphere of Influence of each city and district in Tulare County (Government Code Section 56425[e]). As part of the proposed Project, the Project site would be annexed to the City of Tulare upon approval by the Local Agency Formation Commission. In addition to the Project site, the approximately 168-acre College of the Sequoias campus site (Assessor's Parcel Number 184-080-006) would be included in the annexation process. According to the College of the Sequoias' Master Plan 2015–2025, the College of the Sequoias campus consists of 120 acres of land designated for current and future expansion of instructional buildings (Sequoias Community College District 2015).

Construction of the proposed Project, if approved, would be completed in phases. Development is anticipated to be constructed in three phases over 3 to 4 years. Utilities such as water, electrical, and gas required for the Project would tie into existing infrastructure near the Project site. Perimeter improvements, such as the installation of curbs, gutters, sidewalks, and transit stops, would be completed as required by the City's development standards and the Transit-Oriented Development Plan.

3 Regulatory Framework

The Project is subject to state regulatory requirements.

State Regulations

The California Register of Historical Resources (California Public Resources Code, Section 5020 et seq.)

In California, the term "historical resource" includes "any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering,

scientific, economic, agricultural, educational, social, political, military, or cultural annals of California” (California Public Resources Code [PRC] Section 5020.1[j]). In 1992, the California legislature established the California Register of Historical Resources (CRHR) “to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC Section 5024.1[a]). The criteria for listing resources in the CRHR were expressly developed to be in accordance with previously established criteria developed for listing in the National Register of Historic Places (NRHP), enumerated below. According to PRC Section 5024.1(c) (1–4), a resource is considered historically significant if it (i) retains “substantial integrity,” and (ii) meets at least one of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. Is associated with the lives of persons important in our past.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4. Has yielded, or may be likely to yield, information important in prehistory or history.

To understand the historic importance of a resource, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. A resource less than 50 years old may be considered for listing in the CRHR if it can be demonstrated that sufficient time has passed to understand its historical importance (see 14 CCR Section 4852[d][2]).

The CRHR protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources. The criteria for the CRHR are nearly identical to those for the NRHP, and properties listed or formally designated as eligible for listing in the NRHP are automatically listed in the CRHR, as are state landmarks and points of interest. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys.

California Environmental Quality Act

As described further below, the following CEQA statutes and CEQA Guidelines are of relevance to the analysis of archaeological, historic, and tribal cultural resources:

- PRC Section 21083.2(g) defines “unique archaeological resource.”
- PRC Section 21084.1 and CEQA Guidelines Section 15064.5(a) define “historical resources.” In addition, CEQA Guidelines Section 15064.5(b) defines the phrase “substantial adverse change in the significance of an historical resource”; it also defines the circumstances when a project would materially impair the significance of an historical resource.
- PRC Section 21074(a) defines “tribal cultural resources.”
- PRC Section 5097.98 and CEQA Guidelines Section 15064.5(e) set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated cemetery.
- PRC Sections 21083.2(b)–(c) and CEQA Guidelines Section 15126.4 provide information regarding the mitigation framework for archaeological and historic resources, including examples of preservation-in-place mitigation measures; preservation-in-place is the preferred manner of mitigating impacts to significant

archaeological sites because it maintains the relationship between artifacts and the archaeological context, and may also help avoid conflict with religious or cultural values of groups associated with the archaeological site.

More specifically, under CEQA, a project may have a significant effect on the environment if it may cause “a substantial adverse change in the significance of an historical resource” (PRC Section 21084.1; CEQA Guidelines Section 15064.5[b]). If a site is either listed or eligible for listing in the CRHR, or if it is included in a local register of historic resources, or identified as significant in a historical resources survey (meeting the requirements of PRC Section 5024.1[q]), it is a “historical resource” and is presumed to be historically or culturally significant for the purposes of CEQA (PRC Section 21084.1; CEQA Guidelines Section 15064.5[a]). The lead agency is not precluded from determining that a resource is a historical resource even if it does not fall within this presumption (PRC Section 21084.1; CEQA Guidelines Section 15064.5[a]).

A “substantial adverse change in the significance of an historical resource” reflecting a significant effect under CEQA means “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired” (CEQA Guidelines Section 15064.5[b][1]; PRC Section 5020.1[q]). In turn, the significance of an historical resource is materially impaired when a project:

1. Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the CRHR; or
2. Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to PRC Section 5020.1(k) or its identification in an historical resources survey meeting the requirements of PRC Section 5024.1(g), unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
3. Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the CRHR as determined by a lead agency for purposes of CEQA (CEQA Guidelines Section 15064.5[b][2]).

Pursuant to these sections, the CEQA inquiry begins with evaluating whether a project site contains any “historical resources,” then evaluates whether that project will cause a substantial adverse change in the significance of a historical resource such that the resource’s historical significance is materially impaired.

If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that they cannot be left undisturbed, mitigation measures are required (PRC Sections 21083.2[a], [b], and [c]).

PRC Section 21083.2(g) defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.

2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Impacts to non-unique archaeological resources are generally not considered a significant environmental impact (PRC Section 21083.2[a]; CEQA Guidelines Section 15064.5[c][4]). However, if a non-unique archaeological resource qualifies as tribal cultural resource (PRC Sections 21074[c] and 21083.2[h]), further consideration of significant impacts is required.

CEQA Guidelines Section 15064.5 assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. As described below, these procedures are detailed in PRC Section 5097.98.

Native American Historic Cultural Sites (PRC Section 5097 et seq.)

State law addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the Native American Heritage Commission (NAHC) to resolve disputes regarding the disposition of such remains. In addition, the Native American Historic Resource Protection Act makes it a misdemeanor punishable by up to 1 year in jail to deface or destroy a Native American historic or cultural site that is listed or may be eligible for listing in the CRHR.

California Health and Safety Code Section 7050.5

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. California Health and Safety Code Section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains shall occur until the county coroner has examined the remains (Section 7050.5b). PRC Section 5097.98 also outlines the process to be followed in the event that remains are discovered. If the coroner determines or has reason to believe that the remains are those of a Native American, the coroner must contact the NAHC within 24 hours (Section 7050.5c). The NAHC then notifies the most likely descendant. With the permission of the landowner, the most likely descendant may inspect the site of discovery, and should provide recommendations within 48 hours of notification. The most likely descendant may recommend means of treating or disposing of, with appropriate dignity, the human remains and items associated with Native Americans.

4 Background Research

Cultural Records Search Results

To identify built-environment cultural resources potentially affected by the Project, a California Historical Resource Information System (CHRIS) records search was completed by the Southern San Joaquin Valley Information Center (SSJVIC) at California State University Bakersfield on July 25, 2022. The 2022 records search included the Project site and a 0.5-mile buffer. Results were returned on August 8, 2022. As part of this process, Dudek reviewed the collection of mapped prehistoric, historical, and built-environment resources; Department of Parks and Recreation site records; technical reports; archival resources; and ethnographic references. Additional consulted sources

included the NRHP, California Inventory of Historical Resources/CRHR and listed Office of Historic Preservation Archaeological Determinations of Eligibility, California Points of Historical Interest, California Historical Landmarks, and California Department of Transportation (Caltrans) Bridge Survey information.

SSJVIC records indicated that five previous reports have been recorded within 0.5 miles of the Project site. Of the five total reports, three reports intersect portions of the Project site. Table 1 summarizes the reports returned by the records search (summarized from Confidential Attachment A, Southern San Joaquin Valley Information Center Records Search Results).

Table 1. Previous Cultural Resources Studies

Report Number	Authors	Date	Title
Previous Studies Intersecting the Project Site			
TU-00041	Self, William	1995	Class I Overview, Santa Fe Pacific Pipeline Partners, L.P., Proposed Concord to Colton Pipeline Project
TU-01190	Mitchell, Annie R.	1957	Jim Savage and the Tulareño Indians
TU-01775	Whitney, Devin, and Dubois, Autumn	2016	Archaeological Assessment TCNS ID#141263 Proposed 74-Foot Monopole Telecommunications Structure, American Towers LLC, Tulare, Tulare County, California
Previous Studies Within 0.5 Miles of the Project Site			
TU-01353	Parr, Robert E.	2008	Archaeological Survey of 16 Deteriorated Power Poles on Southern California Edison Company, Skinkle, Gillette, Sunset, Granite, Sargent, Zante, Cattle, and Hack, 12 kV Circuits, Tulare County, California
TU-01498	Leach-Palm, Laura, Paul Brandy, Jay King, Pat Mikkelsen, Libby Seil, Lindsay Hartman, and Jill Bradeen	2010	Cultural Resources Inventory of Caltrans District 6 Rural Conventional Highways in Fresno, Western Kern, Kings, Madera, and Tulare Counties

Source: Confidential Attachment A.

The records search did not identify any cultural resources within the Project site. One cultural resource is located within a 0.5-mile radius of the Project site (Table 2; summarized from Confidential Attachment A).

Table 2. Previously Recorded Cultural Resources

Primary Number	Trinomial	Name	Type	Age	Attributes
Previously Recorded Sites Intersecting the Project Site					
None					
Previously Recorded Sites within 0.5 Miles of the Project Site					
P-54-004621	CA-TUL-002877H	JTU-106; Bates Slough Ditch	Structure	Historic	Canal/Aqueduct

Source: Confidential Attachment A

Previously Recorded Built-Environment Resources

SSJVIC records indicate that one previously recorded cultural resource was identified with a 0.5-mile buffer of the Project site. This record documents a segment of the Bates Slough Ditch, a built-environment resource. Although the recorded segment of this resource falls outside of the Project site, it is a linear resource that extends south beyond its currently recorded limit, and another segment of the Bates Slough Ditch intersects the Project site for nearly 1 mile of its total length. This resource record is described in more detail in the historic built-environment report for the Project (Kaiser 2022).

Historical Map and Imagery Review

Dudek consulted historical maps and aerial photographs to understand development of the Project site and surrounding properties. There were 11 U.S. Geological Survey (USGS) maps available for review, dating from 1925 through 2018 (NETR 2022). There were 12 aerial photographs available for review, dating from 1956 through 2020. The Project site is currently orchards. Topographical maps and aerial images indicate that the Project site had only been used in the past for agricultural purposes and do not indicate any natural drainages or topographical features of any kind within the Project site.

Native American Heritage Commission Sacred Lands File

Dudek contacted the NAHC on July 25, 2022, to request a search of its Sacred Lands File (Attachment B, Native American Heritage Commission Sacred Lands File Request). The results of this search are still pending.

The proposed Project is subject to compliance with Assembly Bill (AB) 52 (PRC Section 21074), which requires consideration of impacts to “tribal cultural resources” as part of the CEQA process, and requires the CEQA lead agency to notify any groups (who have requested notification) of the Project who are traditionally or culturally affiliated with the geographic area of the Project. Formal consultation with Native American tribes pursuant to AB 52 will be completed by lead agency staff, if applicable. Because AB 52 is a government-to government process, all records of correspondence related to AB 52 notification and any subsequent consultation would be on file with the County.

Geomorphology

The ground surface of the Project site has been highly disturbed by previous agricultural activities. The USGS characterized deposits in the region as Quaternary alluvium and marine deposits (NRCS 2022). No major rivers, streams, or drainages flow through the Project site, although the Elk Bayou lies 1.4 miles to the southeast. Although the Project site itself would have likely been dry grassland, its proximity to the Elk Bayou would have made this spot an attractive place to reside while exploiting these resources. The low elevation and level ground at the Project site indicate the area could have been subject to seasonal flooding from the Elk Bayou, inundating and shifting alluvial sedimentation since the Holocene during wetter years.

Based on review of the results from previous technical studies completed in the vicinity, little remains of undisturbed ground surface conditions and few archaeological surface deposits have been located in the area. Given the level of disturbance, this area has limited potential to support the presence of intact cultural deposits on the surface.

Although the potential for buried prehistoric archaeological deposits in neighboring regions has been characterized as “Low” to “Moderate” by the 2010 Caltrans Districts 6 and 9 Geoarchaeological Overview and Assessment (Meyer et al. 2010), such broad analyses must be tempered by local conditions. The Project site is in an area that has a

sparse record of prehistoric occupation, as supported by the records search. Moreover, while agricultural fields extensively disturb archaeological deposits, they do not erase them; to the contrary, such activities often bring buried deposits to the surface. No such deposits were identified on the Project site. As such, it is characterized as having a low potential for discovering significant archaeological deposits.

5 Methods and Results

Archaeologists Elizabeth Sivell and Brianna Kenny conducted an intensive-level pedestrian cultural survey of the Project site on August 31 to September 2, 2022. Archaeological survey exceeded the applicable Secretary of Interior's Professional Qualifications and Standards for archaeological survey and evaluation. Transects were placed at no more than 15 meters apart. Survey crew was equipped with a GPS receiver with sub-meter accuracy. The entirety of the Project site consisted of orchards, dirt roads, and three properties. Evidence for buried cultural deposits was opportunistically sought through inspection of natural and artificial erosion exposures. The soils appeared to be mostly medium brown silty sand with extremely low rock content. Ground visibility ranged from excellent to good, with some portions of the Project site obscured by grass in between the orchard rows. No archaeological resources were observed within the Project site.

6 Management Recommendations

No archaeological resources were identified within the Project site as a result of the intensive pedestrian survey. The SSJVIC records search did not identify any cultural resources within or in the immediate vicinity of the Project site. Based on review of the Project setting, the Project has a low potential to impact any known cultural resources; however, based on undisturbed conditions in much of the Project site, there is a potential, albeit low, for the discovery of unanticipated cultural resources during initial Project-related ground disturbance. Management recommendations to reduce potential impacts to unanticipated archaeological resources and human remains during Project construction are provided below.

Unanticipated Archaeological Resources

All construction crew members shall be alerted to the potential to encounter archaeological material. In the unlikely event that cultural resources (sites, features, or artifacts) are exposed during construction activities, all construction work occurring within 100 feet of the find shall immediately stop and the lead agency representative contacted. A qualified specialist, meeting the Secretary of the Interior's Professional Qualification Standards, shall be assigned to review the unanticipated find, and evaluation efforts of this resource for the NRHP and CRHR listing shall be initiated in consultation with the lead agency. Prehistoric archaeological deposits may be indicated by the presence of discolored or dark soil, fire-affected material, concentrations of fragmented or whole freshwater bivalves shell, burned or complete bone, non-local lithic materials, or the characteristic observed to be atypical of the surrounding area. Common prehistoric artifacts may include modified or battered lithic materials; lithic or bone tools that appeared to have been used for chopping, drilling, or grinding; projectile points; fired clay ceramics or non-functional items; and other items. Historic-age deposits are often indicated by the presence of glass bottles and shards, ceramic material, building or domestic refuse, ferrous metal, or old features such as concrete foundations or privies. Preservation in place through avoidance, capping, or other options should be considered the preferred option for management of any inadvertent cultural discovery. If the discovery proves potentially significant under CEQA, and the area cannot be feasibly avoided, additional work, such as preparation of an Archaeological Treatment Plan, testing, or data recovery, may be warranted.

Unanticipated Human Remains

Should human remains be discovered, work shall halt in that area and procedures set forth in PRC Section 5097.98 and California Health and Safety Code Section 7050.5 shall be followed, beginning with notification to the County Coroner. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has reviewed the pertinent conditions and determined, within 2 working days of notification of the discovery, if the remains are human and appropriate next steps. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she shall notify the NAHC in Sacramento within 24 hours. In accordance with PRC Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant from the deceased Native American. The most likely descendant shall provide their recommendation within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner, the disposition of the human remains.

If you have any questions about this report, please contact me or Adam Giacinto.

Sincerely,



William Burns, MSc, RPA

Archaeologist

Att.: *Figure 1 - Project Location Map*

Figure 2 - Project Site

A - Southern San Joaquin Valley Information Center Records Search Results (Confidential)

B - Native American Heritage Commission Sacred Lands File Request

cc: *Ronelle Candia, Dudek*

Adam Giacinto, Dudek

References

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To: Arun Toor

Subject: Archaeological Resources Inventory Report for the Chandler Grove Annexation Project, Tulare County, California

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National Archaeological Data Base Information

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Firm: Dudek

Client: Toor Capital LLC

Report Date: September 2022

Report Title: Archaeological Resources Inventory Report for the Chandler Grove Annexation Project, Tulare County, California

Type of Study: Archaeological Resources Inventory

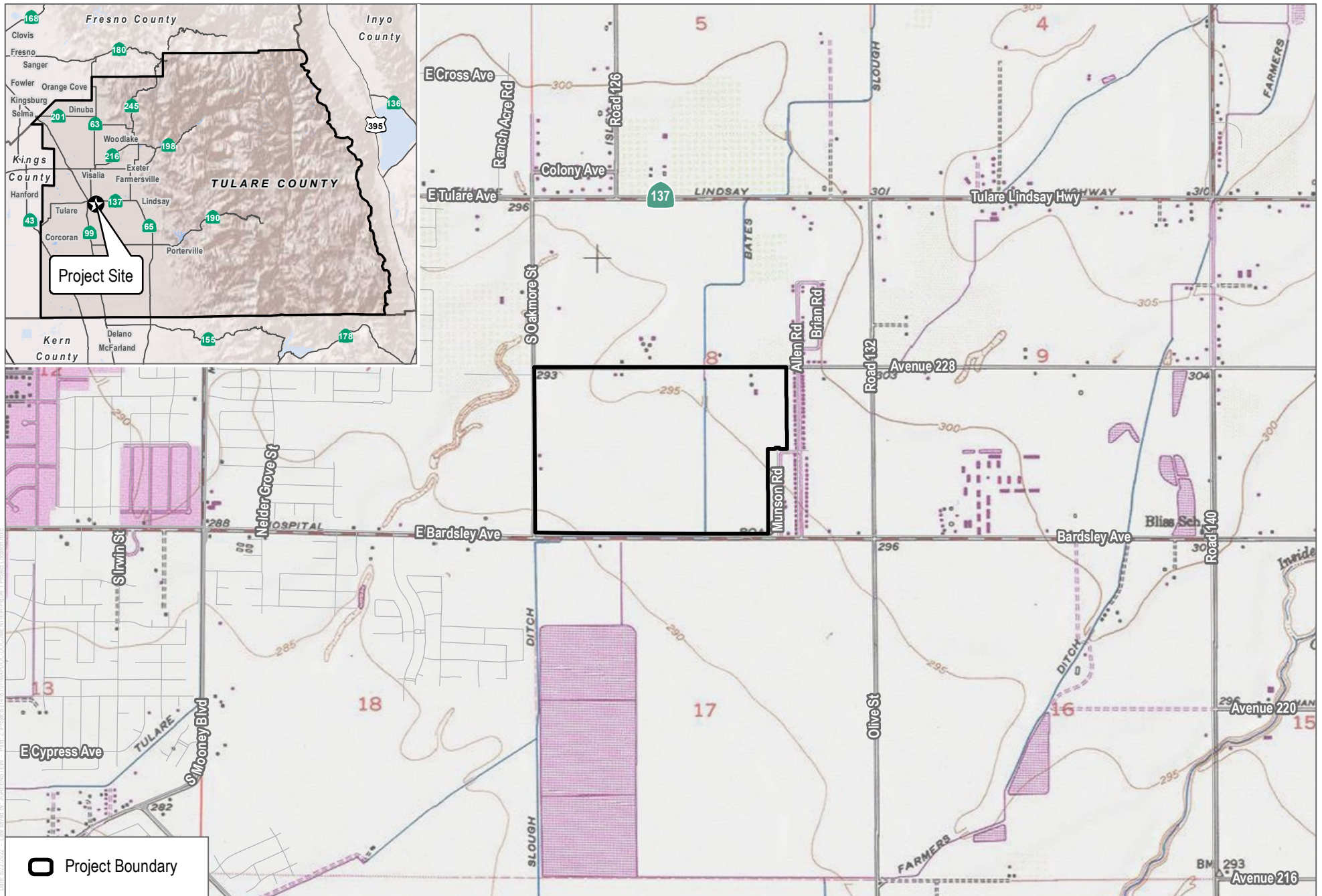
New Sites: None

Updated Sites: None

USGS Quad: Tulare, CA 7.5-Minute

Acreage: Approximately 220 acres

Key Words: Negative results; City of Tulare, Tulare County; Intensive pedestrian survey



SOURCE: USGS 7.5-Minute Series Tulare Quadrangle



FIGURE 1

Project Location Map

Chandler Grove Master Plan and Annexation Project



SOURCE: NAIP 2020



FIGURE 2
Project Site

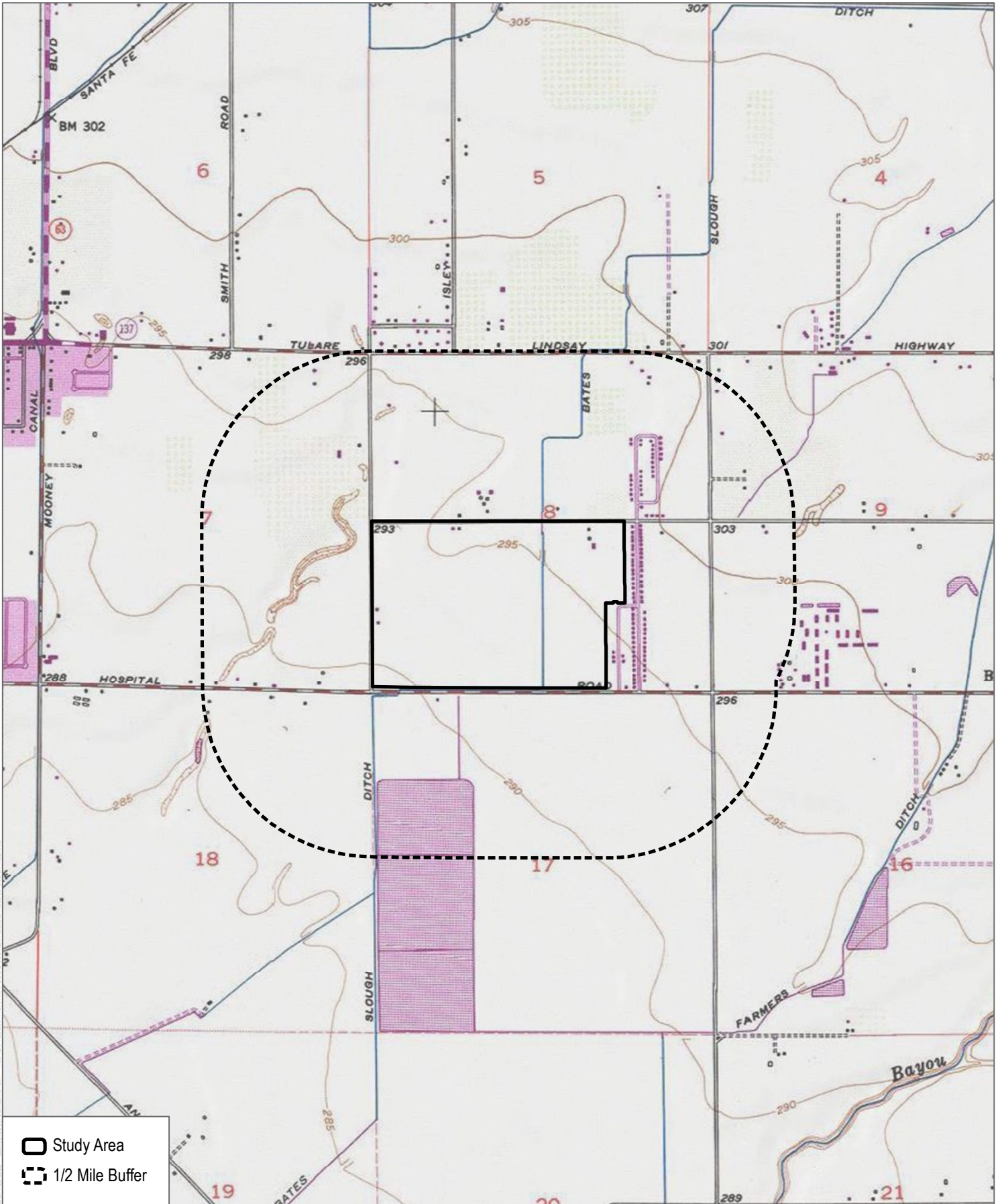
Chandler Grove Master Plan and Annexation Project

Attachment A

Southern San Joaquin Valley Information Center
Records Search Results (Confidential)

Attachment B

Native American Heritage Commission
Sacred Lands File Request



SOURCE: USGS 7.5-Minute Series Tulare Quadrangle
 Township 20S; Range 25E; Sections 7, 8, 9, 16, 17, 18



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FIGURE 1

Records Search

Chandler Grove Annexation Project