## Mark Personius, AICP

Director

#### WHATCOM COUNTY

Planning & Development Services 5280 Northwest Drive Bellingham, WA 98226-9097 360-778-5900, TTY 800-833-6384 360-778-5901 Fax



SEPA Distribution List SEP2016-00118

Please review this determination. If you have further comments, questions or would like a copy of the SEPA checklist, phone the responsible official at (360) 778-5900. Please submit your response by the comment date noted on the attached notice of determination.

Date of Issuance: June 11, 2018

WA State Department of Archaeology and Historic Preservation via email Gretchen Kaehler, gretchen.kaehler@dahp.wa.gov

SEPA Unit, WA State Department of Ecology, Olympia via email sepaunit@ecy.wa.gov

WA State Department of Fish and Wildlife via email Joel Ingram, joel.ingram@dfw.wa.gov

WA State Department of Natural Resources via email Rochelle Goss, sepacenter@dnr.wa.gov Brenda Werden, Brenda.werden@dnr.wa.gov

SEPA Unit, WA State Department of Transportation, Burlington via email Roland Storme, stormer@wsdot.wa.gov
Judy Johnson, JohnsJu@wsdot.wa.gov

Lummi Nation Natural Resources Merle Jefferson, Sr. via email - merlej@lummi-nsn.gov Tamela Smart - tamelas@lummi-nsn.gov

#### Nooksack Indian Tribe

George Swanaset, JR via email - george.swanasetjr@nooksack-nsn.gov Trevor Delgado via email - tdelgado@nooksack-nsn.gov

#### **Applicant**

Ed Pomeroy c/o Jaime White via email - whatcomconsult@comcast.net

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Director

## SEPA Determination of Nonsignificance (DNS)

File: SEP2016-00118/LDP2016-00094

#### **Project Description:**

The applicant is proposing to import clean fill and topsoil materials to bring a low, sand pit area ( $900' L \times 200' W \times 10' D$ ) up to the existing grade of the surrounding subject property. This activity it anticipated to require approximately 67,000 cubic yards of fill material brought to the site via dump trucks from off site. The sand pit was created from historical sand extraction activities in the 1960s from Department of Natural Resources and WSDOT, who both had leases on the site and used the materials for construction of roads in the area. Additionally, the applicant wishes to remove most of the trees as shown on the site plan.

**Proponent:** Ed Pomeroy c/o Jaime White

Address and Parcel #: '0' Zell & Delta Line Road APN#: 400136340206 & 400136468202

Lead Agency: Whatcom County Planning & Development Services

Zoning: AG Comp Plan: AG Shoreline Jurisdiction: N/A

The lead agency for this proposal has determined that with proper mitigation, no significant adverse environmental impacts are likely. Pursuant to RCW 43.21C.030(2)(c), an environmental impact statement (EIS) is not required. This decision was made following review of a completed SEPA environmental checklist and other information on file with the lead agency. This information is available to the public on request.

There is no comment period for this DNS.

<u>X</u> Pursuant to WAC 197-11-340(2), the lead agency will not act on this proposal for 14 days from the date of issuance indicated below. Comments must be received by 4:00 p.m. on <u>June 25, 2018</u> and should be sent to: Thomas Brissenden, tbrissen@whatcomcounty.us

Responsible Official: Mark Personius, mpersoni@whatcomcounty.us

Title: Director

**Telephone:** 360-778-5900

Address: 5280 Northwest Drive

Bellingham, WA 98226

Date of Issuance: June 11, 2018 Signature:

An aggrieved agency or person may appeal this determination to the Whatcom County Hearing Examiner. Application for appeal must be filed on a form provided by and submitted to the Whatcom County Current Planning Division located at 5280 Northwest Drive, Bellingham, WA 98226, during the ten days following the comment period, concluding July 5, 2018.

You should be prepared to make a specific factual objection. Contact Whatcom County Current Planning Division for information about the procedures for SEPA appeals.

#### WHATCOM COUNTY

Planning & Development Services 5280 Northwest Drive Bellingham, WA 98226-9097 360-778-5900, TTY 800-833-6384 360-778-5901 Fax



Mark Personius, AICP
Director

SEPA Determination of Nonsignificance (DNS) Legal Notice

To be published one time only on: June 11, 2018

CHARGE TO: Whatcom County Planning & Development Services

5280 Northwest Drive

Bellingham, Washington 98226

Acct #451232

WHATCOM COUNTY GIVES PUBLIC NOTICE THAT THE FOLLOWING SEPA THRESHOLD DETERMINATION OF NON-SIGNIFICANCE (DNS) HAS BEEN ISSUED TODAY SUBJECT TO THE 14 DAY COMMENT PERIOD CONCLUDING ON, June 25, 2018.

File: SEP2016-00118/LDP2016-00094

## **Project Description:**

The applicant is proposing to import clean fill and topsoil materials to bring a low, sand pit area ( $900' \text{ L} \times 200' \text{ W} \times 10' \text{ D}$ ) up to the existing grade of the surrounding subject property. This activity it anticipated to require approximately 67,000 cubic yards of fill material brought to the site via dump trucks from off site. The sand pit was created from historical sand extraction activities in the 1960s from Department of Natural Resources and WSDOT, who both had leases on the site and used the materials for construction of roads in the area. Additionally, the applicant wishes to remove most of the trees as shown on the site plan.

**Proponent:** Ed Pomeroy c/o Jaime White

**Address and Parcel #:** '0' Zell & Delta Line Road APN#: 400136340206 & 400136468202

Lead Agency: Whatcom County Planning & Development Services

**Zoning:** AG **Comp Plan:** AG **Shoreline Jurisdiction:** N/A

ANY PERSON OR AGENCY MAY APPEAL THE COUNTY'S COMPLIANCE WITH WAC 197-11 BY FILING AN APPEAL WITH THE WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES LOCATED AT 5280 NORTHWEST DRIVE, BELLINGHAM, WA 98226. APPEALS MUST BE MADE WITHIN 10 DAYS AFTER THE END OF THE COMMENT PERIOD.

# Revised

#### WHATCOM COUNTY

Planning & Development Services 5280 Northwest Drive, Bellingham, WA 98226-9097 360-778-5900, TTY 800-833-6384 360-778-5901 Fax



WHATCOM COLETY"Sam" Ryan PLANNING & DEVELOPMENT SERVICEDIRECTOR

OCT 2 3 2017

RECEIVED SEP 2016 - 00118

### SEPA Environmental Checklist

## Purpose of Checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

## **Instructions for Applicants:**

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to <u>all parts of your proposal</u>, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

## Use of Checklist for Non-Project Proposals:

For non-project proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the <u>Supplemental Sheet for Non-project Actions (Part C)</u>. Please completely answer all questions that apply and note that the words "project", "applicant", and "property or site" should be read as "proposal", "proponent" and "affected geographic area", respectively. The lead agency may exclude (for non-projects) questions in Part B – Environmental Elements that do not contribute meaningfully to the analysis of the proposal.

Fevrewed by Tom Brisadh

Reviewed by initials Page 1 of 20
Rev October 2015

Ва	ckground
1	Name of proposed project, if applicable: Pomeroy Land Disturbance Permit.
1	Name of publicants
1/2	Name of applicant: Edward Pomeroy
	Applicant phone number:
	Applicant address: 7304 Vista Drive
	City, State, Zip or Postal Code: Ferndale, WA 98248
	Applicant Email address:
.3	Contact name: Jaime White, Whatcom Land Use Consulting, LLC
V	Contact phone number: (360) 961-2489
	Contact address: 222 Grand Avenue, Suite E
	City, State, Zip or Postal Code: Bellingham, WA 98225
	Contact Email address: whatcomconsult@comcast.net
4	Date checklist prepared: October 2016 and revised September 2017.
5	Agency requesting checklist: Whatcom County PDS
16	Proposed timing or schedule (including phasing, if applicable): Anticipate fill and clearing activities to occur in 2017-2018.
7	Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? Yes No If yes, explain:
18	List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal: Wetland delineation by Miller Environmental Services
9	Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? Yes No VIII yes, explain.

List any government approvals or permits that will be needed for your proposal, if known.

Land Disturbance Permit from Whatcom County and likely Conversion Permit from Department of Natural Resources.

Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

To import clean fill and topsoil materials to bring a low, sand pit area up to the existing grade of the surrounding subject property. We anticipate this will require approximately 67,000 cubic yards of fill material. The sand pit was created from historical sand extraction activities in the 1960s from Department of Natural Resources and WSDOT, who both had leases on the site and used the materials for construction of roads in the area.

The applicant also wishes to remove most of the trees on the site as shown on the site plan.

Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The proposal is located off of Zell and Delta Line Road, in Section 36, Township 40, Range 1 East. Assessor Parcel numbers 400136 468202 & 400136 340206.

Environmen	tal Elements
1 Earth	
a. Genera	I description of the site:
Hi St Mo	olling
b. What is	s the steepest slope on the site (approximate percent slope)?
gravel, specify significa soils.	eneral types of soils are found on the site (for example, clay, sand peat, muck)? If you know the classification of agricultural soils, them and note any agricultural land of long-term commercia ance and whether the proposal results in removing any of these sandy Loam.
d. Are the vicinity	
affected The purp of the su of fill. Indicate	e the purpose, type, total area, approximate quantities and total area of any filling excavation or grading proposed.  Jose of the proposed fill is to bring a depressional area up to the existing grade arrounding property on the site. We anticipate approximately 67,000 cubic yards a source of fill.  Estermined upon LDP approval.
Indicate N/A	e were excavation material is going.

	Could erosion occur as a result of clearing, construction, or use? Fig. $\sqrt{}$ No $\overline{}$
Т	f so, generally describe.
 	Erosion could occur as a result of any exposed soils on the site. However, the sand pit area is presently unvegetated, so the importing of topsoil will allow vegetation to be planted and grow. See the Construction Stormwater Pollution Prevention Plan (CSWPPP) prepared by Freeland and Associates.
, a	About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?  N/A - The property is vacant.
105	
e	Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
E	Exposed soils will be seeded to avoid any prolonged exposed soils.
2. Air	
( )	What types of emissions to the air would result from the proposal during construction, operation and maintenance when the project is completed i.e., dust, automobile, odors, or industrial wood smoke)?
11	
	f any, generally describe and give approximate quantities if known.
b. A	re there any off-site sources of emissions or odor that may affect your roposal? Yes \tag{\sqrt{No}} No \tag{\sqrt{1}}
If	f so, generally describe.
	James and account of
110	
	roposed measures to reduce or control emissions or other impacts to air, any:
N,	/A
	Do not idle heavy equipment when not in use.

3. Water	
a. Sur	face:
(1)	Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? Yes $\checkmark$ No $\square$
/	If yes, describe type and provide names. If appropriate, state what stream or river it flows into.  There is a pond on the subject property that resulted from historical excavation for the construction of Interstate 5 and surrounding roads.
(2)	Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? Yes $\checkmark$ No $\Box$
,	If yes, please describe and attach available plans. See attached site plan and wetland delineation report.
<u>(</u> (3)	Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. $_{\mbox{None}}$
ا	Indicate the source of fill material.
	Will the proposal require surface water withdrawals or diversions? Yes
	Give general description, purpose, and approximate quantities if known.
	Does the proposal lie within a 100-year floodplain? Yes No 🗸
	If so, note location on the site plan.

(5) Does the proposal involve any discharges of waste materials to surface waters? Yes  No ✓
If so, describe the type of waste and anticipated volume of discharge
b. Ground Water:
(1) Will ground water be withdrawn from a well for drinking water or other purposes? Yes No ✓
If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.
(2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals; agricultural; etc.). Describe the general size of the system, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.  N/A
c. Water runoff (including stormwater):
(1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known).

N/A

	Where will this water flow? <sub>N/A</sub>
	Will this water flow into other waters? Yes No No
	If so, describe. N/A
3000 30	Could waste materials enter ground or surface waters?  Yes No V  If so, generally describe.  There are no waste materials associated with the proposal.  Does the proposal alter or otherwise affect drainage patterns in the
	vicinity of the site: Yes ☐ No ✓  If so, describe.
	posed measures to reduce or control surface, ground, and runoff er impacts, if any: 
Plants	
Plants a. Chec	k types of vegetation found on the site:
	Deciduous tree: alder, maple, aspen, other Evergreen tree: fir, cedar, pine, other Shrubs Grass Pasture Crop or grain
	Crop or grain Orchards, vineyards or other permanent crops Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other Water plants: water lily, eelgrass, milfoil, other Other types of vegetation

	b.	There is no established vegetation	on in to	tation will be removed or altered? The area proposed to be filled as it is sand with no The area proposed to be filled as it is sand with no The area proposed to be filled as it is sand with no
	ve.	List threatened or endange None know.	ered	species known to be on or near the site.
	g/	Proposed landscaping, us preserve or enhance veget The proposed areas of fill will be	atior	
	(e.	List all noxious weeds and site.  None known.	inva	sive species known to be on or near the
<b>5</b> .		nimals Check any birds and anim site or are known to be on		which have been observed on or near the ear the site:
		Birds: Hawk, Eagle, Other:	<u></u> ✓	Heron, Songbirds;
		Mammals: Deer, Elk, Other:		Bear, Beaver;
		Fish: Bass, Trout, Shellfish;		Salmon, Herring, Other:
	В.	List any threatened or enda site. None known.	ange	red species known to be on or near the

c. Is the site part of a migration route? Yes \( \square \) No \(  \)
If so, explain. The site is not known to be part of a migration route.
/ Pacific Flynny
d. Proposed measures to preserve or enhance wildlife, if any: None at this time.
<ul> <li>List any invasive species known to be on or near site.</li> <li>None known.</li> </ul>
6. Energy and Natural Resources
What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.  N/A
b. Would your project affect the potential use of solar energy by adjacent properties? Yes No
If so, generally describe.
What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:  N/A
7 Environmental Health
a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? Yes ☐ No ✓
If so, describe.
(1) Describe any known or possible contamination at the site from present or past uses.  None known.

- (2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

  None.
- (3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the projects development or construction, or at any time during the operating life of the project.

  None.
- (4) Describe special emergency services that might be required.

  None anticipated.
- (5) Proposed measure to reduce or control environmental health hazards, if any:

  None at this time.

## b. Noise

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

  Normal noise associated with traffic along Zell and Delta Line Roads.
- (2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Noise associated with temporary, short-term operating equipment. The hours would be between 7am and 4pm.

(3) Proposed measures to reduce or control noise impacts, if any:
None.

8 Land and Shoreline Use
a. What is the current use of the site and adjacent properties?  The site is vacant and adjacent properties are used for agriculture or rural type development.
Will the proposal affect current land uses on nearby or adjacent properties? Yes $\square$ No $\checkmark$ If so, describe.
b. Has the project site been used as working farmlands or working forest lands? Yes ✓ No ☐ If so, describe. It is not known whether the site has been used as working farmlands. The site has had timber removed from it historically. See FPA 2810423 & 2813379.
How much agriculture or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any?  None.
If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to non-farm or non-forest use?  None.  Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling and harvesting? Yes No
If so, how:
c. Describe any structures on the site.  The site is vacant.

d.	Will any structures be demolished? Yes ☐ No ✓ If so, what?
ę./	What is the current zoning classification of the site?  Agriculture
£/	What is the current comprehensive plan designation of the site?  Agriculture
g	If applicable, what is the current shoreline master program designation of the site?
h!	Has any part of the site been classified as a critical area by the city or county? Yes V No I If so, specify.  There are wetlands on the subject property as identified by Miller Environmental Services.
i/	Approximately how many people would reside or work in the completed project?
j./	Approximately how many people would the completed project displace?
	Proposed measures to avoid or reduce displacement impacts, if any:
/	Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: The proposal is compatible with the underlying agricultural zoning.
	Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any?  The proposal will be compatible with surrounding agricultural lands.

9 Housing	J		Œ	
		y units would be provided, low-income housing.	if any?	Indicate
	High Middle Low-income	Number of Units N/A		
		y units, if any, would be el low-income housing.	iminated?	Indicate
	High Middle Low-income	Number of Units N/A		
c. Propo	osed measures to rec	duce or control housing impact	s, if any:	
10 Aesthet	ics			
a. What anter N/A - v	inas; what is the prir	ht of any proposed structure ncipal exterior building materia	e(s), not i al(s) propo	ncluding sed?
b What None	views in the immedi	ate vicinity would be altered o	r obstructe	ed?
e. Propo	sed measures to red	luce or control aesthetic impac	ts, if any:	
1/1 Light an	d Glare			
would	type of light or glar l it mainly occur? nt or glare will be produce	re will the proposal produce?	What time	e of day
	light or glare fror ere with views?	n the finished project be a	safety ha	zard or

What existing off-site sources of light or glare may affect your proposal? Off-site sources of light include rural residential development but will not have an impact on the proposal.
d. Proposed measures to reduce or control light and glare impacts, if any:  None.
12 Recreation
<ul> <li>What designated and informal recreational opportunities are in the immediate vicinity?</li> <li>Information recreational opportunities include scenic walks or drives.</li> </ul>
b. Would the proposed project displace any existing recreational uses? If so, describe. No.
c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:  None.
13 Historic and Cultural Preservation
a Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state or local preservation registers located on or near the site? Yes ☐ No ✓ If so, specifically describe.
b. Are there any landmarks, features, or other evidence of Indian, historic use or occupation, this may include human burials or old cemeteries?  Yes No Are there any material evidence, artifacts, or areas of cultural importance
on or near the site? Yes No V Please list any professional studies conducted at the site to identify such resources.  N/A

Vc. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples: Include consultation with tribes and the Department of Archeology and Historic Preservation, archaeological surveys, historic maps, GIS data, etc.

There is no excavation associated with the proposal, so no assessments are anticipated.

What can county PDS Archaeology GIS + DAHP WISHARD.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

None at this time.

1.20

Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plan, if any.

The site is served by Delta Line Road and Zell Road.

Is site or geographic area currently served by public transit?
 Yes No ✓
 If not, what is the approximate distance to the nearest transit stop?
 Approximately 4 miles.

c. How many parking spaces would the completed project have? How many would the project eliminate?

N/A

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? Yes ☐ No ✓ If so, generally describe (indicate whether public or private).

Will the project use (or occur in the immediate vicinity of)  Water,  Rail, or  Air transportation?  If so, generally describe.  No.
f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercia and non-passenger vehicles). What data or transportation models were used to make these estimates?  There will be no additional vehicular trips generated upon the completion of the project. The site is currently vacant and there is no development proposed at this time.  g. Proposed measures to reduce or control transportation impacts, if any: None.
Public Services  a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)?  Yes No If so, generally describe.
<ul> <li>Proposed measures to reduce or control direct impacts on public services, if any.</li> <li>None at this time.</li> </ul>
16 Utilities  a. Check utilities currently available at the site:
Electricity, Water, Telephone, Septic system,  Natural gas, Refuse service, Sanitary sewer, Other

Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

No utilities are proposed for the project at this time.

## **Signature**

The	above	answers	are	true	and	complete	to	the	best	of	my	knowledge.	Ι
understand that the lead agency is relying on them to make its decision.													

Signature:

Date Submitted: 10/25/17

#### FOR OFFICE USE ONLY

Reviewed by Whatcom County Planning & Development Services Staff

homas Britander

Date



# - Vicinity Map



Subject Area

APN#: 400136 340206 APN#: 400136 468202

## USE OF WHATCOM COUNTY'S GIS DATA IMPLIES THE USER'S AGREEMENT WITH THE FOLLOWING STATEMENT:

Whateom County disciplins any warranty of merchantability or warranty of filtness of this map for any particular purpose, either express or implied. No representation or warranty is made soncerning the accuracy, currency, completeness or quality of data depicted on this map. Any user of this map assumes all responsibility for use thereof, and further agrees to hold Whateom County harmless from and against any damage. loss, or liability arising from any use of this map.

January 2017



