

# Natural Heritage Locality Liaison

## Final Report

## FY06 Task 7

Submitted by:

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## ***Natural Heritage - Locality Liaison***

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***By Michelle Edwards and Rene Hypes***

***Virginia Department of Conservation and Recreation  
Division of Natural Heritage***

### ***Introduction***

Through the Locality Liaison program, the Virginia Department of Conservation and Recreation's Division of Natural Heritage (DCR-DNH) works with local and regional planners to assist them in fully utilizing natural heritage resource information as well as the consultative services we provide to ensure protection of natural heritage resources. The Locality Liaison program seeks to establish natural heritage resource information as part of fundamental locality decision-making criteria through tools such as project review, comprehensive planning, project sitings, zoning amendments, and open space planning.

VCRMP and Chesapeake Bay Program initiatives have generated considerable interest in land use issues within the Coastal Zone. Coastal localities are developing conservation objectives, identifying potential areas for protection and looking at innovative approaches in making land use decisions that will lessen the trend toward urban sprawl. The Locality Liaison program is working to have natural heritage resources play a larger role in helping localities find beneficial answers to the problems and opportunities they face.

### ***Staffing***

Michelle Edwards serves as the Coastal Zone Locality Liaison (Locality Liaison). Numerous other DCR-DNH staff members also support the Locality Liaison program, including Environmental Review Coordinator René Hypes, Data Manager Megan Rollins, Information Manager Jason Bulluck, several Project Review Assistants, and various Natural Heritage biological inventory personnel. The Project Review Assistant/NHDE Steward resigned in May 2007. She had been assisting the Locality Liaison with project review in the Coastal Zone. This position was filled in late-July 2007. However, one of the existing Project Review Assistants took over assisting the Locality Liaison with project review in the Coastal Zone. This transition has necessitated that the Locality Liaison place more focus on environmental review during the second half of the grant year.

### ***Environmental Review***

The DCR-DNH Environmental Review Section, to which the Locality Liaison is assigned, works with local, state, and federal government agencies as well as private individuals and consultants to assess the potential for proposed activities to impact natural heritage resources and to

recommend ways to avoid or minimize these impacts. The Locality Liaison has primary responsibility for reviewing projects in the Coastal Zone. She provides oversight for the Project Review staff and/or conducts the review herself for all Coastal Zone projects, except for Virginia Department of Transportation (VDOT) projects, which are overseen by the Environmental Review Coordinator. During this project year DCR-DNH has reviewed 1143 projects in the Coastal Zone. This represents 39% of the projects reviewed statewide by DCR-DNH.

Through environmental review, the Locality Liaison provides service in connecting clients directly to needed information about natural heritage resources. With the state's most comprehensive database for rare, threatened and endangered species and significant natural communities, environmental review provides an opportunity for cooperating with other organizations. Though DCR-DNH does not have regulatory authority, we have agreements with regulatory agencies that rely on our natural heritage resource data. The United States Army Corps of Engineers and DEQ Virginia Water Protection Permit Program (VWPP) screen all wetland development projects against our database and forward potential conflicts for our comment. The United States Fish and Wildlife Service relies on DCR-DNH's data for their own regulatory responses. Through a Memorandum of Agreement with the Virginia Department of Agriculture and Consumer Services, which regulates state-endangered plants and insects in Virginia, DCR-DNH conducts preliminary project screening on their behalf. Many private consultants routinely and voluntarily coordinate with DCR-DNH before taking development project applications to regulatory agencies. VDOT remains one of our most significant clients. VDOT has incorporated natural heritage data into the integrator for project review purposes and works with DCR-DNH to identify and address natural heritage resource concerns for most of its projects. The Project Review Coordinator and Locality Liaison worked with DEQ VWPP and VPDES staff to develop an MOA between the programs, in relation to environmental review. The VWPP MOA between DEQ, DCR and VDGIF went into effect on January 2007 and the VPDES MOA between USFWS, DEQ, DCR and VDGIF was signed in May 2007.

The Locality Liaison continued work on the New Town project from the previous grant year. This large mixed-use project in James City County has potential impacts to two rare plant species, the largest and oldest known small whorled pogonia (*Isotria medeoloides*) colony in Virginia and Virginia least trillium (*Trillium pusillum* var. *virginianum*, G3T2/S2/SOC/NL) (see Figures below). Small whorled pogonia is listed as threatened by the United States Fish and Wildlife Service (USFWS) and as endangered by the Virginia Department of Agriculture and Consumer Services (VDACS). Virginia least trillium is currently tracked as a species of concern by the United States Fish and Wildlife Service (USFWS), however this designation has no official legal status. During this grant year, the Locality Liaison worked with the DCR-DNH head botanist to develop recommendations concerning the small whorled pogonia and least trillium monitoring plans and deed restrictions. The wetland permit and all documents required by the permit conditions have been approved by DEQ-VWPP and the Army Corps of Engineers.



Small-whorled Pogonia



Virginia Least Trillium

The Locality Liaison worked with the DCR-DNH head botanist and USFWS staff, to develop standard buffer recommendations for small whorled pogonia (*Isotria medeoloides*, G2/S2/LT/LE). The standard recommendations evolved out of the agencies' recommendations for the New Town project in James City County. How and when they are applied will depend on topography and other site conditions. The first time DNH has made these recommendations was for the Colonial Heritage residential subdivision project in James City County. The Coastal Locality Liaison met with the developer, consultant, and staff of USFWS, DEQ VWPP and ACOE on February 22<sup>nd</sup> to discuss the recommendations for this project. The developer initially agreed to the recommended buffers. However the developer subsequently insisted upon a few adjustments to the site plan due to changes to the plan required by the County. As a result, USFWS has decided to enter Section 7 consultation with the Army Corps of Engineers. The Locality Liaison has continued to work with the parties involved with the project. DEQ and the Army Corps wetland permits are currently pending on the outcome of the USFWS biological opinion and resolution of the potential small whorled pogonia impacts.

The Locality Liaison and DCR-DNH head botanist met with staff of DEQ VWPP and Army Corps of Engineers, and the developer's consultant on July 2<sup>nd</sup> to conduct a site visit for the Millwood Landing project in Hanover County. Small whorled pogonia (*Isotria medeoloides*, G2/S2/LT/LE) a federally threatened and state endangered orchid was found on the site during a survey conducted by a consultant in May. A residential subdivision is proposed for this site. Measures to protect the plant were discussed and the consultant followed up with a sketch of the revised development plan including a buffer for the plant. The Liaison continued to work with the DNH head botanist, USFWS and the developer's consultant to develop preservation recommendations through July and August.

### ***Data Explorer Internet Website***

The heart of DCR-DNH's service to localities is the set of databases and information tools that indicate what's rare, where the rarities are, and how they can be protected. DCR-DNH databases contain information about over 9,000 specific occurrences of natural heritage resources. Over the years DCR-DNH has continually worked to improve the quality of the data and the utility of the tools used to present the data to researchers, planners, and decision-makers. Conservation sites are now the primary mechanism for distributing natural heritage location information for public use. Conservation sites identify areas that potentially warrant conservation action because of the associated natural heritage resources and the habitat they support. They incorporate contextual information about the key areas of the landscape surrounding the actual locations of natural heritage resources that are necessary to ensure protection of those resources.

As an alternative to receiving the digital conservation site shapefile, DCR-DNH released its new GIS-based web service, the Virginia Natural Heritage Data Explorer (NHDE), on September 30, 2006. This new user-friendly tool for accessing natural heritage resource data is available on a subscription basis to local governments, state and federal agencies, land trusts, consultants, private companies and other organizations. A signed data license agreement is required for all data subscriptions. The natural heritage data on the website is updated quarterly, as is done with the digital screening coverage. The website can be accessed at [www.vanaturalheritageexplorer.org](http://www.vanaturalheritageexplorer.org).

Virginia Natural Heritage Data Explorer allows internet users to conduct basic GIS functions on a remote website, requiring only a Microsoft Internet Explorer web browser and minimal instruction. This informational tool can alert planners to potential areas of opportunity or concern, facilitate proactive planning for county resources, and allow preliminary screening of projects and activities for potential impacts to natural heritage resources. By providing immediate access to our data through the internet, we are empowering our partners to utilize and apply our data more rapidly and effectively by having it at their desk top.

Hands-on training sessions for the Natural Heritage Data Explorer are generally held on a monthly basis. Most are held in Richmond but regional training sessions are also held around the state. Training is provided by the project review staff, including the Locality Liaison. The general training sessions are open to all organizations, but are divided into three sections according to the user's tier level. During this grant year, six hands-on general training sessions for NHDE were held in Richmond, and one was held in Northern Virginia.

Additionally the Locality Liaison, Project Review Coordinator and/or other project review staff held individualized NHDE training sessions for Prince William County staff, the Virginia Department of Agriculture and Consumer Services, the NRCS Technical Committee, the Virginia Department of Game & Inland Fisheries, DCR (DCR University), the DCR Education Committee, DCR-Division of Planning & Recreation, and DCR-Division of State Parks Resource Managers. The Locality Liaison in conjunction with the Piedmont and Mountain Zone Locality Liaison also held three NHDE training sessions at the Virginia Planning Association Conference at Wintergreen July 25-26, 2007. The Locality Liaison also provides training for local governments and non-profit organizations at their office upon request as part of the Locality Assistance Program Presentations. While these are generally not hands-on training

sessions, this provides an opportunity to discuss DCR-NH's other services and address the organization's individual needs.

A training manual for the NHDE has been developed (See Appendix A). This manual is designed to assist users by providing guidelines for use of the data, explaining the various layers and functions, and offering trouble-shooting tips for common problems.

Phase 2 of the NHDE Website is in development and is expected to go live December 2007. DCR has again contracted the Timmons Group to develop Phase 2. Phase 2 should result in an improved tool for users and DCR-DNH project review staff.

From September 2006 through January 2007, DNH detailed Scope of Work Specifications, and secured a sole source vehicle for work with the Timmons Group. The later involved detailing DNH's requirements and need for sole sourcing, and passing it through the procurement office (3 month process) and VITA for approval. The scope of work was finalized and signed into effect 2/2/07. From January through March 2007, DNH detailed and discussed the geodatabase schema design and signed off on it April 16, 2007. The geodatabase design is part of the back end development necessary for the website functionality development. DNH also detailed the Mock User Interface design during this time.

During April through September 2007, user interface enhancements were agreed upon and signed off on. Database enhancements were also developed at this time, including geodatabase schema model and application management for NHDE subscriptions. Functionality specifications were detailed and developed, including enhancements to report generation and tool functionality based on database model modifications, and capture of polygon boundary information submitted as part of project review. However, these items have not been entirely completed by Timmons yet.

DCR-DNH has been informed by Timmons that work on the NHDE is being pushed back in favor of other projects. Timmons notified DCR-DNH in their last report (see Appendix B) that the website will be available for testing by November 19, 2007. Testing results are due back by November 27<sup>th</sup>. By the end of the following week, all edits and sign-offs (including re-testing for compliance) are scheduled to be completed. According to Timmons, the anticipated date of release is now December 10, 2007.

The user interface (UI) of the NHDE was designed to create an intuitive and informative site for authorized users interested in the location and ecological status of the various natural heritage resources in Virginia. As data is added to the site, and as users have had an opportunity to comment on their experience while on the site, several UI enhancements have been commissioned to further increase the site's utility. Some of these improvements include:

- creating new thematic categories and rearranging existing categories in the legend,
- improving symbology of the geographic data,
- adjusting scale thresholds of layers that will aid in the performance and function of the site.

The NHDE is really driven by an underlying database, which contains all relevant conservation-related information. Changes in the structure and organization of a database are sometimes

needed in order to better manage the growing amount of information. To that end, several database improvements are underway. These enhancements include:

- modifying necessary database schemas,
- formalizing the IMS business data work flow,
- enhancing the information contained on the registration page and how that information is stored, and
- better organizing ancillary web pages that serve as metadata for NHDE.

The end-user's experience with NHDE typically culminates with the creation of a customized report that contains user-specified data layer information. Since NHDE was initially launched, requests for additional information as well as refinements in how the data is presented has resulted in the several updates being made to the report. These updates include:

- displaying the map at a user-specified scale,
- removing system-specified data layers,
- capturing and storing the project boundary as a data field,
- linking the project boundary to a project number and approximately eight other additional associated data fields, and
- presenting stipulated data fields on the short form and long form.

### ***Assistance with Local Land Use Planning and Decision Making***

The Locality Liaison has worked with various organizations within the Coastal Zone to encourage comprehensive use of natural heritage data and DCR-DNH services for conservation planning. During the previous grant year she had expanded her outreach program beyond providing assistance to local governments. She has incorporated other conservation partners, such as land trusts, that work at the local level into this program.

Publicity of the NHDE has resulted in overwhelming interest in Natural Heritage data and services, beyond just the NHDE. Most land trusts interested in Natural Heritage data have elected to come to the general NHDE training sessions, instead of receiving an individualized presentation from the Locality Liaison. Due to an overwhelming interest in individualized presentations from localities, the Liaison has spent the bulk of her time working with localities.

The Locality Liaison gave twelve presentations on the Locality Assistance Program, VA Natural Heritage Data Explorer, Virginia Conservation Lands Needs Assessment (VCLNA) and Land Conservation Data Explorer (LCDE) (see Appendix C). Each presentation is tailored to the specific organization and is followed by a discussion of the organization's needs. The Locality Assistance Program is designed to increase the level of service that DCR-DNH can provide to localities by identifying a number of optional ways in which DCR-DNH can provide assistance. Presentations were made to the following organizations:

- 10/25/06 Westmoreland County- The County expressed interest in a natural heritage data subscription upon receipt of a DNH letter announcing the new Data Explorer website. Five staff members of the County's Land Use Office were in attendance. The County received the Natural Heritage screening coverage shapefile and NHDE access.

- 12/5/06 City of Chesapeake- The City expressed interest in a natural heritage data subscription upon receipt of a DNH letter announcing the new Data Explorer website. Six staff members of the City's Planning, Public Works and Neighborhood Services Departments were in attendance. The City received the Natural Heritage screening coverage shapefile and NHDE access.
- 1/17/07 Richmond PDC GIS Users Group- Approximately fifty people were in attendance including mostly local government staff, but also staff from state agencies, consulting firms and the PDC. Following the presentation Hanover County and Crater PDC staff expressed interest in receiving Natural Heritage Data and have since received the Natural Heritage screening coverage shapefile.
- 2/6/07 Hanover County- Seven staff members of the County's Planning, Public Works and Administration Departments were in attendance. Additionally four staff from Virginia Cooperative Extension, Department of Forestry and the Hanover-Caroline Soil and Water Conservation District, who are also members of the County's Rural Legacy Committee, were present. The County was interested in using DNH's data for planning purposes and in a proposed PDR ranking system. The County received the Natural Heritage screening coverage shapefile.
- 2/8/07 Northumberland County- The County expressed interest in a natural heritage data subscription upon receipt of a DNH letter announcing the new Data Explorer website. The Assistant County Administrator and Zoning Administrator were in attendance. The County had signed a data license agreement and was given the NH screening coverage shapefile the day prior to the meeting. They also expressed interest in project review services and the VCLNA following the presentation. The County had previously been using old NH hard copy maps for screening construction projects prior to approval.
- 2/23/07 King George County- The County expressed interest in a natural heritage digital data subscription upon receipt of a DNH letter announcing the new Data Explorer website. Two planners from the County's Community Development Department were in attendance. The County was given the NH screening coverage shapefile the day prior to the meeting. They also expressed interest in the VCLNA following the presentation.
- 3/30/07 Williamsburg Land Conservancy- The land trust contacted the DCR Land Conservation Coordinator and expressed interest in the VA NH Data Explorer website. The Executive Director, intern and a Conservancy board member were in attendance. The Conservancy received the NH screening coverage shapefile and Data Explorer access.
- 4/17/07 Lancaster County- The Planning & Land Use Director and County Administrator were in attendance. The County received the NH screening coverage shapefile to be used for comprehensive planning. They also expressed interest in the VCLNA and Conservation Lands Database following the presentation.
- 4/24/07 DCR-Division of Chesapeake Bay Local Assistance and DCR-Division of Soil & Water Conservation, James Watershed Office- Nine DCBLA staff and four James Watershed Office staff were in attendance. Following the presentation, staff discussed how they could coordinate with the locality liaison in their work with local governments. DCBLA sent locality contact information for use by the Locality Liaison.
- 4/26/04 Prince George County- The County Planning Director attended. The County has received the NH screening coverage shapefile, to be used for comprehensive planning, and

access to the NHDE for project review. He also expressed interest in the VCLNA following the presentation.

- 7/24/07 Spotsylvania County- Ten Planning Department staff were in attendance. The County received the NH screening coverage shapefile, to be used for comprehensive planning, and access to the NHDE for project review. The Locality Liaison has also developed language for the Natural Resource section of the County's comprehensive plan (see Appendix D)
- 9/10/07 City of Virginia Beach- Four staff from the Planning Department were in attendance. The County has received NH screening coverage shapefile, to be used for comprehensive planning, and access to the NHDE.

The Locality Liaison developed a Locality Assistance Program Web Page with assistance from the Piedmont & Mountain Zone Locality Liaison and data management staff ([http://www.dcr.virginia.gov/natural\\_heritage/localityliaison.shtml](http://www.dcr.virginia.gov/natural_heritage/localityliaison.shtml)). This web page allows localities and other conservation partners to access information about the Locality Assistance Program electronically. It is accessible from the main Natural Heritage web page. The Locality Assistance Program Web Page provides an overview of the program and locality liaisons, and provides brief explanations of available tools and services with links for further information. A map of the localities with current Natural Heritage data subscriptions is also included. This will hopefully be an incentive for localities that do not have data subscriptions to obtain our information, when they see that surrounding localities have it. Finally, there is a map of the locality liaison service areas and contact information for the liaisons.

The Locality Liaison was appointed to the Hanover County Rural Legacy Committee this spring. The committee is made up of local, state and federal government staff, and local citizens. The committee is charged with identifying implementation strategies for preserving the conservation area designated by the County's comprehensive plan. The County staff previously expressed interest in utilizing Natural Heritage data as part of the prioritization system for a Purchase of Development Rights program and have received the NH screening coverage shapefile. The committee is currently working on developing a Purchase of Development Rights (PDR) program. The criteria for the PDR program has been agreed upon and the point distribution will be discussed at November's monthly meeting. Proximity to a Natural Heritage Conservation Site is included in the criteria. The committee finished the proposed by-right rural cluster development ordinance that will require most of the site be preserved as open space. It was presented by the committee chairman and Planning Department staff at the October Planning Commission meeting.

The Locality Liaison attended a conference titled "Conservation Thresholds for Land Use Planners" March 21-23, 2007, in Milwaukee, WI. The conference was sponsored by the Environmental Law Institute (ELI), The George Gund Foundation, Surdna Foundation and The Johnson Foundation. The purpose of the conference was to advance the field of conservation planning by identifying robust and measurable implementation strategies that support the development and application of science-based conservation thresholds. Conference participants included a small group of accomplished land use planners, conservation biologists and public policy practitioners. Participation was by invitation only and all expenses were paid by the sponsors. Results of this working meeting were compiled and published as a concept paper by

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ELI in May 2007 (see Appendix E). The session dealing with communicating conservation planning was a highlight of the conference, and the Locality Liaison has incorporated several of the techniques learned into her communication with localities and other conservation partners.

The Locality Liaison also attended a workshop titled “Sea Level Rise & Other Coastal Hazards: The Risks of Coastal Living,” on May 11. The workshop was sponsored by the VIMS Center for Coastal Resources Management. The purpose of the workshop was to provide opportunities to explore issues related to sea level rise, coastal storm surges, flood plain development & other coastal hazards from a global and national scale to the local perspective. Possible effects of climate change on Virginia’s coastal ecosystem was the main theme of the workshop. Yearly sea level rise in the Chesapeake Bay is slightly greater than in the Mid-Atlantic as a whole according to VIMS. Rising sea levels and other effects of climate change will have an impact on coastal natural area preserves and coastal localities in Virginia. Management and planning suggestions were provided to deal with these issues.

### ***Habitat Restoration and Protection Initiatives***

The second phase of the Wetland Restoration Catalog was completed in September 2006. The catalog contains potential wetland restoration sites that are within or adjacent to Natural Heritage Conservation Sites. Natural Heritage Conservation sites larger than 500 acres with a biodiversity rank of B1 (outstanding significance), B2 (very high significance) and B3 (high significance) were selected. Chief Biologist, J. Christopher Ludwig, reviewed each conservation site against 2002 Virginia Basemap aerial photography, National Wetland Inventory wetland coverage, and other GIS datasets. This catalog is intended to guide localities and regulatory agencies to appropriate sites for various conservation purposes including wetland mitigation.

These prior-converted wetland patches occur on a mix of private and public lands and property information has not been referenced. The wetland restoration opportunities have not been field verified. Additional property research, site evaluation and coordination with DCR-DNH will be necessary to determine which areas are suitable candidates for restoration. Nevertheless these sites represent high-probability opportunities to design and implement high-value wetland restoration projects.

The Wetland Restoration Catalog is not intended to be a static document. DCR-DNH plans to update it when the new Virginia Basemap aerial photography is received and as the conservation sites are revised.

The Wetland Catalog is being promoted during project review for mitigation as opportunities arise. One such project was the mitigation plan for the Hampton Roads Long Range Transportation Plan, which DCR-DNH commented on April 13, 2007 (see Appendix F). DCR-DNH recommended that the Wetland Restoration Catalog be used in selecting a mitigation site, specifically Grafton Ponds site 22. A map of the proposed restoration site and an explanation of the methodology used to create the catalogue was also provided.

The Locality Liaison has also developed a Wetland Restoration Catalog Web Page with assistance from Data Management staff

([http://www.dcr.virginia.gov/natural\\_heritage/wetrestcat.shtml](http://www.dcr.virginia.gov/natural_heritage/wetrestcat.shtml)). This web page includes an overview of the catalog, methodology, a discussion of the results, a new PDF version of the catalog including an attributes table, interactive state map of the sites with HUC codes and individual site maps. Contact information is also included. The Wetland Restoration Catalog Web Page should assist DCR-DNH in informing localities and other conservation partners, such as land trusts and government agencies, of this tool and allow users to easily access the tool via the internet. The shapefile will also still be available upon request.

### ***Evaluation of the Status of Locality Relationships with DCR-DNH***

When not assisting Michelle with coastal localities, Beth Polak (with non-Coastal Program funding) has been making contacts with Virginia localities outside of the Coastal Zone to extend the Locality Liaison model to the rest of the state. Her planning and results have contributed to our ongoing considerations about how the Locality Liaison program can best serve coastal localities.

The Locality Liaison program has proven most effective when the Locality Liaison can become actively involved in some specific project of concern to the locality. Awareness of DCR-DNH among locality planners is growing because of outreach initiatives made by the Liaison and through other DCR-DNH activities, notably as development pressures cause localities to seek out conservation partners. Interest in natural heritage information often depends on timing – whether a comprehensive plan is up for review, or a major development project is under consideration. However, localities such as Stafford, Loudoun and Prince William Counties have directly requested assistance from DCR-DNH for their conservation planning efforts and the screening of individual development projects. With the improvements DCR-DNH has made in data development, localities will benefit from continued or increased exposure to DCR-DNH information and services. Thus far the interest in the NHDE has been fairly high, and we are optimistic that this interest will translate into an increase in DCR-DNH involvements in local planning efforts and greater protection of natural heritage resources.

During this grant year, publicity of the NHDE has resulted in overwhelming interest in Natural Heritage data and services. The Locality Liaison has had difficulty in addressing all of the requests for presentations and training in addition to meeting project review responsibilities. Most of the localities and land trusts in the coastal zone now have some form of Natural Heritage conservation site data. Thus, in the future the Locality Liaison should be able to spend more time on follow-up assistance, such as comprehensive planning, local policies, Purchase of Development Rights Programs and local project review programs.

The availability of a catalog of potential habitat restoration sites should prove to be exceptionally helpful to localities and regulatory agencies and their applicants alike. Since no resource such as this currently exists, it should not only strengthen protection of natural heritage resources but also strengthen relationships with localities, as we will provide another valuable service that assists with their regulatory obligations.