



NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM

Designation Process

The process to federally designate a National Estuarine Research Reserve involves many steps, many individuals, and many organizations. Reserves are based on partnerships, with NOAA serving as the lead federal partner. Other partners include state or territory agencies, nonprofit groups, universities, and members of the local community. It takes the support of all partners to designate and operate a reserve.

Each reserve is managed locally, and that is where the designation process begins. The state must take the first step in seeking federal designation as a National Estuarine Research Reserve. NOAA works with the state at each step along the way.

Designation Steps: Six

Step 1 Letter of Interest

The state sends a letter, usually from the governor, to the NOAA administrator identifying

- Interest in developing a reserve program and nominating a site (do not indicate a specific site)
- Need for funds for site selection (if applicable)
- Lead agency or agencies for contact

NOAA will respond to the state with a determination of whether it can consider a nomination and provide funds.

Step 2 Site Selection and Nomination

Once NOAA determines that it can accept a new nomination, the lead agency may submit an application to NOAA for pre-designation assistance funding (50/50 match requirement). A state is eligible for a total of \$100,000 in federal funds for pre-designation activities, which include site selection, preparation of the required Draft Environmental Impact Statement and Draft Management Plan, as well as Final Environmental Impact Statement and Final Management Plan, and a limited basic characterization of the physical, chemical, and biological characteristics of the site.

Note: The application for federal funds must identify the site-selection agency, the potential managing agency, and a proposed site-selection process that incorporates public participation.

Steps for selecting a site include the following:

- The state develops a process to develop the site-selection criteria. NOAA recommends that the state establish a site-selection committee composed of key interested individuals (e.g., scientists, educators, resource managers, nongovernmental organizations) for this purpose. NOAA provides basic site-selection criteria and approves the finalized criteria developed by the state.
- The site-selection process should cover the entire biogeographic sub-region within the state and then narrow down the options. A site must contribute to the biogeographic and typological balance of the National Estuarine Research Reserve System and be adequately protected from significant ecological change by existing state authorities.
- Contacts must be made with affected landowners, local governments, state and federal agencies, and other key constituencies early in the site-selection process.
- The state, in conjunction with NOAA, holds at least one public meeting in the vicinity of the site being considered. The meeting is publicized in a local newspaper and in the Federal Register at least 15 days before being held.
- The state normally submits preliminary and final site-selection documents. NOAA may request additional information or suggest changes to the nomination.

The governor submits to the NOAA administrator a site-selection document and a nomination letter identifying the proposed site and confirming the lead state agency. NOAA reviews the

site-selection document and sends a letter to the governor accepting or rejecting the nomination.

Step 3 Draft Environmental Impact Statement and Draft Management Plan

After approval of a site nomination, the lead agency may submit an application to NOAA for the remaining pre-designation assistance funding (50/50 match requirement) to prepare the Draft Environmental Impact Statement and Draft Management Plan and the Final Environmental Impact Statement and Final Management Plan. These funds are limited to that portion of the \$100,000 not allocated for the development of the site-selection document.

The state application for funding must include

- A draft management plan outline
- An outline of a draft memorandum of understanding between the state and NOAA to operate the reserve

The state may use any funds remaining from the \$100,000, requiring a 50/50 match, for conducting basic characterization studies.

Before preparation of the Draft Environmental Impact Statement and Draft Management Plan, and in accordance with the National Environmental Policy Act (NEPA), NOAA publishes an intent to prepare an Environmental Impact Statement in the Federal Register. In addition, the state and NOAA hold one or more scoping meetings—with the state conducting these meetings—to solicit the views of the public about the proposed project before preparation of the Draft Environmental Impact Statement and Draft Management Plan. The meeting must be publicized at least 15 days before being held in both the Federal Register and local media. Comments are accepted and addressed in the Draft Environmental Impact Statement.

The state, in collaboration with NOAA, prepares a preliminary and final Draft Environmental Impact Statement and Draft Management Plan, including a memorandum of understanding identifying state and NOAA roles in managing the reserve, and the appropriate draft or final memorandums of understanding among reserve partners establishing roles and responsibilities. The state submits the preliminary and final documents to NOAA for review. After NOAA

approval, NOAA or the state prints the document and distributes it to interested parties, including federal, state, and local agencies.

NOAA announces the availability of the Draft Environmental Impact Statement and Draft Management Plan in the Federal Register. The date of publication begins a 45-day comment period on this plan. The state and NOAA hold one or more public hearings 30-45 days after the Federal Register notice and the notice through the local media.

Step 4 Final Environmental Impact Statement and Final Management Plan

The state, in collaboration with NOAA, prepares the Final Environmental Impact Statement and Final Management Plan as follows:

- NOAA works with the state to respond to comment on the Draft Environmental Impact Statement and Draft Management Plan.
- The state makes necessary changes to the document and submits preliminary and final documents to NOAA for review.
- The Final Environmental Impact Statement and Final Management Plan includes:
 - the unsigned memorandum of understanding between NOAA and the state
 - signed memorandum(s) of understanding among reserve partners establishing roles and responsibilities
 - a Coastal Zone Management Act federal consistency determination
 - an Endangered Species Act section 7 consultation with the U.S. Fish and Wildlife Service
 - a National Historic Preservation Act section 106 consultation with the state historic preservation officer
- Upon approval, NOAA prints the Final Environmental Impact Statement and Final Management Plan and distributes it to those who provided comments and to other interested parties.
- NOAA publishes a Federal Register notice announcing the availability of the final plan. The date of publication begins the 30-day waiting period.

Step 5 **Designation Findings and Certificate; Record of Decision**

After a 30 day waiting period, NOAA prepares designation findings for signature by the NOAA administrator. Once the designation findings and the memorandum of understanding between NOAA and the state are signed, the designation is official.

Step 6 **Designation Ceremony**

NOAA presents the certificate of designation to state officials and the reserve partners. The new reserve is on its way to serving its community with long-term research, water quality monitoring, educational programs, and coastal stewardship activities.