

Designating a National Estuarine Research Reserve in Louisiana: Frequently Asked Questions



Site Selection Process: Definitions, Criteria, and Nomination Process

Q: What is a NERR?

A: The National Estuarine Research Reserve System is a network of 29 protected areas representative of the various biogeographic regions and estuarine types in the United States. Reserves are established for long-term research, education, training, and stewardship, and to promote informed management of the nation's estuaries and coastal habitats. A reserve represents a partnership between NOAA and coastal states. NOAA provides funding and national guidance, and each site is managed on a daily basis by a lead state agency with input from local partners. The reserve system covers 1.3 million acres and focus on four key sectors: Research, Education, Stewardship, and Training. (see <https://coast.noaa.gov/nerrs/> and <https://coast.noaa.gov/nerrs/about/> for more information)

- **Stewardship**: Each site undertakes the initiatives needed to keep the estuary healthy.
- **Research**: Reserve-based research and monitoring data are used to aid conservation and management efforts on local and national levels.
- **Training**: Local and state officials are better equipped to introduce local data into the decision-making process as a result of reserve training efforts.
- **Education**: Thousands of children and adults are served through hands-on laboratory and field-based experiences. School curriculums are provided online.

Q: What Is an Estuary?

A: Estuaries and their surrounding wetlands are bodies of water usually found where rivers meet the sea. Estuaries are home to unique plant and animal communities that have adapted to brackish water—a mixture of fresh water draining from the land and salty seawater. [Learn More](#).

Q: What programs and benefits do research reserves offer?

A: Reserves apply science and education to improve the management of estuaries. Each reserve brings together local stakeholders, scientists, land management professionals, and educators to understand coastal management issues and generate local, integrated solutions. In addition to collecting and disseminating national and locally relevant data, reserves also provide the trainers and educators needed to bring the reserve-generated data and information to students, local citizens, and decision makers. Reserves further benefit their surrounding community by leveraging existing NOAA resources and bringing in federal funding that is only available to designated sites.

Q: Why should coastal Louisiana have a NERR?

A: The Mississippi River Delta and Chenier Plain represent the seventh largest river delta in the world and one of the most unique environmental, economic, and cultural landscapes in the United

States. This coastal region is also one of the most threatened natural resources in the world with historic wetland loss and flooding issues that challenge these economic and cultural assets of the region. Establishing a National Estuarine Research Reserve (NERR) will provide another tool in the toolbox to complement a concerted effort by the state of Louisiana to solve these challenges and build a more resilient delta landscape. A NERR in Louisiana (LaNERR) would be a place with research and education mission that would benefit students, the public and decision-makers with information on how a delta works – and what it takes to fix our present problems. The health of the Mississippi River delta ecosystem and the many human uses that depend on it would benefit from establishing a National Estuarine Research Reserve.

Q: Will the state have to purchase land for a Louisiana reserve?

A: No. Louisiana is considering sites from existing publicly owned lands and adjacent public trust waters. Additionally, the Louisiana NERR site could expand with municipal and non-profit property; and with donated or purchased land.

Q: Will a new reserve involve NOAA taking land from the State?

A: The National Oceanic and Atmospheric Administration (NOAA) does not own or manage the land within a reserve, nor does the designation of a reserve add new state or federal regulations. Memoranda of Agreement are used to articulate roles and responsibilities between relevant partners and landowners in the state, and NOAA.

Q: Will the federal government run the reserve?

A: The Louisiana NERR will be a partnership between NOAA and the state of Louisiana. The state is responsible for day-to-day management of a reserve. State responsibilities include land ownership and management; reserve staff members; program implementation; and 30% of funding for the reserve operations. NOAA administers the entire reserve system. NOAA responsibilities include establishing standards for designing and operating reserves; national policy and program guidance; technical assistance; program coordination; and 70% of funding reserve operations.

Q: Does the designation of a reserve bring more rules and regulations?

A: The designation of a Louisiana NERR will not add any new regulations to state-owned lands. NERR designation also does not impose regulations on privately-owned lands. NOAA will examine whether a proposed site is adequately managed for long-term research and education by existing state authorities. There are no federal regulations imposed as a result of reserve designation. Each reserve develops a management plan which takes into consideration the beneficial consumptive (resource harvesting such as fishing, shell fishing, etc.) and non-consumptive uses (recreational such as hiking, birdwatching, biking etc.) and the compatibility with adjacent land uses. These management plans use existing state laws and regulations on lands proposed for a LaNERR to be used to meet the NOAA criteria for a Reserve.

Q: Are there certain criteria that a site must meet to be eligible to be designated as a research reserve site?

A: Yes. Reserve sites are chosen to reflect regional variations and ecosystem types, termed “biogeographic regions,” and unique estuarine habitat features within each biogeographic region. NOAA gives priority consideration to designation proposals that establish a reserve in a biogeographic region or sub-region that is not currently represented by the Reserve system or that incorporates unique habitat types that are not represented by the NERR System. NOAA will also evaluate the site based on whether it would be adequately managed for long-term research, education, and stewardship. Since Louisiana is in a biogeographic region that is represented in the Reserve system, this site should include unique habitat types that are not currently represented in the system.

Q: Is recreational hunting and fishing as well as commercial fishing allowed on NERR sites?

A: Designation of a reserve does **not** preclude existing uses and does **not** result in the total preservation of the area. Each reserve develops a management plan which takes into consideration the beneficial consumptive (resource harvesting such as fishing, shell fishing, etc.) and non-consumptive uses (recreational such as hiking, birdwatching, biking etc.) and the compatibility with adjacent land uses. NOAA relies on state regulatory mechanisms to manage those uses within the Reserve boundary.

Q: Will oil and gas exploration and drilling still be allowed?

A: The designation of a Reserve will not change any existing uses on that land/water. The site designation process is essential to identifying a proposed site where the goals of the NERR program (providing a stable environment for long-term research, education, and interpretation) do not conflict with existing uses at the site. NOAA relies on the state to identify a core area where existing uses would not have the potential to adversely impact the proposed site. NOAA relies on state regulatory mechanisms to determine how existing uses will be managed within the buffer areas of the Reserve. When considering new activities and uses proposed within the Reserve boundary (combined core and buffer), NOAA will continue to rely on state regulatory mechanisms to ensure that the siting of new activities will not adversely affect the Reserve site. When considering the uses present at a proposed NERR site, those activities should be considered in light of future impacts and how potential changes to the environment could impact the Reserve site once designated.

Ultimately, NOAA relies on state regulatory mechanisms for the management and siting of new and existing uses. However, NOAA does have to be consulted on the uses at a Reserve through the management planning process and relies on the Memorandum of Understanding/Memorandum of Agreement established between the state managing partner and NOAA at the time of site designation to guide the review of activities at a Reserve site.

Within the Reserve system there are examples of sites that have active oil and gas activities within the Reserve boundary. Mission-Aransas Reserve (located in the Coastal Bend of Texas) has current oil and gas production happening within the Reserve boundary, but this activity occurs within the buffer zone and not the core boundary. During the site designation process, the state mapped out the existing oil and gas activity in the area to determine where to place the core and

buffer boundaries to avoid oil and gas impacts within the core boundary of the Reserve. In other Reserves there is active oil and gas refining activity that occurs directly next to the boundary of the Reserve, and they are great partners for the reserve.

Q: How long does the designation process take?

A: The length of time it takes to designate a National Estuarine Research Reserve is not prescribed by NOAA, but rather depends on the time it takes for the state to accomplish the steps and tasks outlined in the regulations. The site selection and nomination process involve a number of steps and public engagement. Once a site is nominated the state and is approved by NOAA, the next steps involve preparation of an environmental impact statement and management plan for the site. Both of these steps require public engagement and input. It takes significant time to develop documentation, engage experts and the public, and execute the review and approval process. Robust stakeholder engagement, which is essential to ensure that the most appropriate site for all Louisiana stakeholders is designated, is imperative to a well-executed designation process.

Q: What funding from NOAA supports the Louisiana designation process?

A: A state is eligible for a total of \$100,000 in federal funds for pre-designation activities, which include site selection, a limited basic characterization of the physical, chemical, and biological characteristics of the site, preparation of the required management plan, and providing data and information to NOAA for development of the draft and final Environmental Impact Statements. The Louisiana State University requested \$48,000 in FY20 (70% federal and 30% state match requirement). The state may request up to \$52,000 for the remainder of the designation process.

Q: If we have a potential reserve site in mind, is it necessary to use the formal selection process?

A: Yes. The state is responsible for developing a site selection process that examines potential sites and applies objective criteria to strategically identify and rank the most suitable locations for a NERR site. The site-selection process has been proven valuable in clarifying issues and priorities and in engaging interested and affected parties.

Q: What is the difference between the Pre-screening Criteria and the full NOAA criteria?

A: The purpose of the pre-screening criteria is to allow the Site Development Committee to narrow its focus to only those areas of the coast that meet the minimum requirements for a NERR. Site Development Committee members are asked to recognize that most sites could be good sites, but the criteria are meant to identify the best site for the stated goals of the NOAA program and the state's needs. Modification of the full criteria allow us to identify the optimal site for a NERR. The Site Development Committee has sent draft modifications of the full criteria to NOAA for review and approval. We hope to have those site criteria approved in time for Town Hall meetings of the three proposed sites for a Louisiana NERR.

Q: Are the criteria equally weighted?

A: The Pre-screening criteria are equally weighted however the final modified site criteria do not have to be. The draft site criteria for a LaNERR submitted by the Site Development Committee to

NOAA has equal weight to all criteria in six different categories (see <http://www.laseagrant.org/deltanerr/updates/> for copy of the draft site criteria).

Q: What is the optimal size for a Louisiana NERR?

A: The smallest NERR in the system is in Ohio at a little less than 500 acres and the largest is in Alaska at more than 350,000 acres. The majority of NERRs are less than 50,000 acres. Three of the top five largest NERRs are in the Gulf states – two in Florida and one in Texas. Depending on how the site selection committee identifies a potential site, a Louisiana NERR site has the potential to be quite large. The site selection process will use factors such as the amount of state land immediately available, anticipated cost increases due to management of larger parcels, and others to develop the boundary of the potential NERR site. There is no optimal size for a Reserve site, rather the site's boundaries should be drawn in such a way as to allow for the long-term monitoring and research of a complete ecological unit of key estuarine habitats.

One important factor to note is that the Reserve boundary cannot be composed of more than 50% federal lands.

Q: Can Louisiana have more than one coastal basin included in a LaNERR site?

A: It is allowable for Louisiana to nominate a site with multiple components, and there are examples of sites in the Reserve system with multiple components. One consideration for a site with multiple components is that the funding available for that site stays the same, no matter how many components there are in the site. Multiple components necessarily increase the management needs for the Reserve, which can have a significant impact on the utility of the federal funding available. These considerations will be weighed against other factors during the site selection process.

Q: Can the managing entity be a consortium or a partnership of entities?

A: Once a site is designated, the state managing entity and the associated roles and responsibilities will be outlined in a Memorandum of Understanding and in the draft site management plan. There are several different examples of state managing entities, but the most common are either state agencies or state public universities. Ultimately, the state managing entity must identify and/or establish the mechanisms by which the state has control over the designated site and the management of that site for the life of the Reserve.

Q: What timeline should be used to evaluate the life of a NERR?

A: The goal of a NERR site is for longitudinal research. The oldest NERR site has been on the ground now since 1974, 46 years old already. NERR sites are focused on long-term research and monitoring, and sites are intended to exist indefinitely. This is why siting the NERR, developing public support, and establishing a managing entity is vital to its long-term success.

Q: How does the site selection process take into account the environmental changes happening along our coast and the efforts to address it through the Coastal Master Plan?

A: NOAA recognizes that many areas that could potentially be designated as a Reserve have undergone ecological change as a result of human activities, and such changes may have diminished the historical character of and integrity of a site. NERRS are located in dynamic zones, and the coasts are changing constantly. We recognize that as a conversation within the System and understand that new designations will have to consider these issues as the state moves through the designation process. NERRS regulations do permit the restoration of these areas to improve the representative character of and integrity of a Reserve, but these restoration activities *must* be carefully planned and approved by the state and NOAA through the Reserve management planning process. An activity that can be expected to have a significant adverse impact on the resources or habitats of a Reserve resulting in a change to the representative character and integrity of a Reserve is prohibited.

Manipulative activities taking place at a proposed site must meet the goals of the NERRS program, which are to provide long-term research, education, and interpretation. This includes providing a stable environment for research through the longer-term protection of NERR resources, as well as addressing coastal management issues identified as significant through coordinated research.

The site designation criteria used to identify a potential Reserve site will take these considerations into account, and it will be the role of the Site Development and Site Evaluation committees to weigh those criteria against the other non-restoration related criteria to determine the best potential site for Louisiana. The Coastal Master Plan will be an essential resource for the committees as they navigate these discussions, and the committee will be asked to consider landscape changes over the next 50 years, both with and without Coastal Master Plan projects.

It is also important to note that NOAA is involved in the site development process and regularly communicates with the team leading the site development process for Louisiana, and that any issues that arise for potential sites where Coastal Master Plan projects are planned will be discussed long before the site nomination package is finalized and submitted to NOAA for approval.

Q: Is it preferable to have a site that is closer to urban populations so that more people will use it?

A. This is a difficult question to answer definitively, as it is ultimately the outcome and decision of the site designation process managed by the state. NOAA has defined criteria that are required to be considered during the development and nomination of a potential Reserve site. Those criteria require the site development process to balance the benefits of a large nearby population that can access the Reserve site with the potential impacts that nearby development pressures can have on the long-term integrity of a Reserve site. This balancing act will be the responsibility of the Site Development and Site Evaluation committees, and NOAA relies on the expertise and knowledge of the state team and stakeholders to inform that decision. The site criterion uses one-day travel for education field trips as optimum location for schools and educational institutions to participate in a LaNERR.

Within the NERR system there are examples of both types of Reserves, each with its benefits and challenges. For example, the Tijuana River NERR in southern California is located close to the large population centers of San Diego, CA and Tijuana, Mexico. This site has robust public attendance at Reserve events and the ability to easily connect with other resources in the area. However, the Reserve has to focus significant resources on issues of water quality and urban runoff within the Reserve boundary that are direct impacts from the nearby population centers.

An opposite example is the Sapelo Island reserve site in Georgia. The habitats at this reserve site are relatively unimpacted and allow for research and stewardship without having to deal with concerns related to habitat degradation. However, it is located in a very remote location, requiring boat access to visit, which makes it difficult to host education and training events at the site. This results in staff having to travel outside of the Reserve boundary to engage with the communities in the surrounding area.

Q: Is something less than full ownership allowed?

A: Yes. There are examples throughout the NERR system of Reserves where the boundary includes lands dedicated through conservation easements and other agreements where the private property owner retains some rights to the property. Whatever the mechanism, it is required that the state managing partner has control over the use of the parcel that is to be included as part of the Reserve. The state managing partner is responsible for developing any conservation easements or other agreements that outline the management of the property and ensuring that those activities align with the goals of the Reserve, as well as receiving consent from NOAA that we approve the conservation easement or agreement as part of the management plan of the Reserve.

Q: If a private landowner wanted to participate in another federal easement program (for example, the Natural Resources Conservation Service Agricultural Reserve Program), could they also participate in a conservation easement and include that property in the Reserve boundary?

A: The answer to this question is dependent upon the specific programs involved, but essentially this is an existing land use question. If a landowner is participating in a conservation easement program, the state managing partner and NOAA would look at the uses included in the conservation easement and ensure that those uses are in line with the goals of the NERR program. Those existing uses would also be considered for any potential impacts that they may have on the integrity of the Reserve site before the agreement could be finalized and included in the Reserve boundary and management plan.

Q: Why is the Site Development Committee not considering donations of land from private interests at this time?

A: NOAA requires a minimum level of state control over the property to ensure long-term management as part of the NOAA-state partnership. Donations can take years and thus we cannot depend upon the precarious nature of land acquisition transactions to initiate a NERR site

in Louisiana. Donations will be considered later in the process as lagniappe. Additions to the reserve boundary can also be made once the reserve has been designated and as potential acquisition opportunities emerge. In fact, the availability of lands for future acquisition is a criterion in the site evaluation process.

Post Site Nomination Process

Q: If NOAA accepts the Louisiana nomination, when could a Reserve be designated?

A: Should NOAA accept the state's nomination, it would kick off the next step in the process, as required under NEPA, to consider the state's recommended site and other options as they develop a Draft Environmental Impact Statement; the state's development of a draft management plan for NOAA's review; and additional public meetings and opportunities for public comment. Once the drafts are open for public comment, NOAA and the state move to finalize these documents and develop a record of decision for approval of the designation. This could take 12 to 24 months.

Q: What happens if NOAA rejects the Louisiana site nomination?

A: If NOAA rejects the state's site nomination, the designation process would not advance to the next phase. NOAA would not proceed with the development of an EIS nor would it support the state's development of a draft management plan. NOAA could decide to revisit or reconsider the state's site nomination at any point in the future.

Q: If NOAA accepts Louisiana's site nomination, does this mean that NOAA has decided to designate a new reserve in Louisiana?

A: No. NOAA's decision to accept the state's site nomination and proceed to the next phase does not imply support for a new designation nor does it compel the agency to support a new reserve upon completion of the EIS and draft management plan.

Reserve Site Operation Post-Designation

Q: How much does each NERR site receive from the federal government annually, how much do we have to invest, where can that come from, and to what extent does NOAA dictate how that money has to be spent?

A: This answer differs depending on what the funding is being used for, and the amount of federal funding available each NERR within the System (depending upon the approved federal budget for the relevant fiscal year). Eligible managing state partners can apply for federal funding for the operation and management of the Reserve, as well as for acquisition of lands/waters and facilities construction. The portion of federal funding available to Reserve sites for operations are distributed in an equal share across all eligible sites.

Federal funds are available for the operation and management of the Reserve once it has been formally designated. Federal funds for the operation and management of a Reserve site may not exceed 70% of the total cost of operating and managing the Reserve for any one year. No more

than 10% of the total amount (state and federal shares) of each operation and management award may be used for construction-type activities.

Federal funds are also competitively available for facilities construction and for the acquisition of lands or waters, or interests therein, to be included in the boundary of an eligible Reserve site. Construction and acquisition funding is allocated through a competitive award process, and this fund changes annually based on federal budget appropriations and NERR System priorities. Federal funding for acquisition projects may not exceed an amount equal to 50 percent of the costs of the lands, waters, and interests therein or \$5,000,000, whichever amount is less. For construction projects, federal funding may not exceed 70 percent of the total costs. Eligible construction and acquisition projects need to be outlined in the acquisition and construction section of Reserve site management plan.

The state share can be made up of a number of different sources. NOAA works with the state managing partner to identify the most appropriate sources of state match.

Q: If a private landowner wants to sell his property to the state as a part of the NERR program, what rights could he or she maintain?

A: If a private property owner sells their parcel to the state to be included in the Reserve boundary, they would retain whatever rights the public has to the land - no more, no less. If a private landowner enters into an agreement with the state to include their land in the NERR boundary as part of a conservation easement or some other agreement, the private landowner's rights would be outlined in that agreement, which will be included in the Reserve boundary with NOAA's consent.