

National Estuarine Research Reserve The Designation Process

The process for federal designation of a National Estuarine Research Reserve has many steps and involves many individuals and organizations. Reserves are based on partnerships, with NOAA serving as the lead federal partner. Other partners include state agencies, non-profit groups, universities and members of the local community. It takes the support from 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.

- Step 1. Letter of Interest
- Step 2. Site Selection and Nomination
- Step 3. Draft Environmental Impact Statement/Draft Management Plan
- Step 4. Final Environmental Impact Statement/Final Management Plan
- Step 5. Designation Findings and Certificate; Record of Decision
- Step 6. Designation Ceremony

NOTE: This is an overview of the designation process. Situations may vary within a state or NOAA, resulting in slight modifications to some of the designation steps. More detailed information on the designation process is available from NOAA and in the reserve regulations.

Step 1. Letter of Interest

The state sends a letter 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. The letter usually comes from the Governor of the state.

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 site selection funding (50/50 match requirement). A state is eligible for a total of \$100,000 in federal funds for pre-designation activities, which includes site selection; preparation of the required Draft Environmental Impact Statement/Draft Management Plan (DEIS/DMP and the Final Environmental Impact Statement/Final Management Plan (FEIS/FMP); and a limited basic characterization of the physical, chemical and biological characteristics of the site. It is recommended that the preliminary application for the site selection phase request \$25-40K.

The application 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 state develops a process to develop the site selection criteria. It is recommended that the state establish a site selection committee comprised of key interested individuals (e.g. scientists, educators, resource managers, NGOs) for this purpose.
- The site selection process should cover the entire biogeographic subregion 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, and state and federal agencies early in the site selection process.
- The state, in conjunction with NOAA, holds a 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 prior to 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/Draft Management Plan

After approval of the site nomination, NOAA will award funds to prepare the DEIS/DMP and FEIS/DMP. These funds are limited to that portion of the \$100,000 not allocated for the development of the site-selection document. The match requirement is 50/50. The state application for funding must include:

- a draft management plan outline
- an outline of a draft memorandum of understanding (MOU) between the state and NOAA to operate the reserve.

The state may use any funds remaining from the \$100,000 for conducting basic characterization studies, subject to the same match requirement.

Prior to preparation of the DEIS/DMP, NOAA publishes an intent to prepare an Environmental Impact Statement in the Federal Register, and the state and NOAA hold a scoping meeting(s) (the state conducts the meeting) to solicit the views of the public regarding the proposed project before the DEIS/DMP is prepared. The meeting must be publicized at least 15 days prior to being held in both the Federal Register and local media. Comments are accepted and addressed in the DEIS.

The state, with assistance by NOAA, prepares a preliminary and final DEIS/DMP, including a MOU identifying the state and NOAA roles in managing the reserve and draft or final MOU(s) among reserve partners establishing roles and responsibilities. The state submits the preliminary and final documents to NOAA for review.

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

NOAA announces the availability of the DEIS/DMP in the Federal Register. The date of publication begins the 45-day comment period on the DEIS/DMP. The state and NOAA hold a public hearing(s) 30-45 days after the Federal Register notice and notice through the local media.

Step 4. Final Environmental Impact Statement/Final Management Plan

The state, with assistance by NOAA, prepares the FEIS/FMP as follows:

- NOAA works with the state to respond to comments on the DEIS/DMP.
- The state makes necessary changes to the DEIS/DMP and submits preliminary and final documents to NOAA for review.
- The FEIS/FMP includes:
 - the unsigned MOU between NOAA and the state
 - signed MOU(s) 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
- Upon approval, NOAA prints the FEIS/FMP and distributes it to those who provided comments and to other interested parties.
- NOAA publishes a Federal Register notice announcing the availability of the FEIS/FMP. The date of publication begins the 30-day waiting period.

Step 5. Designation Findings and Certificate; Record of Decision

After the 30 day waiting period, NOAA prepares designation findings for signature by the NOAA Administrator. Once the designation findings and the MOU 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.