

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

Site Selection and Nomination Process: Definitions, Criteria, and Nomination Process

Q: What is a National Estuarine Research Reserve (NERR)?

The NERR System is a network of 30 protected areas representative of the various biogeographic regions and estuarine types in the United States. NERRs are established for long-term research, education, training, and stewardship, and to promote informed management of the nation's estuaries and coastal habitats. A NERR represents a partnership between the National Oceanic and Atmospheric Administration (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 NERR System covers 1.3 million acres and focuses on four key sectors: Research, Education, Stewardship, and Training. Refer to this website for additional information <https://coast.noaa.gov/nerrs/>.

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

Q: What is an estuary / estuarine?

Estuaries and their surrounding wetlands are usually found where rivers meet the sea. Estuaries are home to unique plant and animal communities that have adapted to estuarine water—a mixture of fresh water draining from the land and salty seawater.

Q: What programs and benefits does a NERR offer?

NERRs apply science and education to improve the management of estuaries. Each NERR 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, NERRs also provide the trainers and educators needed to bring the NERR-generated data and information to students, citizens, and decision makers. NERRs further benefit local communities by leveraging existing NOAA resources and funding that is only available to NERRs.

Q: Why should coastal Louisiana have a NERR?

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 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 would be a place with research and education missions aimed to benefit students, the public, and decision-makers with information on how a river delta works, the challenges our coast is facing, and what it takes to address these challenges. The health of the Mississippi River delta ecosystem and the many human uses that depend on it would benefit from establishing a NERR.

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

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

Q: Will a new NERR involve NOAA taking land from the state?

No. NOAA does not own or manage the land within a NERR, nor does the designation of a NERR 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 NERR?

A NERR in Louisiana would be a partnership between NOAA and the state of Louisiana. The state is responsible for day-to-day management of a NERR. The state is responsible for land ownership and management; NERR staff; program implementation; and 30% of funding for the NERR operations. NOAA administers the entire NERR System. NOAA is responsible for establishing standards for designing and operating NERRs; national policy and program guidance; technical assistance; program coordination; and 70% of funding for operations.

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

No. The designation of a NERR in Louisiana will not add any new regulations to state-owned lands. Also, a NERR designation 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 NERR designation. Each NERR develops a management plan which takes into consideration the beneficial consumptive (resource harvesting such as fishing, shell fishing, etc.) and non-consumptive uses (recreation such as hiking, birdwatching, boating, etc.) and the compatibility with adjacent land uses. Management plans use the existing state laws and regulations already in place on lands proposed for a NERR.

Q: Is recreational hunting and fishing as well as commercial fishing allowed in NERRs?

Designation of a NERR does **not** preclude existing uses and does **not** result in the total preservation of the area. Each NERR develops a management plan which takes into consideration the beneficial consumptive (resource harvesting such as fishing, shell fishing, etc.) and non-consumptive uses (recreation 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 NERR boundary.

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

The designation of a NERR will not change any existing uses on the land/water within the NERR boundary. The NERR 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, stewardship, and training) 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 NERR. When considering new activities and uses proposed within the NERR 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 areas within the NERR. When considering the existing uses in a proposed NERR boundary, those activities should be considered in light of future impacts and how potential changes to the environment could impact the NERR site once it is 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 NERR 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 NERR designation to guide the review of activities in a NERR boundary.

Within the NERR System there are examples of sites that have active oil and gas activities within the NERR boundary. The Mission-Aransas NERR in Texas has active oil and gas production occurring within the NERR boundary, but this activity occurs within the buffer and not within the core. During their 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 NERR. In other NERRs, there is active oil and gas refining activity that occurs directly next to the boundary of the NERR, and they are great partners for the NERR.

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

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 a potential site is selected for a NERR in Louisiana, it 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 other considerations to develop the boundary of the proposed NERR. There is no optimal size for a NERR, rather the NERR boundaries should be drawn in such a way as to allow for the long-term monitoring and research of a complete ecological unit of unique estuarine habitats.

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

It is allowable for Louisiana to nominate a site with multiple components, and there are examples of sites in the NERR 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 the site includes. Multiple components increase the management needs for the NERR, which can have a significant impact on the utility of the federal funding available. These considerations will be weighed against other factors during site selection.

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

Yes. NERR 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 establishing new NERRs in a biogeographic region or sub-region that is not yet represented by the NERR 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 already represented in the NERR System, the nominated site should include unique habitat that is not yet represented.

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

This is a difficult question to answer definitively, as it is ultimately the outcome and decision of the NERR designation process managed by the state. NOAA has defined criteria that are required to be considered during the selection and nomination of a potential NERR site. Those criteria require the site selection process to balance the benefits of a large nearby population that can access the NERR with the potential impacts that nearby development pressures can have on the long-term integrity of a NERR. NOAA relies on the expertise and knowledge of the state team and stakeholders to inform that decision. Within the NERR System, there are examples of both types of NERRs, 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 NERR events and the ability to easily connect with other resources in the area. However, the NERR has to focus significant resources on issues of water quality and urban runoff within the NERR boundary that are direct impacts from the nearby population centers.

An opposite example is the Sapelo Island NERR in Georgia. The habitats in this NERR 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 NERR boundary to engage with the communities in the surrounding area.

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

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 proven valuable in clarifying issues and priorities and in engaging interested and affected parties. For more information on the site selection process used in Louisiana, visit this website: <https://www.laseagrant.org/deltanerr/>

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

The oldest NERR was designated in 1974 (48 years ago). NERRs are focused on long-term research and monitoring, and sites are intended to exist in perpetuity. This is why carefully siting the NERR the Louisiana 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?

NOAA recognizes that many areas that could potentially be designated as a NERR 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 NERR, but these restoration activities *must* be carefully planned and approved by the state and NOAA through the NERR management planning process. An activity that can be expected to have a significant adverse impact on the resources or habitats of a NERR resulting in a change to the representative character and integrity of a NERR is prohibited.

Manipulative activities taking place at a proposed NERR must meet the goals of the NERR Program, which are to provide long-term research, education, stewardship, and training. 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.

It is also important to note that NOAA is involved in the site selection and nomination process and regularly communicates with the team leading this effort in Louisiana. Any issues that arise for potential sites where Coastal Master Plan projects are planned will be discussed before a site is nominated to NOAA for approval.

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

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 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 NERR.

Q: Is something less than full ownership allowed?

Yes. There are examples throughout the NERR System 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 NERR. 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 NERR, as well as receiving approval from NOAA of the conservation easement or agreement as part of the NERR management plan.

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 NERR boundary?

This 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 NERR site before the agreement could be finalized and included in the NERR boundary and management plan.

Q: Why is the Louisiana NERR site selection and nomination process not considering donations of land from private interests at this time?

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 NERR boundary can be made once the NERR 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.

After a Site is Nominated to NOAA

Q: If NOAA accepts Louisiana's NERR nomination, when could a NERR be designated?

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 (EIS); 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 available for public comment, NOAA and the state work to finalize these documents and develop a record of decision for designation approval. This can take 12 to 24 months.

Q: What happens if NOAA rejects Louisiana's NERR nomination?

If NOAA rejects the state's NERR 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 NERR nomination, does this mean that NOAA has decided to designate a new NERR in Louisiana?

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 NERR upon completion of the EIS and draft management plan.

Q: How long does the NERR designation process take?

The length of time it takes to designate a NERR 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 by the state and is approved by NOAA, the next steps involve preparation of an EIS 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 process.

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

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 EIS.

NERR Site Operation after Designation

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

This answer differs depending on what the funding is being used for and the amount of federal funding available for 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 NERR, for acquisition of lands/waters, and for facilities construction. The federal funding available to NERRs for operations are distributed in an equal share across all eligible sites.

Federal funds are available for the operation and management of the NERR once it has been formally designated. Federal funds for the operation and management of a NERR site may not exceed 70% of the total cost of operating and managing the NERR 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 NERR 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 the NERR 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 their property to the state as a part of the NERR Program, what rights could they maintain?

If a private property owner sells their parcel to the state to be included in the NERR 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, and the land will be included in the NERR boundary with NOAA's consent.