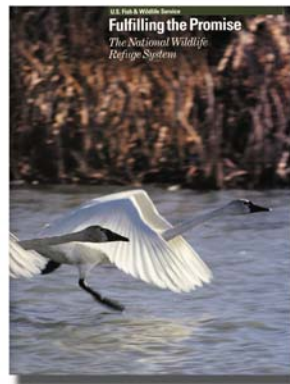


Guide to Seeking

***TRANSPORTATION
ENHANCEMENT PROGRAM
FUNDS***

*In Partnership With State & Local
Governments*



June 2006

INTRODUCTION

The purpose of this guide is to help Fish and Wildlife Service (Service) staff gain a basic understanding of the *Transportation Enhancements* (TE) program and how the funding process works. Increasingly, the Service requires multi-government and private partnerships to fund transportation projects.

The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 was the first Surface Transportation Act that emphasized a multi-modal approach to transportation, and required increased transportation planning at the State and regional level. The last two reauthorizations, the Transportation Equity Act for the 21st Century (TEA-21) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) continued and enhanced this approach. Federal agencies and their neighboring States and communities must provide transportation systems capable of serving multiple users and uses while achieving environmental, cultural, economic, and social objectives. These objectives can help create a more balanced transportation system and foster transportation facilities that respect and enhance the communities they serve.

The Federal Highway Administration's (FHWA) TE program typifies this approach. The TE program is the catalyst for creating nontraditional transportation-related activities that are increasingly bringing communities together across the Nation.

Under SAFETEA-LU (Public Law 109-59), the FHWA apportions funds to State Departments of Transportation (DOTs). State DOTs select projects for Federal aid. Ten percent of the funds that State DOTs receive for their Surface Transportation Program (STP) annually must be set aside or "reserved" for the State's TE program. Each State may administer the program as it wishes, within the FHWA guidelines, for 12 eligible activities, as they relate to surface transportation. These are detailed below.

Each State administers its TE program independently. In essence there is not one nationwide TE program: there are 51 programs across the country.

Since 1992, the Federal and State governments have invested more than \$7.5 billion across the country in transportation facilities for walking, bicycling, historic preservation, scenic beautification, scenic easements, landscaping, historic preservation, and environmental mitigation through the TE program.

Under SAFETEA-LU, the TE set-aside is modified to be the greater of 10% of the State's STP apportionment or the dollar amount of the TE set aside for the State for 2005. In 2005, \$6,860,000,000 (billions) will be apportioned to the States in their STP, so approximately \$686 million will be available will be available for TE program nationwide annually through FY 2009, the life of SAFETEA-LU. Consult with the TE program manager in your State to find out the actual amount available. The TE program contact information and a summary of State TE programs can be found at www.enhancements.org/.

Any Federal land management agency (i.e., National Park Service, U.S. Forest Service, U.S. Fish and Wildlife Service, Bureau of Indian Affairs, Bureau of Land Management, etc.) may apply through the States for TE funds. Note: a few States require Federal land management agencies to apply through a unit of State or local government.

Though the Federal statute describes eligible categories for the TE program (see next section below) with interpretive guidance from FHWA, State transportation agencies have the responsibility for administering the program. Each State develops its own application and selection process, establishes selection criteria, matching fund policies, and adopts methods to streamline the development and management of TE projects.

Transportation enhancement managers administer the program at the State level, offering guidance on State-specific funding processes and project implementation. Having a good relationship with the State TE managers will benefit any unit of the FWS applying for TE funds.

You can find information on your state's TE program, including the names and addresses of the State TE managers, the FHWA Division TE contacts, and a summary describing each State's program selection procedures and policies through the National Transportation Enhancements Clearinghouse at www.enhancements.org/profile.htm. You can find additional information on the FHWA website at www.fhwa.dot.gov/environment/te.

ELIGIBLE ACTIVITIES

Many Federal land managers have used the TE program to acquire, restore, and preserve scenic or historic areas. TE can be a connection between resource protection and visitor enjoyment, which is often the platform for opportunity in achieving the various agency mandates.

There are 12 eligible Transportation Enhancements activities many of them may directly assist refuge or hatchery managers advance visitor services and resource goals. They are listed below with selected examples of existing Federal/State partnership projects:

- **Pedestrian and Bicycle Facilities** [*Fort Washakie Pedestrian and Bicycle Facilities – Bureau of Indian Affairs and Wyoming Department of Transportation (DOT) partnership in Washakie, Wyoming*].
- **Pedestrian and Bicycle Safety and Education Activities** [*Black Hills National Forest – U.S. Forest Service and Wyoming DOT partnership in Crook County, Wyoming*].
- **Acquisition of Scenic or Historic Easements and Sites (including historic battlefields)** [*Antietam National Battlefield – Maryland DOT partnership with the Maryland Department of Natural Resources to create scenic easement to National Park Service (NPS) Civil War battlefield sites, in Sharpsburg, Maryland, purchase of three vacant parcels of land in Depoe Bay, Oregon along the Pacific Coast All-American Road, Hwy. 101, Oregon DOT and Oregon Park and Recreation Department*].
- **Scenic or Historic Highway Programs, including Tourist and Welcome Centers** [*Cannery Hill Visitor Overlook, Nestucca Bay National Wildlife Refuge. Entrance located at junction of Hwy. 101 and Christensen Road, Tillamook County, Oregon.*] [*Bryce Canyon Visitor Center – U.S. Forest Service near Bryce Canyon National Park, in Utah*].

- **Landscaping and Scenic Beautification**
- **Historic Preservation** [*Chesapeake and Ohio Canal retaining wall reconstruction – District of Columbia government and NPS partnership in Georgetown, Washington, District of Columbia*].
- **Rehabilitation and Operation of Historic Transportation Buildings, Structures, or Facilities** [*Restoration of historic fish car at D.C. Booth Historic Fish Hatchery – U.S Fish and Wildlife Service, South Dakota Department of Game, Fish and Parks, and South Dakota DOT, Spearfish, SD*].
- **Preservation of Abandoned Railway Corridors (rail-trails)** [*Cape Cod Rail Trail corridor – Massachusetts’ DOT partnership with NPS and towns in Cape Cod, Massachusetts*].
- **Inventory, Control, and Removal of Outdoor Advertising** [*Gold Belt Scenic Byway Sign Resolution - BLM partnership, US 50 near Canon City, Colorado*].
- **Archaeological Planning and Research**
- **Environmental Mitigation to Address Water Pollution due to Highway Runoff, or Reduce Vehicle-Caused Wildlife Mortality while Maintaining Habitat Connectivity** [*Florida Panther Underpasses on “Alligator Alley”(I-75) – Fish and Wildlife Service, Florida Fish and Wildlife Conservation Commission, Florida DOT*]
- **Establishment of Transportation Museums**

Project proposals may qualify in more than activity. Most states raise the priority of a project for funding that has qualified in more than one project activity

Activities not on the list may qualify if they are an integral part of a larger qualifying activity. For example, if the rehabilitation of a historic railroad station required the construction of new drainage facilities, the State could consider the entire project for TE funding.

Because each state manages its program differently, consult with the TE program manager for your state to find out what activities the State DOT is likely to fund. Just because a project is in an eligible activity category, it does not mean a state has to award funds to projects in each category.

Similarly, environmental analysis, project planning, design, land acquisition, and construction activities are eligible for funding. Agencies can use TE funds in connection with Federal Lands Highway Program projects and alternative transportation program projects. For example, a road project being constructed by a Federal Lands Highway Division using Refuge Roads Program funds on a national wildlife refuge can compete for State TE funds for landscaping improvements.

Some states only fund construction phases of projects, relying on the project sponsor (applicant) to complete the environmental analysis, project planning, design, land acquisition, and construction activities. Some states do allow these activities to qualify as matching funds. (see the section below on matching)

MEETING FEDERAL REQUIREMENTS FOR ELIGIBILITY

The basic Federal requirements for TE projects are that they consist of one or more of the 12 defined activities and that they must be related to surface transportation. Federal land managers are encouraged to develop TE project proposals that demonstrate a strong relationship to surface transportation: roads, bridges, parking lots, railroad tracks, depots or even bus terminals..

TE-funded activities must be accessible to the general public or targeted to a broad segment of the general public. In addition to meeting the Federal requirements, each State may have additional eligibility requirements (for example, a State may require agencies to list historical sites on the National Register for Historic Places for TE eligibility, or a State may require the project sponsor to be a taxing authority, i.e., city or county).

Discussions with the State TE manager will help you determine whether there are additional requirements within the TE process. You can find a profile of each State's program selection procedures and policies at www.enhancements.org/profile.htm.

THE TE FUNDING PROCESS AND MATCH REQUIREMENTS

In most cases, the FHWA pays 80 percent of the TE project cost, and the project sponsor is responsible for the remaining 20 percent match. This figure should be used only as rule of thumb. Matching amounts vary widely from State to State, from as high as 50% to 0% in some cases in others. The amount of match required roughly corresponds to the amount of Federal Lands in the States, match requirements tend to be lower in Western States than in the East. See www.enhancements.org/TE_by_State.asp for the match requirement in each State. (See also the official FHWA Notice at www.fhwa.dot.gov/legsregs/directives/notices/n4540-12.htm).

Flexible financing measures in 23 United States Code (U.S.C.) may benefit for Federal agencies. States **may** use this flexibility, but they are not required to take advantage of it. **Title 23 USC is where the laws and regulations governing surface transportation (except transit programs) can be found.**

Title 23 section 120(k) and (l) allows a State to use Federal land management agency and Federal Lands Highways Program funds to match other Federal-aid highway program funds. Furthermore, 23 U.S.C. 133(e)(5)(C) allows for up to 100% of the cost of individual TE projects on Federal lands without a corresponding match. The 100% of the cost is usually reserved for projects in poorer, rural areas with out much tax base and is not used in all States.

It is up to the individual State to set policy regarding the matching project requirements. If a State requires Federal agencies to provide a local match on Federal lands, then the agencies can use any one or a combination of the following for the matching portion:

- Federal agencies can match the TE program with Federal Lands Highway Program funds, in the case of the Service this would be Refuge Roads Program funds or Public Land Highway Discretionary funds or funds from other agency sources; or
- The Federal agencies and States can use an increased Federal ratio of participation (also known as the "sliding scale," requiring less than the 20 percent match) by jurisdiction with

nontaxable Native American lands (individual and Tribal), public domain lands (both reserved and unreserved), national forests, national parks, and monuments; or

- Federal agencies can use the value of the services provided by their staff as part of the non-Federal match contribution, which can include costs associated with planning, design and project management of a TE activity. Not all State agencies accept this in-kind match, so consult with the State TE manager before attempting to use in-kind; or,
- Federal agencies can use contributions by outside parties such as local governments, nonprofit organizations, foundations, businesses, and other sources as part of the non-Federal match.

Matching funds do not have to actually change hands, depending on who is actually going to do the work on the project.

Provisions in 23 U.S.C. 133(e)(5)(C) allow the States to calculate the non-Federal share of a project on a project, multiple-project, or program basis. This means that if one project exceeds non-Federal match requirements, a State may apply the excess non-Federal share to other grouped projects or to the TE program as a whole. This is one way that States can award 100% funding to projects in communities that can not provide matching funds or in-kind donations.

These options are available for use by State DOTs, however, because of the complexities in tracking matching funds on a program wide basis, many States choose not to employ them. Most States require that project matching funds relate directly to the project that the project sponsor is seeking funds for. Discuss this topic with the State TE Manager to get a full understanding of the State's matching requirements.

Example:

In November 2004, the Oregon Coastal NWR Complex applied to the Oregon DOT TE program for \$559,000 to design, develop, and install interpretive facilities including three turnouts, trail, viewing deck, two electric gates, a vault toilet, and interpretive panels at Nestucca Bay NWR. Nestucca Bay is along U.S. Highway 101, the Pacific Coast All-American Road, part of the National Scenic Byway Program. The Complex worked with the Region One Refuge Roads Program coordinator and offered \$240,000 in RRP funds to pave the refuge road from Hwy 101 if the TE funds were awarded. The project funds were awarded by Oregon DOT in March 2005. In FY 2006, the Region programmed the RRP funds to Western Federal Lands Highway Division to begin work on the paving portion of the project.

The full application is attached as an appendix.

How TE Funds can be moved to complete the work once the funds are awarded.

Title 23 U.S.C. §132 provides an advance payment option for TE activities. As with most FHWA programs, the TE program typically works on a reimbursable basis. That is, the project sponsor pays the costs up front and then requests reimbursement from the State. This is the way projects done in partnership with other state agencies, counties, cities and non-profits are done. Because of the Federal Anti-Deficiency Act, the Service is not able to enter into these types of funding arrangements with States.

However, States have the flexibility to allow projects to proceed using the advance payment option. This way the Federal agency does not have to budget agency funds for the full estimated cost of the project in order to advertise the contract (since the State advances the TE funds to the agency). Many states are not familiar with this process, so ask for assistance from your regional Refuge Roads Coordinator or consult the FWS TE coordinator in the NWRS WO. See examples of the cooperative agreement forms used to accomplish this with the Washington State DOT in Attachments. This agreement can be entered into after all the Local Programs Assistance Agreement and Prospectus have been completed with the State DOT. Examples from WSDOT are attached.

This enables Federal agencies to expeditiously pay contractors/consultants in a timely fashion. One advantage of the advance payment option is that it helps States to obligate and receive reimbursement of TE funds within a short period of time. Usually this needs to be coordinated with the Local Programs Engineer at the district level of the State DOT and the FHWA TE Coordinator at the State Division Office. See www.enhancements.org/contacts.asp to find the FHWA Division Office contact for your State.

Under section 1108(g) of TEA-21, States are encouraged to enter into contracts or cooperative agreements with Youth Conservation Corps programs to implement TE projects. This allows the TE program to meet more community needs by encouraging job training for youth and young adults. Cooperative agreements are discussed later in this paper.

State DOT Sponsored TE Workshops ,the Application Process and Budgeting

States usually sponsor workshops on their TE programs at the beginning of their funding cycles. These are valuable opportunities to learn the in and outs of how the State administers its TE program, as well as to ask questions of and get to know the State TE manager. The forms and any manuals or information packets the State develops are available at these workshops. The workshops are usually held at multiple times and in geographic locations throughout the State. Information on the workshops is usually available on the State TE website or from the State TE manager.

Some States require an brief Intent to Apply form which is usually due to the TE program manager in time for him or her to review them before the deadline for applications are due. This gives the manager time to contact project sponsors to discuss their proposals before sending in a final application. These discussions with project sponsors allow the sponsors to revise their applications or drop a project that is not eligible and shift to another project that meets the eligibility and matching requirements

One of the most important parts of the TE application is the budget and workplan. These need to be very realistic. Do not exaggerate or lowball a project budget. Projects that the TE program's selection committee think are budgeted or timed unrealistically will most likely not be selected for funding. There are also costs associated with moving the funds around as described above, try to find out what these may be in advance, and account for them in the project proposal's budget. These costs may be from the State or internal cost for managing reimbursable funds in Regional finance offices.

See the TE Checklist below for more tips on preparing a competitive project and application.

STATE TRANSPORTATION IMPROVEMENT PROGRAM AND METROPOLITAN PLANNING ORGANIZATION TRANSPORTATION IMPROVEMENT PROCESS

Federal agencies are encouraged to participate in the local, State, and Metropolitan Planning Organizations (MPOs) transportation planning process. This can be done through the metropolitan and statewide annual or biannual development of the Transportation Improvement Program (TIP). To receive funding proposed TE activities must be included in the appropriate metropolitan and statewide transportation improvement programs. **Once funds are awarded by State DOTs, they are included in the State and local MPO TIP.**

Local MPOs conduct transportation planning for metropolitan regions. The MPOs are the designated planning groups for urbanized areas of at least 50,000 residents. Since many of the Federal land management agency lands are in less urbanized areas, most of the transportation coordination and planning activities will be done on a statewide rather than regional basis. It is advantageous to have prospective TE projects that a refuge or hatchery may apply for in these plans, so when TE funds are applied for, the project funds requested are to accomplish a part of plan. Potential projects from the Recreational Trails Program and Scenic Byways Program should be included in these plans as well.

The metropolitan and statewide planning processes occupy a central role in the identification, planning, and funding of TE activities by State DOTs. In particular, the planning processes determine funding priorities among competing TE activities.

The TIP development process involves considerable coordination with public agencies, transportation providers, and members of the public. Federal Surface Transportation legislation requires STIPs and TIPs to include strategies that address a number of broadly defined transportation policy areas that are covered by the TE, Recreational Trails Program, and National Scenic Byways programs as well as other FHWA and State transportation and transit programs.

While it is the responsibility of the State to sponsor a TE project, it should be emphasized that projects funded out of the Federal Lands Highway Program should be coordinated and included with appropriate State and MPO plans and TIPs. Projects funded out of the Refuge Roads, Public Lands Discretionary, and TE funds transferred to an FLHD Division Office will be included in the appropriate TIP by the programming staff in the Division Office.

The Politics of Enhancements

Although TE funds account for a small percentage of the total transportation funds available to States, these investments have the potential to make a considerable improvement in people's lives by adding to the vitality and identity of the community.

However, there are challenges in balancing new roles among Federal, State, and local partners. TE proposals require extensive work by the project sponsor to network, communicate, and advocate for the projects.

It is important to promote your project by garnering public and political support. The broader the support you develop among professionals, elected officials, and residents, the more likely your proposed project will be successful. Federal agency personnel must promote their TE projects and effectively communicate how they benefit the greater community.

Seek early involvement and endorsement of your MPO, regional transportation planning agency, or equivalent. Conduct and document public meetings with area residents. Inform the media of your project and invite them to visit your site and to attend public events. If necessary, obtain letters of support from both local and statewide groups, elected officials, planning commissioners, and advisory boards. (However, some States restrict TE applications to what is essential, and most States discourage letter writing campaigns: check with your State before soliciting letters of support.)

Ascertain how projects are approved, find out who makes the final decision and inform them of your project. You may wish to use all forms of media and marketing as an opportunity to raise additional contributions, awareness, and support toward the matching funds. This can be determined by attending the State DOT TE workshops described above, or by discussing your project with the State TE manager.

Keep in mind that not only is each State program different, but applying for TE funds is a competitive process. Find out the State's TE submission calendar and expect the application process to take at least 6 to 12 months. Learn as much as possible about your State program so that you can navigate around potential obstacles. Always solicit help from TE managers. They are interested in helping you prepare an eligible project that will make it to the final selection round and not be rejected at an early stage of the process.

Finally, bring projects that are well thought through and designed. Most States are looking for a project that has been designed and is ready for construction Plans, Specifications, and Engineering Estimate (PS&E). FHWA requires a PS&E package before a State can obligate a project for construction.

Being prepared demonstrates the Federal agency's commitment to the project, the project is ready to be built, and is attractive to the State from the standpoint of obligating and receiving reimbursement (through the advance payment option) of TE funds in a short period of time.

If you get good news on your project application and have advised by the State TE manager that your project is being recommended to the State Transportation Commission for approval, find out if more projects are being recommended than there are funds available. If this is the case, your project may not get the entire amount of funding you applied for. To prepare for this possibility, prepare three budgets: a fully funded project, a compromise budget between the fully funded and a bare-bones, cover the basics version, and the bare bones project budget. Preparing for the eventuality that your project may not receive full funding, and being able to inform the TE program manager that you could complete a project for less than the amount you are applying for may increase the chances of your project receiving a TE award.

If your project is not selected for funds or is rejected as ineligible, consult with your TE manager to discover the shortcomings of the project, and address them in next year's cycle or scrap the project if it definitely ineligible and work to prepare an eligible and well-supported project.

COOPERATIVE AGREEMENTS

Federal agency personnel are encouraged to develop an interagency/intergovernmental cooperative agreement with every TE project that occurs on Federal lands. Federal agencies advocate cooperative agreements to transfer funds, property, services, or anything else of value from the agency to a partner.

Developing a cooperative agreement for TE projects can do the following:

- Provide the purpose and foundation of the partnership;
- Define roles and responsibilities of partners;
- Define any special provisions;
- Establish obligations, responsibilities, and funding requirements;
- Anchor legislative requirements;
- Cover period of performance, project termination, and liability; and,
- Reaffirm terms and conditions such as nondiscrimination.

The format and requirement for such agreements vary depending upon the situation. Check with your agency for specific guidance as to what to include. Be sure that you have your contracting office review the agreement before it is finalized.

RECOMMENDED TE CHECKLIST

- Find out the State's TE submission calendar and application process.
- Seek the early involvement and endorsement of your MPO, or equivalent.
- Include all elements of the application the State requests. (Do not include superfluous information that the State does not request.)
- Provide a clear statement demonstrating the transportation link.
- Describe each transportation enhancement activity.
- Define a scope of work and include preliminary studies, land acquisition, or construction.
- Include a workplan with a timeline.
- Reflect the scope of work in your budget.
- Identify the source of the matching funds with a letter verifying their availability.

- Explain how the community would benefit from the project.
- Include letters of support, minutes from public meetings, and newspaper clips about the project (only if necessary: check with your State TE manager).
- If available, include photographs of the site, preliminary sketches, or plans.
- Include a plan for project maintenance.
- Work with State and MPO staffs involved with the preparation of the TIP.

CONCLUSION

Federal agencies seek to provide compatible transportation improvements in and around all Federal lands, while balancing the protection of the cultural and natural resources and providing for public enjoyment. Protecting resources while providing for safe, efficient, and enjoyable access to and travel within Federal lands is one of the greatest challenges we face in our stewardship.

Successful transportation enhancement projects on national wildlife refuges or fish hatcheries share one essential component: partnerships. Federal lands do not exist in isolation.

While they are national areas, they are at the same time extensions of local communities. Their operations and their well-being impact not only the visitor experience but also capital requirements at the State and local level.

Community transportation can play a role in facilitating the goals of all partners.

As described in the preceding sections, the TE program can address a wide variety of needs within Federal lands. The program provides an opportunity for Federal agencies to enhance their ability to work with partners outside their boundaries, such as State, MPO, local governments, and gateway communities.

The TE program also helps Federal agencies to use innovative, nontraditional transportation solutions that preserve natural resources and improve access for our visitors. Federal land managers are encouraged to take advantage of the TE program—a Federal initiative that focuses on enhancing the traveling and visitor experience.

FOR FURTHER INFORMATION

To learn more about the TE program, please use the following resources:

- National Enhancement Clearinghouse: www.enhancements.org
- FHWA TE website: www.fhwa.dot.gov/environment/te
- FHWA Guidance on Transportation Enhancement Activities (12/17/99): www.fhwa.dot.gov/environment/te_final.htm
- Transportation Fact Sheet at www.fhwa.dot.gov/safetealu/factsheets/transenh.htm
- Communities Benefits booklet: www.enhancements.org/misc/benefits2.pdf

- A Quick Guide to Transportation Enhancements brochure:
www.enhancements.org/misc/tebrochure.pdf
- A Guide to Transportation Enhancements Case Studies booklet:
www.enhancements.org/teguide/teintro.pdf
- Connections TE newsletter: <http://www.enhancements.org/documents.asp#connections>
- Summary of the Surface Transportation Program:
www.fhwa.dot.gov/safetealu/factsheets/stp.htm
- Consult the Trails, Byways, Transportation Enhancements, and Alternative Transportation Coordinator in the NWRS HQ/Division of Visitor Services and Communications.

You can find other information about road and transportation related topics by visiting the Fish and Wildlife Service web site at refuges.fws.gov/roads/ and the National Park Service web site at www.nps.gov/transportation.

PART 1

Section 1: Project Summary and Certification

(Use this form only. Do not exceed one page for this section.)

APPLICANT Name: U.S. Fish & Wildlife Service Address: 2127 SE Marine Science Drive Newport OR 97365 Contact Person: Roy W. Lowe Title: Project Leader Telephone: 541-867-4550	
PROJECT NAME & LOCATION : <u>Cannery Hill Visitor Overlook</u> Nestucca Bay National Wildlife Refuge. Entrance located at junction of Hwy. 101 and Christensen Road, Tillamook County, Oregon.	
PROJECT DESCRIPTION 1. Construct an accessible viewing deck on Cannery Hill and a pedestrian trail from parking lot to deck. 2. Design, fabricate and install four interpretive panels. 3. Construct parking facilities and three turnouts for standard vehicles, buses and RV's. 4. Build and install accessible restroom. 5. Upgrade existing gravel access road. 6. Install two electronic gates	
LENGTH (size, amount, etc) 1. Viewing deck 500 sq. ft. & 0.3 mile trail 2. Four interpretive panels 24" x 36" 3. Two parking facilities 4,400 & 4,800 ft ² 4. Three road turnouts 300/400/400 ft ² 5. Single stall vault evaporator restroom 6. Gravel road – 0.8 miles at 10' wide 7. Two electronic gates	T.E. ACTIVITY 4. Scenic or historic highway programs
COST SUMMARY TE Funds Requested*: \$ 457,516 Matching Funds: \$ 240,426 Subtotal: \$ 697,942 Additional Non-TE costs: Total Project Cost: \$ 697,942	RIGHT-OF-WAY NEEDS Project site owned by Sponsor? [X] yes [] no* [] partly [] N/A Property to be purchased? [] yes [X] no Easements or donated property? [] yes [X] no
CERTIFICATION I certify that <u>the U.S. Fish and Wildlife Service</u> supports the proposed project, has the legal authority to pledge matching funds, and has the legal authority to apply for Transportation Enhancement funds. I further certify that matching funds are available or will be available for the proposed project. I understand that this is not a grant application, that it is a request for reimbursement through the federal aid system, and that all federal rules for contracting, auditing, and payment will apply to this project. Signature Date	

Printed Name
Leader

Roy W. Lowe

Title **Project**

Section 2: Project Funding Information Matching Funds Available

Use this form or equivalent for this page. Be thorough but realistic in what you state here.
The type and amount of matching funds you offer will affect your project score.
You are expected to honor this commitment if your project is selected.

Type	\$ Value	Name of Source(s)	Date Avail.
Sponsor's Cash on Hand			
Sponsor 's Future Cash	\$200,000	Refuge Roads Funding – Transportation Equity Act for the 21 st Century	Fiscal Year 2006
Cash from other sources			
Total HARD MATCH	\$200,000		
Donated Materials			
Donated Property			
Donated Agency Staff Time	\$4,796	US Fish and Wildlife Service Oregon Coast National Wildlife Refuge Complex	Fiscal Year 2006-07
Volunteer Labor/Services			
Total SOFT MATCH	\$ 4,796		
TOTAL MATCH	\$ 204,796		

If total includes any contributions from sources other than the applicant, include signatures below or submit separate letters of commitment (see Supporting Documents—Part 2).

Agency or organization

Agency or organization

Signature
Date

Date

Signature

Section 3: Narrative

Use this form or equivalent. You may adjust the size of each box to fit your responses, but **do not exceed 3 pages total** for this section.

Project Description: The Cannery Hill Visitor Overlook project is located along the Pacific Coast Scenic Byway within the Nestucca Region. The project will benefit coastal tourists and casual travelers along the Pacific Coast Scenic Byway, local communities, school groups and wildlife enthusiasts. The project will use TE funds to construct a viewing deck on Cannery Hill within Nestucca Bay National Wildlife Refuge (NWR); construct a pedestrian trail from a parking lot to the deck; design, fabricate and install interpretive panels; construct two parking facilities, build and install an accessible restroom, and install two electronic gates. The U.S. Fish and Wildlife Service (Service) will use matching funds to improve the access road from the Scenic Byway to the overlook trail and to construct three intervisible turnouts along the access road for standard vehicles, school buses and recreational vehicles. The Cannery Hill Overlook will entice travelers driving the Pacific Coast Scenic Byway and All-American Road up to Cannery Hill to enjoy unique views of some of the most spectacular scenery along the coast including a sweeping panorama of the Coast Range, the Nestucca Bay watershed, Cape Kiwanda, Oregon Islands NWR (Haystack Rock at Pacific City), and the majestic Pacific Ocean. The interpretive panels will focus on estuarine ecology, tidal marsh restoration, fish and wildlife of the estuary, wayfinding and orientation to the Nestucca Region, and how the refuge and the dairy community work together to provide habitat for wildlife. Following the design and engineering phase, construction of this project can be accomplished within one year.

Purpose and Need: The purpose of the Cannery Hill Visitor Overlook project is to provide Pacific Coast Scenic Byway travelers with an opportunity to view and learn about the wildlife and other natural resources of Nestucca Bay. Furthermore, the project will provide wildlife dependent recreation, a goal of the Oregon Department of Transportation and the U.S. Fish & Wildlife Service, for visitors of the Pacific Coast Scenic Byway. Nestucca Bay NWR contains a variety of habitat types including coastal forest, upland meadows, estuary, and flooded pastures. All of these habitats support a diversity of wildlife including birds, mammals, amphibians, reptiles, fish, and insects. Since it became part of the National Wildlife Refuge System in 1991 the refuge has remained closed to all public use primarily due to insufficient funding to construct the necessary visitor facilities including viewing decks, interpretive panels, parking lots, hiking trails, restrooms and improved road. Pacific Coast Scenic Byway travelers are currently deprived of the opportunity to visit this spectacular location and learn about the Nestucca Bay area. If the U.S. Fish & Wildlife Service does not receive funding for improvements requested in this Transportation Enhancement proposal, visitors cannot be safely allowed onto Nestucca Bay NWR and thus will continue to be prevented from experiencing this opportunity for wildlife dependent recreation in a county that is abundant in natural resources but deficient in providing visitor activities relating to those resources.

Quality of Experience: The Cannery Hill Visitor Overlook Project fits the intent of the TE by providing provisions for tourists and travelers along a scenic highway, specifically the

Pacific Coast Scenic Byway and All American Road. The project addresses two of the preference areas as defined for the FY 2006-09 funding cycle, by benefitting a rural/distressed community and by directly supporting existing tourism efforts. Tillamook is listed as a distressed city according to the Oregon Economic and Community Development Department. Nestucca Bay NWR is located approximately 15 miles from Tillamook. The Cannery Hill Visitor Overlook project would create an additional attraction for tourists who may be considering Tillamook as a vacation destination, and will benefit the local economy since Tillamook is a logical place to find lodging while exploring the natural resources of the area. The project will also increase the number of activities available to travelers on the Pacific Coast Scenic Byway. Furthermore the project will provide facilities for accommodating and orienting the 22 million annual visitors to the Oregon coast to the resources of Nestucca Bay NWR. Travelers will be able to view scenic Highway 101 and get sweeping unobstructed views of the roiling Pacific Ocean while at the same time viewing the verdant pastures, valleys, and mountains of the Coast Range to the east. A hiking trail will give travelers a chance to stretch and exercise their legs and the accessible restrooms will provide facilities for these necessary breaks while driving. All visitors to the Nestucca Bay NWR will be able to gain awareness of wildlife using the bays, forests, uplands and pastures of the refuge and will learn how refuge management works cooperatively with local dairy farmers in the area to improve habitat for wildlife. The Overlook will be a source of pride to the local community, which can promote it as yet another tourist attraction in the Tillamook area.

Technical Merit: All elements of the proposed project conform to current public use standards as accepted by the U.S. Fish and Wildlife Service and the Federal Highways Administration. Cost estimates and standards for the road improvement, turnouts and parking lots were obtained from the 2001 Federal Highway Administration Refuge Roads Inventory for Nestucca Bay NWR and through recent consultations with FHA's Refuge Roads Coordinator and ODOT's Area Planner, and comply with AASHTO standards. Dimensions, materials and cost estimates for the viewing deck and trail were obtained through the U.S. Fish and Wildlife Service's Visitor Services Division in Portland, Oregon. Estimates for interpretive panel artwork and fabrication, as well as the electronic gates, were obtained from approved Service contractors. The estimate for the proposed restroom facility was obtained from a contractor that has provided an identical facility to a NWR in coastal Washington, which receives visitation similar to that estimated for the Cannery Hill Overlook. Refuge staff are very familiar with federal construction project compliance requirements including NEPA, ESA and NHPA and can complete all requirements in-house. The Service's Engineering department in Portland assisted with review and design of the proposed facility and creation of the site diagram. The road work and visitor facility will be administered as separate contracts, allowing the majority of the design, engineering and construction of the project to be completed in one year. The project contains all the components for providing a comfortable, safe and satisfying outdoor experience for coastal travelers and tourists.

Support: Nestucca Bay NWR is identified as a Defining Feature in the Pacific Coast Scenic Byway Management Plan. The proposed Cannery Hill Overlook meets two of the Management Goals in the 1997 Scenic Byway Management Plan for the Nestucca Region of the U.S. 101 Corridor in Oregon: 1) Provide parking facilities and turnouts and 2) Provide on-site interpretation. There is widespread local support for this project and concurrent opening of the refuge to public use. The Nestucca Valley School District wholeheartedly supports this project because it would open Nestucca Bay NWR for students to visit on field trips or to

conduct service learning projects. Additional support comes from the Pacific City Birding and Wildlife Taskforce, a recently formed group of local citizens actively working with their Chamber of Commerce to promote eco-tourism in south Tillamook County. The group is very supportive of efforts to bring visitor facilities to Nestucca Bay NWR so that coastal visitors and the local communities can participate in activities like nature photography, hiking, birdwatching and sightseeing. The Oregon Coast Visitors Association, which promotes tourism along the Pacific Coast Scenic Byway, has pledged support of this project and states that it is “a natural blend for the Oregon coast region and will fit into its natural wonders.” The Nestucca-Neskowin Watershed Council also enthusiastically supports the Cannery Hill Visitor Overlook as it will pave the way for opening the refuge and will have a tremendous impact on South Tillamook County school groups as well as the public in studying wetland ecology in their own backyard. The Tillamook Chamber of Commerce also supports the project as part of their mission is dedicated to promoting and expanding tourism in the Greater Tillamook Area. In addition, the Service’s successful completion of a Transportation Enhancement project at Cape Arago several years ago has familiarized the Service’s Engineering and Contracting departments with the process and requirements involved in a TE project, further ensuring timely construction of this well-defined project.

Importance: The Nestucca Bay NWR was established in 1991 to protect habitat for two declining subspecies of Canada goose and other coastal wildlife. Since its establishment the refuge has been closed to all public uses, largely due to insufficient funding for appropriate visitor facilities. The Cannery Hill Overlook Project would provide the visitor facilities necessary to open the refuge to public uses including wildlife photography, wildlife observation, environmental education, and interpretation, which are four of the six top priorities for public uses on NWR’s as designated by the National Wildlife Refuge Improvement Act of 1997. National Wildlife Refuges are directed through this Act to seek out opportunities and funding to open refuges to these uses where they are compatible with the refuge purposes. The Overlook is an ideal opportunity to fulfill this mandate while also providing a tremendous benefit to the local communities. The road component including upgrading, turnouts and parking lots is identified as a high priority for TEA-21 funding in the Service’s Refuge Roads database, and the overlook with viewing deck, panels and trail is identified in the Service’s backlog of Visitor Services projects. School groups, coastal travelers and tourists, local residents, birding clubs and more would all benefit from this project. The Cannery Hill Overlook Project offers unique and magnificent viewing opportunities along the Pacific Coast Scenic Byway, the Nestucca Bay watershed, the Coast Range, Oregon Islands NWR and the majestic Pacific Ocean. Local and regional support for the recreational opportunities to be provided by this project is at an all-time high. Without these improvements, the U.S. Fish & Wildlife Service will not be able to provide the opportunity for wildlife dependent recreation at Nestucca Bay NWR and the refuge will remain closed to all public uses for the foreseeable future.

Focus Areas: The Cannery Hill Overlook Project addresses two of the focus areas for the FY 2006-09 funding cycle. The project is located in south Tillamook County which is considered a rural and distressed community. Additionally, the project directly supports existing tourism development efforts by the Pacific City/Nestucca Valley Chamber of Commerce, the Pacific City Birding and Wildlife Taskforce, the Oregon Coast Visitors Association, and the Pacific Coast Scenic Byway.

PART 2 -- Endorsements

Complete all sections relevant to your project, or attach separate letters and documents.

Metropolitan Planning Organization (if within MPO jurisdiction)	
Name:	Title:
Signature:	Date:
Public Agency or Indian Tribe Approval (to propose a project on land not owned by applicant)	
Name:	Title:
Signature:	Date:
ODOT Region Manager Approval (if non-ODOT applicant proposing project in state highway right-of-way)	
Name:	Title:
Signature:	Date:
Local Government Commitment (for cities over 50,000. Cities under 50,000 must provide council resolution.)	
I confirm that _____ <i>[city]</i> supports the proposed project.	
I have the authority to commit all funds and resources needed from my agency to deliver the project.	
Name:	Title:
Signature:	Date:
Railroad Endorsement (aware and willing to accommodate project adjacent to or crossing RR property)	
Name:	Title:
Signature:	Date:
Maintenance Endorsement (commitment for long-term maintenance by other than applicant agency)	
Name:	Title:
Signature:	Date:

Cost Estimate

Use this form or equivalent. You may change line spacing and sub-headings to reflect relevant items of work for your project. See Applicant Information, page 4, for potential cost factors.

Quantity (Q) Unit Price (UP) Cost (Q x UP)

PRELIMINARY ENGINEERING(PE)

Project Administration

1. Sponsor's administrative costs
2. ODOT administrative costs

Design and Development

1. Design for elevated viewing deck
2. Design and engineering for two parking facilities

Environmental Process

1. Soils Engineer consultation to review soil stability under the elevated viewing deck.
2. Approval from structural engineer for elevated viewing deck

Coordination

- 1.
- 2.

Information / Interpretive

1. Design artwork and text for four Interpretive panels with the following themes
1) estuary ecology 2) Canada geese 3) Salmon 4) Refuge management and partnerships
2. Folia phenolic-fused 24"x36"graphic panels with 1/2" exterior grade and 8"x10" lab sample for color approval

		\$ 4,796
		\$ 10,000
1	\$ 7,500	\$ 7,500
1	\$ 8,250	\$ 8,250
1	\$3,000	\$3,000
1	\$1,000	\$1,000
4	\$1,800	\$7,200
4	\$ 613	\$2,452

Other Project Development or PE

- 1.
- 2.

RIGHT-OF-WAY (ROW)

- 1.
- 2.

<i>Total PE</i>		\$ 44,198
<i>Total ROW</i>		

Cost Estimate (continued)

Quantity (Q) Unit Price (UP) Cost (Q x UP)

CONSTRUCTION (CONST)

Site Preparation

1. Mobilization – 5% minimum
2. TP & DT – 10% minimum
- 3.

Roadway, Bikeway, Walkway

1. Construct one paved parking facility for two RV's, five standard vehicles and one handicap accessible. 4,400 sq. feet.
2. Construct one paved parking facility for 10 standard vehicles and one handicap accessible. 4,800 sq. feet.
3. Build 0.3 mile unpaved hiking trail 2 ft. wide (clearing and compaction) leading from parking area to Cannery Hill viewing deck.
4. Upgrade 0.8 miles of existing gravel road to excellent condition. Road is 10' wide, with 4" of gravel.
5. Engineer and construct three intervisible vehicle turnouts along road, 1 at 300 sq. ft and 2 at 400 sq. ft.

1	\$ 34,500	\$ 34,500
1	\$ 40,000	\$ 40,000
0.3 mile	\$65,000/mile \$19,500 0.3 mile	\$19,500
1	\$226,390	\$226,390
3	1: 300 ft ² \$ 2,520 2: 400 ft ² \$ 3,360	\$ 9,240

Buildings and Other Facilities

1. Construct and install one ecologically friendly single stall outback WRS vault evaporator restroom facility
2. 20 x 25 (500 sq. foot) elevated accessible viewing deck made from pressure treated wood. The deck would go from a grade of 0 to 10' with 4 ramps, 6' wide and 30' long. Hand rails would surround the deck.

Other Construction Activities

1. Electronic Gate
2. Installation of Electronic Gates

Contingency

Construction Engineering

1	\$21,746	\$ 21,746
1	\$65,000	\$65,000
2	\$16,000	\$ 32,000
2	\$3,200	\$ 6,400
Subtotal		\$ 454,766
20-30% of total construction costs above		\$ 113,691
Approx. 15% of construction with contingency		\$ 85,269
Total CONST		\$ 653,726
Total Cost: PE + ROW + CONST		\$ 697,942

Agreement Number:
Amount:

REIMBURSABLE AGREEMENT

Between the

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

and the

U.S. ****FEDERAL AGENCY****

I. PURPOSE/OBJECTIVE

This Agreement is between the Washington State Department of Transportation, hereafter referred to as “WSDOT”, and the U.S. ****FEDERAL AGENCY****, hereafter referred to as the “Service.”

The purpose of this Agreement is for WSDOT to provide funding to the Service to ****WHAT**** at ****WHERE****.

II. AUTHORITY

The Service enters into this Agreement with WSDOT pursuant to the authority of the Intergovernmental Cooperation Act of 1968 (31 U.S.C. 6505), the Transportation Equity Act for the 21st Century (23 U.S.C. 204), and the Interagency Agreement Between the U.S. ****FEDERAL AGENCY**** and the Federal Highway Administration ****AS MAY BE APPLICABLE****.

III. FUNDING INFORMATION

WSDOT will provide funds not to exceed \$****AMOUNT**** to the Service to accomplish the project that is the subject of this Agreement.

IV. TERM OF AGREEMENT

This Agreement will become effective on the date of the last signature and will continue until the project is complete. The terms of this Agreement will remain in effect until terminated by mutual agreement 60 days in advance with written notice of either party, or until the project is complete.

V. SPECIFIC OBLIGATIONS OF THE PARTIES

WSDOT and the Service hereby incorporate by reference into this Agreement the attached Local Agency Agreement. The responsibilities and obligations of the parties set forth in the Local

Agency Agreement shall constitute the responsibilities and obligations of the parties to this Agreement, except as modified by this Agreement.

The Local Agency Agreement is modified herein to comply with the provisions and flexibility permitted under 23 U.S.C. 132. The Service affirmatively states that it is suitably equipped properly to perform the work described for the project. The parties agree that the work shall be performed in accordance with the rules and regulations of the Service, and that those rules and regulations shall prevail in any conflict with the Local Agency Agreement. The parties also agree that project oversight by WSDOT will be limited to a final inspection to determine that the final project conforms to the description approved in the project application.

VI. PROJECT OFFICERS

A. For the Service:

****FEDERAL AGENCY PROJECT MANAGER NAME & ADDRESS****

B. For WSDOT:

****WSDOT H&LP REGION LOCAL PROGRAMS ENGINEER NAME & ADDRESS****

VII. PAYMENT

WSDOT and the Service agree to the following stipulations regarding billing and payment:

A. Upon acceptance of this Agreement by both parties, WSDOT agrees to make an advance payment to the Service for the agreed upon fiscal year 200****NO**** amount of \$****AMOUNT****. The advance payment check should be made payable to the ****FEDERAL AGENCY**** and mailed to:

****FEDERAL AGENCY CONTACT NAME & ADDRESS****

B. Project expenditure data detailing project expenditures by Federal Object Class categories (as provided by the Service's Reimbursable Project Status Report) will be provided to WSDOT on a quarterly basis until the completion of the project. Data will be sent to: ****WSDOT H&LP NAME & ADDRESS****

C. Any remaining funds in excess of actual direct and indirect project expenditures upon completion of the project will be refunded by the Service to WSDOT.

VIII. SPECIAL TERMS AND CONDITIONS

Nothing in this Agreement between WSDOT and the Service shall be construed as limiting or expanding the statutory or regulatory responsibilities of any involved individuals in performing functions granted to them by law; or as requiring either entity to expend any sum in excess of its respective appropriation.

Nothing in this Reimbursable Agreement shall be construed as expanding the liability of either party. In the event of a liability claim, each party shall defend its own interest. Neither party shall be required to provide indemnification to the other party.

IX. MODIFICATION PROCEDURES

This Agreement may be amended in writing by both parties to include any additional funding, project timetable, and reporting requirements.

The undersigned officers of the State of Washington and the U.S. ****FEDERAL AGENCY**** are authorized to commit to the terms of this Agreement without qualification.

FOR THE U.S. ****FEDERAL AGENCY****:

By: _____ Date:
 ****FEDERAL AGENCY NAME****
Title: ****FEDERAL AGENCY PERSON TITLE****

FOR THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION:

By: _____ Date:
 Kathleen B. Davis
Title: Director, Program Management, Highways & Local Programs

Approved as to form:

By: _____ Date:
 Assistant Attorney General