

COUNCIL OF THE COUNTY OF MAUI
WATER RESOURCES COMMITTEE

November 2, 2018

**Committee
Report No. _____**

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Water Resources Committee, having met on October 18, 2018, makes reference to County Communication 18-209, from the Deputy Director of Water Supply, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR."

The purpose of the proposed bill is to authorize the Mayor to enter into an intergovernmental agreement with the United States Geological Survey, Pacific Islands Water Science Center, United States Department of the Interior ("USGS"), for the installation of a stream gage on Kanaha Stream below the Department of Water Supply's diversion and a gage on the Department's diversion ditch itself during the period of June 1, 2018 to October 31, 2018, at a cost to the County of \$37,050.

By correspondence dated October 10, 2018, the Director of Water Supply transmitted a revised proposed bill, approved as to form and legality, revising the period of performance to January 1, 2019 to September 30, 2019.

A representative from the Department of Water Supply said Kanaha Stream has had no active stream gages for over 50 years. The Department has only tracked the amount of water it takes from the stream at its water treatment facility in Lahaina. With the stream gages, the Department will be able to track instream flows for Kanaha Stream.

According to the Department's representative, the Department is interested in observing the lowest instream flows that Kanaha Stream

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experiences, particularly during droughts. The information gathered will assist the Department in planning for West Maui's future water needs.

A representative from USGS said the State Department of Transportation is contributing \$6,950 to the cost of installing the gages because the data on peak instream flows, such as during floods, is considered when the Department designs bridges

A representative from the Commission on Water Resources Management ("CWRM") explained that CWRM will utilize data from the stream gages to evaluate the interim instream flow standard for Kanaha Stream, track surface water and groundwater interactions, and monitor instream habitats for native plant and animal life.

Your Committee voted 5-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Atay, Vice-Chair Cochran, and members Carroll, King, and Sugimura voted "aye." Committee members Crivello and White were excused.

Your Water Resources Committee RECOMMENDS the following:

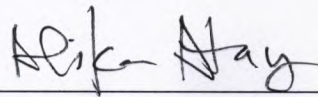
1. That Bill _____ (2018), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 18-209 be FILED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



ALIKA ATAY, Chair

wr:cr:18025aa:jgk

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR
OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL
AGREEMENT WITH U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER
SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Purpose. The U.S. Geological Survey, Pacific Islands Water Science Center, United States Department of the Interior ("USGS") desires to enter into a Joint Funding Agreement for Water Resource Investigations ("Joint Funding Agreement" or "Agreement") with the County of Maui Department of Water Supply ("MDWS") for the installation of a stream gage on the Kanaha Stream below the MDWS diversion and a gage on the MDWS diversion ditch itself, during the period of January 1, 2019 to September 30, 2019. The total cost of the agreement is \$37,050 of which \$37,050 would be contributed by the MDWS.

The purpose of these monitoring stations is to collect data needed to determine the flow in the Kanaha Stream above and below the MDWS diversion and continuously measure the flow diverted by the MDWS. The Joint Funding Agreement is attached hereto and incorporated herein as Exhibit "1".

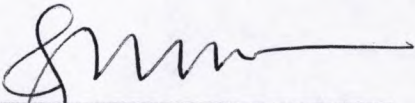
Section 2.20.020, Maui County Code, provides that, unless authorized by ordinance, the Mayor shall not enter into any intergovernmental agreement or any amendment thereto which places a financial obligation upon the County or any department or agency thereof.

SECTION 2. Authorization. The Council of the County of Maui hereby authorizes the Mayor or his authorized representative to execute the Agreement,

all other necessary documents relating to the Agreement, and any amendments thereto.

SECTION 3. Effective date. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JENNIFER M.P.E. OANA
Deputy Corporation Counsel
County of Maui

2017-1044

JFA w USGS for Stream Gages (2018-08-20)

U.S. Department of the Interior
U.S. Geological Survey
Joint Funding Agreement
FOR
Water Resource Investigations

Customer #: 6000001187
Agreement #: 19WSHI000000070
Project #: ZH00GSN
TIN #: 99-6000618

Fixed Cost Agreement YES[X] NO[]

THIS AGREEMENT is entered into as of the January 1, 2019, by the U.S. GEOLOGICAL SURVEY, Pacific Islands Water Science Center, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the COUNTY OF MAUI DEPARTMENT OF WATER SUPPLY party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation the installation of stream gages in the Kanaha Watershed near Lahaina, Maui as described in Attachment 1, herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50, and 43 USC 50b.

2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) include In-Kind-Services in the amount of \$0.00

- (a) \$0 by the party of the first part during the period January 1, 2019 to September 30, 2019
- (b) \$37,050 by the party of the second part during the period January 1, 2019 to September 30, 2019
- (c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of: \$0
- (d) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.
- (e) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.

3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.

4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.

5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.

6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.

7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.

8. The maps, records or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program, and if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at cost, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records or reports published by either party shall contain a statement of the cooperative relations between the parties. The Parties acknowledge that scientific information and data developed as a result of the Scope of Work (SOW) are subject to applicable USGS review, approval, and release requirements, which are available on the USGS Fundamental Science Practices website (<https://www2.usgs.gov/fsp/>).

9. Billing for this agreement will be rendered quarterly. Invoices not paid within 60 days from the billing date will bear Interest, Penalties, and Administrative cost at the annual rate pursuant the Debt Collection Act of 1982, (codified at 31 U.S.C. § 3717) established by the U.S. Treasury.

Form 9-1366
(May 2018)

U.S. Department of the Interior
U.S. Geological Survey
Joint Funding Agreement
FOR
Water Resource Investigations

Customer #: 6000001187
Agreement #: 19WSHI000000070
Project #: ZH0090A
TIN #: 99-6000618

USGS Technical Point of Contact

Name: Brian Loving
Assistant Center Director
Address: USGS-PIWSC
1845 Wasp Boulevard
Honolulu, HI 96818
Telephone: (808) 690-9603
Fax: (808) 690-9599
Email: bloving@usgs.gov

Customer Technical Point of Contact

Name: Eva Blumenstein
Address: Maui Department of Water Supply
200 South High Street
Wailuku, Hawaii 96793-2155
Telephone: (808) 463-3102
Fax:
Email: eva.blumenstein@co.maui.hi.us

USGS Billing Point of Contact

Name: Leanne Kitano
Budget Analyst
Address: USGS-PIWSC
1845 Wasp Boulevard
Honolulu, HI 96818
Telephone: (808) 690-9562
Fax: (808) 690-9599
Email: lrkitano@usgs.gov

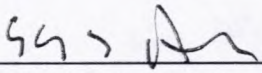
Customer Billing Point of Contact

Name: Eva Blumenstein
Address: Maui Department of Water Supply
200 South High Street
Wailuku, Hawaii 96793-2155
Telephone: (808) 463-3102
Fax:
Email: eva.blumenstein@co.maui.hi.us

U.S. Geological Survey
United States
Department of Interior

County of Maui
Department of Water Supply

Signature

By  Date: 08/02/2018
Name: Stephen S. Anthony
Title: Center Director

Signatures

By _____ Date: _____
Name:
Title:

By _____ Date: _____
Name:
Title:

By _____ Date: _____
Name:
Title:

Attachment 1

Installation of stream gages in the Kanaha Watershed	MDWS	HDOT	TOTAL
<ul style="list-style-type: none"> • <u>Kanaha Stream below Pipeline Intake near Lahaina, Maui</u> <ul style="list-style-type: none"> ○ Installation costs include permitting, planning, equipment and supplies, travel, helicopter sling-loading of materials, local transportation, construction labor and administrative costs 	17,050	6,950	24,000
<ul style="list-style-type: none"> • <u>Kanaha Stream Pipeline Diversion near Lahaina, Maui</u> <ul style="list-style-type: none"> ○ Installation costs include permitting, planning, equipment and supplies, travel, helicopter sling-loading of materials, local transportation, construction labor and administrative costs 	20,000	0	20,000
Total	37,050	6,950	44,000