

ORDINANCE NO. _____

BILL NO. 101 (2020)

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
(COOPERATIVE WATER-RESOURCE MONITORING PROGRAM)

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") to continue its cooperative water-resource monitoring program, during the period of October 1, 2020 to September 30, 2021. The total cost of the Agreement is \$120,415 of which \$86,356 would be contributed by the MDWS and \$34,059 would be contributed by the USGS.

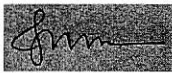
The purpose of the water-resource monitoring program is to collect data needed to evaluate the status and trends of surface-water and groundwater resources in the County of Maui. Since the 1980s, water-resource data have been collected at selected rainfall, streamflow, and groundwater monitoring stations. 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:



2020.08.26
09:29:04 -10'00'

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



United States Department of the Interior

U.S. Geological Survey
Pacific Islands Water Science Center
Inouye Regional Center
1845 Wasp Blvd., Bldg 176
Phone: (808) 690-9600 Fax: (808) 690-9599

June 29, 2020

Mr. Jeffrey T. Pearson, Director
Department of Water Supply
County of Maui
200 South High Street
Wailuku, Hawaii 96793-2155

Attention: Eva Blumenstein, Robert DeRobles

Dear Mr. Pearson:

Subject: Joint Funding Agreement to continue our cooperative water-resource monitoring program during the period October 1, 2020 to September 30, 2021

Enclosed is a Joint Funding Agreement (JFA) between the County of Maui Department of Water Supply (MDWS) and the U.S. Geological Survey (USGS) to continue our cooperative water-resource monitoring program during the period October 1, 2020 to September 30, 2021. The total cost of the agreement is \$120,415 of which \$86,356 will be contributed by the MDWS and \$34,059 will be contributed by the USGS.

The purpose of the water-resource monitoring program is to collect data needed to evaluate the status and trends of surface-water and groundwater resources in the County of Maui. Since the 1980's, water-resource data have been collected at selected rainfall, streamflow, and groundwater monitoring stations as part of this cooperative program between the MDWS and USGS. Data are collected by the USGS in accordance with well-documented techniques and quality-assurance procedures. Data are stored in the USGS National Water Information System database and are publicly available on the internet website (<http://hi.water.usgs.gov>). The number and type of monitoring stations is periodically adjusted to meet current priorities and available funds.

The number and type of monitoring stations is periodically adjusted to meet current priorities and available funds. A complete list of monitoring stations and associated costs for the period October 1, 2020 to September 30, 2021 (Federal Fiscal Year 2021) is attached to the JFA. Two new monitoring stations on Kanaha Stream and a diversion from it were added to the program in FY2020 to monitor compliance with interim instream flow standards recently established by the Commission on Water Resource Management. Permitting delays required that the funding for the first year of operation for these gages be carried from FY2020 into FY2021. The costs for the operation of these gages in this agreement reflect credit for funds contributed in FY2020. MDWS funding for streamflow and suspended-sediment data collection at Kawela Stream on Molokai will begin on April 1, 2021 when our funding agreement with The Nature Conservancy for this work ends.

EXHIBIT "1"

If you are in agreement with this program, please sign and return a copy of the enclosed JFA at your earliest convenience.

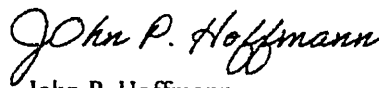
The legal authority for the USGS to enter into this agreement is 43 USC 36C, 43 USC 50, and 43 USC 50b. Work performed with funds from the agreement will be conducted on a fixed price basis. Your agency will be billed using form DI-1040, according to the terms of the agreement.

The results of the work under this agreement will be available to the USGS for publication and use in connection with related work. In addition, the USGS may provide unpublished USGS data or information to your office for review during the course of this jointly planned activity and partnership. Guidance concerning the U.S. Geological Survey's non-disclosure policy will be provided with any review material and is further explained in USGS Circular 1367, Fundamental Science Practices, available at <http://pubs.usgs.gov/circ/1367/pdf/C1367.pdf>.

If you have any questions, or would like more information about this program, please feel free to contact Brian Loving at (808) 690-9603 or by e-mail at bloving@usgs.gov.

Thank you for your continued interest in working with the USGS to provide water-resource information for the County of Maui.

Sincerely,

A handwritten signature in black ink that reads "John P. Hoffmann". The signature is written in a cursive style with a large, stylized "J" and "H".

John P. Hoffmann
Acting Center Director

Enclosure/Attachment

Form 9-1366
(May 2018)

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

Customer #: 6000001187
Agreement #: 21ZHJFA00000011
Project #: ZH00GSN
TIN #: 99-6000618

Water Resource Investigations

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.

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: Steven Ancheta
Budget Analyst
Address: USGS-PIWSC
1845 Wasp Boulevard
Honolulu, HI 96818
Telephone: (808) 690-9566
Fax: (808) 690-9599
Email: sancheta@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 John P. Hoffmann Date: 6/29/20
Name: John P Hoffmann
Title: Acting Center Director

Signatures

By _____ Date: _____
Name: _____
Title: _____

By _____ Date: _____
Name: _____
Title: _____

By _____ Date: _____
Name: _____
Title: _____

MAUI COUNTY SIGNATURE PAGE ATTACHED

SCOPE OF INVESTIGATIONS

WATER-RESOURCE MONITORING PROGRAM, COUNTY OF MAUI

The purpose of the water-resource monitoring program is to collect data needed to evaluate the status and trends of surface and groundwater resources in the County of Maui. Since the 1980's, water-resource data have been collected at selected rainfall, streamflow, and ground-water monitoring stations as part of Joint Funding Agreements between the U.S. Geological Survey (USGS) and the County of Maui Department of Water Supply (MDWS). Data are collected by the USGS in accordance with well-documented techniques and quality-assurance procedures. Data are stored in the USGS National Water Information System database and are publicly available on the internet website (<http://hi.water.usgs.gov>). The number and type of monitoring stations is periodically adjusted to meet current priorities and available funds. The monitoring stations and associated costs for the period October 1, 2020 to September 30, 2021 are as follows:

MONITORING STATIONS	MDWS	USGS	TOTAL
Groundwater Monitoring			
<ul style="list-style-type: none"> • <u>Kanoa Ridge Test Hole, Maui</u> <ul style="list-style-type: none"> ○ Groundwater-level monitoring site in an important drinking-water aquifer ○ Site equipped with continuous water-level recorder and satellite telemetry to provide real-time data ○ Data used to assess ground-water resources in the Waihee Aquifer 	4,536	2,394	6,930
<ul style="list-style-type: none"> • <u>Test Hole B, Maui</u> <ul style="list-style-type: none"> ○ Groundwater-level monitoring site in an important drinking-water aquifer ○ Site equipped with continuous water-level recorder and satellite telemetry to provide real-time data ○ Data used to assess groundwater resources in the Iao Aquifer 	4,536	2,394	6,930
<ul style="list-style-type: none"> • <u>Waikapu 2, Maui</u> <ul style="list-style-type: none"> ○ Groundwater-level monitoring site in an important drinking-water aquifer ○ Site equipped with a continuous water-level recorder ○ Data used to assess ground-water resources in the Iao Aquifer 	3,606	3,324	6,930
<ul style="list-style-type: none"> • <u>Waiehu Deep Monitor Well, Maui</u> <ul style="list-style-type: none"> ○ Groundwater-level and salinity monitoring site in an important drinking-water aquifer ○ Samples collected quarterly from discrete depths for chloride analysis ○ Continuous water-level monitoring in cooperation with the CWRM ○ Data used to assess ground-water resources in the Iao Aquifer 	12,066	2,604	14,670
<ul style="list-style-type: none"> • <u>Kualapuu Deep Monitor Well, Molokai</u> <ul style="list-style-type: none"> ○ Groundwater-level and salinity monitoring site in an important drinking-water aquifer ○ Site equipped with a continuous water-level recorder ○ Salinity profiles collected twice per year in cooperation with the CWRM ○ Data used to assess ground-water resources in the Kualapuu Aquifer 	4,536	2,394	6,930

Streamflow Monitoring – Real-time continuous-record stations			
<ul style="list-style-type: none"> • <u>Halawa Stream, Molokai</u> <ul style="list-style-type: none"> ○ Long-term streamflow monitoring station in a watershed unaffected by human activity ○ Site equipped with continuous stage recorder and satellite telemetry to provide real-time data ○ Data used to assess effects of climate change on surface-water and groundwater resources 	15,383	8,117	23,500
<ul style="list-style-type: none"> • <u>Waikamoi Stream, Maui</u> <ul style="list-style-type: none"> ○ Streamflow monitoring station in upcountry Maui ○ Site equipped with continuous stage recorder and satellite telemetry to provide real-time data ○ Data used to assess inflow to the Kula Reservoir 	15,383	8,117	23,500
<ul style="list-style-type: none"> • <u>Kanaha Stream below Pipeline Intake near Lahaina, Maui</u> <ul style="list-style-type: none"> ○ Streamflow monitoring station in West Maui ○ Site equipped with continuous stage recorder and satellite telemetry to provide real-time data ○ Data used to monitor compliance with interim instream flow standards ○ Hawaii Department of Transportation contributes funding for this station ○ FY20 O&M funds applied to FY21 since gage wasn't operated in FY20 	327	173	500
<ul style="list-style-type: none"> • <u>Kanaha Stream Pipeline Diversion near Lahaina, Maui</u> <ul style="list-style-type: none"> ○ Streamflow monitoring station on diversion ditch in West Maui ○ Site equipped with continuous stage recorder and satellite telemetry to provide real-time data ○ Data used to monitor compliance with interim instream flow standards ○ FY20 O&M funds applied to FY21 since gage wasn't operated in FY20 	450	0	450
<ul style="list-style-type: none"> • <u>Kawela Stream, Molokai</u> <ul style="list-style-type: none"> ○ Streamflow monitoring station on leeward Molokai ○ Site equipped with continuous stage recorder and satellite telemetry to provide real-time data ○ Data needed to evaluate changes in suspended sediment loading from the Kawela watershed. ○ For FY2021, funding is for operation and maintenance during the second half of the year. The first half of the year is covered by an agreement with the Nature Conservancy. 	7,750	0	7,750
Suspended Sediment Monitoring			
<ul style="list-style-type: none"> • <u>Kawela Stream, Molokai</u> <ul style="list-style-type: none"> ○ Data needed to evaluate changes in suspended sediment loading from the Kawela watershed. ○ For FY2021, funding is for operation and maintenance during the second half of the year. The first half of the year is covered by an agreement with the Nature Conservancy. 	9,175	0	9,175
Rainfall Monitoring – Real-time continuous-record stations			
<ul style="list-style-type: none"> • <u>Puu Kukui Rain Gage, Maui</u> <ul style="list-style-type: none"> ○ Long-term rainfall station at the summit of the West Maui Mountain ○ Site equipped with continuous recording rain gage and satellite telemetry to provide real-time data ○ Data used to estimate ground-water recharge and determine existence and severity of drought conditions 	8,608	4,542	13,150
Total	86,356	34,059	120,415

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 #: 21ZHJFA00000011
Project #: ZH00GSN
TIN #: 99-6000618

Fixed Cost Agreement YES[X] NO[]

THIS AGREEMENT is entered into as of the October 1, 2020, 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 a water-resource monitoring program according to the list of stations provided 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) \$34,059 by the party of the first part during the period October 1, 2020 to September 30, 2021
- (b) \$86,356 by the party of the second part during the period October 1, 2020 to September 30, 2021
- (c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of: \$0
Description of the USGS regional/national program:
- (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://www.usgs.gov/about/organization/science-support/science-quality-and-integrity/fundamental-science-practices>).

DIGEST

ORDINANCE NO. _____
BILL NO. 101 (2020)

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
(COOPERATIVE WATER-RESOURCE MONITORING PROGRAM)

This bill proposes to authorize the Mayor to enter into a Joint Funding Agreement for Water Resource Investigations with the U.S. Geological Survey, Pacific Islands Water Science Center, United States Department of the Interior, to continue the cooperative water-resource monitoring program, for the time period October 1, 2020 to September 30, 2021. The total cost of the Agreement is \$120,415 of which \$86,356 would be contributed by the County and \$34,059 would be contributed by the USGS.

I, KATHY L. KAOHU, County Clerk of the County of Maui, State of Hawaii, DO
HEREBY CERTIFY that the foregoing BILL NO. 101 (2020) was passed on First Reading
by the Council of the County of Maui, State of Hawaii, on the 9th day of October, 2020,
by the following vote:

AYES: Councilmembers G. Riki Hokama, Natalie A. Kama, Kelly T. King,
Michael J. Molina, Tamara A. M. Paltin, Shane M. Sinenci,
Yuki Lei K. Sugimura, Vice-Chair Keani N. W. Rawlins-Fernandez,
and Chair Alice L. Lee.

NOES: None.

DATED at Wailuku, Maui, Hawaii, this 12th of October, 2020.



KATHY L. KAOHU, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk,
County of Maui, for use and examination by the public.