

## **REQUEST FOR BOARD ACTION**

### **HENDERSON COUNTY BOARD OF COMMISSIONERS**

**MEETING DATE:** September 3, 2019

**SUBJECT:** Agreement for Installation and Maintenance of Gaging Station

**PRESENTER:** Amy Brantley

**ATTACHMENTS:** Yes  
1. Landowner Agreement

#### **SUMMARY OF REQUEST:**

The US Geological Survey (USGS) has requested to place a rain gaging station at 320 Williams Street, where Facility Services is located, to collect rainfall data within that area of Henderson County. The station will be installed and maintained by the USGS and removed at their expense when the agreement is terminated. USGS will need to access the station as they deem necessary to measure streamflow and/or water-quality sampling during the life of this agreement.

This request is due to the I-26 expansion project so that they accurately measure rainfall in our area for construction.

#### **BOARD ACTION REQUESTED:**

The Board is requested to approve the attached agreement for installation and maintenance of gaging station.

#### **SUGGESTED MOTION:**

*I move that the board approve the attached agreement between Henderson County and the US Geological Survey (USGS) for installation and maintenance of a gaging station on Henderson County property.*

Form 9-1482  
Revised (October 2002)

Agreement Number:

## **AGREEMENT FOR INSTALLATION AND MAINTENANCE OF GAGING STATION\***

The landowner agrees that the U.S. Geological Survey (USGS), Water Science Center may install and maintain a gaging station on the landowner's property at a mutually agreed-upon site at the location listed below. The landowner also agrees that the USGS will have access to the site, as it reasonably deems necessary for streamflow measuring and/or water-quality sampling during the life of this agreement.

Description of the gaging station, located at Lat: 35.316873 Long: -082.453497, and/or Henderson County Facility Services, 320 Williams Street, Hendersonville, NC

Tipping bucket raingage used to collect and transmit precipitation data



A typical tipping bucket raingage installation consists of a support pole buried in the ground, cabinet for instrumentation, tipping bucket, solar panel, and antenna.

Rainfall data are recorded every five minutes and transmitted via GOES satellite every hour. These data are available at: [https://waterdata.usgs.gov/nc/nwis/current/?type=precip&group\\_key=county\\_cd](https://waterdata.usgs.gov/nc/nwis/current/?type=precip&group_key=county_cd)

Excavation and/or installation of the gaging station, at the USGS's own expense, may begin any time after this agreement is fully executed. The gaging station shall be excavated, installed, and properly maintained by the USGS. This Agreement shall be regarded as granting a license or easement, whichever may most appropriately characterize it under applicable state law, in favor of USGS to enter landowner's property for the purposes noted herein.

At the expiration of this agreement, the gaging station may be disposed of in one of the following ways:

1- Removal by the USGS, at its own cost and expense, within a reasonable time after the expiration of this agreement. Upon removal of the station, the USGS shall restore the landowner's property, also at its own expense, as nearly as possible to the condition when installed, or

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2- Transfer to a state, local, or tribal government agency or Federal Energy Regulatory Commission licensee under a separate written agreement, if approved by the landowner and the USGS Regional Executive.

During the life of this agreement, the Federal Government will be liable for any loss related to the installation, operation, maintenance, and other activities associated with the gaging station described above in accordance with, and to the extent permitted under, the Federal Tort Claims Act (28 U.S.C. &&1346(b) and 2671 et seq).

This agreement shall become effective when fully executed and shall remain in full force for five years unless terminated earlier by USGS upon 60 days written notice. After five years, the agreement will continue in force until terminated by either the USGS or the landowner upon 60 days written notice to the other party.

\* For the purpose of this agreement, "gaging station" includes all stilling wells and structure, including cableways and equipment, used in the operation and maintenance of the monitoring site.

Landowner Address  
Telephone Number

Dianna M. Hogan, Ph.D.  
Acting Director, South Atlantic Water  
Science Center  
U.S. Geological Survey  
12201 Sunrise Valley Drive, MSN 436  
Reston, VA 20192

William F. Hazell, Field Office Chief  
44 Buck Shoals Road, Suite A-2  
Arden, NC 28704  
828-778-8505  
wfhazell@usgs.gov

U.S. Geological Survey Signature/Date \_\_\_\_\_

Landowner Signature/Date \_\_\_\_\_