Article 6.

Streamflow Rehabilitation Assistance Program.

§ 139-65. Streamflow Rehabilitation Assistance Program.

(a) Program Established. – The Streamflow Rehabilitation Assistance Program is established. The purpose of the Program shall be to assist an eligible grantee in protecting and restoring the integrity of drainage infrastructure through routine maintenance to existing streams and drainage ways by removing blockages caused by accumulated debris or sediment, stabilization and restoration of streams and streambanks, and for rehabilitation or improvement of small watershed structural projects constructed pursuant to the Watershed Protection and Flood Prevention Act of 1954, as amended. Project engineering, permitting, and administrative costs are eligible for payment through the Program. Program funds may also be used to provide nonfederal match for related disaster recovery activities funded by the federal government. For purposes of this section, an "eligible grantee" shall include any of the following:

(1) A Soil and Water Conservation District established under this Chapter.

(2) A political subdivision, including a city, a county, a water or sewer authority established under Chapter 162A of the General Statutes, a metropolitan or county water or sewer district established under Chapter 162A of the General Statutes, a county service district established under Chapter 153A of the General Statutes, a municipal service district established under Chapter 160A of the General Statutes, a sanitary district established under Chapter 130A of the General Statutes, and a drainage district established under Chapter 156 of the General Statutes.

(3) A nonprofit organization.

(b) Program Administration. – The Soil and Water Conservation Commission shall supervise and administer the Streamflow Rehabilitation Assistance Program as provided in this section. No more than five percent (5%) of Program funding may be used for administration costs.

(c) Program Functions. – Under the Streamflow Rehabilitation Assistance Program, the Soil and Water Conservation Commission shall do the following:

(1) Establish criteria to allocate funds to eligible grantees.

(2) Develop a process for soliciting and reviewing applications and for selecting applicants to participate in the Program.

(3) Adopt temporary and permanent rules as necessary to implement this Program.

(d) Restriction on Funded Activities. – The Commission shall ensure that debris removed from streams with funds provided under this Article are either removed from the 100-year floodplain or processed in such a manner that the debris would not pose a risk of blockage or significant impairment of normal streamflow during a subsequent flood event. For purposes of this subsection, "100-year floodplain" means any area subject to inundation by the one percent (1%) annual chance flood event, as indicated on the most recent Flood Insurance Rate Map prepared by the Federal Emergency Management Agency under the National Flood Insurance Program.

(e) Report. – No later than January 31 of each year, the Division of Soil and Water Conservation of the Department of Agriculture and Consumer Services shall prepare a comprehensive report on the implementation of this section. The report shall be submitted to the Environmental Review Commission and the Fiscal Research Division as a part of the report required by G.S. 106-850(e). (2021-180, s. 5.9(k).)