

§ 143-214.11A. Flood storage capacity restoration and enhancement.

(a) Definition. – A flood storage project is defined as a project that creates or restores a quantity of flood storage capacity expressed in acre-feet. A flood storage project includes, but is not limited to, the creation or restoration of wetlands, streams, and riparian areas, temporary flooding of fields, pastures, or forests, and other nature-based projects that can demonstrably increase flood storage capacity.

(b) Flood Storage Capacity Basinwide Planning; Advisory Board. – To the extent of funds available for this purpose, basinwide plans developed under G.S. 143-214.10 shall include plans for restoration and enhancement of flood storage capacity to reduce the risk of flooding in flood prone areas of the State and enhance stormwater management capacity and shall set target amounts of flood storage capacity for each basin and subbasin. It is the intent of the General Assembly that appropriations, grants, and other funds received for flood storage enhancement shall be held in the Ecosystem Restoration Fund established by G.S. 143-214.12 and allocated for projects consistent with the basinwide plans, this section, and the conditions on funding for grants received in support of the program or a specific project. The Division shall establish an advisory board to guide program development and implementation.

(c) Projects funded under this section shall meet all of the following requirements:

- (1) Be consistent with plans for restoration and enhancement of stormwater management or flood storage capacity included in basinwide plans developed under G.S. 143-214.10.
- (2) Be designed and constructed to provide for a quantifiable increase in flood storage capacity in the designated watershed or sub-watershed based on the difference between the total number of acre-feet of flood storage in the watershed or sub-watershed before project commencement and after project completion.
- (3) Incorporate a mechanism for post-construction monitoring.

(d) The Division shall comply with the procurement preferences set forth in G.S. 143-214.11(i) in procuring flood storage enhancement or restoration projects with funds set aside for those purposes. Requests for proposal shall require that projects specify the number of acre-feet of flood storage capacity enhancement or restoration in a specified watershed or sub-watershed based on the watershed planning required by this section. Submitted proposals shall be prioritized and selected based on criteria to be developed by the Division with input from the advisory board. These criteria may include analysis of costs and benefits, compatibility with and maintenance of working lands, and ecological benefits.

(e) The Division shall include in the annual report required by G.S. 143-214.13 information on projects funded under this section. The report shall include a list and description of projects funded, the amount of State funds and total budget for each project, and the amount of flood storage capacity enhanced or restored for each project. (2020-79, s. 11A(e); 2021-180, s. 5.9(s).)