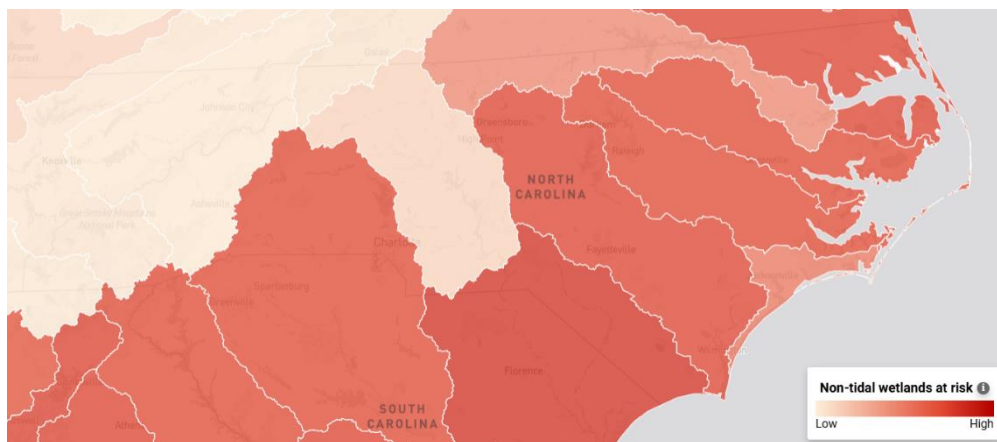




## Millions of acres of North Carolina wetlands could be at risk in the wake of a recent US Supreme Court decision.

In 2023, a majority opinion by the US Supreme Court (*Sackett v EPA*) drastically scaled back federal protections for America's wetlands, potentially threatening the communities and ecosystems that depend on them for critical habitat and flood protection. Prior to the decision, the Supreme Court and lower courts upheld that wetlands that are connected to federal waterways, including those connected below the surface, should be protected. The Supreme Court opinion now states that wetlands must have "a continuous surface connection" to federal waters, an approach that is not grounded in science and establishes tremendous uncertainty as to how this will be interpreted from a regulatory perspective in the long term.

Environmental Defense Fund's [first-of-its-kind analysis](#) presents a range of potential impacts, reflecting the subjective language in the Court's opinion, but estimates that up to 3.6 million acres of North Carolina wetlands may no longer benefit from federal policy protections. Both the risk and uncertainty of the Supreme Court's decision are compounded by the fact that North Carolina's laws were recently changed to align with the majority opinion, meaning many of these wetlands may have no protections at all despite overwhelming public support for their conservation.



*Analysis of wetlands at risk of losing federal protections in a scenario in which those that flood seasonally or more often would be protected by federal law. It is important to note that many wetlands in the Western part of the state are less than 0.1 acre and are underestimated in our analysis due to limitations in data. Source: <https://www.science.org/stoken/author-tokens/ST-2158/full>.*

### Why are wetlands important?

- **Fish and wildlife conservation:** [Wetlands are home to 40% of the world's species](#), with nearly 7,000 species of plants alone living in U.S. wetlands and are economically critical, providing homes for 75% of commercially harvested fish and shellfish species. [In North Carolina, more than 70% of the species listed as](#)
- **Flood risk reduction:** Wetlands are natural buffers and can absorb as much as 1.5 million gallons of flood water, protecting communities and reducing the impacts of flooding, our nation's costliest natural disaster.

[endangered, threatened or of special concern depend on wetlands for survival.](#)

- **Clean Water:** Wetlands act as natural filters, reducing pollutants downstream that could impact people and natural ecosystems.

### **What's at stake?**

EDF's analysis finds that up to 90 million acres of U.S. wetlands could now rely on state-level protections, which vary widely across the country. In fact, 24 states currently rely entirely on the federal wetlands protections determined by the Clean Water Act, meaning that there may be no protection in those states for many wetlands. North Carolina previously had limited state-level protections, but those have been struck down and all state protections that exceed the federal standard have been eliminated.

The U.S. Supreme Court's decision also means more confusion for developers and others that may be regulated under shifting rules that can change with each election cycle. By lessening protection on certain types of wetlands, the U.S. Supreme Court has placed the onus on state leaders to determine how best to conserve and protect the vital benefits of wetlands no longer covered by federal jurisdiction. Healthy wetlands are vital to North Carolina's rich outdoor traditions and are even mentioned in the state's constitution. Increased flooding events have taken a toll on cities, towns and communities – costing lives and livelihoods across our state. The loss of wetlands no longer benefiting from policy protections will only exacerbate these growing flood risks while sacrificing the clean water, fish, waterfowl, wildlife and natural beauty that support our state's outdoor traditions and recreation economy.

### **North Carolinians widely support wetlands protection**

Efforts to weaken policy protections for wetlands and undermine wetlands conservation have been led by a small but vocal minority of special interests. Polling shows that there is strong public support among voters of all

political stripes in North Carolina for wetlands and the tremendous public benefits they provide.

### **Polling in North Carolina shows that 87% of voters want to see state lawmakers take action to protect wetlands and 85% want to see state lawmakers take action to protect North Carolina's communities from the risk of flooding.**

Continued loss of wetlands and development in high-risk areas will only exacerbate the risks of flooding for communities in the state.

### **How Environmental Defense Fund is working to protect wetlands**

EDF is working together with scientists, advocates and policymakers to better quantify, communicate and protect the value and breadth of benefits that wetlands provide, particularly for wildlife habitat and flood risk reduction. EDF's preliminary analysis of the impact that the Sackett v EPA decision may have on federal wetlands protections quantifies the wetland acres now at risk and identifies what research is needed to better understand the impacts. Through outreach and education, EDF will engage and mobilize public support for wetlands conservation and policy protection and provide policy recommendations for state and federal leaders ready to heed the public's call for action to conserve vital wetlands and preserve a safe, sustainable future for our communities and people.

**Learn more at: [edf.org/wetlands](https://edf.org/wetlands)**

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