

June 23, 2023

VIA ELECTRONIC MAIL

Dear Governor Cooper,

Thank you for vetoing the Farm Act, the inappropriate vehicle for repealing longstanding protections for the State's wetlands. Since you are also from eastern North Carolina, I know you understand and appreciate the incredible value of our wetlands in retaining flood waters, filtering pollution, replenishing groundwater that most of our citizens rely on for drinking water, and providing habitat to fish and wildlife. From our unique mountain bogs to namesake Carolina Bays, bottomland swamps, and unique pocosins, our wetlands are a state natural treasure.

Fifty years ago, the people of North Carolina amended the North Carolina Constitution to require the State to "conserve and protect its ... wetlands ... for the benefit of all its citizenry." Immediately after that, the legislature defined waters of our State that must be protected and conserved to include wetlands. We have made a lot of progress in North Carolina over the ensuing decades in conserving and protecting our environment and natural resources, with some unfortunate setbacks in recent years. But I really can't think of any single action taken during my forty-year career working to protect North Carolina's environment that will have a greater long term adverse impact on North Carolina's water quality and natural resources than abandoning state wetlands protections—harm that will be made even worse by the loss of federal protections from the recent Supreme Court decision in *Sackett v. EPA*. While the extent of lost federal wetland protections must still be determined, it is no doubt substantial. That makes the legislature's decision to repeal state protections even more irresponsible, not even knowing the full extent of North Carolina wetlands left without protection.

Some of the public, and apparently some legislators, have been misled into thinking that repealing wetland protection is about farming. I own a family farm with wetlands in Cumberland County. As most farmers know, normal, ongoing farming activities are exempt from state and federal wetland regulation. Whether the General Assembly repeals state wetland protections or leaves them in place, farming will remain exempt. The true beneficiaries of this harmful legislation are large land developers who will now build on wetlands without permits or mitigation. Unsuspecting families who buy homes developers build on wetlands are the ones who will be harmed by this legislation when their homes are flooded after storms. And fishing families will be harmed, as more pollution flows to the coast. And all North Carolinians will be harmed, as we see our wildlife and natural heritage diminished.

Again, thank you for acting on behalf of the people of the State in vetoing this ill-advised legislation.

Sincerely yours,

Derb Carter

Senior Attorney
Southern Environmental Law Center