

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 738

Short Title: Restore Wetlands Protections. (Public)

Sponsors: Representatives Harrison, Butler, K. Brown, and Dew (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 3, 2025

1 A BILL TO BE ENTITLED
2 AN ACT TO RESTORE WETLANDS PROTECTIONS IN NORTH CAROLINA.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.(a)** Section 54 of S.L. 2014-120 is repealed.

5 **SECTION 1.(b)** Section 4.18 of S.L. 2015-286 is repealed.

6 **SECTION 1.(c)** G.S. 143-212 reads as rewritten:

7 **"§ 143-212. Definitions.**

8 Unless a different meaning is required by the context, the following definitions apply to this
9 Article and Articles 21A and 21B of this Chapter:

10 ...

11 (3a) "Isolated wetlands" means (i) wetlands confirmed to be isolated by the United
12 States Army Corps of Engineers prior to June 22, 2020, and (ii) wetlands
13 described as a basin wetland or bog in the North Carolina Wetland Assessment
14 User Manual prepared by the North Carolina Wetland Functional Assessment
15 Team, version 4.1, October 2010. The term "isolated wetland" does not
16 include an isolated man-made ditch or pond constructed for stormwater
17 management purposes or any other man-made isolated pond.

18 ...

19 (6) "Waters" means any stream, river, brook, swamp, lake, sound, tidal estuary,
20 bay, creek, reservoir, ~~waterway, waterway, wetland,~~ or other body or
21 accumulation of water, whether surface or underground, public or private, or
22 natural or artificial, that is contained in, flows through, or borders upon any
23 portion of this State, including any portion of the Atlantic Ocean over which
24 the State has jurisdiction.

25 (7) "Wetland" means waters that are areas that are inundated or saturated by an
26 accumulation of surface or groundwater at a frequency and duration sufficient
27 to support, and that under normal circumstances do support, a prevalence of
28 vegetation typically adapted for life in saturated soil conditions. Wetlands do
29 not include prior converted cropland as defined in the National Food Security
30 Act Manual, Fifth Edition. Wetlands classified as waters of the State are
31 limited to (i) waters of the United States as defined by 33 C.F.R. § 328.3 and
32 40 C.F.R. § 230.3 and (ii) isolated wetlands."

33 **SECTION 2.** This act is effective when it becomes law.

