



US Army Corps  
of Engineers®  
Wilmington District

## Special Rule for Certain Beach Nourishment Projects: Wrightsville Beach & Carolina Beach Section 8308 of WRDA 2022

- **Certain beach nourishment projects are prohibited from using the least-cost sand source due to that source being located a Federally Protected Area known as the Coastal Barrier Resource Act (CBRA) zone**
- **Two North Carolina Coastal Storm Damage Reduction Projects were named for consideration by the Secretary of the Army: Carolina Beach and Wrightsville Beach**

---

CONGRESSIONAL DISTRICT: NC 7

DATE: 10 March 2023

1. **PURPOSE:** Section 8308 of the Water Resources Development Act (WRDA) of 2022 authorizes the funding, at Federal expense, of any incremental cost to a project that result from a legal requirement to use a borrow source determined by the Secretary to be other than the least-cost option.
2. **STATUS:** Awaiting Implementation Guidance on how to apply Sec. 8308.  
<https://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/WRDA-2022/>

Section 8308 also states that additional project costs will not to be included in the cost-benefit analysis for the project.

3. **BACKGROUND: COASTAL BARRIERS RESOURCES ACT July 2021 FAQ Sheet [Quoted]:**  
The Coastal Barrier Resources Act (CBRA) of 1982 prohibits most new federal expenditures and financial assistance within the John H. Chafee Coastal Barrier Resources System (CBRS or System), including projects to prevent the erosion of or to otherwise stabilize any inlet, shoreline, or inshore area.

In July 2021, the Department of the Interior has reinstated its long-standing legal interpretation that federal funding for dredging within the CBRS to nourish beaches outside of the CBRS does not fall within the CBRA exception at 16 U.S.C. § 3505(a)(6)(G). The Department's decision is based on a July 14, 2021 legal interpretation of the statutory language and legislative history. The updated legal interpretation supersedes the October 31, 2019 legal interpretation that was adopted by then-Secretary Bernhardt as the Department's position in November 2019.

PROJECT INFORMATION – Special Rules for Certain Beach Nourishment Projects –  
Continued

CBRA consultation with the Service [w]as only been completed under the 2019 interpretation for two planned Corps renourishment projects in North Carolina (Coastal Storm Risk Management for Wrightsville Beach and Carolina Beach) that seek to dredge sand from within the CBRS for use outside of the System...Effective immediately, federally-funded actions and projects that seek to dredge sand from within the CBRS for nonstructural shoreline stabilization outside of the CBRS will no longer be eligible for consideration under the 16 U.S.C. § 3505(a)(6)(G) exception for “nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system.” Federal agencies may consider alternative borrow sites outside of the CBRS or alternative funding sources (i.e., state, local, or private) for affected projects.