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## U.S. Army Corps of Engineers (Little Rock District): Sarah Chitwood, P.E., (Regulatory Division Chief): Arkansas Environmental Federation Convention Presentation

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Ms. Sarah Chitwood, P.E., undertook a presentation at the Arkansas Environmental Federation Convention in Hot Springs, Arkansas, addressing a variety of activities undertaken by the United States Army Corps of Engineers ("Corps") Little Rock District Regulatory Division.

Ms. Chitwood serves as Regulatory Chief of the Little Rock District Regulatory Division.

The presentation addressed:

- Regulatory Program Overview
- Permit Types
- Mitigation

In addressing the Corps jurisdictions, its various geographical Divisions were outlined, including the fact that the Little Rock District is encompassed by the Southwestern Division. Further, the boundaries of the Little Rock District were visually outlined. Note that portions of Arkansas are also encompassed by the Corps Vicksburg and Memphis Districts.

The Corps Regulatory Program's mission was defined as follows:

- The Regulatory Program is committed to protecting the Nation's aquatic resources and navigation capacity, while allowing reasonable development through fair and balanced decisions.
- The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands.

The Little Rock District Regulatory Division regulators are noted to be composed of a variety of disciplines which are identified and include two branches:

- Evaluation Branch
- Enforcement Branch

Regulatory Program authorities include:

- Section 10 of the Rivers and Harbors Act of 1899
- Section 404 of the Clean Water Act

The activities encompassed by both programs were discussed.

In addressing the Section 404 program, it was noted that many more waters than those regulated under Section 10 are encompassed. However, not all aquatic resources are jurisdictional waters of the United States.

Examples of Section 404 activities were provided, citing:

- Filling (building sites, parking lots, etc.)
- Stream Stabilization (riprap, bendway weirs, etc.)
- Utility line crossings
- Mechanical landclearing
- Leveling
- Roads
- Dams

Additional laws impacting the Corps Regulatory Program were cited, which include:

- Section 408 - Section 14 of Rivers and Harbors Act of 1899
- National Environmental Policy Act
- Section 7 - Endangered Species Act
- Section 106 - National Historic Preservation Act
- Government to Government Consultation with Federally Recognized Tribes
- Section 401 - Water Quality Certification

Each of the types of permits issued under the 404 program were listed, which include:

- General Permits
- Programmatic
- Nationwide
- Regional
- Standard Permits
- Letter of Permission
- Individual

Examples of three types of activities were addressed, including:

- Linear Transportation Project
- Utility Line Activities (Open Trenching)
- Residential and Commercial Development

The various applications were discussed outlining the information the Corps needs to make a permit decision, including the ability to undertake an administrative appeal.

Compensatory mitigation was discussed, including its definition and the fact that it is only available after all avoidance and minimization has been attempted.

Further, the types of compensatory mitigation methods were noted:

- Restoration
- Establishment
- Enhancement
- Preservation

Mitigation options were identified which include:

- Mitigation Bank
- In-Lieu Fee

- Permittee Responsible

A copy of Ms. Chitwood's slides can be downloaded [here](#).