



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PORTLAND DISTRICT
PO BOX 2946
PORTLAND, OR 97208-2946

April 7, 2022

SUBJECT: USACE Section 408 Alteration Determination, 408-0109-FY22 NEXT Renewable Fuels Oregon, LLC Project

Christopher Efird
11767 Katy Freeway
Suite 705
Houston, Texas 77079

Dear Mr. Efird:

The Portland District of the U.S. Army Corps of Engineers (USACE) received your application for a Department of the Army permit. On February 16, 2022, our Regulatory Branch forwarded your application to my office for a determination under Section 14 of the Rivers and Harbors Act of 1899, which is codified at 33 U.S.C. § 408 (referred to as "Section 408") regarding the proposed renewable energy terminal in Clatskanie, Oregon. Under Section 408, permission from the USACE is required to make alterations to, or to temporarily or permanently occupy or use, any USACE federally authorized project.

The proposed project is located at the Port Westward Industrial Park on the Columbia River in Columbia County, Oregon. The proposal includes the construction of a new renewable fuels facility adjacent to the Beaver Drainage District levee system, Bradbury Slough and the Columbia River levee segments, a federally authorized levee system. The proposal is to utilize the levee as a haul road. The proposed new construction or use as a haul road will not alter the levee system. The proposed project is not adjacent to or in navigable waters and will have no impact to navigation. Therefore, the proposed project will not alter, occupy, or use a USACE federally authorized project and therefore does not require permission from the USACE under Section 408.

This determination does not obviate the need to obtain other federal, state, or local authorizations required by law. Your project may require a Department of the Army permit from the Portland District Regulatory office. The Portland District Regulatory Branch will be provided a copy of this letter. The USACE retains the right to revoke this Section 408 determination at any time if the proposed work negatively affects the federally authorized project or if the project plans change.

If you have question or concerns, please contact the District's Section 408 Program Manager, Ms. Sally Bird-Gauvin at (503) 808-4765 or by email at sally.a.bird-gauvin@usace.army.mil.

Sincerely,

Sally Bird-Gauvin

for Valerie A. Ringold
Planning Chief

cc: Katharine Mott, Regulatory Project Manager