



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

**SUBJECT: USACE Section 408 Permission for Section 408 0109-FY22 NEXT
Renewable Fuels Oregon Project, Columbia County, Oregon**

Christopher Efird
Chief Executive Officer of NEXT Renewable Fuels, Inc
11767 Katy Freeway, Suite 705
Houston, Texas 77079

Dear Mr. Efird:

The Portland District of the U.S. Army Corps of Engineers (USACE) has conducted a reassessment of your application for a determination under Section 14 of the Rivers and Harbors Act of 1899, codified at 33 U.S.C. § 408 (referred to as “Section 408”) on the proposed NEXT Renewable Fuels project located within the Beaver Drainage District, Bradbury Slough Levee segment, 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.

USACE’s Section 408 Program originally reviewed your Joint Permit Application version 2 (v2) in 2022 and determined that the use of the Bradford Levee system as a road was not an alteration under Section 408. Upon review of your updated Joint Permit Application version 4 (JPA v4) we requested additional information from your office to clarify statements in JPA v4 relating to the temporary placement of mats on the levee and fill to widen Kallunki Road among other things. USACE received this information on 27 October 2025.

Based on the information provided we have determined that your proposed project will require a Section 408 review for the following reasons:

- Placement of temporary fill on the upper part of the landside levee slope to widen Kallunki Road to 27-feet allowing for you to haul equipment to the NEXT laydown area and facility site. Current information indicates Kallunki Road is approximately 20-feet wide. The proposal would require temporary fill to be placed along 5,000-feet of the existing levee.
- Placement of temporary wood mats from the barge unloading dock, up the riverside levee slope, to Kallunki Road and Gravel and dirt material, if needed, to support the placement of the mats.

- Temporary fill may be placed on the landside levee slope to provide the necessary turning radius for the equipment haul trucks to turn off Kallunki Road toward the facility site.

Per the Section 408 Engineering Circular (EC) 1165-2-220, Appendix E (Dams and Levees) provides discipline-specific considerations for Section 408 submittals:

E-5. c. (7) Civil, *Temporary measures required during construction (bypasses, cofferdams, etc.).*

- o Temporary fill on a levee for construction traffic falls into this category.

E-5. d. Geotechnical

(4) *Placement of stockpiles, heavy equipment, or other surcharges*

(7) *Settlement analysis, and*

(8) *Stability analysis.*

- o Temporary fill placed on the upper part of the landside levee slope is a surcharge load on the levee requiring assessments of settlement and stability.

Based on our review of the JPA v4, the additional information submitted, and the applicable regulations and guidance we have determined an alteration will occur and this work will require a permission under Section 14 of the Rivers and Harbors Act of 1899.

We require a complete application prior to conducting a final review. The Section 408 program will provide additional information to assist you in providing this information so that we may begin our review. 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,



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Larry D. Caswell, Jr., PE, PMP
Colonel, U.S. Army
District Commander

Enclosures

cc:

James (Bo) Davidson, Regulatory PM
Warren Seely, Beaver Drainage Improvement District