



February 7, 2024

**Garrett H. Stephenson**  
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VIA E-MAIL

Columbia County Board of Commissioners  
Columbia County  
230 Strand Street  
St. Helens, OR 97051

RE: In the Matter of an application submitted by NEXT Renewable Fuels, Inc. for a Modification of Prior Approval for a previously approved Site Design Review and a Conditional Use application for a proposed railroad branchline in the Primary Agriculture (PA-80) zone. DR 21-03 MOD / CU 23-11

Dear Columbia County Board of Commissioners:

This firm represents NEXT Renewable Fuels, Inc. (“NEXT”), in the above-referenced casefiles (the “Applications”). On January 10, 2024, Columbia County held a hearing on the Applications. NEXT testified orally during the hearing. At the conclusion of that hearing, the Board closed the record to further oral testimony but allowed the written record to remain open for the following purposes and on the following schedule:

1. Until 5:00 PM on January 24th for any party to submit any evidence or testimony.
2. Until 5:00 PM on February 7th for any party to submit evidence or testimony in response to testimony submitted during the first open record period.
3. Until February 21st for Applicant’s final written argument.

This letter addresses arguments and evidence submitted in a confidential letter from Columbia Riverkeeper (“CRK”) to the County, dated January 24, 2024, concerning the discovery of certain cultural artifacts by Warren Seely on October 2, 2023. It is timely submitted prior to the close of the second open record period. Please note that this letter is submitted to the County Counsel so that he may redact portions of the letter as appropriate, consistent with Oregon’s public records law under ORS 192.351(11).

For the reasons described below, the Board of Commissioners can and should find that the discovery of certain cultural objects has no bearing on NEXT’s Applications’ satisfaction of all applicable approval criteria. Further, the process which CRK claims that the County must engage in prior to approval of the Applications does not apply in this instance and does not provide a basis for denial of the Applications in any event.

**I. Columbia Riverkeeper’s argument alleging that the Oregon State Historic Preservation Office (“SHPO”) has documented the discovery of certain cultural artifacts in the Project Area is misleading and based on a misrepresentation of fact.**

In its January 24 letter, Columbia Riverkeeper states that “cultural artifacts were discovered” [REDACTED] area on October 2, 2023. NEXT does not dispute this. However, CRK bases its assertion on a letter sent by SHPO to the U.S. Army Corps of Engineers (“USACE”) on November 15, 2023. **Exhibit 1.** CRK includes this letter in its argument, alleging that SHPO has “documented the discovery” of the cultural objects that were discovered on October 2, 2023 and further that SHPO had “recently noted that there will be an adverse effect to historic properties” (implying that SHPO has taken a position on the October 2 discovery). Based on this letter, Columbia Riverkeeper claims that further archaeological survey of the project area and appropriate mitigation is required, and therefore that the Board of Commissioners should not approve NEXT’s Applications.

This assertion is incorrect and Columbia Riverkeeper’s claim that the SHPO letter pertains to the cultural artifacts discovered on October 2, 2023 is a plain and deliberate misrepresentation of fact to the Board. In fact, SHPO’s letter that CRK references in their letter date 1/24/24 is part of the routine consultation process under Section 106 of the National Historic Preservation Act (“NHPA”) associated with NEXT’s application—to the US Army Corps of Engineers for federal Clean Water Act Section 404 permit—to determine the project’s impacts on historic and potentially eligible historic properties. This consultation process began long before Mr. Seely’s discovery. As explained below, the only potentially-historic property that NEXT’s project has been determined likely to impact, and the only historic or potentially historic property discussed in the SHPO letter, is the Beaver Drainage District Ditches. **Exhibit 2.**

Under Section 106, federal agencies must take into account the effects of their undertakings on historic properties. 36 CFR 800.1(a). An “undertaking” includes “projects...requiring a Federal permit, license or approval.” 36 CFR 800.16(y). As part of the Section 106 process, the appropriate agency must “initiate consultation” with SHPO to determine the undertaking’s effects on historic properties. 36 CFR 800.3(c). In consultation with SHPO, the relevant agency shall “[d]etermine and document the area of potential effects,” and then “take the steps necessary to identify historic properties” within this area. 36 CFR 800.4(a)–(b); 36 CFR 800.16(d).

If properties are identified within the area of potential effects that have not been previously evaluated for inclusion in the National Register of Historic Places (“NRHP”), the agency must apply NRHP criteria to determine whether a property is eligible for inclusion. 36 CFR 800.4(c). If the agency determines that a property is eligible for inclusion in the NRHP, and SHPO agrees, the property is considered eligible for the NRHP for Section 106 purposes. *Id.*

NEXT applied to USACE for a CWA Sec. 404 (fill) permit to construct the project and conduct wetland mitigation, and as such, the USACE was required to initiate Sec. 106 consultation. *See* USACE, *Initiation of Section 106 Consultation and Determination of Effects*, Corps No. NWP-2020-383-1 (March 23, 2023), **Exhibit 2.** As part of this consultation, USACE sought an eligibility determination from SHPO for various resources that might be affected by the

undertaking. *Id.* Applying NRHP criteria, USACE determined that the “Beaver Drainage District Ditches, specifically the seven oldest-mapped ditches in the Wetland Mitigation Area, can be considered contributing elements to the NRHP eligibility of the Beaver Drainage District.” *Id.* at 5. Accordingly, USACE concluded that filling the ditch *may* adversely affect a historic resource that is eligible for listing on the National Register of Historic Places.<sup>1</sup> *Id.*

It was in response to this Section 106 consultation that SHPO issued the letter on November 15, 2023 that is referenced in the Columbia Riverkeeper letter. In this letter, SHPO concurred with USACE that construction impacts to BDIC’s ditches could contribute to the NRHP eligibility of the Beaver Drainage District. This letter is in no way related to the discovery of “cultural artifacts” referenced in Columbia Riverkeeper’s argument.

In addition to the USACE’s consultation request, this conclusion is supported by statements made by Brian Heil, an archaeologist for the USACE Portland District, in regards to the November 15 letter. When asked about the nature of this letter, Mr. Heil confirmed that “[t]he letter...is in relation to the original NEXT Renewable Fuels project, the adverse effect to the Beaver Drainage District, and the need for a Memorandum of Agreement. This was prior to the inadvertent discovery [REDACTED].” Emphasis in original. **Exhibit 3.**

NEXT has met its Sec. 106 consultation requirements regarding adverse effects to the Beaver Drainage District by preparing a complete archaeological study. Thus, even if Columbia Riverkeeper’s letter had accurately represented the November 15 letter as relating to Sec. 106 consultation, its assertion that the Applications may not be approved until a “further archaeological survey” is required has no merit: NEXT has completed its Sec. 106 investigations to the satisfaction of both the USACE and SHPO.

**II. Columbia County Zoning Ordinances (“CCZO”) section 220.01, pertaining to archaeological or culturally significant sites neither require, nor do they provide a basis for, denial of the Applications.**

CCZO 220.1 provides that all “archaeological sites known or discovered” shall be “inventoried for their archaeological significance in accordance with standards set by the State Archaeologist.” CCZO 220.1. An “archaeological site” must include multiple archaeological objects that are contextually associated with other objects or other remains. ORS 358.905(1)(c)(A). If a “conflicting use is proposed for an area containing an archaeological sit[e],” the Planning Commission is to hold a public hearing to review testimony regarding the site and to “establish measures to mitigate potential conflicts as necessary.” CCZO 220.1. CCZO 220.1 does not require or even authorize the Board to deny the Applications, for several reasons.

First, as a matter of plain language, CCZO 220.1 in no way suggests that a pending land use decision cannot be approved until after a conflicting use determination is made. Notably, that section omits any requirement that an authorization for a “conflicting use” be delayed or

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<sup>1</sup> Note that these ditches are not identified on the County’s

prohibited until mitigation measures have been identified. *See* ORS 174.010.<sup>2</sup> It also omits any specific timing requirement for holding the public hearing to consider any archaeological site in relation to the timing of a proposed conflicting use.

There is presumably good reason for this. Under Statewide Planning Goal 5, the County may (but is not required to) inventory and protect historic resources not yet listed on the National Register of Historic Places. OAR 660-023-0200(2)(a). The County does have a list of protected historic and cultural sites but there is no evidence that any are identified within the project boundary, and County staff found that none were. As local government decisions must be made according to their *adopted* Comprehensive Plans, historic resources that may warrant protection but are not yet inventoried in local government plans do not enjoy the protections afforded inventoried resources and do not require denial of a potentially-conflicting use. ORS 227.173(1); ORS 227.178(3)(a). And, given that the phrase “conflicting use” is largely a term of art concerning Goal 5 resources (*see* OAR 660-023-0010(1) (defining the same)), the best interpretation of CCZO 220.1 is a mechanism for updating the County’s inventory of historic and cultural resources when those resources are discovered. Similarly, NEXT’s proposed rail improvements does not constitute a “conflicting use” in regards to the discovered cultural objects because a “conflicting use” pertains specifically to a proposed activity that could adversely affect a Statewide Planning Goal 5 resource identified on a comprehensive plan.

Second and as discussed in more detail below, the discovery of one or more archaeological objects does not alone constitute an “archaeological site” under Oregon law (ORS 358.905(1)(c)(A)). And, contrary to CRK’s representation, there is in fact no indication [REDACTED] contains an archaeological site that has been inventoried for its archaeological significance by SHPO. Accordingly, the artifacts discovered on October 2 have not been deemed to be part of an “archaeological site” for purposes of CCZO 220.1. Thus, there is no evidence yet that the NEXT’s proposed activities would constitute a “conflicting use” requiring a public hearing to establish mitigation measures.

Finally, it is worth noting that NEXT’s removal/fill permit, issued by the Oregon Department of State Lands, includes a provision requiring a halt in fill activities if and when artifacts are discovered, which is noted as “Condition 12” as follows:

“12. Archaeological Resources: If any archaeological resources, artifacts, or human remains are encountered during construction, all construction activity must immediately cease. The State Historic Preservation Office must be contacted at 503-986-0674. You may be contacted by a Tribal representative if it is determined by an affected Tribe that the project could affect Tribal cultural or archeological resources.”

*See* NEXT Renewable Fuels Oregon, LLC, Oregon Department of State Lands Removal-Fill Permit, 63077-RF, at 13 (Issued March 2022, Renewed March 2023). Contrary to CRK’s

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<sup>2</sup> “In the construction of a statute, the office of the judge is simply to ascertain and declare what is, in terms or in substance, contained therein, not to insert what has been omitted, or to omit what has been inserted; and where there are several provisions or particulars such construction is, if possible, to be adopted as will give effect to all.”

assertion, this does not affect permitting, it only affects future construction, and properly so: it is axiomatic that inadvertent discovery during construction activities should prompt a stop in those activities until the resource can be investigated. This is entirely consistent with federal inadvertent discovery rules at 43 CFR § 10.4, which, while not directly applicable here, establishes the common best practices for such discoveries.

In this case, the inadvertent discovery was not made by NEXT or in connection with NEXT's project. At no point did the USACE, Oregon DSL, Oregon SHPO, or even any tribal representatives argue that the Applications could not be approved due to Mr. Seely's inadvertent discovery.

### **III. Conclusion**

Applicant understands and respects the concerns of the public and the County over protecting archaeological and culturally significant sites. However, CRK's arguments that a hearing must be held concerning the artifacts before the Applications is approved are incorrect as a matter of law and supported by evidence and argument that does not pertain to any artifacts discovered on October 2, 2023. Accordingly, the Board should reject CRK's arguments in its confidential submittal dated January 24, 2024.

Respectfully,



Garrett Stephenson

GST/jmhi  
Enclosures

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# Oregon

Tina Kotek, Governor

## Parks and Recreation Department

Oregon Heritage/  
State Historic Preservation Office  
725 Summer St. NE, Suite C  
Salem, OR 97301-1266  
(503) 986-0690  
Fax (503) 986-0793  
oregonheritage.org



November 15, 2023

Mr. Brian Heil  
US Army Corps of Engineers  
Regulatory Branch  
PO Box 2946  
Portland, OR 97208-2946

RE: SHPO Case No. 23-0637

██████████ NEXT Renewable Fuels Oregon, LLC  
Fill 31.51 acres  
██

Dear Brian Heil:

Thank you for submitting information for the undertaking referenced above. We concur that there will be an adverse effect to historic properties and look forward to developing an appropriate approach toward mitigating the adverse effect.

While mitigation can take many forms based upon the resource and the participation of consulting parties; our office has the following guiding principles:

- The resource should be fully and properly documented
- Mitigation should be relevant to the affected property
- Mitigation should be commensurate with the scale of the adverse effect
- Mitigation should provide some tangible measure of education and information for the public and be as accessible as possible

If you have not already done so, be sure to consult with all appropriate Native American tribes and interested parties regarding the proposed undertaking. Additional consultation regarding this case must be sent through Go Digital. In order to help us track the undertaking accurately, reference the SHPO case number above in all correspondence.

Our office has assigned the report SHPO biblio number \_\_\_\_\_. Details will be available in the bibliographic database.

Our office has assigned Smithsonian trinomials \_\_\_\_\_.

Please contact our office if you have any questions, comments or need additional assistance.

Sincerely,

Jamie French, M.A.

Assistant State Archaeologist  
(503) 979-7580  
Jamie.French@opr.oregon.gov



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

March 23, 2023

Regulatory Branch  
Corps No. NWP-2020-383-1

SUBJECT: Initiation of Section 106 Consultation and Determination of Effects

Mr. John O. Pouley  
State Archaeologist, Oregon Parks and Recreation Department  
State Historic Preservation Office  
725 Summer Street NE Suite C  
Salem, Oregon 97301-1271  
ORSHPO.Clearance@oregon.gov

Dear Mr. Pouley:

This letter initiates consultation in regard to the U.S. Army Corps of Engineers' (Corps) responsibilities under Section 106 of the National Historic Preservation Act (NHPA). The Corps has received an application for a Department of the Army permit from NEXT Renewable Fuels Oregon, LLC to construct a renewable fuels facility and associated wetland mitigation site. The project is proposed in wetlands and ditches near Clatskanie, Columbia County, Oregon at Latitude/Longitude: [REDACTED]. The project is located in [REDACTED].

The Corps, as the lead agency under the National Environmental Policy Act, is preparing an Environmental Impact Statement (EIS) for this permit application. The Corps issued a Notice of Intent to prepare an EIS in May 2022 and conducted scoping in June 2022. The Corps is currently preparing a draft EIS to evaluate the proposed project. Information regarding the EIS is available on the Corps' website (<https://www.nwp.usace.army.mil/Missions/Regulatory/Environmental-Impact-Statements/>).

The Corps is not aware of a State Historic Preservation Office (SHPO) case number for this project. Pursuant to 36 CFR § 800.2(c) and 33 CFR Part 325 Appendix C, the consulting parties for this project includes: SHPO, Confederated Tribes and Bands of the Yakama Nation, Confederated Tribes of the Grand Ronde Community of Oregon, Nez Perce Tribe, Confederated Tribes of Siletz Indians of Oregon, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, and Cowlitz Indian Tribe.

#### Description of Corps Permit Area

The term "permit area" means those areas comprising the waters of the United States that would be directly affected by the proposed activities and the uplands directly



affected should the Corps issue a Department of the Army permit. The permit area includes those areas comprising waters of the United States that would be directly affected by the proposed project, as well as activities outside of waters of the United States, because all three tests identified in 33 CFR 325, Appendix C(g)(1) have been met. The permit area is the entire project area, as the project outside of the wetlands would not occur but for the authorized in-water work, is integrally related to the in-water work, and is directly associated with the in-water work (Enclosure 1).

#### Description of Activities in Permit Area

The project would permanently fill 104.30 acres of wetlands and 0.87 acres of other waterways (ditches, slough) to construct a renewable fuels facility and ancillary components. The project would temporarily fill 31.51 acres of wetlands for project construction and a staging area. Almost the entire project area and mitigation areas are wetlands.

The proposed facility and ancillary components constructed in wetlands/waterways would include:

- main access road
- natural gas pipeline
- rail spur, ladder tracks, and rail spur access road
- four new pipelines to connect with pipelines to an existing wharf
- ten large product and feedstock tanks (125,000 to 225,000 barrels each)
- eleven smaller feedstock and process tanks (10,000 to 50,000 barrels each)
- pre-treatment plant
- hydrogen facility
- Ecofining™ units
- storm and process water system
- office/administration buildings/laboratory
- site landscaping and fencing

The facility would be constructed by grading and filling the site. The overall final grade would be approximately 3 ft. above the existing grade. Fill material would consist of soil and aggregate imported from a local source. Facility components would be supported with pile foundations by installing approximately 15,200, 16-inch steel piles that are 90 ft. long (each) driven by a vibratory hammer. Facility components would also be supported with ground improvement foundations by wet soil mixing known as the Deep Mixing Method to construct concrete piles. The process employs a drill that advances a mixing tool as binder slurry is pumped through the connecting drill steel, mixing the soil to the target depth. Additional mixing of the soil is completed as the tool is withdrawn to the surface. This process would construct individual soilcrete columns, rows of overlapping columns or 100% mass stabilization, to provide designed strength

and stiffness. Typical construction methods would be utilized for the stripping, grading, road construction, installation of underground utilities, stormwater, and processed water systems.

The compensatory mitigation would enhance 468.78 acres of wetlands that are currently used for agriculture and silviculture. Constructing the compensatory mitigation would result in the discharge of dredged or fill material into waters of the U.S.

### Investigation

On October 21, 2022, the Corps Regulatory Archaeologist conducted a desktop investigation by searching the Oregon archaeological (OARRA) database, reviewing topographic maps and aerial imagery, and maps from the Bureau of Land Management General Land Office (BLM GLO) records to identify whether any documented historic properties, or previously unevaluated sites, buildings, structures, objects or districts are located in the permit area. The applicant provided an updated cultural resources report titled *Cultural Resources Survey of the NEXT Renewable Fuels Oregon Project Area, Phase Two, Columbia County, Oregon*, dated January 9, 2023, which details the results of both phases of effort conducted over the permit area (Enclosure 2).

In review of the provided report, Archaeological Services LLC (ASCC), identified seven archaeological sites (one precontact, five historic, and one historic with a possible but unverified precontact component), four above-ground historic properties associated with the 1942-1960 military use of Port Westward, the Bradbury Slough Levee, and several ditches associated with the early period of the Beaver Drainage District located within the permit area. ASCC archaeologists surveyed the entire permit area and conducted subsurface testing in high-probability areas throughout in addition to a targeted grid over the planned facility footprint. This effort focused on the actual facility location as well as the mitigation area.

The results of the field research verified the presence of the above noted previously identified resources. In addition, the investigation located an additional two sites, temporary numbers ASCC 21060-A and ASCC 21060-B. Both were determined to be unevaluated for consideration to the National Register of Historic Places (NRHP). Given the prominence of historic wetlands and floodplain throughout the permit area, it is unlikely that further resources are present. However, the Corps concurs with the ASCC recommendations listed below for additional monitoring or investigation as required should any project design changes occur.

### Eligibility Determination

The Corps is seeking an eligibility determination from the SHPO for the following resources identified within waters of the U.S. that would be affected by the undertaking. The summary of those resources and recommendations by ASCC are as follows:

ASCC recommends that site 35CO14 is not eligible for the NRHP. Direct effects to the site will occur during construction of the main access route west of the Facility. During construction, ASCC recommends archaeological monitoring of initial ground-disturbing work within 50 feet (15 meters) of the site. Initial ground disturbing work is defined as the removal of the plow zone and exposure of historically intact soils beneath. The Corps concurs with the eligibility determination and the requirement for monitoring.

Site 35CO16 has been previously recommended as eligible for the NRHP. The project as currently proposed should result in no disturbance to the site. Should any potential disturbance be required (e.g., road widening for vehicle access), ASCC recommends archaeological monitoring of any ground-disturbing work within 100 feet (30 meters) of site 35CO16. The Corps concurs with the contingency requirement of monitoring should any work occur near this site.

ASCC recommends that sites 35CO89, 35CO90, and 35CO91 are not eligible for listing on the NRHP. No further archaeological work is needed at this time.

Temporary Site ASCC 21060-A is considered unevaluated in terms of NRHP eligibility. ASCC recommends avoidance of any ground-disturbing work within the site, and archaeological monitoring of initial ground-disturbing work within 50 feet (15 meters) of the site. If the project requires ground disturbance within the site itself, ASCC recommends evaluative site testing. However, after further review with the applicant, it is the intent of the applicant to avoid this site with the recommended boundary. The Corps concurs with the ASCC recommendations and will ensure the noted contingencies are followed should a permit be issued.

Temporary Site ASCC 21060-B is considered unevaluated in terms of NRHP eligibility. ASCC recommends avoidance of any ground-disturbing work within the site. No disturbance of the site is anticipated, and the applicant intends to follow the above recommendation and avoid the site. The Corps concurs with the ASCC recommendation.

The BASP guard house, vehicle shed, and water tower have each been previously recommended as eligible for listing on the NRHP under Criterion A. The project poses no risk of disturbance to these three properties, and no further cultural resources work is needed at this time. ASCC recommends that the BASP Barge Dock (Dock A) is similarly

eligible for listing on the NRHP under Criterion A. ASCC recommends that no non-reversible modifications be applied to the Dock A during its use during the construction phase of the project. ASCC has inventoried the resource with Oregon SHPO as a historic property. No further cultural resource work is needed at this time. The Corps concurs with the ASCC recommendations.

The Bradbury Slough Levee is a contributing element to the Beaver Drainage District, which in all likelihood is eligible for listing on the NRHP under Criterion A and possibly Criterion C. The project should have no effect on the Bradbury Slough Levee. No further archaeological work is recommended on the levee. The Corps concurs with the ASCC determination.

The Beaver Drainage District Ditches, specifically the seven oldest-mapped ditches in the Wetland Mitigation Permit Area, can be considered contributing elements to the NRHP eligibility of the Beaver Drainage District under Criterion A. ASCC therefore recommends that filling the ditches may constitute an adverse effect upon an NRHP-eligible historic property. The Corps concurs with the ASCC determination.

#### Determination of Effect

The Corps has found the proposed undertaking would result in an adverse effect to historic properties pursuant to 33 CFR 325, Appendix C(15)(b) and 36 CFR 800.5(a). The Beaver Drainage Ditch is the adverse effect projected for this project, and the Corps will begin coordinating a Memorandum of Agreement with interested consulting parties to resolve the adverse effect.

#### Corps Permit Conditions

All permits issued by the Corps require that post-review discoveries be reported to the Corps pursuant to 36 CFR § 800.13. All permits include a general condition which acts as an inadvertent discovery procedure for the permittee to implement in the event any previously unidentified cultural resources (including human remains) are encountered. The applicant has determined that the permit will also include a special condition that requires a professional archaeologist to be present during any ground disturbing activities within the boundary of site 35CO14 and within 50 feet (15 meters) of this site. In the unlikely event that unanticipated cultural features or human remains are inadvertently encountered during the implementation of this project, the Corps will require that work be halted in the vicinity of the finds until they can be inspected and assessed by the Corps and in coordination with the appropriate coordinating parties.

The Corps would appreciate your concurrence or comment on this determination within 30 days from the date of this letter. This determination, with enclosures, has been furnished to the parties listed above for review. If you have any questions, please do not hesitate to contact Ms. Katharine Mott by telephone at (503) 808-4386 or by email at

katharine.a.mott2@usace.army.mil or Mr. Brian Heil, Regulatory Branch Archaeologist,  
by telephone at (503) 808-4382 or by email at brian.s.heil@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "W. D. Abadie". The signature is fluid and cursive, with a large initial "W" and a distinct "D" and "A".

For: William D. Abadie  
Chief, Regulatory Branch

Enclosures

## Stephenson, Garrett H.

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**From:** Laurie Parry <Laurie@stewardshipsolutionsinc.com>  
**Sent:** Wednesday, January 31, 2024 12:13 PM  
**To:** Stephenson, Garrett H.  
**Subject:** FW: Letter Dated November 15, 2023 RE: NEXT Renewable Fuels

Garrett,

See the Corps email below. I think this should clear things up pretty well.

Best Regards,

Laurie Parry, Project Delivery Manager  
PO Box 1156  
Baker City, OR 97814  
(541) 519-4891



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**From:** Heil, Brian S CIV USARMY CENWP (USA) <Brian.S.Heil@usace.army.mil>  
**Sent:** Wednesday, January 31, 2024 12:11 PM  
**To:** Laurie Parry <Laurie@stewardshipsolutionsinc.com>  
**Cc:** Jamie.French@opr.d.oregon.gov; Mott, Katharine A CIV USARMY CENWP (USA) <Katharine.A.Mott2@usace.army.mil>  
**Subject:** RE: Letter Dated November 15, 2023 RE: NEXT Renewable Fuels

Hi Laurie,

Thank you for reaching out, I can tackle this one. The letter you attached is in relation to the original NEXT Renewable Fuels project, the adverse effect to the Beaver Drainage District, and the need for a Memorandum of Agreement. This was prior to the inadvertent discovery [REDACTED] That subsequent discovery (where PGE took the initially reporting lead), is still being evaluated and once we have data from that investigation, we will decide if it is prudent to pull that into the MOA discussion as well.

Hope this clears things up. Look forward to working with you on the investigation and evaluation of the newly expanded site, and we will take things from there.

Please don't hesitate to reach out with any other questions or concerns!

Respectfully,



Brian Heil, MA (He/Him)  
Archaeologist, Regulatory Branch  
U.S. Army Corps of Engineers | Portland District  
<https://www.nwp.usace.army.mil/Missions/Regulatory.aspx>  
Phone 503-808-4382

Mobile: 503-347-2334  
Email: [brian.s.heil@usace.army.mil](mailto:brian.s.heil@usace.army.mil)

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**From:** Laurie Parry <[Laurie@stewardshipsolutionsinc.com](mailto:Laurie@stewardshipsolutionsinc.com)>  
**Sent:** Monday, January 29, 2024 4:00 PM  
**To:** [Jamie.French@opr.d.oregon.gov](mailto:Jamie.French@opr.d.oregon.gov); Heil, Brian S CIV USARMY CENWP (USA) <[Brian.S.Heil@usace.army.mil](mailto:Brian.S.Heil@usace.army.mil)>  
**Subject:** [Non-DoD Source] Letter Dated November 15, 2023 RE: NEXT Renewable Fuels

Hello Jamie and Brian,

I hope this finds you both well. I am inquiring about the attached letter dated 11/15/23 regarding NEXT Renewable Fuels. The project number is redacted but I am assuming this is in regards to [REDACTED] I was hoping that one of you could provide me with some clarification on this letter. Is this in regards to the Cultural Resources Report titled Cultural Resources Survey of the NEXT Renewable Fuels Oregon Project Area, Phase Two, Columbia County, Oregon, dated January 9, 2023, which details the results of both phases of effort conducted over the permit area that was prepared by ACSS and submitted with the above referenced permit application to the Corps of Engineers? Specifically, is this in response to the Adverse Effect determination referenced in the report and in the letter from the Corps to SHPO dated March 23, 2023 (Initiation of Section 106 Consultation) regarding impacts that the proposed mitigation will have on the Beaver Drainage District's ditches?

The reason for my inquiry is that I am trying to determine if this is at all related to the recent findings at site 35C089 or if this is strictly related to the USACE consultation for the above referenced permit.

Thanks in advance for your help with this matter.

Best Regards,

Laurie Parry, Project Delivery Manager  
PO Box 1156  
Baker City, OR 97814  
(541) 519-4891

