

immitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined “negligible impact” in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

The MMPA states that the term “take” means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as: Any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Summary of Request

On September 3, 2020, NMFS received an application from the USACE requesting authorization for take of marine mammals incidental to confined blasting associated with the Port Everglades Harbor Deepening and Widening Project, Broward County, Florida. We provided comments on the application and the USACE submitted a revised version on April 3, 2021. We deemed the application adequate and complete on April 29, 2021. The requested regulations under which we would issue the requested LOA would be valid for five years, August 2024 and August 2029. The USACE plans to conduct confined underwater blasting to deepen and widen the Port Everglades harbor and entrance channel. Blasting may incidentally expose marine mammals to elevated levels of noise, thereby resulting in incidental take, by Level B harassment only. Therefore, the USACE requests authorization to incidentally take marine mammals.

Specified Activities

The purpose of the proposed project is to provide for increased navigational safety, efficiency, and improved economic conditions for ships calling at Port Everglades. The existing federal channel project depth of 42 feet at Port Everglades does not provide an adequate, safe depth for large tankers

and container ships currently visiting the harbor. Furthermore, the next generation of container ships and oil tankers requires significantly more channel depth to operate efficiently and a wider and deeper entrance channel will greatly improve the safety of navigation. To achieve the proposed deepening and widening of Port Everglades, pretreatment of rock areas may be required using confined underwater blasting where dredging or other rock removal methods are unsuccessful due to the hardness and massiveness of the rock. The USACE anticipates a maximum of 280 confined, stemmed blasts would occur over the life of the LOA, if issued, at a rate of one blast per day. Blasting operations may take place six days a week with a maximum of one blast occurring per day. Confined underwater blasting operations will be prohibited between November 15 and March 15 in order to avoid take of the West Indian Manatee (*Trichechus manatus*). Blasting would occur in six designated areas: The outer entrance channel, inner entrance channel, main turning basin, widener, south access channel, and turning notch. The USACE’s application contains mitigation and monitoring measures designed to reduce impacts to marine mammals. The application also contains proposed marine mammal and acoustic monitoring and reporting plans.

Information Solicited

Interested persons may submit information, suggestions, and comments concerning USACE’s request (see **ADDRESSES**). NMFS will consider all information, suggestions, and comments related to the request during the development of proposed regulations governing the incidental taking of marine mammals by USACE, if appropriate.

Dated: May 4, 2022.

Kim Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

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DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Intent To Prepare an Environmental Impact Statement for the NEXT Renewable Fuels Oregon Project, Columbia County, Oregon

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers, Portland District (Corps), has received an application for a Department of the Army (DA) permit (Corps number NWP–2020–383) from NEXT Renewable Fuels Oregon, LLC to construct a facility to produce renewable fuels. The Corps, as the lead agency under the National Environmental Policy Act (NEPA), has determined the proposed project may significantly affect the quality of the human environment and will prepare an environmental impact statement (EIS). The Corps’ action will be to issue, issue with modifications, or deny a DA permit for the proposed project. The EIS will assess the potential social, economic, and environmental impacts of the proposed project.

ADDRESSES: Written comments regarding the proposed EIS scope should be submitted to: U.S. Army Corps of Engineers, Portland District, Attn: Ms. Kate Mott, P.O. Box 2946, Portland, Oregon 97208–2946. Individuals who would like to provide comments electronically should submit comments by email to: nexteis@usace.army.mil.

FOR FURTHER INFORMATION CONTACT: For information about this project or to be included on the mailing list for future updates and meeting announcements, contact Ms. Kate Mott at the Corps by telephone at (503) 808–4041, by email at nexteis@usace.army.mil, or by mail at the mailing address provided above.

SUPPLEMENTARY INFORMATION: The Corps intends to prepare an EIS for the proposed NEXT Renewable Fuels Oregon project. The proposed project requires authorization from the Corps under Section 404 of the Clean Water Act (33 U.S.C. 1344) for the discharge of dredged or fill material into waters of the United States. As part of the DA permit application process, the Corps issued a public notice on November 5, 2021. The purpose of the public notice was to initiate an early public scoping process to solicit comments and information from the public to identify relevant issues and concerns associated with the proposed project. All comments received to date, including those provided for review during the public notice comment period, will be considered by the Corps during preparation of the EIS.

1. *Proposed Action.* The project requiring an EIS involves the construction of the proposed NEXT Renewable Fuels Oregon facility. The purpose of the project is to produce renewable fuels for markets on the west

coast of the United States to meet the demand for fuels that are mandated by the Renewable Fuel Standard Program or other state mandates that require low-carbon fuels. The project would permanently fill 117.64 acres of wetlands and 1.79 acres of other waterways (ditches and slough) to construct a renewable fuels facility and ancillary components. The project would temporarily fill 32.03 acres of wetlands and 0.02 acres of waterways for project construction and a staging area.

The proposed project facility would be capable of producing 50,000 barrels per day of renewable diesel and other renewable fuel products. The production process would produce renewable fuels from a range of feedstocks such as various vegetable oils, used cooking oil, animal tallow, and inedible corn oil. 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; EcofiningTM units; storm and process water system; office/administration buildings/laboratory; and 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. Typical construction methods would be utilized for the stripping, grading, road construction, installation of underground utilities, stormwater, and processed water systems.

The project would rely on transportation by water, railroad and road to receive materials used in production (feedstock oils, tallows, bleaching earth) and to ship renewable fuels produced from the facility. The project would require unloading up to 118 barges per year (approximately 10 per month) to receive feedstock materials and require loading up to 58 ocean going vessels per year

(approximately 5 per month) to transport renewable diesel produced from the facility to market. The project would require loading and unloading up to 208 trains per year (approximately 17 per month) to receive materials used in production (feedstock and bleaching earth) and to transport renewable diesel produced from the facility to market. The project would also require loading up to 720 trucks per year (approximately 60 per month) to transport renewable diesel produced from the facility to market.

The project includes a proposed compensatory mitigation site. The compensatory mitigation would enhance 471.08 acres of wetlands that are currently used for agriculture and silviculture.

2. *Location.* The project site is located at the Port Westward Industrial Park near Clatskanie, Columbia County, Oregon. The site is in Section 22, Township 8 North, Range 4 West at Latitude and Longitude: 46.167233°, -123.16195°.

3. *Alternatives.* The EIS will address an array of alternatives. Alternatives may include, but are not limited to, no action, alternative sites, and alternative facility designs. Mitigation measures could include, but are not limited to, avoidance and minimization, enhancement, restoration or establishment of wetlands.

4. *Scoping Process.* The scoping period will continue for 30 days from the date of this Notice of Intent. During the scoping period, the Corps invites federal, state, and local agencies, Native American Tribes, other interested parties, and the general public to participate in the scoping process. The purpose of the scoping process is to provide information to the public, serve as a mechanism to solicit agency and public input on alternatives, identify significant issues to be analyzed in the EIS, and ensure full and open participation in scoping for the draft EIS. Scoping comments may be submitted by conventional mail or email. All comments must include the Corps number NWP-2020-383. In order to be accepted, email comments must originate from the author's email account. All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act including any personally identifiable information such as names, phone numbers, and addresses. Additional information on the project and scoping process are available on the Corps' website listed below.

5. *Scoping Meetings.* The Corps will conduct virtual public scoping meetings

during the 30-day scoping period in which agencies, organizations, and members of the general public are invited to present comments or suggestions with regard to the range of actions, alternatives, and potential impacts to be considered in the EIS. The specific dates and times of the meetings will be published in press releases, special public notices and on the Corps' project website (<https://www.nwp.usace.army.mil/Missions/Regulatory/>). At the Corps' website under Regulatory Pages, select Environmental Impact Statements.

5. *Availability of the Draft EIS.* The draft EIS is estimated to be available for public review and comment in early 2023. At that time, a 45-day public review period will be provided for public review and comment on the draft EIS.

Approved by:

Frances E. Coffey,
Director, Programs.

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DEPARTMENT OF EDUCATION

[Docket No. ED-2022-SCC-0028]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; NCES System Clearance for Cognitive, Pilot, and Field Test Studies 2022-2025

AGENCY: Institute of Educational Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of a currently approved information collection.

DATES: Interested persons are invited to submit comments on or before June 9, 2022.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2022-SCC-0028. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](http://www.regulations.gov) site is not available to the public for any reason, ED will temporarily accept comments at ICDocketMgr@ed.gov. Please include the