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August 29, 2024

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Ms. Debbie-Anne Reese, Acting Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Subject: **Response to NPS June 3, 2024 Letter Regarding North Country Trail
Saxon Falls Hydroelectric Project (FERC Project No. 2610)
Superior Falls Hydroelectric Project (FERC Project No. 2587)**

Dear Acting Secretary Reese:

Northern States Power Company - Wisconsin (NSPW) is the owner and operator of the Saxon Falls Hydroelectric Project (P-2610) and the Superior Falls Hydroelectric Project (P-2587) (Projects). Both Projects are currently undergoing relicensing pursuant to the Federal Energy Regulatory Commission's (Commission) regulations.

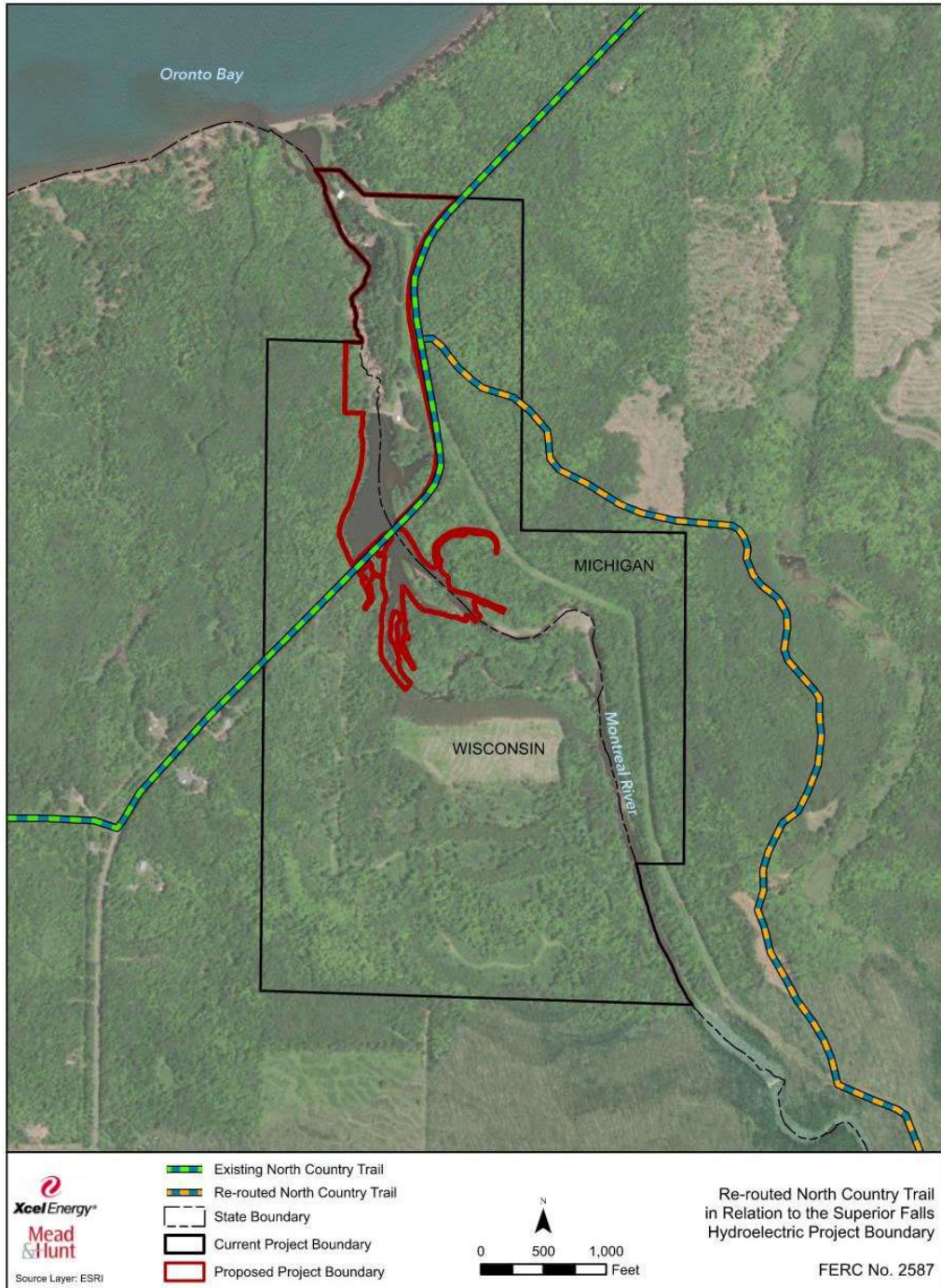
On June 3, 2024, the National Park Service (NPS) filed a letter with the Commission identifying a revised route for the North Country Scenic Trail (NCT) in the vicinity of the Projects. In their letter, the NPS indicated that the NCT had been rerouted from Michigan County Road 505 to an existing Gogebic County multi-use motorized path until such time that a non-motorized trail can be established. However, the NPS failed to provide documentation of approval (e.g., via easement, license agreement, etc.) from the underlying property owners authorizing the rerouted trail. While the NPS may prefer to reroute the trail to the county's multi-use path, they must first secure the necessary approvals from the owners of the underlying lands.

NSPW's January 5, 2024, response to the Commission's request for additional information ([FERC Accession No. 20240105-5183](#)) included copies of all recreational agreements within the project boundaries of both Projects. NSPW has not provided any agreement authorizing the NPS, nor any other entity, to locate or maintain the NCT on any of its project lands. However, there are existing agreements with the Snow Drifters Snowmobile Club and the Gogebic County Trail Authority authorizing the use of NSPW property for a snowmobile trail. These agreements prohibit either entity from granting additional uses of the land to a third party. Both agreements may be revoked by NSPW upon the issuance of appropriate notice.

Figure 1 includes a map with the location of the rerouted trail relative to the current and proposed project boundaries for the Superior Falls Project. Figure 2 includes a map with the location of the rerouted trail in relation to the current and proposed project boundaries for the Saxon Falls Project. Although the NCT crosses the Highway 122/County Road 505 bridge, neither the bridge nor the road right-of-way are included within the current or proposed project boundaries for the Superior Falls Project because neither are under the control of NSPW. The bridge is the only feasible location for the NCT to cross the Montreal River in the general vicinity. Part of the rerouted trail in Figure 1 is located within the current project boundary for Superior Falls, however; the entire rerouted NCT is outside of the proposed project boundary. Contrary to the NPS's statement in their aforementioned letter, no part of the rerouted trail is located within the Saxon Falls boundary (current or proposed).

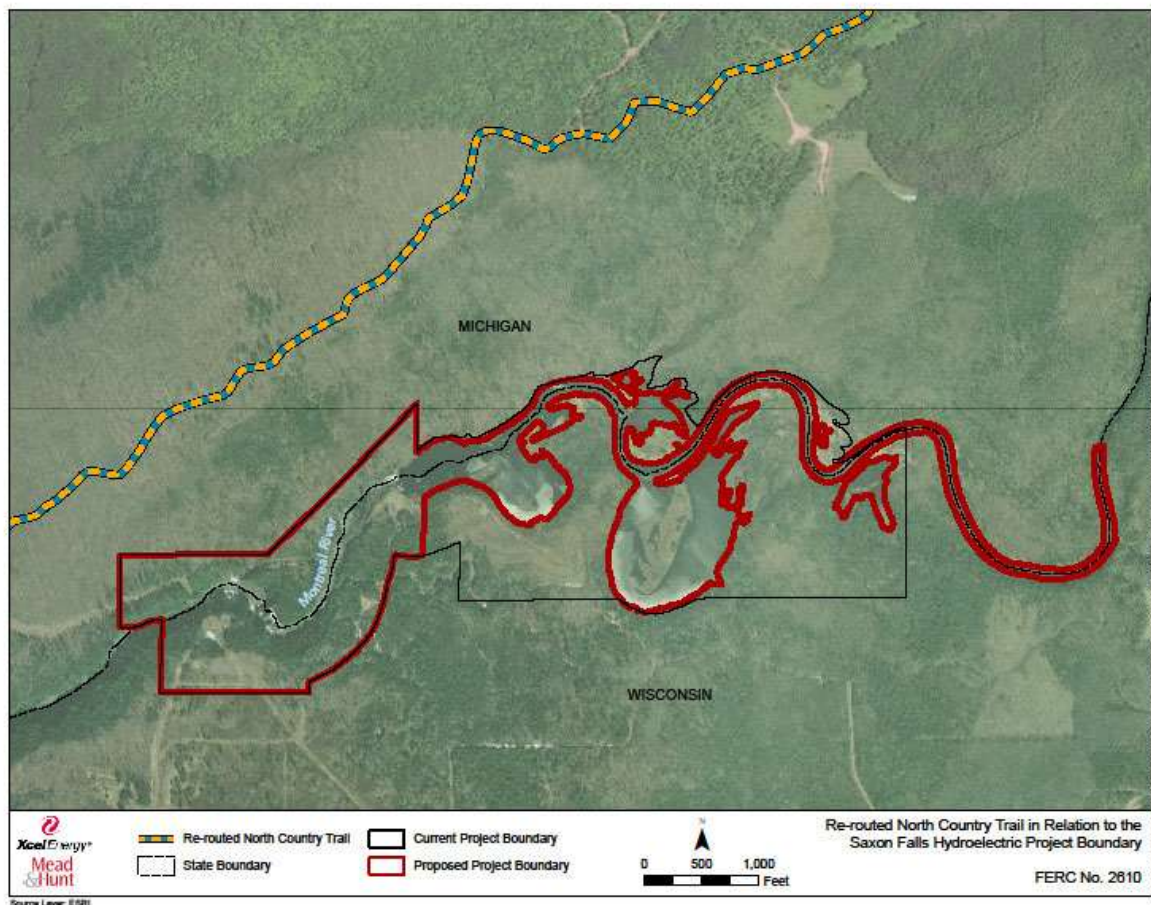
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Figure 1. Rerouted NCT in Relation to the Project Boundary for Superior Falls



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Figure 2. Rerouted NCT in Relation to the Project Boundary for Saxon Falls



It should be noted that NSPW does not oppose the use of the existing snowmobile trail for hiking. NSPW's general land use policy allows pedestrian access on all its lands not specifically restricted for safety or security purposes. However, placement of any improvements, including signage associated with a rerouted NCT, requires written authorization from NSPW.¹ NSPW will consider authorizing the NCT to run through its property as long as said property is not included within the Superior Falls or Saxon Falls Project boundaries. However, NSPW will not provide any authorization for the NCT at either project that would result in transferring rights such that the NPS or any other federal entity is granted authority under Section 4(e) of the Federal Power Act.

The vast majority of the approximately 4,000-mile NCT does not fall within the boundaries of hydroelectric projects under FERC jurisdiction. Therefore, it is not necessary for the NCT to be located within the project boundaries of the Saxon Falls or Superior Falls Hydroelectric Projects for the trail to function properly. Indeed, the NCT itself should not be justification for keeping lands within a project boundary that would otherwise not be necessary for project operations.

¹ Written authorization is typically provided in the form of a revocable license agreement.

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To access the information provided in this submittal, please visit the following website: <https://hydrolicensing.com/saxon/>. Should you have any questions, please contact Matthew Miller at 715-737-1353 or matthew.j.miller@xcelenergy.com.

Sincerely,

 Digitally signed by Scott
Crotty
Date: 2024.08.29
11:59:27 -05'00'

Scott Crotty
Senior Hydro Operations Manager

CC: David Thomson, Alyssa Wethy – NPS (via e-mail)
Rob Olson, Brad Smith – Xcel Energy (via e-mail)

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