

**Before the  
Federal Energy Regulatory Commission  
Application for a Subsequent License  
For a Minor Water Power Project  
Less than 1.5 Megawatts**

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**Initial Statement as required under 18 CFR §4.61**

1. Northern States Power Company, a Wisconsin Corporation (NSPW) *applies to the Federal Energy Regulatory Commission (FERC) for a subsequent license for the Hayward Water Power Project, as described hereinafter* (FERC Project No. 2417).

2. *The location of the project is:*

*State or territory:* Wisconsin

*County:* Sawyer County

*Township or nearby town:* Town of Hayward

*Stream:* Namekagon River

*Other:* Located in northwest Sawyer County, Wisconsin, approximately 33 miles downstream of the Lake Namekagon Dam. The Project is located within the City of Hayward, and roughly 50 miles southwest of the City of Ashland, Wisconsin, and 120 miles north of the City of Minneapolis, Minnesota.

A Project location map is included in Appendix A-1.

3. *The exact name, address, and telephone number of the applicant is:*

Northern States Power Company, a Wisconsin Corporation  
1414 W Hamilton Avenue  
PO Box 8  
Eau Claire, Wisconsin 54702-0008  
715-737-1428

4. *The exact name, address, and telephone number of each person authorized to act as agent for the applicant in this application are:*

Donald Hartinger  
Plant Director, Renewable Operations-Hydro  
Xcel Energy  
414 Nicollet Mall, 2  
Minneapolis, MN 55401  
651-261-7668

Matthew Miller  
Environmental Analyst  
Xcel Energy  
1414 W Hamilton Avenue, PO Box 8  
Eau Claire, Wisconsin 54702-0008  
715-737-1353

5. *Applicant is a domestic corporation and is not claiming preference under Section 7(a) of the Federal Power Act.*
6. *The statutory or regulatory requirements of the state(s) in which the project would be located and that affect the project as proposed, with respect to bed and banks and to the appropriation, diversion, and use of water for power purposes, and with respect to the right to engage in the business of developing, transmitting, and distributing power and in any other business necessary to accomplish the purposes of the license under the Federal Power Act, and*

- a. The Applicant must be in accordance with the following state requirements:

In accordance with Section 401 of the Federal Water Pollution Control Act, 33 U.S.C. §1341, the applicant must obtain water quality certification, or a waiver thereof, from the State of Wisconsin. In Wisconsin, the Certification Program is administered by the Wisconsin Department of Natural Resources (WDNR).

The Applicant is a corporation duly organized and existing under the laws of the State of Wisconsin and is duly authorized by its Articles of Incorporation to engage in the business of generating, transmitting, and distributing power.

Chapter 31 Wisconsin Statutes Regulation of Dams and Bridges Affecting Navigable Waters.

The Applicant must comply with the provisions of the Coastal Zone Management Act (CZMA) of 1972.

- b. *The steps the applicant has taken or plans to take to comply with each of the laws cited above are outlined below:*

The Applicant will apply to the WDNR for a Section 401 water quality certificate pursuant to Section 401 of the Clean Water Act for continued operation of the Project.

NSPW has complied with all state laws necessary for its corporate existence, for engaging in the business of wholesale power generation and for ownership, operation, and maintenance of the Hayward Hydroelectric Project.

Electric utilities are governed by various statutes and regulated by the Public Service Commission of Wisconsin.

The Wisconsin Coastal Resources Management Program (WCMP) is responsible for implementing the State of Wisconsin's coastal zone management program. The State of Wisconsin Coastal Zone Management Program is limited to the 15 counties that have frontage on Lake Superior and Lake Michigan. Sawyer County is not located within Wisconsin's coastal zone. The Applicant requested a formal written determination of consistency with the WCMP on May 24, 2023. No response has been received from WCMP as of the date of this filing.

Northern States Power Company owns or has all the rights necessary for the operation of the hydroelectric project.

## **7. *Brief Project Description***

The Project currently operates in a run-of-river mode where discharge measured immediately downstream of the Project tailrace approximates the sum of inflows into the Project reservoir. This mode of operation minimizes the potential for adverse impacts on water quality, aquatic habitat, and other aquatic resources. At all times, the Applicant will act to minimize the fluctuation of the reservoir and maintain the elevation between 1,187.0 and 1,187.5 feet NGVD while targeting 1,187.4 feet. NSPW will not operate the Project between the low and high elevation on a daily basis for peaking purposes.

In addition, a minimum flow of 8 cfs or inflow, whichever is less, is currently released into the bypassed reach for the protection of fish and wildlife resources and water quality.

Under the proposed operation, just prior to spring runoff or for emergency purposes, NSPW may deviate from the maximum reservoir elevation by no more than of 0.5 feet to remove ice from the spillway for dam safety purposes. The duration of the deviation will be no longer than necessary, typically less than a few days, to remove the ice and will be considered a planned deviation under the requirements outlined in Section 4.5.3 of Exhibit E.

The Project has a net operating head of 17 feet. It consists of a 15-foot-high and 442-foot long earthen and concrete dam that includes a left earthen embankment, a concrete overflow spillway, a middle earth embankment, a powerhouse with intake channel and a right earth embankment. The powerhouse contains one generating unit and a 150-foot-long underground transmission line extending from the powerhouse to a pad mounted, step-up transformer. The minimum and maximum hydraulic capacity of the powerhouse is 120 and 178 cfs, respectively. The power generated by the facility is distributed to the Licensee's customers through its local distribution system.

- a. The Project has an installed generating capacity of 168 kW.
- b. The Project is an existing dam.

## **8. *Lands of the United States affected (Shown in Exhibit G)***

The Project does not occupy any lands of the United States.

## **9. *Construction of the Project***

No construction is proposed.

**The information provided below complies with Section 4.32 of 18 CFR.**

1. *For a preliminary permit or a license, identify every person, citizen, association of citizens, domestic corporation, municipality, or state that has or intends to obtain and will maintain any proprietary right necessary to construct, operate, or maintain the project.*

NSPW is the sole entity that intends to maintain any proprietary right necessary to construct, operate, or maintain the Project.

2. *For a license, identify (providing names and mailing addresses):*

*Every county in which any part of the project and any federal facilities that would be used by the project would be located:*

Thomas Hoff, County Administrator  
Sawyer County  
10610 Main Street, Suite 23  
Hayward, WI 54843

No federal facilities are used by the Project.

*Every city, town, or similar local political subdivision in which any part of the project, and any Federal facilities that is used by the project is located:*

Stephanie Laakson, Chairman	Lisa Poppe, Clerk/Treasurer
Town of Hayward	City of Hayward
15460W State Rd 77E	PO Box 969
Hayward, WI 54843	Hayward, WI 54843

No federal facilities are used by the Project.

*Every city, town, Indian Tribe, or similar local political subdivision that has a population of 5,000 or more people and is located within 15 miles of the project dam:*

The following cities and towns each have a population of 5,000 or more people (2020 U.S. Census data), and are located within 15 miles of the Project powerhouse:

There are no cities or towns with a population of 5,000 or more within 15 miles of the Project dam.

*Every irrigation district, drainage district, or similar special purpose political subdivision which any part of the project is located, and any federal facility used by the project is located:*

Northwest Regional Planning Commission  
1400 S. River Street  
Spooner, WI 54801-8692

No federal facilities are used by the Project.

*Every other political subdivision in the general area of the project that there is reason to believe would be likely to be interested in or affected by the notification:*

There is no other political subdivision in the general area of the Project that there is reason to believe would likely be interested in, or affected by, this notification.

*All Indian tribes that may be affected by the project:*

Ms. Edith Leoso, THPO  
Bad River Band of Lake Superior Tribe of Chippewa Indians  
PO Box 39  
Odanah, WI 54862

Ms. Whitney Gravelle, Chairman  
Bay Mills Indian Community of Michigan  
12140 W. Lakeshore Drive  
Brimley, MI 49715-9319

Ms. Jill Hoppe, THPO  
Fond du Lac Band of Lake Superior Chippewa  
1720 Big Lake Road  
Cloquet, MN 55720

Mr. Benjamin Rhodd, THPO  
Forest County Potawatomi Community of Wisconsin  
5320 Wensaut Lane  
PO Box 340  
Crandon, WI 54520

Mr. Michael Blackwolf, THPO  
Fort Belknap Indian Community  
656 Agency Main Street  
Harlem, MT 59526-9455

Ms. Mary Ann Gagnon, THPO  
Grand Portage Band of Chippewa Indians  
PO Box 428  
Grand Portage, MN 55605

Mr. William Quackenbush, THPO  
Ho-Chunk Nation  
Executive Offices  
PO Box 667  
Black River Falls, WI 54615

Gary Loonsfoot, THPO  
Keweenaw Bay Indian Community  
16430 Beartown Road  
Baraga, MI 44908-9210

Mr. Brian Bisonette, THPO  
Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin  
13394 West Trepania Road, Bldg No. 1  
Hayward, WI 54843

Ms. Melinda Young, THPO  
Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin  
PO Box 67  
Lac du Flambeau, WI 54538

Ms. Alina Shively, THPO  
Lac Vieux Desert Band of Lake Superior Chippewa Indians  
PO Box 249, E23857 Poplar Circle  
Watersmeet, MI 49969

Ms. Amy Burnette, THPO  
Leech Lake Band of Minnesota  
Chippewa Tribe  
190 Sailstar Drive NE  
Cass Lake, MN 56633

Mr. Farron Jackson, Sr., Chairman  
Leech Lake Band of Chippewa Indians  
6530 U.S. Hwy 2 NW  
Cass Lake, MN 56633

Mr. David Grignon, THPO  
Menominee Indian Tribe of WI  
W3426 Cty VV  
PO Box 910  
Keshena, WI 54135-0910

Ms. Diane Hunter, THPO  
Miami Tribe of Oklahoma  
PO Box 1326  
Miami, OK 74355

Ms. Natalie Weyaus, THPO  
Mille Lacs Band of Ojibwe  
43408 Oodena Drive  
Onamia, MN 56359

Mr. Gary Frazer, Executive Director  
Minnesota Chippewa Tribe  
PO Box 217  
Cass Lake, MN 56633

Mr. Nicholas Metoxen, THPO  
Oneida Nation of Wisconsin  
PO Box 365  
Oneida, WI 54155-0365

Mr. Marvin Defoe, THPO  
Red Cliff Band of Lake Superior  
Chippewa Indians of Wisconsin  
88385 Pike Road HWY 13  
Bayfield, WI 54814

Mr. Michael LaRonge, THPO  
Sokaogon Chippewa Community Mole Lake Band  
3051 Sand Lake Road  
Crandon, WI 54520

Ms. Wanda McFaggen, THPO  
St. Croix Band of Lake Superior Chippewa  
24663 Angeline Ave.  
Webster, WI 54893

Ms. Sherry White, THPO  
Stockbridge Munsee Community of Wisconsin  
PO Box 70  
Bowler, WI 54416

Ms. Jamie Arsenault, THPO  
White Earth Band of the Minnesota Chippewa Tribe  
PO Box 418  
White Earth, MN 56591

*As to any facts alleged in the application or other materials filed, be subscribed and verified under oath in the form set forth in paragraph (2)(3)(ii) of Section 9.32 by the person filing, an officer thereof, or other person having knowledge of the matters set forth.*

*This application is executed in the:*

State of Wisconsin

County of Eau Claire

By Donald Hartinger

Being duly sworn, deposes and says the contents of this application are true to the best of his knowledge. The undersigned applicant this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

To be signed for FLA

\_\_\_\_\_

Donald Hartinger  
Plant Director, Renewable Operations-Hydro  
Northern States Power Company, a Wisconsin corporation

Subscribed and sworn before me, a Notary Public, of the State of Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

SEAL

\_\_\_\_\_  
Notary Public