

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

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 Trego Water Power Project, as described hereinafter* (FERC Project No. 2711).

2. *The location of the project is:*

State or territory: Wisconsin

County: Washburn

Township or nearby town: Town of Trego

Stream: Namekagon River

Other: Located in central Washburn County, Wisconsin, approximately 30 miles upstream of the Namekagon River's confluence with the St. Croix River. The Project is located within the Town of Trego and is roughly 100 miles northeast 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, WI 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 Trego 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 only the 15 counties that have frontage on Lake Superior and Lake Michigan. Washburn 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 adverse impacts on water quality and aquatic habitat and other aquatic resources. The Applicant will maintain the Project reservoir between 1034.6 feet NGVD and 1,035.2 feet NGVD while targeting 1034.9 feet NGVD.

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 5.5.3 of Exhibit E.

The Project has an average head of 31 feet. It consists of a 43-foot-high and 638-foot long earthen and concrete dam that includes a left earth embankment, powerhouse, sluice gate spillway, radial gate spillway, and a right earth embankment. The powerhouse contains two generating units and a 40-foot-long transmission line extending from the powerhouse to the adjacent substation attached to the powerhouse. The minimum and maximum hydraulic capacity of the powerhouse is 100 cfs and 663 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 1,200 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:

Alicia Swearingen, County Clerk
Washburn County
10 4th Ave, PO Box 639
Shell Lake, WI 54871

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:

Wes Huffer, Chairman
Town of Trego
N7523 Lakeside Rd
Trego, WI 54888

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.

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