Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. **Applicant/Contact name and address:**

Craig Kendall
USFS Flathead National Forest
650 Wolfpack Way
Kalispell, MT 59901

2. **Type of action:**
Surface Water Application for Beneficial Water Use Permit 76LJ 30163755

3. **Water source name:**
Whelp Creek (Lion Lake)

Location affected by project:

SE ¼ of the SE ¼ of the SW ¼ and in the S ½ of the SW ¼ of the SE ¼ of Section 9 and Section 16, in Township 30N, Range 19W, Flathead County, Montana.

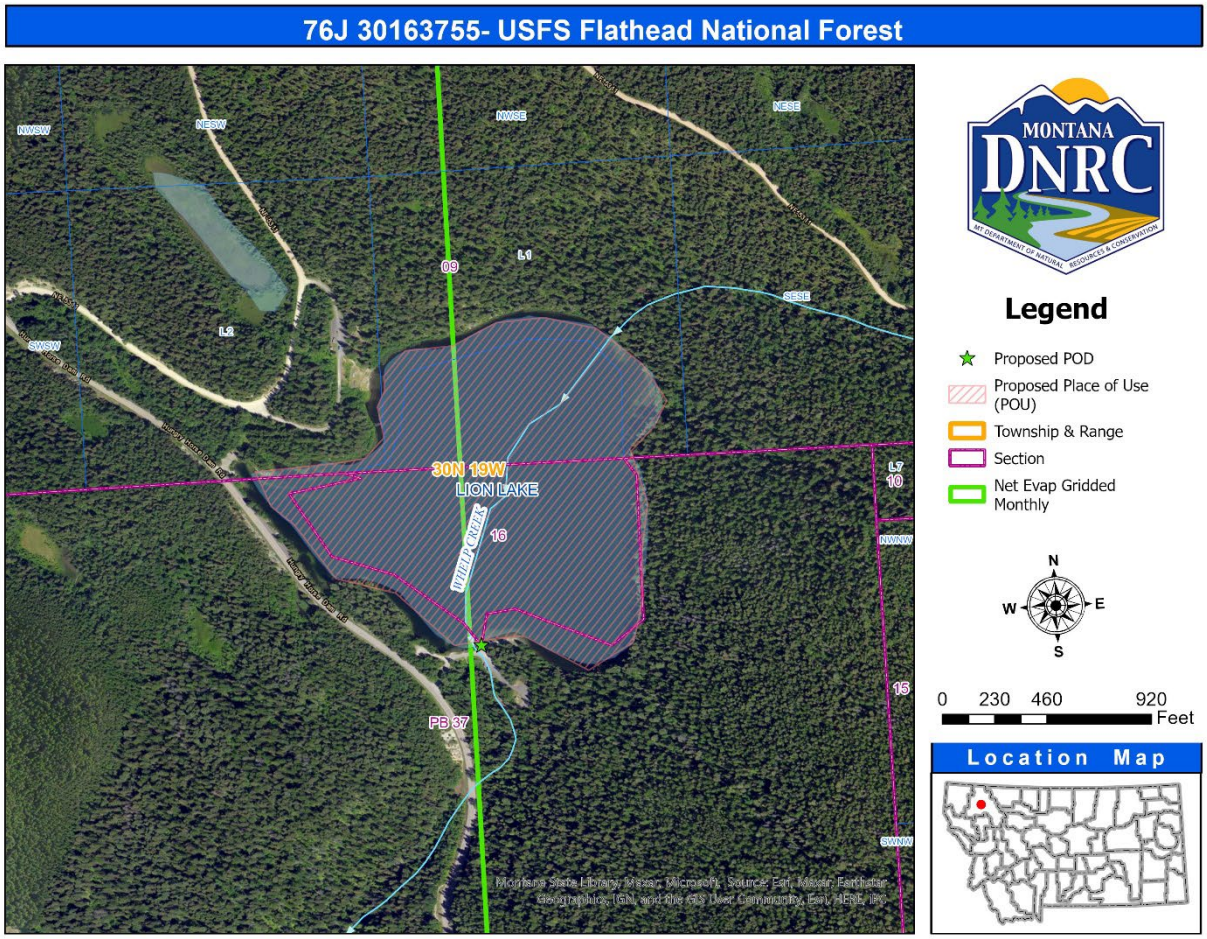


Figure 1-Map of the Applicant's proposed POD on the source and proposed place of use.

4. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicants propose to utilize water from Whelp Creek (Lion Lake), an onstream reservoir, from January 1st through December 31st of every year up to 1,491.8 AF, for recreation and fish & wildlife purposes. The place of use is generally located in the SE ¼ of the SE ¼ of the SW ¼ and in the S ½ of the SW ¼ of the SE ¼ of Section 9 and Section 16, in Township 30N, Range 19W, Flathead County, Montana. Lion Lake is a naturally occurring lake that was dammed by the United States Forest Service in 1947 to increase storage capacity. The dam was put in place to service construction of the nearby Hungry Horse Dam on the South Fork of the Flathead River. The place of use is in the Flathead River, South Fork Basin (76J), in an area not subject to water right basin closures or controlled groundwater area restrictions.

The DNRC shall issue a water use permit if the applicant proves the criteria in 85-2-311 MCA are met.

5. Agencies consulted during preparation of the Environmental Assessment:

- U.S. Fish and Wildlife Service (USFWS): National Wetlands Inventory Wetlands Mapper
- Montana Natural Heritage Program: Endangered, Threatened Species, and Species of Special Concern
- Montana Department of Fish Wildlife & Parks (MTDFWP): Dewatered Stream Information
- Montana Department of Environmental Quality (MTDEQ): Clean Water Act Information Center
- U.S. Natural Resources Conservation Service (NRCS): Web Soil Survey

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity **-** *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

The Applicant proposes to impound water from Whelp Creek (Lion Lake), which is not on the MTDFWP list of chronically or periodically dewatered streams.

Determination: No significant impact.

Water quality **-** *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

There is no data supporting whether Whelp Creek (Lion Lake) is listed as water quality impaired or threatened by DEQ, according to the MDEQ Clean Water Act Information Center's 2020, 2018, or 2016 Water Quality Information, accessed December 12, 2024.

The proposed project will not affect the water quality of Whelp Creek (Lion Lake).

Determination: No significant impact.

Groundwater **-** *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: N/A; this project appropriates from a surface water source.

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Lion Lake is naturally occurring, with the original dam increasing storage volume in 1947. The inlet of the dam includes a trashrack structure which feeds a 3-foot diameter concrete pipe that runs perpendicular through the embankment to an outlet portal. On the lakeside of the embankment, there is a vertical shaft that contains a handrail and slide gate to release water through the pipe below the embankment, allowing the dam operator to reduce the volume of the lake to the inlet structure if necessary.

The recent (2021) improvements to the dam embankment leave the original 1947 structures in place with no changes to the normal surface water elevation or low-level outlet elevations of the Lake. These improvements included embankment reinforcement and repair, and installation of toe drains and slip-lining of the existing outlet pipe preventing losses and excessive seepage contributing to increased compliance with high-hazard dam safety.

This project will not create any new channel impacts, flow modifications, barriers, dams, or riparian impacts to Lower Foy Lake, nor will it affect any wells other than those existing from its original construction in 1947.

Determination: No significant impact.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species **-** *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants, aquatic species, or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

The Montana Natural Heritage Program website was reviewed on February 15, 2024 to determine if there are any threatened or endangered fish, wildlife, plants, aquatic species, or any "species of special concern" in Township 28N, Range 22W that could be impacted by the proposed project. Forty-one animal and twenty-two plant species of concern (Tables 1 and 2, respectively) were identified within the township and range where the project is located. Of these species, the Canada Lynx (*lynx canadensis),* the Grizzly Bear (*Ursus arctos*), the Wolverine (*Gulo gulo),* and the Bull Trout (*Salvelinus confluentus)* are listed as threatened by the USFWS. This appropriation of water does not involve any development of the land, which is located within a conservation easement, and it is not anticipated that any species of concern will be further impacted by the proposed project.

Table 1. Animal Species of Concern in and around Township 28 N, Range 22 W, Flathead County.

	Common Name	Scientific Name	U.S. FWS – Status under the Federal Endangered Species Act of 1973
Mammals	Canada Lynx	*Lynx canadensis*	Listed Threatened (LT); Critical Habitat (CH)
	Fisher	*Pekania pennanti*	
	Grizzly Bear	*Ursus arctos*	Listed Threatened (LT)
	Little Brown Myotis	*Myotis lucifugus*	
	Townsend's Big-eared Bat	*Corynorhinus townsendii*	
	Western Pygmy Shrew	*Sorex eximius*	
	Wolverine	*Gulo gulo*	Listed Threatened (LT)
Birds	Boreal Chickadee	*Poecile hudsonicus*	Migratory Bird Treaty Act (MBTA)
	Brown Creeper	*Certhia americana*	Migratory Bird Treaty Act (MBTA)
	Cassin's Finch	*Haemorthous cassinii*	Migratory Bird Treaty Act (MBTA); Birds of Conservation Concern, Region 10
	Clark's Nutcracker	*Nucifraga columbiana*	Migratory Bird Treaty Act (MBTA)
	Common Loon	*Gavia immer*	Migratory Bird Treaty Act (MBTA)
	Evening Grosbeak	*Coccothraustes vespertinus*	Migratory Bird Treaty Act (MBTA); Birds of Conservation Concern, Region 10
	Golden Eagle	*Aquila chrysaetos*	Bald and Golden Eagle Protection Act (BGEPA); Migratory Bird Treaty Act (MBTA)
	Great Blue Heron	*Ardea herodias*	Migratory Bird Treaty Act (MBTA)
	Harlequin Duck	*Histrionicus histrionicus*	Migratory Bird Treaty Act (MBTA)
	Lewis's Woodpecker	*Melanerpes lewis*	Migratory Bird Treaty Act (MBTA); Birds of Conservation Concern, Regions 10, 17
	Pacific Wren	*Troglodytes pacificus*	Migratory Bird Treaty Act (MBTA)
	Pileated Woodpecker	*Dryocopus pileatus*	Migratory Bird Treaty Act (MBTA)
	Varied Thrush	*Ixoreus naevius*	Migratory Bird Treaty Act (MBTA)
	Veery	*Catharus fuscescens*	Migratory Bird Treaty Act (MBTA)

Reptiles	Northern Alligator Lizard	*Elgaria coerulea*	
Amphibians	Western Toad	*Anaxyrus boreas*	
Fish	Bull Trout	*Salvelinus confluentus*	Listed Threatened (LT); Critical Habitat (CH)
	Pigmy Whitefish	*Prosopium coulterii*	
	Westslope Cutthroat Trout	*Oncorhynchus clarkia lewisi*	
Invertebrates	Suckley Cuckoo Bumble Bee	*Bombus suckleyi*	
	Smoky Taildropper	*Prophysaon humile*	Proposed (P)

Table 2. Plant Species of Concern in and around Section 2, Township 31 N, Range 20 W, Flathead County.

	Common Name	**Scientific Name**	**U.S. FWS – Status under the Federal Endangered Species Act of 1973**
Vascular Plants	Upward-lobed Moonwort	*Botrychium ascendens*	
	Sparrow's-egg Lady's-slipper	*Cypripedium passerinum*	
	English Sundew	*Drosera anglica*	
	Giant Helleborine	*Epipactis gigantea*	
	Meadow Horsetail	*Equisetum pratense*	
	Slender Cottongrass	*Eriophorum gracile*	
	Latah Tule Pea	*Lathyrus bijugatus*	
	Kalm's Lobelia	*Lobelia kalmia*	
	Adder's Tongue	*Ophioglossum pusillum*	
	Whitebark Pine	*Pinus albicaulis*	Listed Threatened (LT)
	Pod Grass	*Scheuchzeria palustris*	
	Spalding's Catchfly	*Silene spaldingii*	Listed Threatened (LT)
	Tufted Club-rush	*Trichophorum cespitosum*	
	Velvetleaf Huckleberry	*Vaccinium myrtilloides*	
Bryophytes	Short-beaked Aloe Moss	*Aloina brebirstris*	
	Black Golf Club Moss	*Catoscopium nigritum*	
	Schreber's Dicranella Moss	*Dicranella schreberiana*	
	Britton's Dry Rock Moss	*Grimmia brittoniae*	
	Heim's Hennediella Moss	*Hennediella heimii*	
	Meesia Moss	*Meesia uliginosa*	
	Lyall's Polytrichum Moss	*Meiotrichum lyallii*	
	Norwegian Syntrichia Moss	*Syntrichia norvegica*	

Determination: No significant impact.

Wetlands **-** *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Lion Lake exists today as a Lake habitat as classified by the USFWS. Lion Lake is a naturally occurring lake that was dammed by the United States Forest Service in 1947 to increase storage capacity. The dam was put in place to service construction of the nearby Hungry Horse Dam on the South Fork of the Flathead River. The Lake is primarily fed by Whelp Creek and surrounding drainages. Overflow at the dam on Lion lake will flow to the southwest continue into the South Fork of the Flathead River below Hungry Horse Dam.

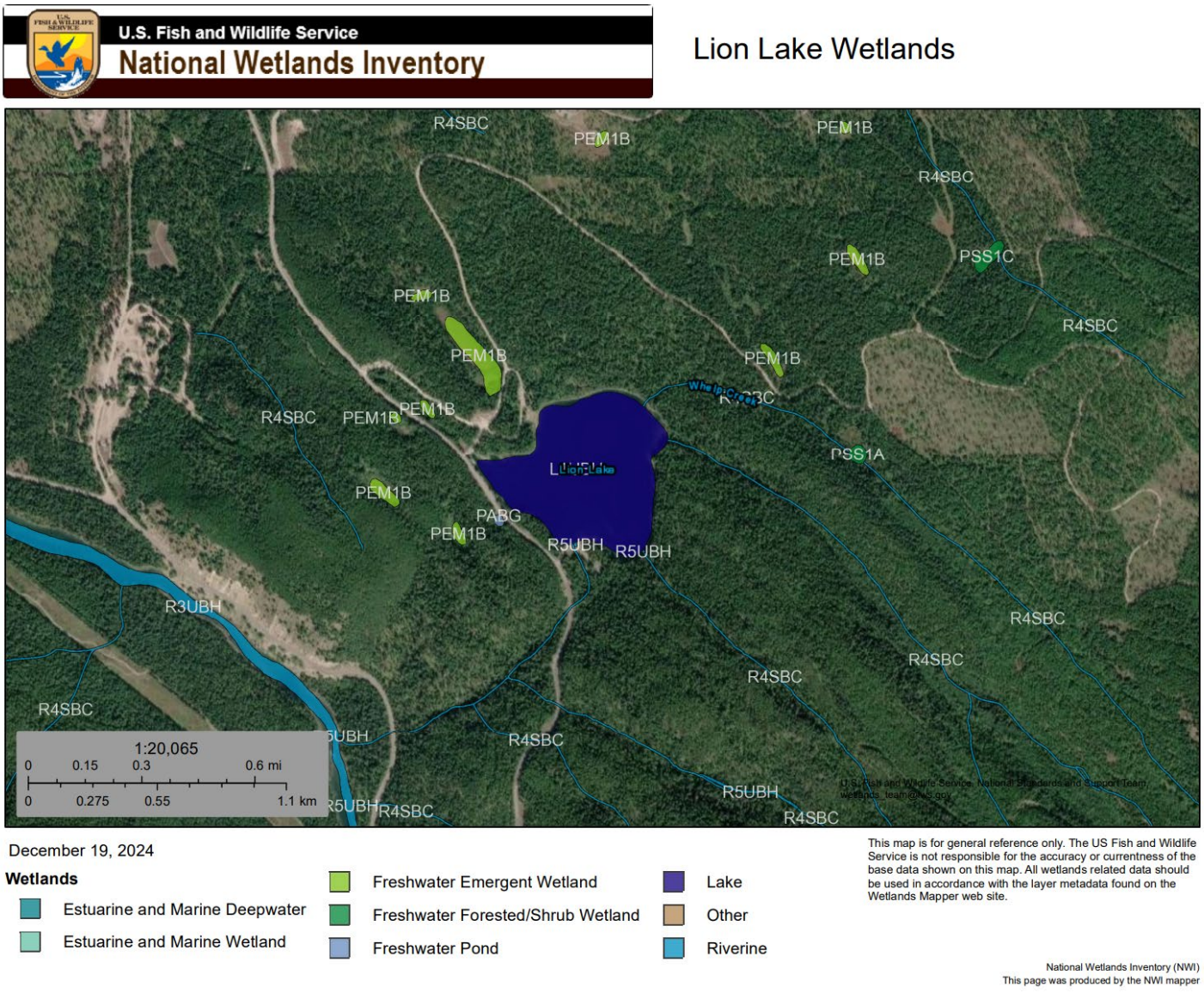
The USFWS National Wetlands Inventory lists Lion Lake as an 38.39-acre Lake habitat. The USFWS gives

Lion Lake a **L1UBH** classification, where:

- **L**- Lacustrine system including wetlands and deep water habitats with all of the following characteristics:
  - Situated in a topographic depression or a dammed river channel;
  - Lacking trees, shrubs, persistent emergent, and emergent mosses or lichens with a 30 percent or greater areal coverage; and,
  - Total area of at least 8 hectares (ha) (20 acres).
- **1-** Limnetic subsystem, including all deepwater habitats in the Lacustrine System.
- **UB-** Unsonsolidated Bottom Class, including all wetlands and deepwater habitats with at least 25% cover of particles smaller than stones (less than 6-7 cm), and a vegetative cover less than 30%.
- **H-** Permanently Flooded water regime, where water covers the substrate throughout the year in all years.

Additionally, within the vicinity Lion Lake are freshwater emergent wetlands classified as **PEM1B** by the USFWS, meaning:

- **P**- Palustrine system including all nontidal wetlands dominated by trees, shrubs, persistent emergent, emergent mosses or lichens, and including wetlands including such vegetation, but with all of the following characteristics:
  - Area less than 9 ha (do acres);
  - Active wave-formed or bedrock shoreline features lacking;
  - Water depth in the deepest part of basin less than 8.2 feet at low water; and,
  - Salinity due to ocean derived salts less than 0.5 ppt.
- **EM**- Emergent class, characterized by erect, rooted, herbaceous hydrophytes excluding mosses and lichens. This vegetation is present for most of the season in most years. These wetlands are usually dominated by perennial plants.
- **1**- Persistent subclass, dominated by species that normally remain standing at least until the beginning of the next growing season. This subclass is found only in the Estuarine and Palustrine systems.
- **B**- Seasonally Saturated water regime, where the substrate is saturated at or near the surface for extended periods during the growing season, but unsaturated conditions prevail by the end of the season in most years.



Determination: The proposed appropriation does not involve any development of the land and is for recreation and fish & wildlife purposes, therefore no impact or improved impact is expected.

Ponds **-** *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Lion Lake itself is classified by the USFWS as a Lake. There are no proposed modifications or expansions of the existing dam.

Determination: The proposed appropriation does not involve any development of the land and is for recreation and fish & wildlife purposes, therefore no impact or improved impact is expected.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

The proposed recreation and fish & wildlife purposes will not negatively impact the soil quality, stability, or moisture content. The soil type in the project area is comprised of Andeptic Cryoboralfs, silty till substratum derived from glacial till and material derived from metasedimentary rocks. Slopes are 0 to 50 percent. Soils in this area are part of the hydrologic soil group C, meaning that they have a slow infiltration and higher runoff potential. Soils in this area are not likely susceptible to saline seep.

Determination: No significant impact.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

There is no proposed development associated with this appropriation. It is not anticipated that issuance of a water use permit will contribute to the establishment or spread of noxious weeds in the project area. Noxious weed prevention and control will be the responsibility of the landowners, who must follow local noxious weed regulations.

Determination: No significant impact.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

There will be no impact to air quality associated with issuance of the proposed permit for beneficial use of surface water.

Determination: No significant impact.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Lion Lake is located entirely on forest service land. Per the Montana National Register of Historic Places, there are no unique archeological or historical sites in the vicinity.

Determination: No significant impact.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water, and energy not already addressed.*

All impacts to land, water, and energy have been identified. No further impacts are anticipated.

Determination: No significant impact.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

The project is consistent with planned land uses. It shall be the landowners' responsibility to comply with all local county & city planning and zoning regulations.

Determination: No significant impact.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

The proposed project will not inhibit, alter, or impair access to present recreational opportunities in the area. The land surrounding the lake is owned and managed by the Forest Service. The project is not expected to create any significant pollution, noise, or traffic congestion in the area that may alter the quality of recreational opportunities. The proposed place of use and diversion do not exist on land designated as wilderness.

Determination: No significant impact.

HUMAN HEALTH - *Assess whether the proposed project impacts human health.*

This proposed use will not adversely impact human health.

Determination: No significant impact.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights. Yes___ No_**X**_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights*.

Determination: No impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

(a) *Cultural uniqueness and diversity?* None identified.

(*b)* *Local and state tax base and tax revenues?* None identified.

(c) *Existing land uses?* None identified.

(*d)* *Quantity and distribution of employment?* None identified.

(e) *Distribution and density of population and housing?* None identified.

(f) *Demands for government services?* None identified.

(g) *Industrial and commercial activity?* None identified.

(h) *Utilities?* None identified.

(i) *Transportation?* None identified.

(j) *Safety?* None identified.

(k) *Other appropriate social and economic circumstances?* None identified.

2. ***Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts: None identified.

Cumulative Impacts: None identified.

3. ***Describe any mitigation/stipulation measures:***

None.

4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:***

The only alternative to the proposed action would be the no action alternative. The no action alternative would not authorize the appropriation of water from Whelp Creek (Lion Lake) for recreation and fish & wildlife purposes.

III. Conclusion

1. Preferred Alternative

Issue a water use permit if the Applicants prove the criteria in 85-2-311 MCA are met.

2. Comments and Responses

None.

3. Finding:

*Yes___ No_**X**_ Based on the significance criteria evaluated in this EA, is an EIS required?*

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

No significant impacts related to the proposed project have been identified.

Name of person(s) responsible for preparation of EA:

Name: Kristal Kiel
Title: Water Resource Specialist
Date: March 12, 2025