



**U.S. Fish & Wildlife Service**  
**Berkshire National Fish Hatchery**  
*Draft Recreational Fishing Plan*  
*March 2020*



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Draft Recreational Fishing Plan**

**March 2020**

**U.S. Fish and Wildlife Service**

**Berkshire National Fish Hatchery  
240 Hatchery Road  
New Marlborough, MA 01230**

**Submitted:**

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**Project Leader** **Date**

**Concurrence:**

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**Complex Manager** **Date**

**Approved:**

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**Assistant Regional Director, Fish and Aquatic Conservation** **Date**

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## **I. Introduction**

Berkshire National Fish Hatchery (NFH) is part of the U.S. Fish and Wildlife Service’s (Service) Fish and Aquatic Conservation (FAC) program. The FAC program works throughout the country to restore habitat across the landscape, prevent and control invasive species, assist Native American Tribes and other partners in managing their fish and wildlife resources, advance fisheries and aquatic sciences and technologies, foster outdoor recreational opportunities, educate the public on the economic and ecological benefits of aquatic species and their habitats, and address new and emerging challenges—such as climate change.

Berkshire NFH is a Service-owned, cold-water aquaculture facility that comprises approximately 148 acres in Berkshire County, in northern New Marlborough, Massachusetts. The site is located approximately six miles east of Great Barrington and roughly six miles southwest of Tyringham. The property contains an office storage building, a shop, two residences, a fish-rearing hatchery including ten circular pools, two raceways, and three ponds, trails for recreational use, an Outreach Pond, and visitor parking areas. The hatchery’s primary water source is supplied by wells constructed in 1962. Access to the station is via Hatchery Entrance Road off of Hatchery Road, approximately one mile south of State Route 23.

The land for Berkshire NFH (formerly Berkshire Trout Hatchery), including “buildings, ponds, and other improvements located thereon and the water and other rights pertaining thereto,” was donated to the U.S. government by Mary E. Scully as a memorial for her late husband, John S. Scully. The donation of land was authorized by Congress and approved by the President on July 28, 1916 in a joint resolution to “be used by the United States Bureau of Fisheries, Department of Commerce, as a fish hatchery and for experimental work in fish culture” (H.J. Res. 218; S.J. Res. 128). By fiscal year 1918, Berkshire NFH was raising brook trout, rainbow trout, and steelhead in its first operational year as a Federal hatchery. Berkshire NFH continues to raise trout today, over 100 years later.

Applicable laws, regulations, and policies which direct the operation and programs of the Berkshire NFH include: the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e; 48 Stat.401), as amended; Federal Water Pollution Control Act (33 U.S.C. 1251-1376; 62 Stat. 1155), as amended; Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742j, not including 742d-1; 70 Stat. 1119), as amended; the Refuge Recreation Act (16 U.S.C. 460k-460k-4); Fish and Wildlife Conservation Act (16 U.S.C. 2901-2911; 94 Stat. 1322); the Code of Federal Regulations; and Fish and Wildlife Service Manual.

The purposes of Berkshire NFH include supporting restoration of lake trout populations in the Lower Great Lakes by supplying multiple strains of lake trout eggs to other Federal hatcheries as part of National Broodstock Program. These restoration efforts are part of and supported by partners such as the New York State Department of Environmental Conservation, Great Lakes Fishery Commission and Great Lakes Restoration Initiative. With assistance from the Friends of the Berkshire National Fish Hatchery (formerly the Berkshire Hatchery Foundation), Berkshire NFH also raises native brook trout for stocking in local waterways, public youth and veteran fishing events, and educational programs.

The Konkapot River and the Outreach Pond are the two recreational fishing opportunities associated with Berkshire NFH (Figure 1).

The Konkapot River is a tributary of the Housatonic River that runs through the west edge of the hatchery's property with a depth that ranges from approximately 1 to 10 feet depending on the season. The angling opportunities in the Konkapot River on hatchery land are in compliance with the Commonwealth of Massachusetts fishing regulations with additional hatchery-specific regulations (described in Part IV).

The Outreach Pond is a hatchery-owned body of water with a mean depth of approximately 3 feet located along Hatchery Road in the southern section of the property. This angling opportunity at Outreach Pond is designated for youth (ages 13 and under) and is in accordance with the Commonwealth of Massachusetts fishing regulations with additional hatchery-specific regulations (described in Part IV).

The purpose of this document is to support bringing Berkshire NFH into compliance with Federal regulations by formally opening the station to public recreational fishing along the Konkapot River and on Outreach Pond. It is a priority of the Service to provide for wildlife-dependent recreation opportunities, including fishing, when those opportunities are compatible with the purposes for which the hatchery was established and the mission of the Service.

## **II. Statement Of Objectives**

The objectives of a recreational fishing program at Berkshire NFH are to provide:

- The general public with access to Konkapot River from the hatchery in accordance with the Commonwealth of Massachusetts fishing regulations with additional hatchery-specific regulations (described in Part IV).
- Youth (ages 13 and under) with access to Outreach Pond during opening hours of the hatchery in accordance with the Commonwealth of Massachusetts fishing regulations with additional hatchery-specific regulations (described in Part IV).
- The public with recreational activities to experience wildlife on more hatchery lands and increase opportunities for anglers, especially for youth and families.
- Increased alignment with the Massachusetts Division of Fisheries and Wildlife (MassWildlife) and a stronger association between State and Federal lands.

This recreational fishing plan is consistent with Secretarial Order 3356, "continues the Department of the Interior's efforts to enhance conservation stewardship; increase outdoor recreation opportunities for all Americans, including opportunities to hunt and fish; and improve the management of game species and their habitats for this generation and beyond." Therefore the Service is proposing to allow public access for sportfishing from Berkshire NFH property to

the Konkapot River and Outreach Pond.

### **III. Description of Fishing Program**

#### **A. Areas to be Opened to Fishing**

Recreational fishing access is allowed on both the Konkapot River and the federally-owned Outreach Pond from existing public access points on hatchery property. Fishing can be conducted along the banks of the Konkapot River and at the edges of the Outreach Pond. Fishing on all other bodies of water within the hatchery property is prohibited. Public fishing is only allowed on Konkapot River and Outreach Pond (Figure 1).

#### **B. Species to be Taken, Fishing Seasons, Fishing Access**

##### **Konkapot River**

The primary angling opportunities at Konkapot River are for brook trout, brown trout, and rainbow trout. The State regularly stocks the Konkapot River with rainbow trout and brown trout.

Public fishing on the Konkapot River, including fishing seasons, is conducted according to all applicable recreational fishing laws and regulations established and published by the Commonwealth of Massachusetts, with additional hatchery-specific restrictions (described in Part IV).

Anglers can use existing access points, parking lots, and roads to access the Konkapot River. The Konkapot River may be accessed on foot, as it runs through the west edge of the hatchery property, by an untended dirt trail off of Hatchery Road. The hatchery currently maintains public parking areas including off-street paved sites along Hatchery Road and an upper lot off of Hatchery Road near the administration building (Figure 1).

##### **Outreach Pond**

The primary angling opportunities at the Outreach Pond are for brook trout, which the hatchery regularly stocks for recreational fishing opportunities.

Public fishing on Outreach Pond, including fishing seasons, is conducted according to recreational fishing laws and regulations established and published by the Commonwealth of Massachusetts with additional hatchery-specific restrictions (described in Part IV).

Anglers can use existing access points, parking lots, and roads to access Outreach Pond. The Outreach Pond may be accessed on foot from Hatchery Road through a maintained grass area in front of the pond. The hatchery currently maintains public parking areas including off-street paved sites along Hatchery Road and an upper lot off of Hatchery Road near the administration building (Figure 1).

#### **C. Fishing Permit Requirements**

Aside from hatchery-specific regulations for fishing on Outreach Pond (described in Part IV), recreational fishing on both bodies of water is conducted in accordance with current published fishing laws and license requirements of the Commonwealth of Massachusetts. No additional permits are required beyond what is required by Massachusetts recreational fishing laws and license requirements. Current Commonwealth of Massachusetts fishing laws can be obtained from MassWildlife, and licenses can be purchased online through the MassFishHunt system or in person through a licensed vendor.

MassWildlife email:  
[Mass.wildlife@mass.gov](mailto:Mass.wildlife@mass.gov)  
MassWildlife phone: (508)389-6300

MassWildlife Headquarters Address:  
MassWildlife Field Headquarters  
1 Rabbit Hill Road  
Westborough, MA 01581

MassWildlife Website:  
<https://www.mass.gov/orgs/division-of-fisheries-and-wildlife>

MassFishHunt Website:  
<https://www.ma.wildlifelicense.com/Internetsales/IS/Customr/InternetCustomerSearch>

Fishing Regulations Website:  
<https://www.mass.gov/guides/massachusetts-freshwater-fishing-regulations>

#### **D. Consultation and Coordination with the State**

National fish hatcheries conduct fishing programs within the framework of State and Federal regulations. All authorized fishing is regulated by the Commonwealth of Massachusetts. This plan and the associated environmental assessment (EA) have been reviewed and are supported by MassWildlife. Berkshire NFH will continue to consult and coordinate with MassWildlife annually to ensure the recreational fishing plan is consistent with State regulations.

#### **E. Law Enforcement**

Public waters are under the jurisdiction of Massachusetts law enforcement officers. Federal law enforcement officers may monitor the public-use areas on hatchery property.

The following methods are used to control and enforce fishing regulations:

- Law enforcement officers may randomly check anglers for compliance with laws and regulations of the Commonwealth of Massachusetts.
- Hatchery staff may randomly check anglers on Outreach Pond for compliance with the hatchery-specific regulations.

#### **F. Funding and Staff Requirements**

The costs of maintaining public access to the State and Federal waters for recreational fishing comes out of the hatchery's annual budget (approximately \$7,500 annually) and contributions from the Friends of Berkshire National Fish Hatchery (approximately \$2,500 annually). Expenses include program management, staff resources, fish food, boundary posting, signage, gate maintenance, parking lot and road maintenance (including snow plowing), facility maintenance (including mowing), and other fishing-specific activities (including stocking Outreach Pond).

#### **IV. Conduct of the Fishing Program**

##### **A. Angler Permit Application, Selection, and/or Registration Procedures**

Other than fishing licenses required by the Commonwealth of Massachusetts law, anglers do not need a permit to access these waters. There is no fee or check-in required.

##### **B. Hatchery-Specific Fishing Regulations**

###### **Konkapot River**

The Konkapot River is an angling opportunity for the general public. Recreational fishing is permitted in accordance with current published fishing laws of the Commonwealth of Massachusetts with the following exceptions:

- Anglers must abide by posted signage and stay at least 50 feet clear of the raceways and fish culture areas to maintain biosecurity of stocked fish populations.
- Angling equipment including, but not limited to, live bait, boots, and rods near these areas are prohibited.

###### **Outreach Pond**

Outreach Pond is a designated angling opportunity for youth (ages 13 and under) to learn how to fish. Recreational fishing is permitted in accordance with current published fishing laws of the Commonwealth of Massachusetts with the following exceptions:

- We limit access to Outreach Pond to youth (ages 13 and under), supervised by an adult at all times.
- We allow fishing on Outreach Pond during open hatchery hours only.
- The use of baitfish, shiners, or minnows is prohibited in the Outreach Pond.
- We prohibit any fishing method besides rods on Outreach Pond.
- We allow a daily creel limit of 3 fish per individual at Outreach Pond and no creel limit during fishing derbies.

- Fishing is seasonally prohibited, over the winter, in Outreach Pond.
- Anglers must abide by posted signage and stay at least 50 feet away from any raceways, culture pools, and other fish culture areas, for issues of safety and to maintain biosecurity of stocked fish populations.
- Angling equipment including, but not limited to, live bait, boots, and rods near these areas is prohibited.

### **C. Relevant State Regulations**

Recreational fishing is conducted according to laws and regulations provided by MassWildlife and published in the Code of Massachusetts Regulations (CMR) including licensing requirements, season dates, fishing methods, and harvest with the exception of the hatchery-specific regulations described above (312 CMR 4.00).

### **D. Other Hatchery Rules and Regulations for Fishing**

All anglers at Berkshire NFH must abide by posted signage and stay at least 50 feet clear of the raceways and fish culture areas to maintain biosecurity of stocked fish populations. Angling equipment including, but not limited to, live bait, boots, and rods near these areas is prohibited.

## **V. Public Engagement**

### **A. Outreach for Announcing and Publicizing the Fishing Program**

To inform the public of the recreational fishing program, any updates will be posted at the Berkshire NFH office and on the hatchery website (<https://www.fws.gov/berkshire/>). Any outreach is intended to educate the public of the changes/updates to the fishing program; and inform the public where to get information regarding the program. The hatchery will also address public comments received and review them for incorporation into the recreational fishing plan.

### **B. Anticipated Public Reaction to the Fishing Program**

It is estimated that about 2,500 people visit Berkshire NFH annually. Visitors use the hatchery to enjoy public recreation such as educational tours and events, general fishing access, picnicking, wildlife observation, photography, and trail use including hiking, snowshoeing, cross-country skiing, leashed dog-walking, and trail-running. Visitors engaged in these activities have historically co-existed without conflicts. We anticipate that this will not change as a result of this administrative action.

We estimate that about 7 to 10 people per day during the summer months could visit

Berkshire NFH to either fish recreationally on the Konkapot River and Outreach Pond or participate in other recreational activities. Visitors of the hatchery are expected to be supportive of the fishing program as it is expanding public recreational opportunities, according to the hatchery's mission, while still maintaining the integrity of the hatchery. Allowing recreational fishing at Berkshire NFH would not cause a large increase in visitation, and would promote an appreciation of local natural resources.

### **C. How Anglers Will Be Informed of Relevant Rules and Regulations**

Angler orientation of the hatchery will occur by providing relevant information at Berkshire NFH and on the hatchery website. Anglers may address questions to hatchery staff by calling, writing, e-mailing, or visiting the hatchery.

## **VI. Compatibility Determination**

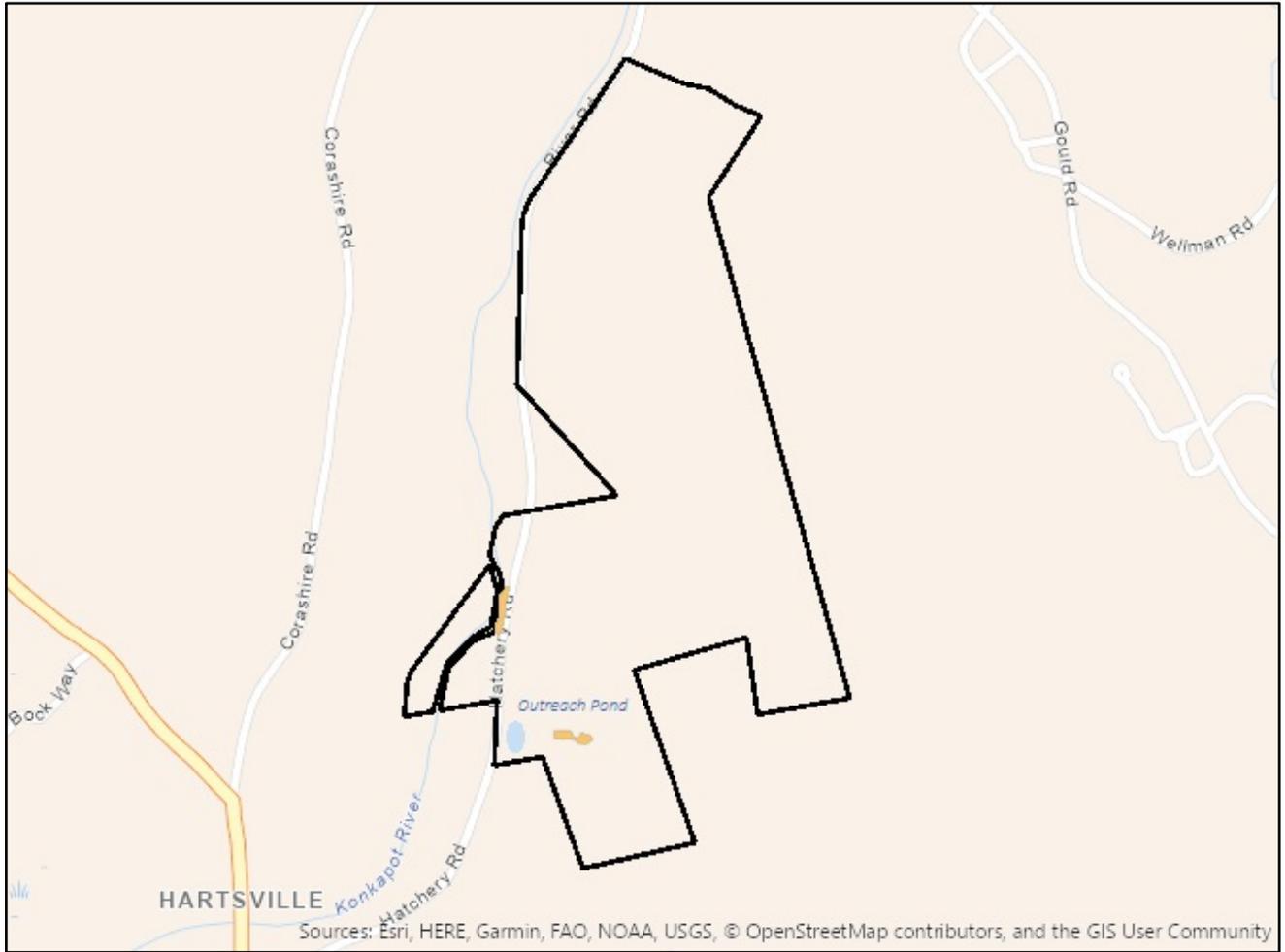
Under the proposed action, the Service's ability to reach its fish and wildlife population goals would not be negatively affected. Fishing activities proposed in the Berkshire NFH Recreational Fishing Plan are compatible with the purpose of the hatchery. Recreational fishing, as outlined in the plan, "is not detrimental to the propagation and distribution of fish or other aquatic animal life" (50 CFR Ch. 1 71) at Berkshire NFH.

## **VII. References**

Office of the Secretary of State. (2018). *CMR Title 321 Section 4.00: Fishing*. Commonwealth of Massachusetts: Office of the Secretary of State. Retrieved from <https://www.sec.state.ma.us/spr/massreg.htm>.

U.S. Fish and Wildlife Service. (2015). *Strategic Plan for the U.S. Fish and Wildlife Service Fish and Aquatic Conservation Program: FY2016-2020*. Washington, DC: U.S. Department of the Interior. Retrieved from [https://www.fws.gov/fisheries/pdf\\_files/FAC\\_StrategyPlan\\_2016-2020.pdf](https://www.fws.gov/fisheries/pdf_files/FAC_StrategyPlan_2016-2020.pdf).

**VIII. Figures**



**Figure 1. Berkshire NFH Boundary, Recreational Fishing Access (Konkapot River and Outreach Pond), and Visitor Parking (Highlighted in Yellow).**

## **Environmental Assessment for Berkshire National Fish Hatchery Fishing Plan and Other Recreation**

This environmental assessment (EA) is being prepared to evaluate the anticipated effects associated with the proposed actions and complies with the National Environmental Policy Act (NEPA) in accordance with Council on Environmental Quality regulations (40 CFR 1500-1509) and Department of the Interior (43 CFR 46; 516 DM 8) and U.S. Fish and Wildlife Service (550 FW 3) policies. NEPA requires examination of the effects of proposed actions on the natural and human environment.

### **Proposed Action**

The U.S. Fish and Wildlife Service (Service) is proposing to continue allowing recreational fishing access on Berkshire National Fish Hatchery (NFH) in accordance with the Commonwealth of Massachusetts fishing regulations and the hatchery's Recreational Fishing Plan. In addition, the Service is proposing to continue allowing other forms of public recreation that currently occur on the hatchery property including picnicking, wildlife observation, photography, and trail use including hiking, snowshoeing, cross-country skiing, leashed dog-walking, and trail-running on public-use areas.

### **Background**

Berkshire NFH and is part of the Service's Fish and Aquatic Conservation (FAC) program. The FAC program works throughout the country to restore habitat across the landscape, prevent and control invasive species, assist Native American Tribes and other partners in managing their fish and wildlife resources, advance fisheries and aquatic sciences and technologies, foster outdoor recreational opportunities, educate the public on the economic and ecological benefits of aquatic species and their habitats, and address new and emerging challenges—such as climate change.

The land for Berkshire NFH (formerly Berkshire Trout Hatchery), including “buildings, ponds, and other improvements located thereon and the water and other rights pertaining thereto,” was donated to the U.S. government by Mary E. Scully as a memorial for her late husband, John S. Scully. The donation of land was authorized by Congress and approved by the President on July 28, 1916 in a joint resolution to “be used by the United States Bureau of Fisheries, Department of Commerce, as a fish hatchery and for experimental work in fish culture” (H.J. Res. 218; S.J. Res. 128). By fiscal year 1918, Berkshire NFH was raising brook trout, rainbow trout, and steelhead in its first operational year as a Federal hatchery. Berkshire NFH continues to raise trout today, over 100 years later.

Applicable laws, regulations, and policies which direct the operation and programs of the Berkshire NFH include the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e; 48 Stat.401), as amended; Federal Water Pollution Control Act (33 U.S.C. 1251-1376; 62 Stat. 1155), as amended; Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742j, not including 742d-1; 70 Stat. 1119), as amended; the Refuge Recreation Act (16 U.S.C. 460k-460k-4); Fish and

Wildlife Conservation Act (16 U.S.C. 2901-2911; 94 Stat. 1322); the Code of Federal Regulations; and Fish and Wildlife Service Manual.

National fish hatcheries are maintained for the fundamental purpose of the propagation and distribution of fish and other aquatic animal life, and managed for the protection of all species of wildlife (50 CFR Ch. 1 70.1). The mission and work of the National Fish Hatchery System is to “... improve[s] recreational and public use of aquatic resources, recovery of federally listed threatened or endangered species, restoration of imperiled species...and fulfillment of Tribal partnerships and trust responsibilities.”

National Fish Hatchery System propagation addresses top priorities, such as:

- Enhancement of recreational fishing
- Enhancement of public use of aquatic resources
- Recovery of federally protected species
- Restoration of imperiled species
- Fulfillment of Tribal partnerships and trust responsibilities

As part of the National Fish Hatchery System, Berkshire NFH supports restoration of lake trout populations in the Lower Great Lakes by supplying multiple strains of lake trout eggs to other Federal hatcheries as part of National Broodstock Program. These restoration efforts are part of Great Lakes Restoration Initiative, and are supported by partners such as the New York State Department of Environmental Conservation and the Great Lakes Fishery Commission. With assistance from the Friends of the Berkshire National Fish Hatchery (formerly the Berkshire Hatchery Foundation), Berkshire NFH also raises native brook trout for stocking in local waterways, public youth and veteran fishing events, and educational programs.

It is a priority of the Service to provide for wildlife-dependent recreation opportunities, including fishing, when those opportunities are compatible with the purposes for which the hatchery was established and the mission of the Service.

### **Purpose and Need for the Proposed Action**

Fishing is a healthy, traditional recreational use of renewable natural resources deeply rooted in America’s heritage. Federal laws and the Service’s policies permit fishing on national fish hatcheries when those activities are compatible with the purposes for which the hatchery was established and the mission of the Service. The purposes of these proposed actions are to: (1) formally open Berkshire NFH to public recreational fishing so that recreational angling can occur at the station consistent with the hatchery’s Recreational Fishing Plan; and (2) formally allow other recreational activities that currently occur on the hatchery such as picnicking, wildlife observation, photography, and trail use including hiking, snowshoeing, cross-country

skiing, leashed dog-walking, and trail-running. These proposed actions are aligned with the purpose of Secretarial Order 3356 to increase access to public lands for hunting, shooting, and fishing, and put a new and greater emphasis on recruiting and retaining new sportsmen conservationists, with a focus on engaging youths, veterans, minorities, and other communities that traditionally have low participation in outdoor recreational activities.

The need of the proposed actions is to meet the Service's priorities and mandates as outlined by the Secretary of the Department of the Interior to "recognize compatible wildlife-dependent recreational uses as the priority general uses of the Federal Lands and "ensure that opportunities are provided within the National Fish Hatchery System for compatible wildlife-dependent recreation..."

Recreational fishing and outdoor recreational activities are priority public uses of the FAC program as identified in the core goals of the *Strategic Plan for the U.S. Fish and Wildlife Service Fish and Aquatic Conservation Program: FY2016-2020* (U.S. Fish & Wildlife Service, 2015).

### **Alternatives Considered**

#### **No Action Alternative - Station Closed to Recreational Fishing and Other Recreation**

Under the No Action Alternative, Berkshire NFH would be closed to recreational fishing and other forms of recreation such as picnicking, wildlife observation, photography, and trail use including hiking, snowshoeing, cross-country skiing, leashed dog-walking, and trail-running. This alternative is being included in the EA for analytical purposes only, as under the status quo, recreational fishing and other listed recreational uses currently occur at the station. For the purposes of this analysis, under the No Action Alternative, the station would be closed to public fishing and other recreational uses. Implementation of this alternative would not facilitate wildlife-dependent priority uses that have been found to be compatible with the purposes of Berkshire NFH and the mission of the National Fish Hatchery System.

#### **Proposed Action Alternative – Station Open to Recreational Fishing and Other Recreation**

The Proposed Action Alternative opens public access to the Konkapot River and federally-owned Outreach Pond for fishing on Berkshire NFH in accordance with the hatchery's Recreational Fishing Plan and the current published fishing laws of the Commonwealth of Massachusetts in the Code of Massachusetts Regulations (CMR), including licensing requirements, season dates, fishing methods, and harvest (312 CMR 4.00).

The following additional hatchery-specific restrictions are in place on public fishing access on Konkapot River:

- Anglers must abide by posted signage and stay at least 50 feet clear of the raceways and fish culture areas to maintain biosecurity of stocked fish populations.
- Angling equipment including, but not limited to, live bait, boots, and rods near these areas are prohibited.

The following additional restrictions are in place on public fishing access to Outreach Pond:

- We limit access to Outreach Pond to youth (ages 13 and under), supervised by an adult at all times.
- We allow fishing on Outreach Pond during open hatchery hours only.
- The use of baitfish, shiners, or minnows is prohibited in the Outreach Pond.
- We prohibit any fishing method besides rods on Outreach Pond
- We allow a daily creel limit of 3 fish per individual at Outreach Pond and no creel limit during fishing derbies.
- Fishing is seasonally prohibited, over the winter, in Outreach Pond
- Anglers must abide by posted signage and stay at least 50 feet away from any raceways, culture pools, and other fish culture areas, for issues of safety and to maintain biosecurity of stocked fish populations.
- Angling equipment including, but not limited to, live bait, boots, and rods near these areas is prohibited.

In addition, the hatchery is proposing to formally allow other forms of recreation on the hatchery property including picnicking, wildlife observation, photography, and trail use including hiking, snowshoeing, cross-country skiing, leashed dog-walking, and trail-running (referred to as “other listed forms of recreation” in this document) as part of the Proposed Action Alternative.

### **Affected Environment**

Berkshire NFH is a Service-owned, cold-water aquaculture facility that comprises approximately 148 acres of Berkshire County, in northern New Marlborough, Massachusetts. The site is located approximately six miles east of Great Barrington and roughly six miles southwest of Tyringham. The property contains an office storage building, a shop building, two residences, a fish-rearing hatchery including ten circular pools, two raceways, and three ponds, trails for recreational use, an Outreach Pond, and visitor parking areas. The hatchery’s primary water source is supplied by wells constructed in 1962. Access to the station is via Hatchery Entrance Road off of Hatchery Road, approximately one mile south of State Route 23.

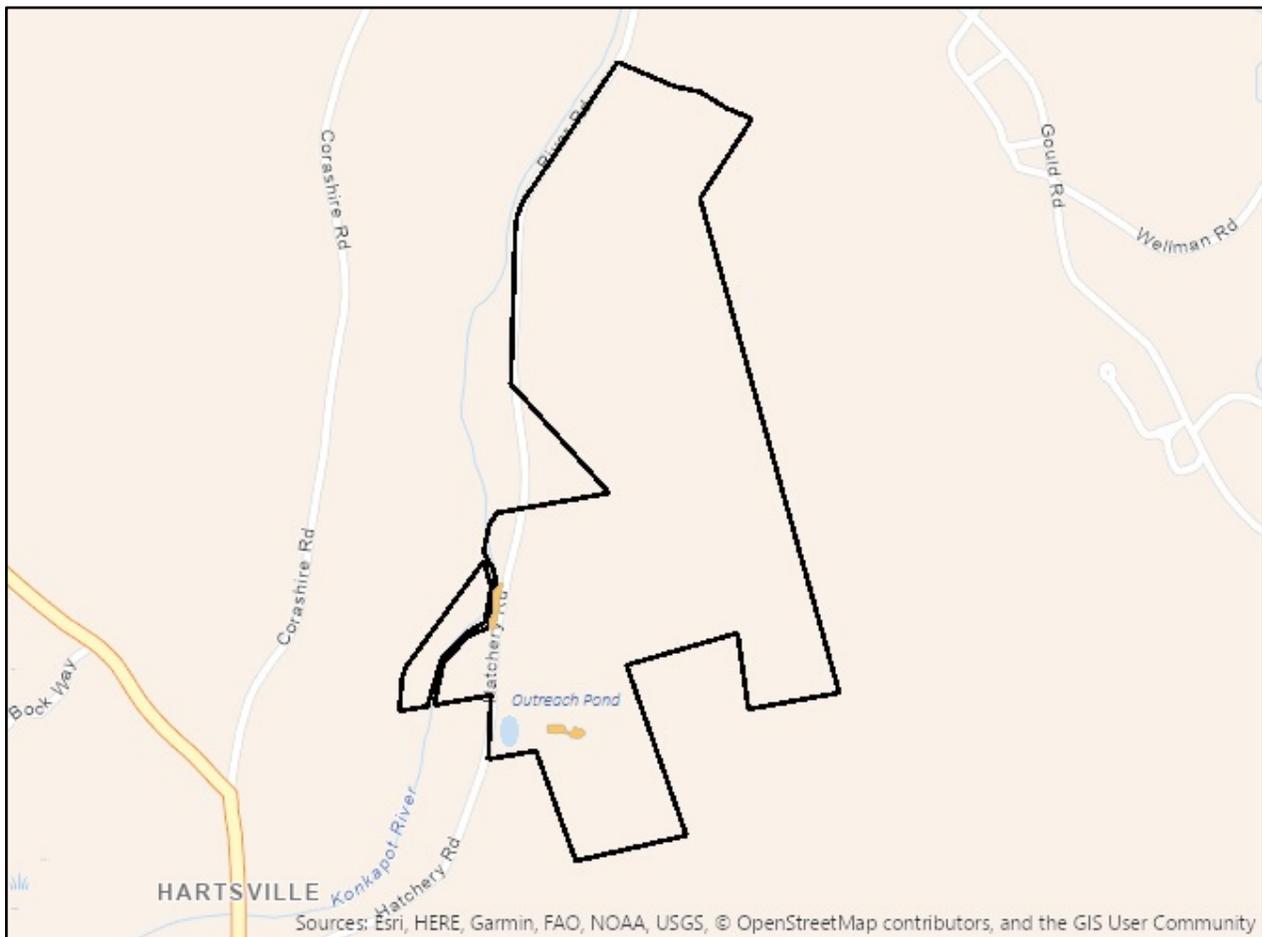
The Konkapot River and Outreach Pond are the two recreational fishing opportunities associated with Berkshire NFH (Figure 1). The hatchery currently maintains public parking areas including off-street paved sites along Hatchery Road and an upper lot off of Hatchery Road near the administration building.

The Konkapot River is a tributary of the Housatonic River that runs through the west edge of the

hatchery's property with a depth that ranges from approximately 1 to 10 feet depending on the season. This angling opportunity at Konkapot River is in compliance with the Commonwealth of Massachusetts fishing regulations.

The Outreach Pond is a hatchery-owned body of water with a mean depth of approximately 3 feet located along Hatchery Road in the southern section of the property. This angling opportunity at Outreach Pond is designated for youth (ages 13 and under) and is in accordance with the Commonwealth of Massachusetts fishing regulations with additional hatchery-specific regulations described in Berkshire NFH's Recreational Fishing Plan.

Other forms of public recreation that currently occur on the hatchery property include picnicking, wildlife observation, photography, and trail use including hiking, snowshoeing, cross-country skiing, leashed dog-walking, and trail-running. Information on allowed activities on the public-use areas and trails within hatchery property are available on the hatchery's official website and subject to change.



**Figure 1. Berkshire NFH Boundary, Recreational Fishing Access (Konkapot River and Outreach Pond), and Visitor Parking (Highlighted in Yellow)**

## **Environmental Consequences of the Action**

This section analyzes the environmental consequences of the action on each affected resource, including direct and indirect effects. This EA focuses on analyses of the environmental consequences on a resource when the impacts on that resource could be more than negligible and therefore considered an “affected resource.” Resources that will not be more than negligibly impacted by the action have been dismissed from further analyses.

### **Impact Types:**

*Direct effects* are those which are caused by the action and occur at the same time and place.

*Indirect effects* are those which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.

*Cumulative impacts* result from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other action.

### **Impacts to Fish Populations**

The primary angling opportunities at Konkapot River are for brook trout, brown trout, and rainbow trout. The State regularly stocks the Konkapot River with rainbow trout and brown trout. The primary angling opportunities at the Outreach Pond are for brook trout, which the hatchery regularly stocks for recreational fishing opportunities.

### ***No Action***

For the purposes of analysis, the No Action Alternative considers access to recreational fishing and other listed forms of recreation closed on Berkshire NFH. Anglers would not have public access to the Konkapot River or Outreach Pond within the bounds of Service lands, and human activity would be decreased significantly. Therefore, there would be no impact from recreational fishing and other recreation uses to fish species or populations.

### ***Proposed Action***

The Proposed Action Alternative considers Berkshire NFH officially opened for access to recreational fishing and other listed forms of recreation. These listed forms of recreation besides recreational fishing are not anticipated to affect fish populations since they currently occur on land and have minimal contact and interference with fish populations with no significant adverse effects on aquatic species. However, recreational fishing potentially could cause negative impacts to fish populations if it occurs at unsustainably high levels or is not managed properly.

Potential impacts from fishing in Konkapot River include direct mortality from harvest and catch and release; injury to fish caught and released, changes in age and size class distribution, changes in reproductive capacity and success, loss of genetic diversity, altered behavior, and changes in ecosystems and food webs (Lewin et al. 2006, Cline et al. 2007). Recreational fishing may also lead to introduction of non-native fish that may negatively affect native fish, wildlife, or vegetation. State waters are under the jurisdiction of Massachusetts law enforcement officers,

and Federal law enforcement officers may monitor the public-use areas on hatchery property. Law enforcement officers may randomly check anglers for compliance with laws and regulations of the Commonwealth of Massachusetts to help reduce the potential for unwanted introductions.

In general, anglers tend to target older and larger fish which tend to have greater reproductive capacity. Their selective removal may reduce the population's overall reproductive success. Catch and release fishing can also have impacts on individual fish, including injury and immediate or delayed mortality. The likelihood of mortality depends on type of fishing gear used, where the fish was hooked, how the fish is handled, angler experience, and environmental conditions. Fish caught and released with non-lethal injuries could be exposed to parasites, or bacterial or fungal infections. Handling fish also increases stress, which may lead to changes in physiology and behavior (Lewin et al. 2006).

Since fishing generally removes individuals from a population, at high levels it can lead to reduced population sizes and loss of genetic diversity. The loss of genetic diversity can ultimately reduce a population's fitness, resilience, and ability to adapt to environmental changes and stressors. The higher the fishing mortality, the greater these types of impacts will be (Lewin et al. 2006).

Stocking and fishing in the Outreach Pond is managed for education and outreach and any impacts on wild fish populations is expected to be minimal

While fishing does remove individuals from the population, we do not anticipate that the projected level of fishing pressure will affect the fish populations in the Konkapot River and Outreach Pond. To keep fishing opportunities sustainable, the State stocks the Konkapot River with brown trout and rainbow trout, and the hatchery staff stocks the Outreach Pond with brook trout. Fishing regulations (including catch limits aimed at ensuring sustainable populations) are to be consistent with current Federal and the Commonwealth of Massachusetts regulations in addition to the hatchery-specific regulations described in the Berkshire NFH Recreational Fishing Plan. Therefore, it is reasonable to conclude that there will be no negative effect on affected fish species or populations on a regional and continent-wide basis. The Commonwealth of Massachusetts strives to ensure maintenance of healthy and diverse fish species populations. Anglers must abide by both the Commonwealth of Massachusetts seasons, catch limits, and regulations as well as the hatchery-specific regulations set forth by Berkshire NFH to protect the fish populations. Recreational angling has been occurring on Berkshire NFH for many decades and the fishing pressure at the hatchery is projected to be sustainable.

## **Other Wildlife and Aquatic Species**

### ***No Action***

For the purposes of analysis, the No Action Alternative considers access to recreational fishing and other listed forms of recreation closed on Berkshire NFH. There would be much reduced public recreational fishing on both the Konkapot River and Outreach Pond as well as reduced human activity on hatchery property. Therefore, there would likely be reduced impacts to other wildlife and aquatic species.

### ***Proposed Action***

The Proposed Action Alternative considers Berkshire NFH officially opened for recreational fishing and other listed forms of recreation. Therefore, fishing has the potential to increase disturbance to wildlife that use both the Konkapot River and the Outreach Pond, including waterfowl, wading birds and landbirds. The fishing season in Massachusetts coincides in part with spring and early summer nesting periods for many species of birds. Human activity, such as picnicking, wildlife observation, photography, and trail use including hiking, leashed dog-walking, and trail-running, has the potential to affect the behavior, distribution, and abundance of birds due to disturbance. Although disposal of trash is prohibited, there is some limited risk of fishing gear being lost which could result in bird, amphibian, or reptile entanglement. This will be mitigated by a carry in, carry out policy.

Disturbance from recreational activities vary with the wildlife species involved and the activity's type, level, frequency, duration, and the time of year it occurs. Anglers and other recreational users may disturb nesting birds by approaching too closely to nests, causing nesting birds to flush. Flushing may expose eggs to predation or cooling, resulting in egg mortality. Anglers can use existing public-use areas to access the recreational fishing. Given the habitat types near the public-use areas and observation from staff, anglers would have minimal effect on nesting birds of conservation concern. No species of concern have been observed nesting in areas that anglers would utilize. Hatchery staff would close areas, as needed, to fishing if sensitive nest sites were ever to occur.

### **Threatened, Endangered, and Other Special Status Species**

To check for effects on threatened, endangered, and other special status species as a result of the proposed actions, Berkshire NFH coordinated with the Service's New England Ecological Services Field Office. An official species list was obtained through the Information for Planning and Consultation (IPaC) online regulatory review tool. There are few threatened, endangered, or special status species that occur in the vicinity of Berkshire NFH, including the northern long-eared bat (*Myotis septentrionalis*) and the bog turtle (*Glyptemys muhlenbergii*). In addition, bald eagles (*Haliaeetus leucocephalus*), protected under the Bald and Golden Eagle Protection Act of 1940, have been observed flying over hatchery property.

### ***No Action***

For the purposes of analysis, the No Action Alternative considers Berkshire NFH closed to recreational fishing and other listed forms of recreation. While there would be much reduced public recreational fishing and overall reduced human activity on hatchery property, existing State and Federal laws are in place to protect threatened, endangered, and other special status species. Therefore, there would be no impact from recreational fishing and other forms of recreation to these species under the No Action Alternative.

### ***Proposed Action***

The Proposed Action Alternative considers Berkshire NFH officially opened for recreational fishing and other listed forms of recreation. Berkshire NFH evaluated the species of concern

found in the vicinity of the hatchery. The determinations are summarized below.

The northern long-eared bat is listed as federally threatened throughout the Commonwealth of Massachusetts with the exception of larger cities including, but not limited to, Boston and Springfield. The northern long-eared bat is also listed as endangered in the Massachusetts Endangered Species Act (MESA, 321 CMR 10.00). The closest State-listed hibernaculum to Berkshire NFH is located between 6 and 7 miles away in southern New Marlborough. Opening Berkshire NFH to recreational fishing and other listed forms of recreation on public-use areas does not impact or interfere with crucial habitat, such as trees, in the surrounding area of the hibernaculum. Thus, there are no anticipated effects to northern long-eared bats as a result of the proposed actions.

The bog turtle is listed as federally threatened in the southwestern corner of Massachusetts, including the town of New Marlborough. The bog turtle is also listed as endangered in the MESA (321 CMR 10.00). Suitable habitat for bog turtles includes frequently flooded marsh and grasslands such as fens and sedge meadows. With confirmation from Massachusetts Division of Fisheries and Wildlife (MassWildlife), Berkshire NFH does not support this type of habitat suitable for bog turtles, and there is no habitat for bog turtles located downstream of the Konkapot River. Thus, there are no anticipated impacts to bog turtles as a result of the proposed actions.

Bald eagles are observed regularly near hatchery property, but do not nest on hatchery grounds. Therefore, no impact to bald eagles is anticipated as a result of the proposed actions.

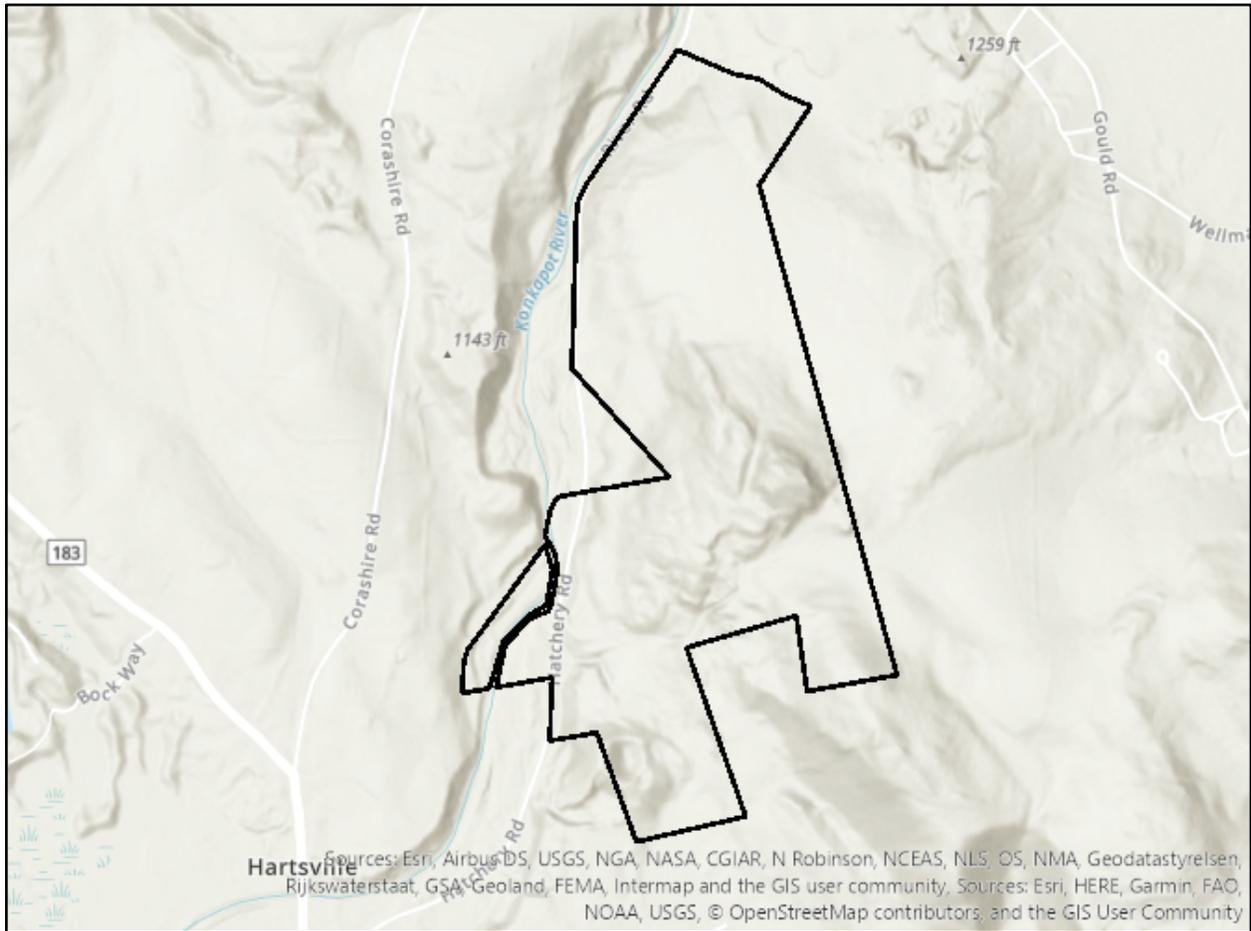
Public fishing and other listed forms of recreation are not anticipated to have a negative impact on threatened, endangered, or other special status species. Thus, the Service designates a 'no effect' determination for the species in the official species list, including the northern long-eared bat, bog turtle, and bald eagle. Where potential exists for impacts attributable to public access from Berkshire NFH, the staff can minimize disturbance by implementing area closures or restrictions such that threatened or endangered or at-risk species are not impacted by fishing and other recreational activities.

### **Geology, Soils, and Vegetation**

Berkshire NFH is situated in the Western New England Marble Valleys/Berkshire Valley/Housatonic and Hoosic Valleys ecoregion with a combination of carbonate and metamorphic bedrock. The soils are fine sandy loam in the Konkapot River valley and loam on the slopes with increasing amounts of stony loam in the higher elevations. The undeveloped sections of the property are largely forested including a state designated interior forest on the southeast corner of the property. Mature forests provide a full canopy over Konkapot River from hatchery property.

### ***No Action***

For the purposes of analysis, the No Action Alternative considers Berkshire NFH closed to recreational fishing and other listed recreational activities. Therefore, there would be no impact from recreational fishing or other recreation to vegetation or soils on the hatchery property.



**Figure 2. Topographical Map of Berkshire NFH in New Marlborough, Berkshire County, Massachusetts.**

***Proposed Action***

The Proposed Action Alternative considers Berkshire NFH officially opened for recreational fishing and other listed recreational activities.

The Konkapot River may be accessed on foot, as it runs through the west edge of the hatchery property, by an untended dirt trail off of Hatchery Road. The Konkapot River is occasionally fished by anglers on hatchery property, with approximately 100 angler-use days per year, most of which happens in the spring season when the State stocks the river. Bank erosion from foot traffic may affect/alter riparian or creek vegetation and habitat and increase aquatic sediment loads of streams and rivers. However, these adverse impacts to soil and vegetation are expected to be minimal because bank erosion is stabilized through rip-rap habitat that exists along the accessible banks of the Konkapot River.

The Outreach Pond may be accessed on foot from Hatchery Road through a maintained public-use area in front of the pond. This public-use area is a flat bed of grass that surrounds the concrete edges of Outreach Pond. Bank erosion is expected to be minimal around Outreach Pond

since the site is well-established and mowed regularly by hatchery staff.

Current levels of use by visitors and anglers (approximately 1 to 2 anglers per day at the Konkapot River and approximately 3 to 4 youth anglers per day (about 500 total in the summer) at Outreach Pond during the spring and summer months) at the access points have been sustainable and the hatchery has not observed adverse effects on vegetation and soil. Other listed recreational uses have also historically existed on hatchery property and trails without adverse effects on the vegetation or soils. Therefore, we do not anticipate soil erosion to increase around the Konkapot River and Outreach Pond because of foot traffic related to fishing and other recreation.

### **Visitor Use and Experience**

Approximately 2,500 visitors per year currently use Berkshire NFH to enjoy wildlife-dependent activities such as educational tours, general fishing access, picnicking, wildlife observation, photography, and trail use including hiking, snowshoeing, cross-country skiing, leashed dog-walking, and trail-running. Visitors engaged in these activities have historically co-existed without conflicts. Of the estimated that 7 to 10 people that visit Berkshire NFH each day during the summer months, about 3 to 5 are recreational anglers.

### ***No Action***

For the purposes of analysis, the No Action Alternative considers Berkshire NFH closed to recreational fishing and other listed recreational activities. There would be a loss of approximately 2,500 annual visitations to Berkshire NFH as a result of the No Action Alternative that would prevent recreational fishing and other listed forms of recreation on hatchery property. This may negatively impact hatchery visitation and result in a lost opportunity to promote the Service's work to the angling community and recreational users and provide education and outreach to youth and others.. While the loss of public access to the Konkapot River and Outreach Pond negatively affect anglers that want to fish the waterway, it is anticipated that those anglers would substitute other nearby fishing opportunities.

### ***Proposed Action***

The Proposed Action Alternative considers Berkshire NFH officially opened for recreational fishing and other listed forms of recreation. This alternative would provide the hatchery with 2,500 recreational-use visitors per year. These actions should not impact each other because anglers currently use the public-use areas without conflict and there is little spatial overlap among the other listed recreational activities with angling. The Service plans to continually monitor for conflicts and evaluate mitigation measures that may be necessary to solve or to minimize conflicts between users should the need arise.

### **Cultural Resources**

Before Berkshire NFH was donated to the U.S. government in 1916, the land had been developed and was operating as a private fish hatchery since the late 19th and early 20th centuries and contained multiple ponds, a shop building (ca. 1885), two residences (ca. 1888 and 1907), and a storage building (ca. 1910) (RGA Inc. 2018). After the hatchery became federally owned, a hatchery building (ca. 1921), an office building (ca. 1937), and well water structures

(ca. 1962) were constructed. Although the buildings were not individually eligible for listing on the National Register of Historic Places, the property itself was declared as eligible to be listed as a historic district in 2018. As of the creation of this EA in 2019, the two residences and the shop, storage-, hatchery-, and office-buildings still exist and contribute to the “historic significance of the potentially NRHP-eligible Berkshire National Fish Hatchery Historic District” (RGA Inc. 2018). The wells also remain the main water source for the hatchery. Under a separate action, the Service is in consultation with the Massachusetts State Historic Preservation Officer (SHPO) regarding proposed demolition within the historic district.

Under both alternatives, there will be no construction of facilities, ground disturbing actions, or modifications of structures over 50 years of age. There are no known Indian Trust Resources on this hatchery and this action will not impact any Indian Trust Resources. Thus, the Proposed Action Alternative, that considers Berkshire NFH officially opened for recreational fishing and other listed forms of recreation, would not impact any cultural, historical, or Tribal resources nor would the No Action Alternative.

## **Land Use and Administration**

### ***No Action***

For the purposes of analysis, the No Action Alternative considers Berkshire NFH closed to recreational fishing and other listed recreational activities. Therefore, there would be no impact from recreational fishing or other human activity to hatchery facilities (roads, trails, parking lots) because they would be closed to the public for the proposed actions. There would also be fewer administrative and maintenance responsibilities as a result of fewer visitors.

### ***Proposed Action***

The Proposed Action Alternative considers Berkshire NFH officially opened for recreational fishing and other listed forms of recreation. Therefore, an increase in the use of hatchery roads, trails, and parking lots may occur. The hatchery currently maintains public parking areas including off-street paved sites along Hatchery Road and an upper lot off of Hatchery Road near the administration building. From these parking areas, access to fishing areas is on foot to minimize soil erosion and potential negative impacts. No negative impacts are expected to land use because the public-use areas including existing access points, parking lots, and roads to access the Konkapot River and Outreach Pond are well established.

Given that Berkshire NFH is closed at night, it is in the best interest of the hatchery to limit fishing access on Outreach Pond to opening hours of the hatchery so that staff can maintain the stocked population. Access to recreational fishing on the state-owned Konkapot River continues to be in compliance with all Commonwealth of Massachusetts fishing regulations, including hours of the day.

Fishing is seasonally prohibited, over the winter, in Outreach Pond. The administrative resources, such as stocking Outreach Pond, mowing the public-use area around Outreach Pond, and providing guidance on fishing to youth anglers, would remain at the current level.

## **Socioeconomics**

According to data provided by the U.S. Census, the population in Berkshire County, Massachusetts, has been declining slightly with an estimated 126,348 residences in 2018 and a negative growth rate of approximately -3.8 percent since 2010. The population of Massachusetts has slightly increased with a positive growth rate of 5.4 percent over the same period. According to the 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, approximately 532,000 residents and non-residents fished in Massachusetts. All fishing-related expenditures in Massachusetts totaled \$455 million in 2011. Additionally, approximately 1.8 million residents and non-residents participated in wildlife-watching, including wildlife observation and photography, in Massachusetts in 2011. All wildlife-watching expenditures in Massachusetts totaled \$1.3 billion in 2011.

Neither of the alternatives are expected to have negative impacts on socioeconomics because it is anticipated that anglers would substitute other nearby fishing and recreational opportunities.

## **Environmental Justice**

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires all Federal agencies to incorporate environmental justice into their missions by identifying and addressing disproportionately high or adverse human health or environmental effects of their programs and policies on minorities and low-income populations and communities.

The Service has not identified any potential high and adverse environmental or human health impacts from these proposed actions or any of the alternatives. The Service has identified no minority or low-income communities within the impact area. Minority or low income communities will not be disproportionately affected by any impacts from these proposed actions or any of the alternatives.

## **Indian Trust Resources**

There are no known Indian Trust Resources on this hatchery and this action will not impact any Indian Trust Resources.

## **Cumulative Impact Analysis**

Cumulative impacts are defined as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions” (40 CFR 1508.7).

## **Fishing**

Fishing and other listed forms of recreation have been allowed on Berkshire NFH property for many years. Under the proposed actions, there are no anticipated impacts to the fisheries in both the Konkapot River and Outreach Pond because fishing is conducted in accordance with State regulations with additional hatchery-specific regulations on Outreach Pond to ensure sustainable fish populations and reduce adverse impacts. Furthermore, the other listed forms of recreation

are not anticipated to affect fisheries since they currently occur on land and have minimal contact and interference with fish populations with no significant adverse effects on aquatic species.

A valid fishing license from the Commonwealth of Massachusetts is required to fish the Konkapot River and Outreach Pond from the hatchery property (321 CMR 4.00). No Federal permit or other compliance is necessary. The current proposed alternative would allow public access to recreational fishing on the Konkapot River and Outreach Pond according to all applicable Commonwealth of Massachusetts fishing regulations with additional hatchery-specific regulations on Outreach Pond described in the Berkshire NFH Recreational Fishing Plan. In contrast, adopting the No Action Alternative would reduce angling in the Konkapot River and Outreach Pond by closing public access and reducing recreational opportunities for anglers.

### **Other Wildlife-Dependent Recreation**

Under the Proposed Action Alternative, the use of the public-use areas might negatively affect individual wildlife species that are disturbance-sensitive, such as certain migratory birds during the nesting season, reptiles, and amphibians. Such impacts would be minimal, and are not expected to increase from current use. It is unlikely that continuing public use will affect the population viability of such species, including threatened, endangered, or special status species.

### **Land Use**

There are no new or additional anticipated effects to land use given that the land has been developed and utilized since the late 19th century and early 20th centuries. There are no new or additional anticipated effects to the geology, soils, or vegetation from the proposed actions; erosion is expected to be minimal for the Konkapot River, Outreach Pond, and public-use areas on Berkshire NFH. There are no anticipated effects to existing infrastructure, roads, parking lots, or trails within hatchery property as a result of the proposed actions. No impact to water quality is expected since anglers must abide by posted signage and stay clear of the raceways and fish culture areas to maintain biosecurity of stocked fish populations. Angling equipment including, but not limited to, live bait, boots, and rods near these areas are prohibited.

### **Mitigation Measures and Conditions**

Recreational fishing and other listed forms of recreation currently occur on the Konkapot River, Outreach Pond, and hatchery property. Thus, the Proposed Action Alternative represents the status quo and does not present unknown or unique environmental risks. The Proposed Action Alternative is not expected to have any adverse effects on ecologically critical areas, historic, cultural, or archeological resources, air quality, fisheries resources, public health and safety, or water quality, including drinking water. No land use changes are expected. No hazardous wastes will be generated, transported, stored, or disposed of as a result of the implementation to any of the alternatives.

A valid fishing license from the Commonwealth of Massachusetts is required to fish on the Konkapot River and Outreach Pond from Berkshire NFH property (321 CMR 4.00). No Federal permit or other compliance is necessary to fish on these listed waters.

## **Monitoring**

Monitoring of the fish populations on the Konkapot River will continue to be the responsibility of the state, while the monitoring of the hatchery-owned Outreach Pond will continue to be the responsibility of the Service. The hatchery staff plans to evaluate public access and use on an annual basis and modify, as needed, to protect fish, wildlife, their habitats, and station infrastructure. The hatchery staff also plans to monitor for impacts related to fishing (e.g., garbage thrown in the public-use areas, along the shoreline, access related erosion, damage to restored vegetation, etc.) to these areas and may close properties or impose restrictions if needed. Alternatively, Berkshire NFH can engage with its partner groups to help with needed clean-ups and any ongoing repairs to shoreline and vegetation that might become necessary. The state is interested in maintaining these public fishing opportunities by maintaining public access.

The Service plans to continually monitor for conflicts and evaluate mitigation measures that may be necessary to solve or to minimize conflicts between users. It is estimated that about 2,500 people visit Berkshire NFH annually. Visitors use the hatchery to enjoy public recreation such as educational tours, general fishing access, picnicking, wildlife observation, photography, and trail use including hiking, snowshoeing, cross-country skiing, leashed dog-walking, and trail-running. Visitors engaged in these activities have historically co-existed without conflicts. We anticipate that this will not change as a result of these administrative actions.

## **Compatibility Determination**

Under the Proposed Action Alternative, the Service's ability to reach its fish and wildlife population goals would not be negatively affected. Fishing activities proposed in the Berkshire NFH Recreational Fishing Plan and other listed forms of recreation are compatible with the purpose of the hatchery. Recreational fishing, as outlined in the plan, and other listed forms of recreation are "not detrimental to the propagation and distribution of fish or other aquatic animal life" (50 CFR 71) at Berkshire NFH.

## **Summary of Analysis**

This EA provides evidence and analysis for determining whether to prepare an environmental impact statement or a Finding of No Significant Impact (FONSI). The term "significantly" as used in NEPA requires consideration of both the context of the action and the intensity of effects. This section summarizes the findings and conclusions of the analyses above so that we may determine the significance of the effects.

**No Action:** Under this alternative, Berkshire NFH would close public access to recreational fishing and other listed forms of recreation. Disadvantages of the No Action Alternative include not being able to promote priority public uses of the National Fish Hatchery System and the inability to meet Secretarial Order 3356 that "continues the Department of the Interior's efforts to enhance conservation stewardship; increase outdoor recreation opportunities for all Americans, including opportunities to hunt and fish; and improve the management of game species and their

habitats for this generation and beyond." There is no cost associated with this alternative. There would be no impact to the environment.

**Proposed Action:** The Service believes that allowing other listed forms of recreation and maintaining public access to recreational fishing on the Konkapot River and Outreach Pond in accordance with the Commonwealth of Massachusetts fishing regulations, with additional hatchery-specific regulations on Outreach Pond, does not have any significant impacts on habitat, wildlife, or the human environment. Opening the hatchery to fishing and other listed forms of recreation would promote Secretarial Order 3356 that "continues the Department of the Interior's efforts to enhance conservation stewardship; increase outdoor recreation opportunities for all Americans, including opportunities to hunt and fish; and improve the management of game species and their habitats for this generation and beyond."

The proposed actions do not establish a precedent for future actions that have significant effects on resources, nor do they lead to a violation of Federal, State, or local environmental laws. The effects of the proposed actions on the quality of the human environment are not likely to be highly controversial. The Service is proposing to open recreational fishing and other listed forms of recreation at Berkshire NFH, as analyzed above under the Proposed Action Alternative, which does not have any significant impacts on the human environment.

### **List of Preparers**

Henry Bouchard, Project Leader, Dwight D. Eisenhower, White River and Berkshire NFHs  
Brian Layton, Fish Biologist, Berkshire NFH  
Andrew Milliken, Complex Manager, Vermont and Massachusetts Complex

### **State Coordination**

The Service reviewed applicable State fishing laws and has contacted MassWildlife about the Berkshire NFH Recreational Fishing Plan. MassWildlife is supportive of the Recreational Fishing Plan and supports public access to the Konkapot River and Outreach Pond as well as the other listed forms of recreation. (pending informal response, requested by January 15 2020)

### **Tribal Consultation**

The Service contacted the federally recognized Tribes in the Commonwealth of Massachusetts about the Berkshire NFH Recreational Fishing Plan, and is waiting response.

### **Public Outreach**

This EA and the Berkshire NFH Recreational Fishing Plan will be provided to the public for a 30-day comment period. We will inform the public through local venues and on the hatchery's official website. Comments received from the public will be considered, and modifications may be incorporated into the final plan and decision documents.

**List of Sources, Agencies, and Persons Consulted**

Mark Tisa, Director, Massachusetts Division of Fisheries and Wildlife

Todd Richards, Assistant Director of Fisheries, Massachusetts Division of Fisheries and Wildlife

Eliese Dykstra - Fish and Wildlife Biologist, New England Ecological Services Field Office  
(Endangered Species Act Section 7 Consultation)

Amy Wood - Regional Historic Preservation Officer, North Atlantic-Appalachian Regional  
Office (National Historic Preservation Act Section 106 Consultation)

**Determination**

*This section will be filled out upon completion of any public comment period and at the time of finalization of the Environmental Assessment.*

- The Service’s action will not result in a significant impact on the quality of the human environment. See the attached **“Finding of No Significant Impact”**.
- The Service’s action **may significantly affect** the quality of the human environment and the Service will prepare an Environmental Impact Statement.

Preparer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name/Title/Organization: \_\_\_\_\_

\_\_\_\_\_

Reviewer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name/Title: \_\_\_\_\_

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## **OTHER APPLICABLE STATUTES, EXECUTIVE ORDERS & REGULATIONS**

### *Cultural Resources*

- American Indian Religious Freedom Act, as amended, 42 U.S.C. 1996 – 1996a; 43 CFR Part 7
- Antiquities Act of 1906, 16 U.S.C. 431-433; 43 CFR Part 3
- Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa – 470mm; 18 CFR Part 1312; 32 CFR Part 229; 36 CFR Part 296; 43 CFR Part 7
- National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470-470x-6; 36 CFR Parts 60, 63, 78, 79, 800, 801, and 810
- Paleontological Resources Protection Act, 16 U.S.C. 470aaa – 470aaa-11
- Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001-3013; 43 CFR Part 10
- Executive Order 11593 – Protection and Enhancement of the Cultural Environment, 36 Fed. Reg. 8921 (1971)
- Executive Order 13007 – Indian Sacred Sites, 61 Fed. Reg. 26771 (1996)

### *Fish and Wildlife*

- Bald and Golden Eagle Protection Act, as amended, 16 U.S.C. 668-668c, 50 CFR 22
- Endangered Species Act of 1973, as amended, 16 U.S.C. 1531-1544; 36 CFR Part 13; 50 CFR Parts 10, 17, 23, 81, 217, 222, 225, 402, and 450
- Fish and Wildlife Act of 1956, 16 U.S.C. 742 a-m
- Lacey Act, as amended, 16 U.S.C. 3371 et seq.; 15 CFR Parts 10, 11, 12, 14, 300, and 904
- Migratory Bird Treaty Act, as amended, 16 U.S.C. 703-712; 50 CFR Parts 10, 12, 20, and 21
- Executive Order 13186 – Responsibilities of Federal Agencies to Protect Migratory Birds, 66 Fed. Reg. 3853 (2001)

### *Natural Resources*

- Clean Air Act, as amended, 42 U.S.C. 7401-7671q; 40 CFR Parts 23, 50, 51, 52, 58, 60, 61, 82, and 93; 48 CFR Part 23
- Wilderness Act, 16 U.S.C. 1131 et seq.
- Wild and Scenic Rivers Act, 16 U.S.C. 1271 et seq.
- Executive Order 13112 – Invasive Species, 64 Fed. Reg. 6183 (1999)

### *Water Resources*

- Coastal Zone Management Act of 1972, 16 U.S.C. 1451 et seq.; 15 CFR Parts 923, 930, 933
- Federal Water Pollution Control Act of 1972 (commonly referred to as Clean Water Act), 33 U.S.C. 1251 et seq.; 33 CFR Parts 320-330; 40 CFR Parts 110, 112, 116, 117, 230-232, 323, and 328
- Rivers and Harbors Act of 1899, as amended, 33 U.S.C. 401 et seq.; 33 CFR Parts 114, 115, 116, 321, 322, and 333

- Safe Drinking Water Act of 1974, 42 U.S.C. 300f et seq.; 40 CFR Parts 141-148
- Executive Order 11988 – Floodplain Management, 42 Fed. Reg. 26951 (1977)
- Executive Order 11990 – Protection of Wetlands, 42 Fed. Reg. 26961 (1977)