



## ***Brookfield Board of Health***

### **Beavers and the Law: A Citizen's Guide to Addressing Beaver Conflicts**

In the year 2000, the Massachusetts Legislature amended an existing law that affected how citizens and landowners addressed problems caused by beavers and muskrat. The Division of Fisheries and Wildlife (MassWildlife) developed this guide to help you understand both the process for obtaining the necessary permits and the actions that can be taken to resolve your beaver or muskrat problem.

#### **Step 1. Initiating the process**

City and town Boards of Health (BOH) have the authority to determine whether a complaint is caused by beaver or muskrat and whether the situation constitutes a threat to public health and/or safety, as defined in M.G.L. c. 131, s. 80a. If you believe you have a problem caused by beavers or muskrat, contact the Brookfield Board of Health and apply for a 10-day Emergency Permit. This permit will allow you to take specific actions to resolve the problem.

#### **Step 2a. If your application for a 10-day Emergency Permit\* is granted.**

Under the terms of the 10-day Emergency Permit\*, you are allowed all of the following:

1. Use of body-gripping (i.e. Conibear), box or cage-type traps for the taking of beaver or muskrat, in accordance with regulations set by MassWildlife.
  - a. To trap and remove beavers on your own property, you must possess a valid Massachusetts trapping license, unless your land is principally used for agriculture.
  - b. To trap and remove beavers on the property of another, you must possess a valid Massachusetts trapping license, have your traps registered, and have permission to access the property. To find out how to register your traps and become a licensed trapper, please contact your local MassWildlife District office (contact information on back).
  - c. Problem Animal Control agents (PACs) and licensed trappers can serve as agents to remedy a problem. To find a list of PAC agents in your area, please consult a phone book (Under pest control services) or go to [www.mass.gov/masswildlife](http://www.mass.gov/masswildlife).
2. Breaching of dams, dikes, bogs, or berms in accordance with the Conservation Commission's (CC) specifications and authorization set forth in an Emergency Certification issued by the CC prior to conducting any work.



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3. Employing any non-lethal management or installing water-flow devices in accordance with the CC's specifications and authorization in the CC's Emergency Certification

*Please note: Because breaching and water-flow devices may impact Priority Habitat of Rare Species, advance approval may be required by Natural Heritage & Endangered Species Program (NHESP) of MassWildlife whether or not an emergency document has been issued. Contact the listed phone numbers (below) for more information.*

### **Step 2b. If your application for a 10-day Emergency Permit is denied**

If the BOH denied your permit because they determined that the problem does not constitute a threat to human health and safety, appeal the decision by contacting the Department of Public Health at (617- 624-5757) within 10 days of the BOH denial.

If the BOH denied your permit because they determined that the problem is not caused by beaver, appeal the decision by contacting the MassWildlife District office in your area within 10 days of the BOH denial.

The applicant should have a copy of the letter of denial from the BOH that states why their application was rejected. The agency (DPH or MassWildlife) you submit your appeal to will reevaluate the situation and determine whether further action is warranted.

If your appeal is denied, you may then apply to both MassWildlife for a non-emergency permit and the Conservation Commission for a notice of intent. These permits allow for the removal of beaver or muskrat, the breaching of dams, and installation of flow regulation devices.

### **Step 3. If the 10-day Emergency Permit has expired and the problem has not been resolved**

1. Apply for a 30-day extension permit from MassWildlife

a. If you were unable to resolve the problem in 10 days, you may apply for a 30-day extension permit from MassWildlife. When applying for a 30-day extension permit, please include copies of all paperwork and permits filed with the BOH.

2. Apply for up to two 10-day additional Emergency Permits from the BOH\*

a. While waiting for a 30-day extension permit to be issued, you can apply for two additional 10-day emergency permits through the BOH.

b. With the first 10-day additional emergency permit\*, you can continue using all three solutions available under the initial 10-day permit (Step 2a) to address your beaver problem.

c. With the second 10-day additional emergency permit\*, your options to resolve the conflict are:  
i. Use of box or cage-type traps only for the taking of beaver or muskrat, in accordance with regulations set by MassWildlife

ii. The breaching of dams, dikes, bogs or berms, in accordance with the Conservation

Commission's specifications and authorization iii. Employing any non-lethal management or



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water-flow devices, in accordance with the Conservation Commission's specifications and authorization.

### **Step 4. If MassWildlife has issued you a 30-day Extension Permit\***

With the 30-day Extension Permit issued by MassWildlife, you can use all three solutions that were available under your initial 10-day permit (Step 2a) to resolve your beaver problem. In addition, MassWildlife will provide a long-term plan to address beaver problems using non-lethal methods.

**\*Please note: Permits issued by the BOH, Conservation Commission, and MassWildlife do not allow permittee(s) or their authorized agent to trespass on private property. If beavers are not located on your property, you must obtain the property owner's permission to access their land.\***

For further details on the permitting process, contact your city or town BOH or visit the DFW website at: [www.mass.gov/masswildlife](http://www.mass.gov/masswildlife)

To contact the Brookfield Board of Health dial 508-867-2930 Ext. 22 or email at [boardofhealth@brookfieldma.us](mailto:boardofhealth@brookfieldma.us).

Or Contact the MassWildlife District office:

- Central District, West Boylston (508) 835-3607
- Field Headquarters, Westborough (508) 389-6300



## *Brookfield Board of Health*

### **APPLICATION FOR 10-DAY EMERGENCY BEAVER OR MUSKRAT PERMIT**

#### **TO BE FILLED OUT BY APPLICANT**

Fee (if applicable): \$ \_\_\_\_\_

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Town: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Daytime Tel. # \_\_\_\_\_ Evening Tel. # \_\_\_\_\_

Agent Name (if applicable): \_\_\_\_\_

Agent Tel. # \_\_\_\_\_

Agent License # \_\_\_\_\_

Trap Registration # \_\_\_\_\_

Complaint Location: \_\_\_\_\_

Is the problem entirely on your property? Yes:  No:  Don't Know:

Note: If the problem does not occur entirely on the applicant's property, consent forms from all other property owners must be obtained. (Form available at [Consent Form \(mass.gov\)](http://www.mass.gov))

Type of Complaint: (Provide a detailed description of the perceived threat to public health and safety.)

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Under M.G.L. c. 131, s. 80A, an emergency permit authorizes the applicant or his duly authorized agent to immediately remedy the threat to human health and safety by one or more of the following options: (a) the use of conibear or box or cage-type traps for the taking of beaver or muskrat, subject to regulations; (b) the breaching of dams, dikes, bogs or berms; and/or (c) employing any non-lethal management of water-flow devices. The emergency permit will be good for 10 days from the date of issue.

Signature of Applicant:

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Print Name of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

NOTE: Options (b) and/or (c) above require applicant to get conservation commission approval prior to such work in accordance with M.G.L. c 131, s. 40 (Wetlands Protection Act.)

UPON COMPLETION YOU MUST SUBMIT A REPORT TO THE BOARD OF HEALTH INCLUDING THE TOTAL # BEAVERS CAPTURED AND TYPE OF TRAP/METHOD USED



## ***Brookfield Board of Health***

**Commonwealth of Massachusetts**

**10 DAY EMERGENCY Permit to Trap Beavers or Muskrat**

**TO BE FILLED OUT BY THE BOARD OF HEALTH ONLY**

**Applicant:** \_\_\_\_\_ **Permit #** \_\_\_\_\_

**Location:** \_\_\_\_\_

**Application DENIED:**

The Board of Health has determined that said beaver or muskrat problem does not pose a threat to public health or safety as stated in M.G.L. c. 131, s 80A.

**Board of Health Signature:**

\_\_\_\_\_ **Date:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**If you wish to appeal this decision, you must file with the Department of Public Health and/or Division of Fisheries & Wildlife within 10 days of BOH denial. (DPH # 617-624-5756) (DFW # 508-792-7270)**

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**Application APPROVED:**

The Board of Health has determined that said beaver or muskrat problem does pose a threat to public health or safety as stated in M.G.L c 131, s. 80A.

In accordance with and pursuant to provisions contained in M.G.L. c. 131, s. 80A, and 321 code of Massachusetts Regulation 2.08 and 10 (Wetlands Protection Act), the applicant or his duly authorized agent may immediately remedy the threat to human health and safety by one or more of the following options:



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- (a) The use of conibear or box or cage-type traps for the taking of beaver or muskrat, subject to regulations promulgated by the Division of Fisheries and Wildlife (see attachment: A Citizen's Guide to Addressing Beaver Conflicts)
- (b) The breaching of dams, dykes, bogs, or berms and/or \*
- (c) Employing any non-lethal management of water flow devices. \*

\* If the applicant chooses options (b) and/or (c), he/she must appear before the Brookfield Conservation Commission to obtain an emergency certification regarding specifications for breach size and/or water flow device installation in accordance to M.G.L. c. 131, s.40 (Wetlands Protection Act). Then he/she must return to the Board of Health for a final signature after obtaining an emergency certification from the conservation commission.

**Date Issued:** \_\_\_\_\_ **Expires:** \_\_\_\_\_

Note: Up to two 10-day extensions may be granted. Applicant must apply for a 10-day extension prior to the expiration of this original permit.

UPON COMPLETION YOU MUST SUBMIT A REPORT TO THE BOARD OF HEALTH INCLUDING THE TOTAL # BEAVERS CAPTURED AND TYPE OF TRAP/METHOD USED.

**Board of Health Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Printed Name:** \_\_\_\_\_

**The above signature validates this permit for 10 consecutive days from the date shown above for option (a) ONLY.**