



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 muskrats, 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.

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.

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 beavers, 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 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

To contact the Brookfield Board of Health dial 508-867-2930 Ext. 22 or email at boardofhealth@brookfieldma.us.

Or Contact the MassWildlife District office:

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

APPLICATION FOR 10-DAY EMERGENCY BEAVER OR MUSKRAT PERMIT

TO BE FILLED OUT BY APPLICANT (PRINT CLEARLY)

Fee (if applicable): \$ 0 (There is no fee in Brookfield)

Name: _____ Date: _____

Address: _____

Town: _____ Zip Code: _____

Daytime Tel. # _____ Evening Tel. # _____

Email: _____

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.)

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:

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