

Beavers and the Wetlands Protection Act



This presentation is intended for guidance purposes only.

Here's our dam
presentation



Agenda:

- Biology of Beavers
- Dealing with Emergencies
- Notice of Intent
- Q&A

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Key Facts



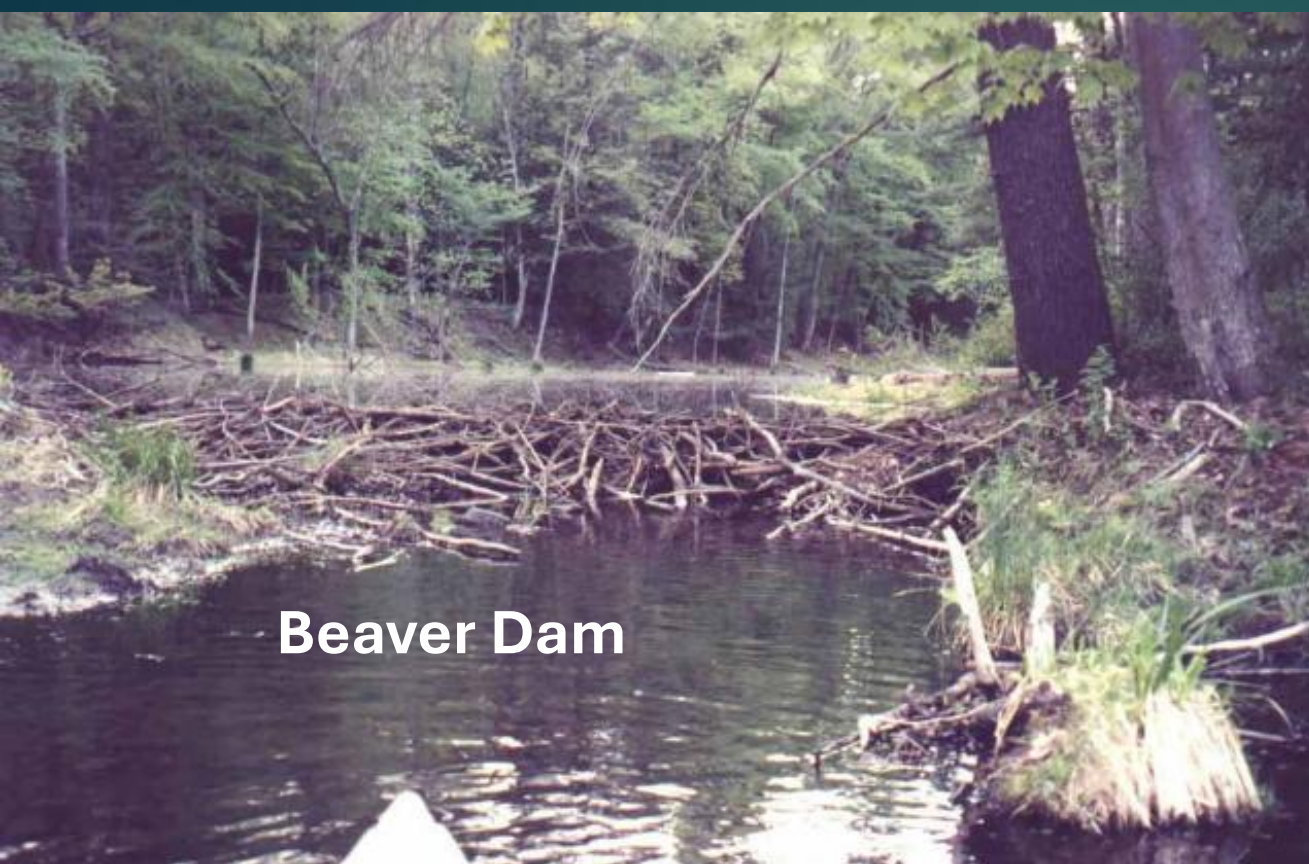
Beaver activity is a natural ecological process that has historically shaped wetlands across Massachusetts.

- Beavers consume woody vegetation-typically aspens, alders and poplars, willows
- Considered "Ecosystem Engineers" building dams that often have a direct impact to surrounding environment
- Beavers often recolonize suitable habitats following dam removals

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Beaver Dam



Beaver Lodge



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Beaver dam in front of culvert



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Dealing with Emergencies

2019



2023



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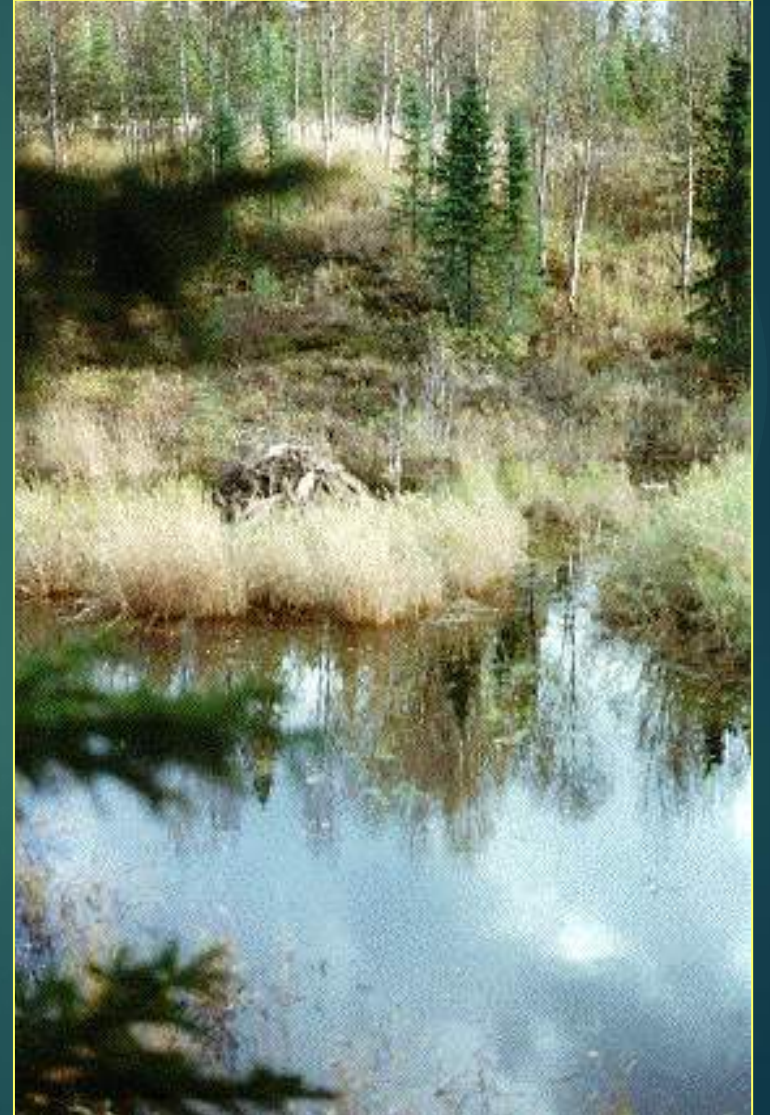
Typical Emergencies

- Plugged culvert under a municipal roadway
- Plugged culvert under a driveway
- Homeowners yard where the impounded waters can impact a well, septic or the home itself
- Public Water Supply areas – DEP Drinking Water handles this
- Municipal or utility infrastructure

Emergency Certifications

Appropriate for:

- Short-Term Limited Measures.
 - Limited Breach.
 - Installation of Temporary/Small Water Flow Devices.
- Valid for Up to 30 Days.



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The Emergency Certification Process

310 CMR 10.06 - Emergencies

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Request for Emergency Certification

Key things to Look for & Consider:

From the Applicant

- ▶ has the applicant specified why the project is necessary for the protection of the health or safety of the citizens of the Commonwealth

From the Public Agency

- ▶ what agency of the Commonwealth or subdivision thereof has ordered the work to be performed
- ▶ is an agency of the Commonwealth or subdivision thereof performing the project

From the proposed work

- ▶ Is work proposed that is only necessary to abate the emergency
- ▶ Is the proposed work in Rare Species Habitat? May Require review by the Natural Heritage Endangered Species Program (NHESP).
- ▶ Are additional conditions necessary to ensure that the interest of the act are being best protected.

The Form



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Emergency Certification Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Emergency Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Issuance From: _____
Issuing Authority

1. Site Location: _____

2. Reason for Emergency: _____

3. Applicant to perform work: _____

4. Public agency to perform work or public agency ordering the work to be performed: _____

5. Date of Site Visit: _____ Start Date: _____ End Date*: _____

* no later than 30 days from start date or 60 days in the case of an Immediate Response Action approved by DEP to address an oil/hazardous material release.

6. Work to be allowed*: _____

* May not include work beyond that necessary to abate the emergency.

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BOH Permit Authorizes Remedy in Three Ways:

- ▶ Use of body gripping traps (e.g. - Conibear) or out-of-season Box/Cage-Type Traps (Conservation Commission Review not required).
- ▶ Breach of Beaver Dams (Conservation Commission Review required).
- ▶ Use of Non-Lethal Mgmt./Water-Flow Devices (Conservation Commission Review required).

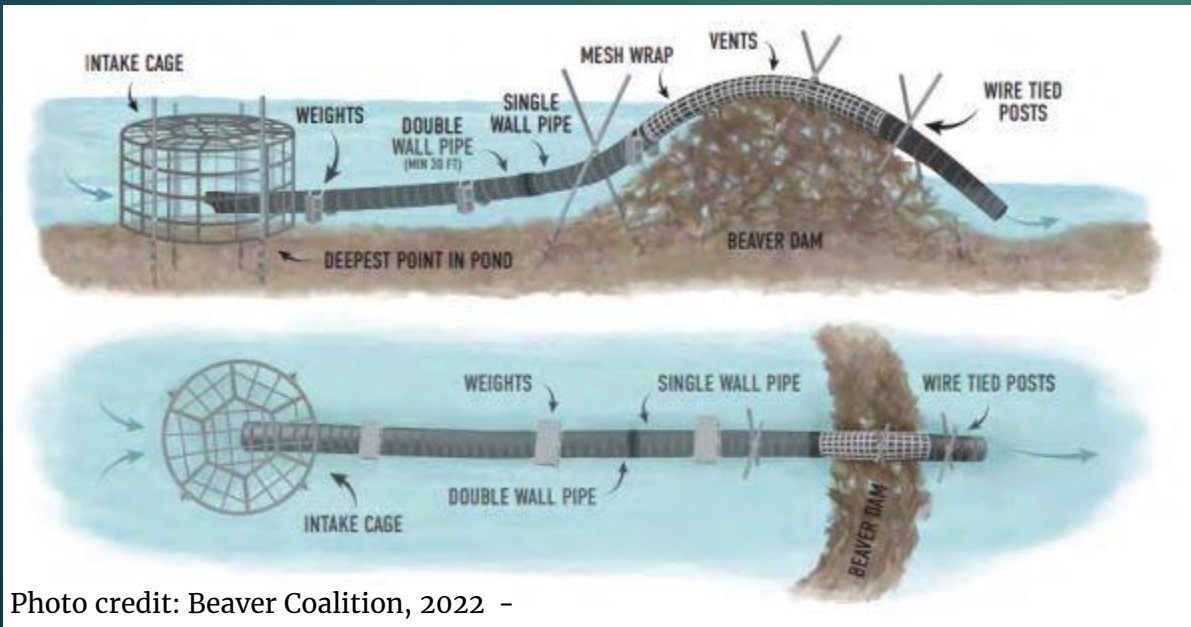


Photo credit: Beaver Coalition, 2022 -



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10-DAY EMERGENCY BEAVER OR MUSKRAT PERMIT

Name: _____	Permit No. _____
Address: _____	
Authorized Agent Name (if applicable): _____	
Complaint Location: _____	

In accordance with and pursuant to provisions contained in chapter 131 of the Massachusetts General Laws section 40, 80A and 321 Code of Massachusetts Regulation 2.08 and 10.00 (Wetlands Protection Act), the permittee(s) above named may 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 the regulations promulgated by the Division of Fisheries and Wildlife (see back)
- (b) the breaching of dams, dikes, bogs or berms, so-called*
- (c) employing any non-lethal management or water-flow devices*

*If the permittee chooses option(s) b and/or c, he/she must appear before the local 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).

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

Board of Health Official Name: _____
Board of Health Official Signature: _____ Date: _____

The above signature validates this permit for 10 consecutive days from the date shown for option (a) only. If the permittee chooses options (b) and/or (c), he/she must return to the Board of Health for a final signature after obtaining an emergency certification from the conservation commission.

Please attach the emergency certification to this permit and return to the Board of Health for final approval.
(See Back)

This permit is valid for 10 consecutive days from the date of the final Board of Health signature.

Board of Health Official Name: _____

Board of Health Official Signature: _____	Date: _____
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This permit does not allow permittee(s) or their authorized agent to trespass on private property.

This permit or a copy thereof shall be carried on the person of any individual exercising the authority thereof and shall be shown upon request if challenged by any local or state law enforcement officer empowered to enforce the provisions of M.G.L. c. 131.

Massachusetts Division of Fisheries and Wildlife trapping regulations

Permittee(s) may destroy problem furbearing mammals (named above) by means of a body gripping trap or by means of a box or cage type trap including Hancock or Bailey traps for catching beaver. The pan of Hancock and Bailey traps must be submerged in water. Problem furbearing mammals that are captured alive shall be disposed of by destruction in a humane manner. Body gripping traps with a jaw spread not less than 4 inches and not greater than 7 inches or body gripping traps with a jaw spread not less than 6 inches and not exceeding 10 inches for the trapping of beaver only, may be used if such traps are completely submerged in water. The placement of traps in reference to the proximity of the beaver lodge or beaver dam is unrestricted, but the disturbance or destruction of the beaver lodge or beaver dam is strictly prohibited unless otherwise authorized.

Permittee(s) taking problem furbearing mammals, on the property of another, by means of a trap shall possess a valid Massachusetts trapping license and traps shall be registered according to M.G.L. c. 131, s. 80.

Said problem furbearing mammals (named above), their carcasses or parts thereof may be retained by the permittee, sold, bartered, or exchanged for consideration during the open regulated harvest season for that species. Sealing of beaver pelts is required. Disposition of all carcasses obtained from the incidental capture of furbearing mammals not authorized by this permit must be surrendered to the District Wildlife Manager of the Division of Fisheries and Wildlife having jurisdiction in the town where the furbearing mammal was taken.

Permitting through Permiteyes

HOME NEW APPLICATION

Welcome To Alliance Online Permitting System

Ofer

 **Becket Health Department**
557 Main Street
Becket, MA 01223
Phone: (413) 623-8934 X 122

2025 **Permit to Operate a BEAVER EMERGENCY**

This Permit is granted to the person or business Permit Holder named below in conformity with the approved Application and Statutes and Ordinances relating thereto. Permits are not transferable. All Permits expire on December 31 and must be renewed at least 60 days prior to expiration unless otherwise stated.

Permit Type	✓ New 10 day Emergency Trapping Permit
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Special Conditions to Consider



- The removal of dams shall be conducted in a controlled manner ensuring a slow release of water to prevent downstream adverse impacts.
- All debris shall be removed from the site and disposed of outside of jurisdictional Resource Areas upon completion of work.
- All disturbed areas shall be fully stabilized following removal (ex. seed, straw mulch). This could pertain to access and staging areas.
- The Commission shall be notified upon completion of work and reserves the right to conduct compliance inspection(s).
- If the commission approves the installation of a water level control device, the Certification does not authorize future maintenance or repair following the expiration of the Emergency Certification.

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For non-emergencies

WPA Permitting Process

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Notice of Intent Applies

- Activities Beyond Those to Abate Immediate Flooding Threat.
- BOH Determines Not an Immediate Threat.



Notice of Intent Requirements

- Require the submission of the minimum submittal requirements
- May require review by Natural Heritage Endangered Species Program (NHESP)
- Require project evaluation and compliance with the Inland wetland resource areas sections of 310 CMR 10.00
- Should not be treated different than other Notice of Intent filings

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Consideration of impacts to Wetland Resource Areas:

- Banks
- Bordering Vegetated Wetlands
- Land Under Water Bodies
- Land Subject to Flooding
- Riverfront Areas

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Potential Funding Sources

Beaver Flow Device Funding

Thanks to a grant from the Nion Robert Thieriot Foundation, the MSPCA is able to provide funding to assist with installation of water flow devices to humanely, non-lethally, and ecologically mitigate beaver-related flooding in [Berkshire, Franklin, Hampden, or Hampshire Counties](#).

Who can participate? Any individual, town, business, or organization in Berkshire, Franklin, Hampden, or Hampshire Counties.

What are the criteria? A willingness (of all parties involved) to resolve problems non-lethally for the long term, a site that is conducive to flow device usage, and permission of the landowners and the local Conservation Commission to install water flow devices.

How do I request assistance? Send a description of your conflict site(s) and the limitations of your budget to the MSPCA for consideration (see form link below). Starting in the spring, we will evaluate applications as they are submitted.

Funding assistance: The amount of funding offered to each applicant will depend on the number of requests, the amount of each viable request, and the ability of each requester to pay for part of the flow device. We do not award funding for maintenance plans.

Deadline: Requests will be accepted throughout the year until funding is exhausted. Requests will be considered in the



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Guidance Documents

A brief overview

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ARGEO PAUL CELLUCCI
Governor

JANE SWIFT
Lieutenant Governor

BOB DURAND
Secretary

LAUREN A. LISS
Commissioner

Guidance for Conservation Commissions Implementing G.L. c.131, s.80A Threats from Beaver and Muskrat-Related Activities

Summary of the Law

The Massachusetts Legislature recently amended G.L. c.131, s.80A, with the passage of “An Act Relative to Foothold Traps and Certain Other Devices.” This new law became effective on July 21, 2000, and makes it easier for applicants to alleviate threats caused by beaver and muskrat-related flooding.

Any person may apply to the Board of Health for an emergency permit to immediately alleviate a threat to human health and safety from beaver or muskrat-related activity. The law includes a list of activities, summarized here, that may constitute a threat to human health and safety. (See enclosed copy of the new law for a complete list).

- Beaver or muskrat occupancy of a public water supply (the Department of Environmental Protection (DEP) must make this determination);
- Beaver or muskrat-caused flooding of drinking water wells, well fields, pumping stations, sewage beds, septic systems, sewage pumping stations, public or private ways, driveways, railways, airport runways or taxi-ways, electrical, gas, communication, or other public utility structures or facilities;
- Beaver or muskrat-caused flooding affecting the public use of hospitals, emergency clinics, nursing homes, homes for the elderly, fire stations, hazardous waste, incineration, or resource recovery facilities, or other facilities where flooding may result in the release of hazardous or noxious materials;
- Damage (gnawing, chewing, entering or other damage) to electric or gas facilities, transmission or distribution equipment, cable, alarm systems, or facilities, caused by beavers or muskrat;
- Beaver or muskrat-caused flooding or structural instability on the applicant’s property, if it



Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

Beavers and the Law: A Citizen’s Guide to Addressing Beaver Conflicts

In the year 2000, the Massachusetts Legislature amended an existing law that effected how citizens and landowners addressed problems caused by beavers and muskrat. The Division of Fisheries and Wildlife (MDFW) 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.

For application forms and more information, please visit our website at: www.masswildlife.org

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 your local 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 the Division of Fisheries and Wildlife (DFW).
 - 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 District DFW 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 http://www.mass.gov/dfwele/dfw/dfw_pac.htm.
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.

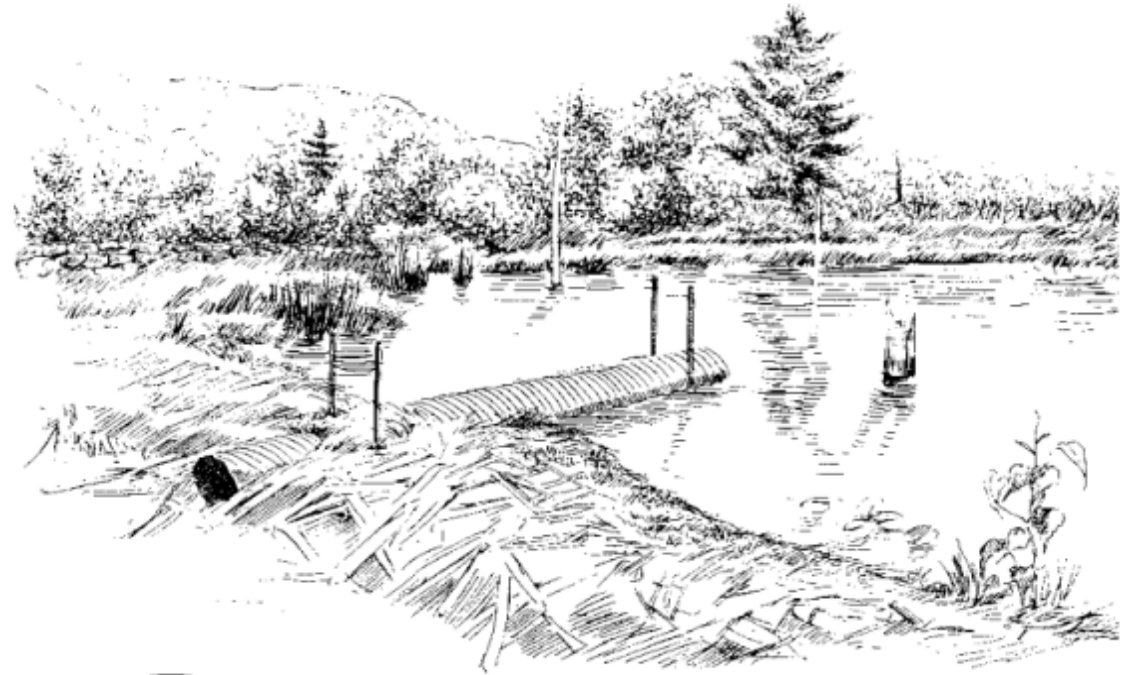
Beavers in Massachusetts

Natural History, Benefits, and Ways to Resolve Conflicts Between People and Beavers

SCOTT JACKSON • THOMAS DECKER



The Use of Water Flow Devices in Addressing Flooding Problems Caused by Beaver in Massachusetts



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Beaver Populations in Massachusetts



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Presentation Links

Guidance Documents:

[Guidance for Conservation Commissions Implementing G.L.c.131, s.80A](#)

[A Citizen's Guide to Addressing Beaver Conflict](#)

[Beavers in Massachusetts](#)

[The Use of Water Flow Devices](#)

[Beaver Populations in Massachusetts](#)

Funding:

[Beaver Flow Device Funding • MSPCA](#)

[MVP Action Grant | Mass.gov](#)

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