



BOARD OF HEALTH

50 The Common
Phillipston Ma. 01331
Tel/Fax 978-249-1735

SUGGESTED STEPS FOR ADDRESSING YOUR BEAVER PROBLEM

Massachusetts Law states that “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 State lists nine threats (see next page), intended as suggestion about what constitutes a threat, but left the final determination to the judgment of local health officials. If the Phillipston Board of Health determines that the situation is a public health or safety threat, “the Board shall issue an emergency permit to: 1) trap beaver and/or 2) breach beaver dams and install water flow devices. The Board of Health has sole authority over permitting trapping, but joint authority with the Conservation Commission over the breaching of beaver dams.” *A permit must be obtained from the Phillipston Conservation Commission for all work near or in a wetland or any alteration to beaver structures.*

If the Board does not believe that a threat exists, applicants are not without options. They may (1) appeal to the Massachusetts Department of Public Health, (2) appeal to the Division of Fisheries and Wildlife, or (3) contact the DF&W for assistance with solutions covered under the non-health or safety threat section of the law.

Steps to Follow

1. Contact the Phillipston Board of Health to discuss perceived problem.
2. Attend site visit with Phillipston Board of Health Agent to determine if an emergency threat to health and safety exists (see attached list). If our department makes a negative determination, you may appeal to the State Department of Public Health or the Director of the Division of Fisheries and Wildlife.
3. Begin discussion with neighbors and /or abutters involved. You will need signed consent forms for all property owners affected. You can obtain ownership information from the Assessors Office at Town Hall.
4. Fill out "Application for Beaver Removal Permit" obtained from the Phillipston Board of Health.
5. Contract with a Certified and State Licensed Trapper to perform animal removal. The trapper must sign a copy of the permit at our office before the permit is issued.

6. Contact a reputable company that specializes in the installation of water level control devices (see Board of Health for a list) and work with them to devise a long-term solution. If an existing beaver population is trapped out, others will move in to prime habitat areas after one or two breeding seasons. Properly monitored and maintained water-level control devices are the preferred long-term solution. The professional you hire to do perform such work should be familiar with the permitting process.

A threat to human health and safety may include:

1. beaver or muskrat occupancy of a public water supply;
2. beaver or muskrat-caused flooding of drinking water wells, well fields or water pumping stations;
3. beaver or muskrat-caused flooding of sewage beds, septic systems or sewage pumping stations;
4. beaver or muskrat-caused flooding of a public or private way, driveway, railway or airport runway or taxi-way;
5. beaver or muskrat-caused flooding of electrical or gas generation plants or transmission or distribution structures or facilities, telephone or other communications facilities or other public utilities;
6. beaver or muskrat-caused flooding affecting the public use of hospitals, emergency clinics, nursing homes, homes for the elderly or fire stations;
7. beaver or muskrat-caused flooding affecting hazardous waste sites or facilities, incineration or resource recovery plants or other structures or facilities whereby flooding may result in the release or escape of hazardous or noxious materials or substances;
8. the gnawing, chewing, entering, or damage to electrical or gas generation, transmission, or distribution equipment, cables, alarm systems or facilities by any beaver or muskrat;
9. beaver or muskrat-caused flooding or structural instability on property owned by the applicant if such animal problem poses an imminent threat of substantial property damage or income loss, which shall be limited to: 1) flooding of residential, commercial, industrial or commercial buildings or facilities; 2) flooding of or access to commercial agricultural lands which prevents normal agricultural practices from being conducted on such lands; 3) reduction in the production of an agricultural crop caused by flooding or compromised structural stability of commercial agricultural lands; 4) flooding of residential lands in which the municipal board of health, its chair or agent or the state or federal department of health has determined a threat to human health and safety exists. The department of Environmental Protection shall make any determination of a threat to a public water supply.

For further discussion of this process, see Guidance for Boards of Health Implementing M.G.L.c.131, s.80A, Threats from Beaver and Muskrat-Related Activities at www.ma.gov

