



# Division of Fisheries & Wildlife

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## **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](http://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](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.
3. Employing any non-lethal management or water-flow devices, in accordance with the CC's specifications and authorization in the CC's Emergency Certification.

*Please Note: Because breaching and waterflow devices may impact Priority or Estimated Habitat of Rare Species, advance approval may be required by Natural Heritage & Endangered Species Program (NHESP) of MDFW whether or not an emergency document has been issued. Contact the listed phone numbers (on back) 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 (DPH; #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 District DFW office in your area within 10 days of the BOH denial.

Applicant should have a copy of the letter of denial from BOH that states why their application was rejected. The agency (DPH or DFW) 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 the DFW for a non-emergency permit and the Conservation Commission for a notice of intent. These permits allow for the removal of beaver or muskrat, and 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 the DFW
  - a. If you were unable to resolve the problem in 10 days, you may apply for a 30-day extension permit from DFW. When applying for a 30-day extension permit, please include copies of all paperwork and permits filed with BOH.
2. Apply for up to two 10-day additional Emergency Permits from 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 the Division of Fisheries and Wildlife.
    - 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 the DFW has issued you a 30-day Extension Permit.\***

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

**\*Please note: Permits issued by BOH, Conservation Commission and DFW 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 our website at:

[www.masswildlife.org](http://www.masswildlife.org)

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### **DFW Contact Information**

Please contact the DFW District office located in your area.

Western District-Pittsfield (413) 447-9789  
Central District-West Boylston (508) 835-3607  
Southeast District-Buzzards Bay (508) 759-3406

Connecticut Valley District-Belchertown (413) 323-7632  
Northeast District-Acton (978) 263-4347  
Field Headquarters-Westboro (508) 792-7270