

Beacon Hill Byline by Mary Rogeness

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Flora v. Fauna (The Beaver Bill)

This will be the last Byline about beavers if the newly enacted trapping law works as legislators and conservationists expect. The law results from months of negotiations in a conference committee of the senate and the house of representatives. It is the legislature's best attempt to balance beaver (fauna) protection and the woodlands (flora) that are now flooded by the growing beaver population in Massachusetts.

Beaver lived and worked unnoticed in the streams of our state until voters passed a referendum in 1996 to ban most trapping of the animals. With a passage of that law, the trappers who previously restrained population growth of the prolific animals were put out of business. In many parts of Massachusetts, beavers changed from an occasional sighting to a daily hazard as they multiplied and worked to create new dams and the resulting ponds. Fields became lakes and in some cases yards became streams.

The change to the economy led to flooded basements, ruined septic systems and contaminated water supplies, all of which combined to cause this year's legislation. Months of negotiation led to this compromise, a bill unlike either original proposal.

Here are the provisions of the new law.

Individuals will be allowed to seek approval from local boards of health for trapping permits to address public health threats. Lethal conibear traps can be used to remove immediate threats. Previously the approval process was so complex as to be prohibitive.

Prior law said beaver could be trapped only if they were a threat to "health and human safety," but it left those terms undefined. The new law will include property damage or substantial income loss as such threats if a town approves that definition.

The new law authorizes an applicant to receive a permit allowing for limited employment of conibear traps, the breaching of dams and the use of water flow and non-lethal devices in conjunction with one another and in accordance with the Wetlands Protection Act. Prior law did not address the breaching of dams, and it allowed lethal trapping only after non-lethal methods had failed for a two-week period.

An individual who has been granted three permits for lethal trapping must develop a long-term management plan to deal with problem animals.

Provisions that benefit animal rights supporters include requirements that the Division of Fish and Wildlife offer semi-annual classes on humane trapping and that allows trapped beavers to be transported for humane killing.

A provision that benefits both sides is the request for \$357,000 to fund emergency abatement of both beaver and muskrat problems. That provision recognizes the crisis faced by many Massachusetts communities. Another recognition of the acute problems facing localities is the attachment of an "emergency preamble" to the bill. That procedural addition makes the law effective immediately, eliminating the statutory 90 day period.

One measure of a satisfactory compromise is that nobody emerges from the negotiations completely satisfied and by the measure it is a success. Advocates who believe wildlife has as much right to Massachusetts as people are not happy with the bill. Advocates of trapping beaver like our ancestors did are not happy with the bill.

From my point of view, the law offers new options to the individuals who have watched their property recede under rising water because of beaver activity. It retains the 1996 voters' intent of minimizing animal trapping