

7-23-10      B Is for Befuddled

Much of our coastline and fresh water shores are privately owned or controlled by entities charging hefty parking and membership fees, making it difficult for many to enjoy a refreshing dip. However, there's a local character enjoying the water and not worrying about ownership: the beaver and its little cousin, the muskrat.

I see the muskrats frequently in my health agent routines. They enjoy life in the ponds, where I see them munching on aquatic vegetation and also in the large retention basins next commercial development. Next to the acres of pavement for parking, people may not realize they are shopping near some wonderful man-made wetlands, teeming with life. The swallows swoop and dip over the surface of the water and if you see a "V" shaped wake moving over the water's surface, you're in luck. The creature creating the movement is probably a muskrat and I think they are adorable. They look something like a two foot long swimming guinea pig. They always seem to be very busy. You guessed it; they are as busy as beavers.

I think of my father whenever I see them because we would look for them under the ice when we skated in the winter and because he and his brothers trapped muskrats for their "poor man's fur", a skin that is not quite as thick and luxurious as the beaver's but still had value. Of course, that was the 1930's and a time of getting by and making do.

Now, the beavers and muskrats are protected, as they should be, for we push all the animals here and there, as we reduce their habitats. As a result of those reductions and changes in habitats, our living spaces sometimes collide. Collisions are by their very nature, painful and startling, with each of the involved parties claiming to be the one with the rights and in the right. I am sure you have your own examples. The deer eating your garden. The moles and chipmunks burrowing under your pool or house. The fox eating your chickens.

In the case of beavers and muskrats, when they inhabit wetlands and build a dam, it can result in a disaster for mankind's way of life. Septic systems may be flooded. Wires can be chewed. Emergency departments may be blocked by floods. There are nine examples of these threats to health and safety in M.G.L. c.131, s.80A, which was adopted in 2000. Guess who was given the responsibility of deciding if there is a threat? Yup; your local board of health. The law states, "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."

In the beginning, it sounds easy but, believe me, it is not an easy law to read or follow or implement. It involves your local board of health, your local conservation commission (Con/Com), the Division of Fisheries and Wildlife (DFW) and Massachusetts Department of Environmental Protection (MDEP) and maybe the Massachusetts Department of Public Health (MDPH).

It needs a flow chart very badly. Or, at least, I do. I think the people who drafted it must have said, "Let's use Kafka's *The Trial*" as our model. We'll leave them so befuddled, they'll forget all about these critters." In addition to the various departments, there are applications for permits, a limit of two ten-day emergency permits by the board of health, thirty day extension permits by the DFW and permits by Con/Com if the dam is to be breached or a water flow device installed. Beavers can be trapped or moved, by those licensed for such activities, without Con/Com approval.

The law tries to address every conceivable need, both human and animal, or foreseeable circumstance. They mention when the young kits are completely dependent on the adult animals. They mention winter conditions that, if their lodges were exposed, may threaten the beavers' lives. Yet, as you read the law and imagine those circumstances, you can easily see that, in reality, once the threat to people has been determined, the beaver is going to be the loser, perhaps even paying with its life. Lethal trapping of them is one possible outcome of this law that is "An Act Relative to Foothold Traps and Certain Other Devices." That is the actual name of this law.

I hope I never have to implement it. I'm happy to see the chubby rodent swimming in the retention basin and stuffing itself on water vegetation in the ponds. As long as they stay there, we are unharmed by them. However, a woodchuck burrowing into our million dollar plus landfill cover, that is another matter entirely. I would need to motivate that groundhog to dig elsewhere. Please don't go talking to the legislatures about it, though. I don't think we need another law for this topic and I don't want to make another flow chart. Just suppose, though, that people did start thinking about legislating ground hogs. If they do, I would recommend that they not only read Kafka's *Metamorphosis*, but they would have to live it, also. Instead of an insect, though, they would wake up as a groundhog or a beaver or a muskrat. Only then would they understand all the parties involved. Until then, your local boards of health will have to do the best they can to implement existing law with as much justice as possible, albeit with some degree of befuddlement on the part of the applicant.

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