



The Commonwealth of Massachusetts

AUDITOR OF THE COMMONWEALTH

STATE HOUSE, BOSTON 02133

A. JOSEPH DENUCCI
AUDITOR

TEL. (617) 727-2075

February 15, 2001

Senator Stephen M. Brewer
State House, Room 109B
Boston, MA 02133-1053

RE: Chapter 139 of the Acts of 2000: Beaver Control

Dear Senator Brewer:

In response to your request, it is my opinion that costs imposed on municipal boards of health by Chapter 139 of the Acts of 2000 are subject to the provisions of the Local Mandate Law, G. L. c. 29, s. 27C. In relevant part, the Local Mandate Law provides that any post 1980 law imposing additional costs upon any city, town, regional school district or educational collaborative shall be effective only if it is locally accepted or fully funded by the commonwealth.

Chapter 139 transfers much of the responsibility for approving applications to remediate flooding caused by beaver activity from state government to local boards of health. Prior to issuing a permit, a board of health representative must determine whether beaver activity poses a threat to human health or safety, and issue emergency permits to alleviate such threats through trapping, dam breaching or other flow control measures.

The intent of local permitting is to improve the timeliness of the response to dangerous and unhealthy flooding caused by both beavers and muskrats. The increased responsiveness expected from permitting by local health boards imposes a new mandate for which state funding should be provided to cities and towns.

My Division of Local Mandates (DLM) requested specific cost impact information from the Division of Fisheries and Wildlife (DFW). Based on DFW's experience, the agency provided the following information:

- In FY 2000, review of beaver trapping and flow control permit applications cost the agency approximately \$100,000 in staff time alone. This represents 54% of its budget for problem animal control.