

Schedule “A” to By-law 2020-XXX Policy and Procedure for the Management of Beaver Dams

The Council of the Corporation of the Town of Huntsville deems it expedient to adopt a policy and procedure to deal with potential flood threats caused by beaver dams. These structures, with associated head ponds, often do adversely impact public roads, and the health and safety of the general public.

Where dams occur on town property, the municipality has clear authority to remove or alter the dams to ensure the negative impacts of flooding on a public road(s) is minimized or controlled.

Where dams occur on private lands, the Town will encourage landowners to manage these animals and structures in an effort to help protect public assets from the negative impacts of flooding, which may occur when dams are suddenly breached as well as oversee any potential damage caused and ensure health and safety of the general public.

The Town will require corrective action as necessary to prevent damage to public infrastructure, in accordance with this By-law.

Situations and Circumstances

- 1.1 On performing road patrols or in receiving comments or complaints from the public, the Director or designate, may become aware of beaver activities that represent potential problems for Town property or infrastructure. In such instance the Director or designate will make an assessment as to whether town property is or soon will be damaged as a result of beaver activities and identify the safest and most effective method to address problems associated with these activities and the health and safety associated for the general public.
- 1.2 If the beaver dam or blockage is located on municipal property, the Director or designate will remove the dam or blockage if risks to public safety or property damage so warrant and may contact a licensed trapper to trap or dispatch the beaver(s). The trapper shall be licensed by the Ministry of Natural resources and Forestry (MNRF) and comply with all applicable legislation when setting and retrieving traps.
- 1.3 If the beaver dam is located on private property, the landowner will be asked, in writing by the Director or designate, to have the dam removed or altered in such a manner as to prevent flooding damage to adjacent Town property. Alternatively, the landowner’s permission will be obtained in writing, using the form attached as Schedule “B” to this by-law, for Town staff to enter onto the property to remove or alter the dam. In obtaining consent for the Town involvement the owner will be asked to acknowledge and agree, in writing, that the Town will not be held responsible for damages that may occur when altering

or removing a dam by Town or contracted resources and/or trapper being assigned to commence trapping on said private lands.

- 1.4 If the landowner refuses access to the property or to a population control of the beaver, the landowner will be sent a registered letter from the Director or designate informing them that they could be held liable for any damages caused to municipal property or harm caused to the public as a result of the beaver dam being suddenly breached or washed out.

Emergency Situations

- 2.1 There may be emergency situations which arise where water levels and the volume of retained water created by a beaver dam(s) represent an imminent flood threat to a public asset (road, bridge, culvert, etc.), which in turn could impact public safety. In such instances, the Director or designate, shall assess the threat, determine the risk of damage to the public asset and take action to alter or remove the dam to lower the threat of flooding to an acceptable level.
- 2.2 Authority to take such emergency action is referenced in the Fish and Wildlife Conservation Act, 1997 as follows:
 - Beaver dams; Section 8(3) states: A person shall not damage or destroy a beaver dam unless the person holds a licence to trap furbearing mammals.
 - Protection of property, Section 8(4) states: Subsection (3) (shown above) does not apply to a person or agent of a person, who damages or destroys a beaver dam to protect the person's property.
- 2.3 In accordance with 2.2 above, under an emergency situation, as determined by the Director or designate, Town staff or an appointed contractor/agent may enter onto private property to alter or remove a beaver dam with the objective of "protecting property"; e.g. a public road.

Risk Assessment Procedure

- 3.1 A risk assessment will be conducted by the Director or designate to determine if an emergency response is required.
- 3.2 Where, as a result of excessive water associated with a beaver dam(s), water is being held against a road to the extent that the road is deemed to be unsafe for public travel and/or it is apparent that road failure is possible then emergency actions will be initiated including entry to private land to remedy the problem.
- 3.3 Where there is a sufficient head of water being held behind a beaver dam that if released quickly would overwhelm the road and related drainage system, thereby

representing a serious threat to infrastructure and/or public safety, then emergency actions will be initiated including entry onto private lands to remedy the problem.

- 3.4 In either of the above situations, the threat of damage may be heightened if weather conditions and predictions call for greater rain or run-off that would increase water volumes and increase washout possibilities.