

How can the town prevent flooding and damage to highways caused by beaver dams?

When beaver dams are causing impoundments of water which threaten to “substantially damage or submerge a highway,” the selectboard may petition either the state Transportation Board or the Superior Court for help. If the petition is to the Board, it will conduct a hearing under the Administrative Procedures Act and may issue an order to remove or abate the hazard, with as minimal effect on the land and natural resources as possible. Notice of the proceeding must be given to the landowner where the impoundment is located and to the Agency of Natural Resources. 19 V.S.A. § 37 (a).

Alternatively, the selectboard may petition the Superior Court for an emergency order to remove or abate the impoundment when it presents an imminent threat to public safety. If another party petitions the Court, it must notify the local selectboard and the Agency of Natural Resources of the proceeding. 19 V.S.A. § 37 (b).

Note that the selectboard is not subject to the laws governing the taking of fur-bearing animals when they are acting to protect the public highways and bridges. 10 V.S.A. § 4828.

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