

North Bay Mattawa Conservation Authority  
15 Janey Ave., North Bay, ON P1C 1N1  
Attention: CAO Chitra Gowda

MUNICIPALITY OF EAST FERRIS  
JUL 12 2022  
RECEIVED

Ms. Gowda,

We are residents of Corbeil, Ontario. Recently, our homes between 1764 and 1772 Highway 94 were damaged by water from an imploding beaver dam located on a neighbouring private property. Within minutes, in the early hours of June 13, our basements and yards were flooded with water and our driveways were washed away.

We understand that our homes are located in an area that has historically been affected by small beaver ponds that came and went as part of a natural ecological cycle. We thought we had taken the necessary steps to protect our properties from such events. However, the amount of water in this recent incident exceeded our expectations. For some, this is the fourth time in recent years that we have had to deal with a similar situation. We wonder what has changed. Is it climate change that is at play, with higher intensity rainfall? There have been other similar events in our area, such as what happened last fall along Highway 17 (see attached photos), that long term residents are finding not normal.

I think you will agree that it makes no sense to expect an individual resident to take control of a beaver dam on another private or public property. This is trespassing. In addition how can such a resident or the owner of the property on which the dam is located know the condition of the waterway upstream or downstream of their property? As neither beavers, humans or climate change are going away, we believe there is a role for government to play in helping us manage just as they do with other natural hazards and events:

- fires with Municipal Fire Risk Rating systems
- floods with the Water Survey of Canada, NBMCA and MNRF flood warning systems
- avalanches with the Canadian Public Avalanche Forecasting system.


We understand that Public Safety Canada has a mandate to protect Canadians from a range of risks such as natural disasters. With respect to weather and flood monitoring specifically in Ontario, we understand this is a shared responsibility between the Conservation Authorities, MNRF and Environment Canada. When flooding is possible or imminent, the Conservation Authorities disseminate flooding messages to municipal



emergency management officials and the media. This is great! Are there opportunities to apply similar approaches to beaver dam management as per the following suggestions?

1. Could the NBMCA offer a forecast of warning service to protect from a beaver dam or other water flow obstruction that could cause flooding or other damage to private property, roads, culverts, bridges, drainage structures, or other public property if collected water escaped?
2. Could the NBMCA seek funding and develop the necessary monitoring tools with the many satellite and aerial technologies now available?
3. Could the NBMCA assist local municipalities in developing enforceable regulations to protect property from damage caused by property owners who fail to ensure that the water they control on their property is properly treated, as what the Town of Huntsville did in 2021 with regulation 2021-53 (see attached regulation)?

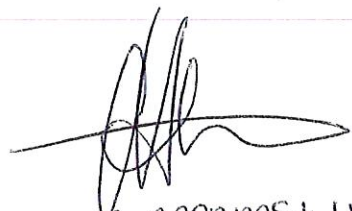

We would welcome a delegation before your Board of Directors to further explore opportunities to identify ways to protect homeowners, businesses, and public infrastructure at risk of a similar disaster.



Bonnie & Steve Jones - 705 713-0517  
1764 Hwy 94 Corbeil Ont. P0H 1K0  
Bonnie - Steve@hotmail.com  
Bjones /  Steve Jones

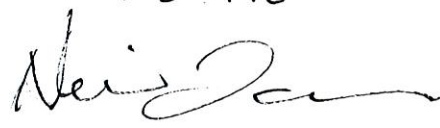
Cc  
MP Nipissing-Timiskaming  
MPP Nipissing  
Mayor and Councillors Municipality of East Ferris  
Mayor and Councillors Town of Callander  
NBMCA Water Resources Engineer

Ashley Centre  
236 Eglinton Rd. N.  
Callander, ON  
POH 1H0  
(705) 471-6083 ajoy@live.ca

Heidi Barber  
Heidi Barber  
1786 Hwy 94  
Corbeil ON P0H 1K0  
(705) 492-3614

   
C. ABRAMS + W. WHITTINGHAM  
1772 HWY 94  
CORBEIL ON  
P0H 1K0  
705 303 8690

   
Caitlin Vezina + Adam Davis  
1770 HWY 94  
Corbeil, ON P0H 1K0  
705-498-2757

  
Dr. Neil Lawrence  
Callander Animal Hospital  
1878 Hwy 94

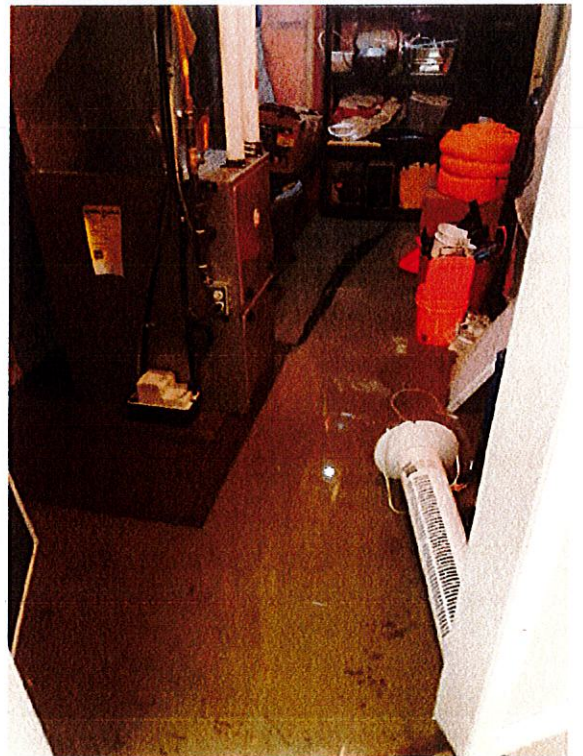


# 1772 Hwy. 94



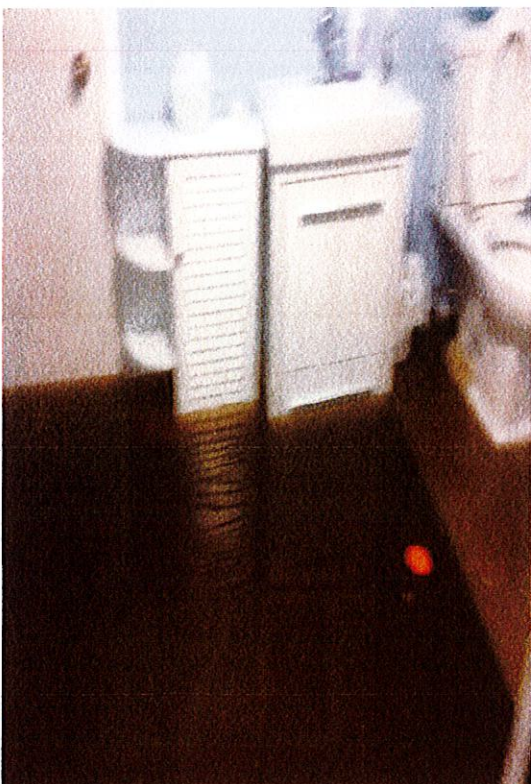
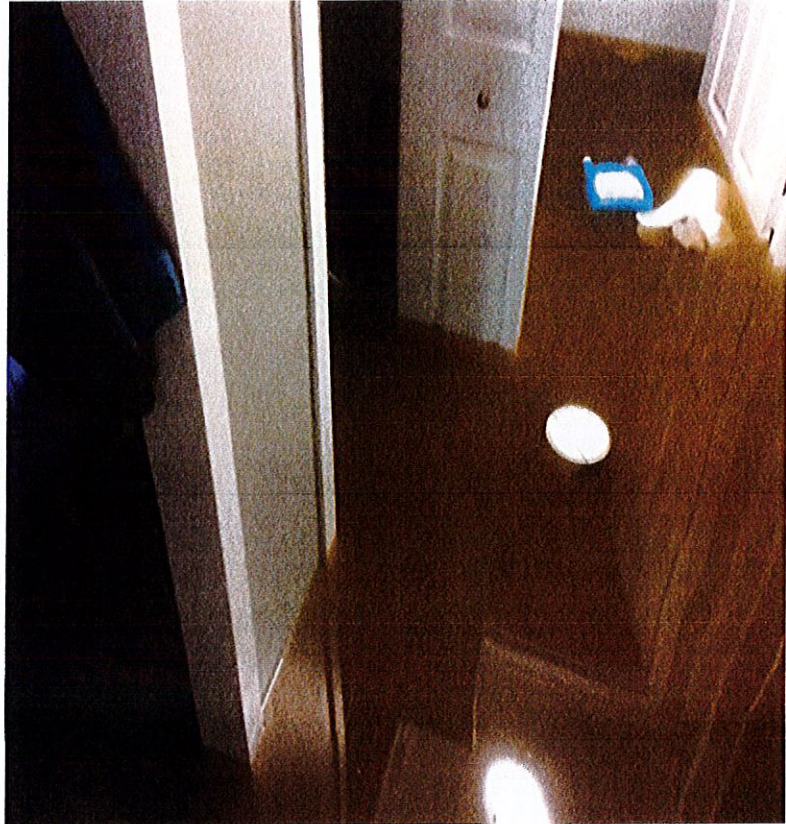


1772 Hwy. 94



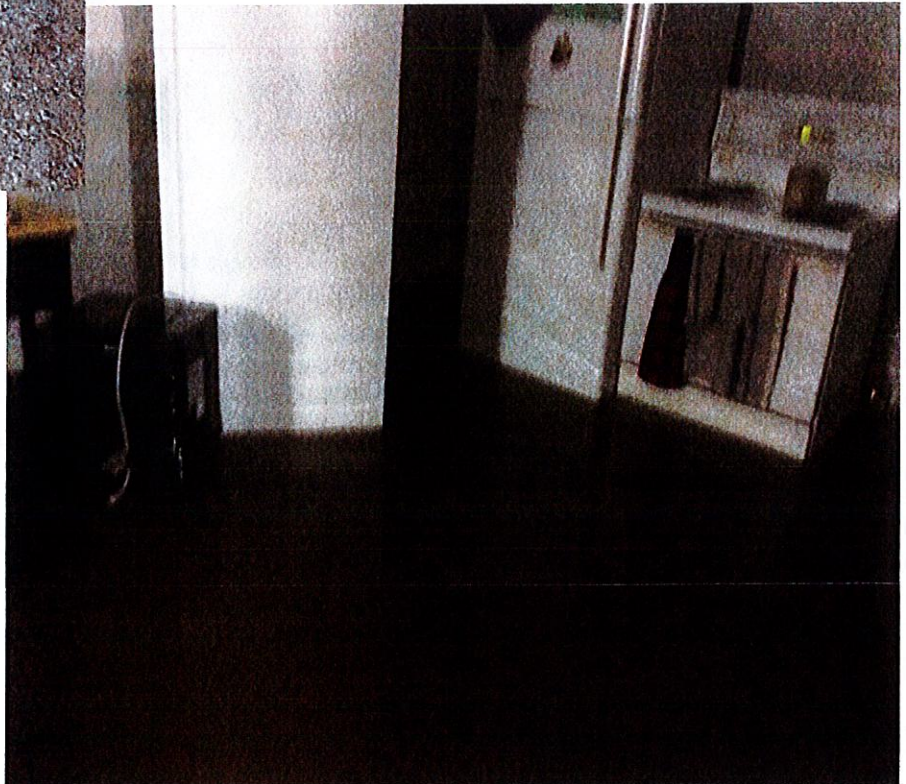


1764 Hwy. 94





# 1786 Hwy. 94





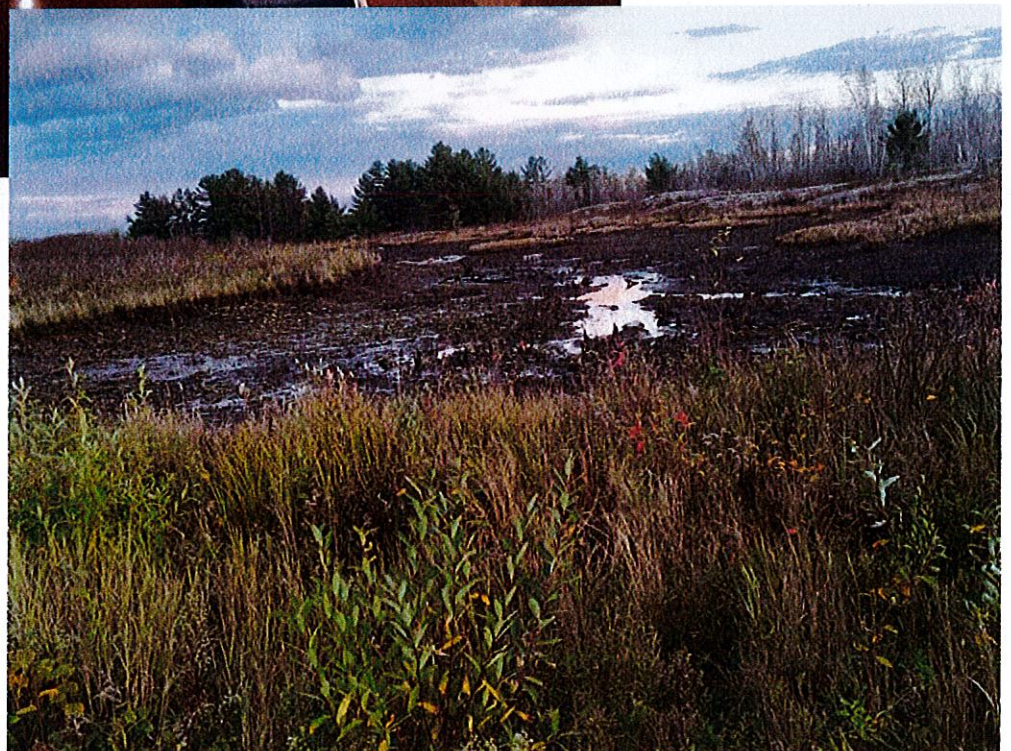
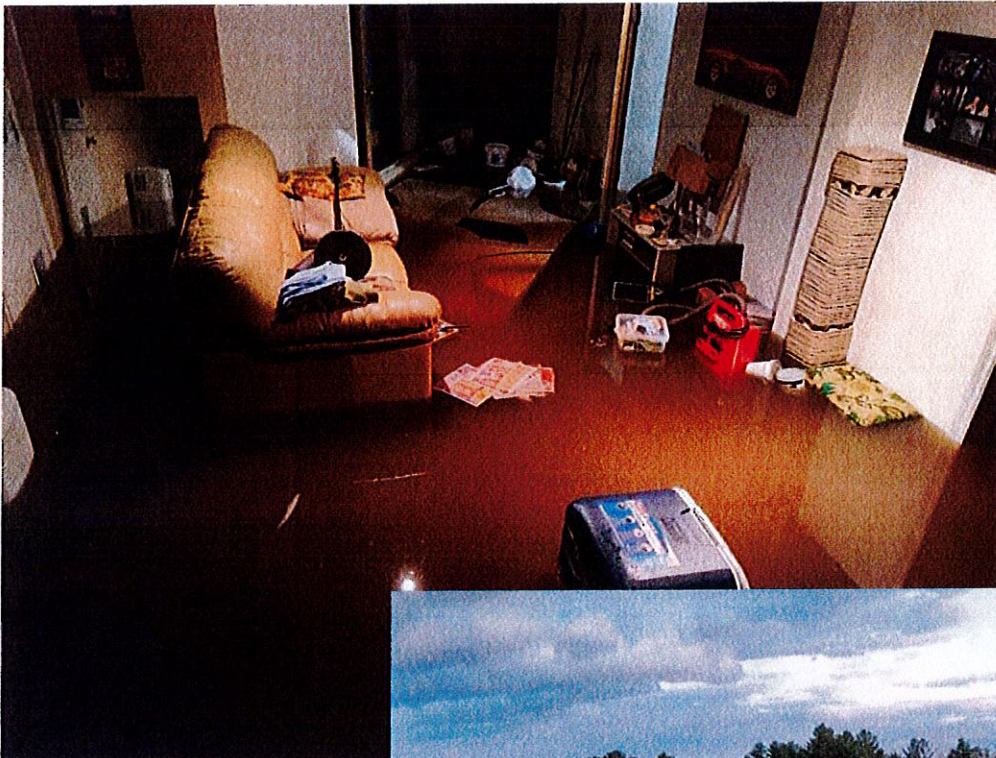
# 1786 Hwy. 94





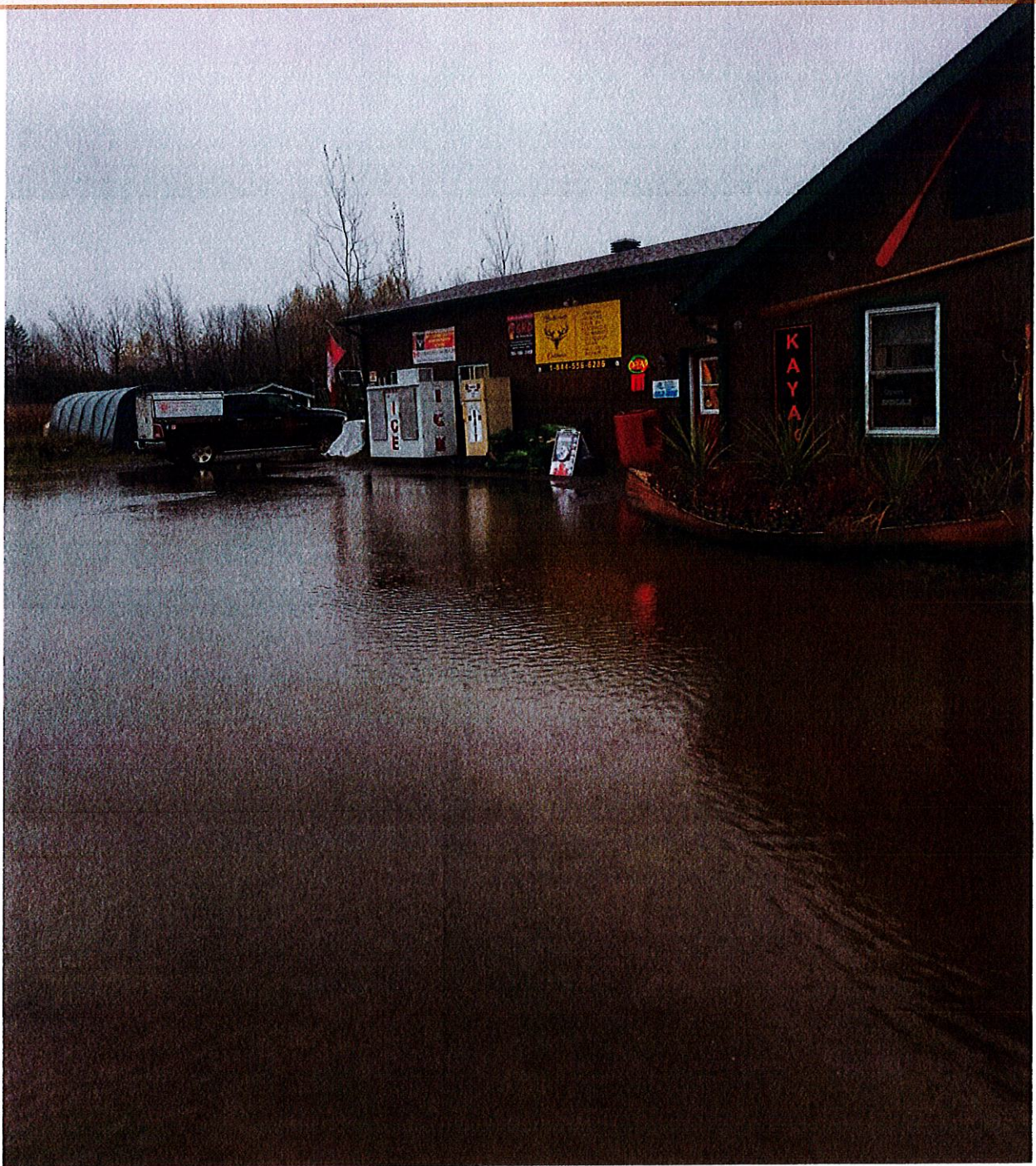
# Similar flooding incident 1742 Hwy 17

## October 2021





# Similar flooding incident 2822 Hwy 17 October 2021







## THE CORPORATION OF THE TOWN OF HUNTSVILLE

### BY-LAW NUMBER 2021-53

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#### **Being a By-law Being to adopt a policy respecting the management of nuisance beavers and beaver dams in the Town of Huntsville**

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**WHEREAS** pursuant to Section 11 of the Municipal Act, S.O. 2001, c. 25, as amended, the "Municipal Act" authorizes a Municipality to pass by-laws respecting matters within the jurisdiction of drainage and flood control;

**AND WHEREAS** section 8 of the Fish and Wildlife Conservation Act, 1997, S.O. 1997, c. 41, as amended, authorizes a municipality to damage or destroy a beaver dam to protect municipal property;

**AND WHEREAS** Part XIV, Sections 425 to 447.9 of the Municipal Act, as amended, gives authority to a municipality to enforce its by-laws including the issuance and enforcement of orders, rights of entry, rights of remedial action and the right to recover its costs;

**AND WHEREAS** the Council of The Corporation of the Town of Huntsville believes it to be in the public interest to regulate and control flooding that may be caused by Beaver Dams in order to protect public infrastructure and the health and safety of the public;

**AND WHEREAS** beaver dams constructed on private property and the damage they may cause due to flooding, breaches and related hazards are the responsibility of the private property owner;

#### **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF HUNTSVILLE ENACTS AS FOLLOWS:**

##### **1.0 Definitions**

In this By-law:

- 1.1 **"Beaver"** means a large semiaquatic broad-tailed rodent that is native to North America. It is noted for its habit of gnawing through tree trunks to fell the trees in order to feed on the bark and build dams.
- 1.2 **"Beaver Dam"** means a structure constructed by a Beaver to provide ponds as protection against predators;



- 1.3 **"By-Law"** means Corporation of the Town of Huntsville By-Law 2021-53, short title: "Management of Beaver Dams By-law"
- 1.4 **"By-Law Enforcement Officer"** means a person who is appointed by Council to enforce bylaws enacted and passed by Council;
- 1.5 **"Council"** means the Council of The Corporation of the Town of Huntsville;
- 1.6 **"Owner"** means the registered Owner of the land and also includes the Owner of the animal and also includes a trustee acting on behalf of the registered Owner, the estate of a registered Owner and a Person with a leasehold interest in the land;
- 1.7 **"Person"** means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a Person to whom the context can apply, according to law;
- 1.8 **"Director"** means a person or designate, who is employed by the Town and is responsible for overseeing the maintenance of municipal roads and infrastructure or their designate.
- 1.9 **"Town"** means the Corporation of the Town of Huntsville;
- 2.0 **General Prohibitions – Flood Risks**
- 2.1 No Person or Owner shall permit a Beaver Dam or other obstruction on their property that may create a flood risk or threaten health and safety of the general public or which may cause damage to municipal property.
- 3.0 **Administration**
- 3.1 For the purposes of this By-law, a flood risk is created where a Beaver Dam or other obstruction allows water to collect in a manner that might reasonably be expected to cause flooding or other damage to private property, a highway, culverts, bridges, drainage works or other municipal property, if the water collected were to escape.
- 3.2 If damage to municipal property is likely to occur or has already occurred, the Director may issue an order to have the Beaver Dam removed, and shall forward copies of the same addressed to each Owner of the property so identified by the municipal tax rolls upon which the Beaver Dam is located, and to any occupier of the property to whom the Director considers the order should also be issued. The order may also be posted up in a conspicuous place on the property. Where some damage to municipal property has already occurred, the order may also require the repair of that damage at the cost of the Owner(s).



- 3.3 If an inspection of a property reveals that the prohibition set out in section 2.1 of this By-law has been or will be breached due to the presence of a Beaver Dam on the property and the Director is of the reasonable opinion that the presence of the Beaver Dam creates a risk to public health and safety that must be remedied immediately, the Town may enter on the property with such employees, agents or contractors and equipment and take all reasonable measures necessary to correct the situation creating the risk to public health and safety. Under such circumstances, notice shall be given to the Owner or occupant of the property as soon as practicable.
- 3.4 If it appears to the Director that damage to municipal property is presently occurring or, on reasonable grounds, that protection of municipal property requires immediate action, the order may require immediate compliance on the date of issuance of the order.
- 3.5 If an inspection of a property reveals that the property does not conform to the standards prescribed in section 2.1 of this By-law and the circumstances in section 3.4 are not present, the Director may issue a written order to the Owner or occupant of the property or both, setting out that the Persons to whom an order has been issued are jointly and severally liable for all of the costs to the municipality of removing the Beaver Dam in compliance with all the applicable legislation, and for the costs associated with any other remedial work to rectify damage caused to municipal property, as described in the order.
- 3.6 Any order issued by the Town in accordance with this By-law shall be served personally or by registered mail sent to the last known address of the Person to whom the order is to be given, in which event the service shall be deemed to have been made on the seventh day after mailing.
- 3.7 If the Owner of a property to whom an order has been given in accordance with this By-law does not comply with the order within the time prescribed in the order, the Town may, in addition to all other remedies, cause the property to be brought into a condition that conforms to this By-law at the Owner's expense and, for this purpose, the Town's employees or agents may enter onto the property at any reasonable time without further notice to the Owner or occupant in order to do such work and remedy any contravention of this By-law.
- 3.8 The Town may collect any costs incurred by it to remedy any non-compliance with section 3 of this By-law by adding the costs, plus a 10% administration fee, to the tax roll of the property on which the work was performed in accordance with this By-law.
- 3.9 Despite any actions taken in respect to this By-law, the Town shall not be liable to compensate the Owner, occupant or any other Person by reason of anything done by or on behalf of the Town in the reasonable exercise of its powers under this By-law.



**4.0 Entry and Inspection**

4.1 A Director or By-law Enforcement Officer or their designate may at any time, enter onto a property to determine whether this By-law is being complied with.

4.2 Every Person shall permit a Director or By-law Enforcement Officer or their designate to inspect any land for the purposes of determining compliance with this By-law.

**5.0 Obstruction**

5.1 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Director or By-law Enforcement Officer or their designates from exercising a power or performing a duty under this By-law.

**6.0 Severability**

6.1 If any provision or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

6.2 If a provision of this By-law conflicts with an Act or regulation or another by-law, the provision that is the most restrictive shall prevail.

6.3 If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

**7.0 Schedules**

7.1 Schedules "A" and "B" as attached form part of this By-law.

**8.0 Short Title**

8.1 This By-law shall be known as the "Beaver Dams Management By-law".

**9.0 Town Not Liable**

9.1 The Town assumes no liability for property damage or personal injury resulting from remedial action or remedial work.

**10.0 Passage**

10.1 This By-law shall come into force and effect on the day it is passed by Council.



**READ a first, second and third time and finally passed this 26<sup>th</sup> day of July, 2021.**

Karin Terziano

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Mayor (Karin Terziano)

Tanya Calleja

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Clerk (Tanya Calleja)



**Schedule “A” to By-law 2021-53  
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.



**Schedule “B” to By-law 2021-53**

**PROPERTY ACCESS FORM**

Date: \_\_\_\_\_

I, owner of the property located at Lot \_\_, Concession \_\_, Civic Address \_\_\_\_\_,  
Plan \_\_\_\_\_, Part \_\_\_\_\_, within the Corporation of the Town  
of Huntsville;

Select an option below;

**Option A:**

Give the Town of Huntsville Operations Department and/or a licensed trapper  
permission to access the above-mentioned property to deal with the nuisance beaver  
and/or beaver dams.

**Option B:**

Refuse to give the Town of Huntsville Operations Department and/or a licensed trapper  
permission to access the above-mentioned property to deal with the nuisance beaver  
and/or beaver dams.

**NOTE:**

- (1) Failure to provide a response to the Town within 7 business days of receipt of this Form by Registered Mail will be considered a refusal of access and shall be recorded as such. (Option ‘B’)
- (2) In obtaining consent (Option ‘A’), the Town will not be held responsible for any damages that may occur as a result of altering or removing a beaver dam on the above-mentioned property.
- (3) Refusal of access will result in legal action(s) and you will be held liable for any damages caused to town property or harm caused to the public as a result of the beaver dam being breached or washed out.

Signature of land owner: \_\_\_\_\_

Mailing address of owner: \_\_\_\_\_

\_\_\_\_\_  
Witness: \_\_\_\_\_