

REPORT

Council

Meeting Date: May 25, 2021

FROM: Parks and Open Space Department

DATE: May 18, 2021

SUBJECT: Fishing Restrictions Council May 25, 2021

WARD: Town-wide

Page 1

RECOMMENDATION:

1. That the report entitled Fishing Restrictions from the Parks and Open Space department dated May 18, 2021, be received; and
2. That a one (1) year pilot program to amend Fishing Restrictions be implemented effective June 1, 2021 – June 1, 2022 as outlined in the staff report and staff report back at the conclusion of the pilot program on the evaluation results.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The Covid 19 pandemic has resulted in a significant increase in the usage of waterfront parks, harbours and parkland town-wide. The community has embraced outdoor recreational amenities and that trend is expected to continue.
- During the summer of 2020, a significant number of concerns were received about the existing fishing restrictions (April 15 – November 15) within both the harbours and waterfront parks. Due to the increased demand for local fishing options, numerous people voiced their concerns with the very limited summer fishing opportunities.
- The fishing restrictions on piers, within the inner harbours, and waterfront parkland have been in place for many years. Safety for recreational boaters and pedestrians on piers and waterfront walkways has been the rationale for the restrictions.

- Council requested a staff report in September 2020 to review the rationale for the existing fishing restrictions and identify options for possible revisions.
- In this report, staff have recommended a one (1) year pilot program to amend the fishing restrictions to enable greater opportunity, while maintaining important safety considerations. This includes expansion of year round fishing availability off the west pier in Bronte, and later spring and earlier fall fishing.

BACKGROUND:

At the September 21, 2020 Council Meeting the following resolution was approved:

Request for Report:

That staff report back by the end of the first quarter 2021 on the rationale regarding the fishing restrictions in the inner harbours, piers and waterfront parks in Oakville and include some possible revisions to those restrictions.

This staff report responds to the Request for Report from Council. This report has been delayed as the Parks and Open Space department has been responding to frequent provincial regulatory changes to allowable use of outdoor amenities arising from the pandemic.

COMMENT/OPTIONS:

Current Fishing Restrictions and Rationale

Fishing restrictions within Oakville are set out and enforced through Parks By-law 2013-013. The pertinent section and clauses are as follows;

Swimming, Fishing and Sailboats

14. (a) No person shall:

- i) Swim, bathe, wash, fish in or from any Park except in or from those areas so designated for such purpose and during such seasons as may be designated by the Director or otherwise permitted by law;
- iii) Fish, step or unstep a mast of a sailboat from any public road allowance that may pass through, above or be adjacent to Parkland;

There have been fishing restrictions within Oakville for many, many years. Fishing has been restricted seasonally from piers, the finger/main docks installed for boaters

in Town and Club moorings, several lakefront parks, as well as an annual prohibition on Bronte Creek from Lakeshore Rd – Rebecca Street. Fishing within the inner harbours and piers has been seasonally restricted April 15 – November 15 (please see Appendix A)) due to recreational boating as well as vessels travelling in and out of the harbours on both the Bronte Creek and Sixteen Mile Creek. Casting into the channel on either the Bronte or Sixteen Mile Creek during boating season, has always been viewed as a safety risk. There is an excess of 700 boats moored within the inner harbours along with high volume of vessel movement in and out of the harbours. As a result, it is extremely busy. Combining power and sail boat traffic, with the kayaks, canoes, standup paddleboards, and wakeboards our inner harbours are incredibly busy with recreational boating and water based activity. Additionally, the Oakville Yacht Squadron and Bronte Harbour Yacht Club operate very successful youth sailing schools in July and August, which further adds to the volume of activity within the inner harbours.

Fishing has been not permitted in Bronte Creek from Lakeshore Rd bridge – Rebecca Street bridge since the mid 1980's. Up until 2007, this stretch of Bronte Creek was deemed a Fishing Sanctuary under the Ministry of Natural Resources province wide fisheries framework. In 2007 the MNR delisted the Fish Sanctuary status. At that time, Council approved the continuation of the No Fishing restriction. It is enforced as a Trespass to Property Act offence. (Please see Appendix B). The reasons at the time which remain valid today include:

- Erosion of streambanks caused by fishing;
- Trampling and decline of native plant material along the streambanks that was planted to assist with controlling erosion, shading the creek, and improved habitat for songbirds and other wildlife in the local area;
- Disturbance and danger to local wildlife. The area is located within the Bronte Marsh (a designated ESA) that sustains many wildlife species that includes ducks, swans, geese, and herons. There is the real potential for wildlife to become entangled, trapped in fishing line or pieces of netting; and
- Nuisance factors such as debris, parking issues on local streets.

At this time, enforcement of the No Fishing on Bronte Creek from Lakeshore Rd bridge – Rebecca Street bridge is a combined effort between Oakville Municipal Enforcement (MES), Halton Regional Police (Marine Unit) and Conservation Officers with the Ministry of Natural Resources and Forestry (MNRF). Staff are recommending no changes in the current fishing restrictions in this area.

Outdoor Recreation and Covid -19

The significant increased use of outdoor recreational amenities due to Covid-19 has been well documented to Council in previous staff reports and regular updates from

the Town's CAO. The community has embraced outdoor recreation for the physical and mental benefits derived from being outdoors. This public use of outdoor amenities while initially Covid-19 driven, is expected to continue well into the future. Fishing is a recreational activity that was highly desired throughout 2020, particularly during the seasonal restricted period. Numerous complaints were received about the restrictions within the inner harbours and piers. One of the primary reasons complaints increased in 2020 was the requirement to increase the level enforcement of the Parks By-law fishing restrictions by MES staff. Enforcement was in response to the huge increase in people flocking to use our waterfront parks and harbours, including piers, throughout the summer in 2020.

Given the continuance of the pandemic, and desire for people to be outdoors and engage in fishing, a review of the restrictions within the inner harbours, piers and waterfront parks was necessary, highlighted by the Council's Request for Report.

Bronte is a favourite fishing location particularly from the piers. The piers are owned by the federal government, under the Department of Fisheries and Oceans (DFO). The piers are under lease from DFO to the Town, and the Parks By-law's are applicable in relation to enforcement on DFO owned lands in Bronte. There is often fishing in Oakville from the east and west pier, as well as from parkland at the bottom of the Erchless Estate south of lands owned by the Oakville Club. Both piers in Oakville harbour are owned by the Town.

Bronte and the area of Lake Ontario adjacent to Bronte is known far and wide as some of the best fishing on Lake Ontario. The traffic using the public boat launch ramp in Bronte far exceeds the boat launch ramp in Oakville harbour. This is due to the superior fishing opportunities off Bronte. For a number of years, several of the top salmon catches in the Great Ontario Salmon Derby were off the shore of Bronte. This also attracts numerous people to fish from the Bronte east and west piers. Bronte has a number of migratory fish species which is another reason Bronte is so popular.

In undertaking research for this report staff spoke to a number of stakeholders. These included the Halton Region Salmon and Trout Association (HRSTRA), Ontario Federation of Hunters and Anglers (OFAH), and Ministry of Natural Resources and Forestry (Conservation Officers who patrol Oakville and have multi interactions with people fishing) well as a few of the concerned local anglers expressing dissatisfaction with the current restrictions.

Through this report staff are not recommending fishing restrictions be modified at any neighbourhood waterfront parks. First, shoreline waterfront parks do not offer a good habitat for fish and a beach environment is not conducive to fishing. The water is shallow, warmer and generally fish are less likely near shore due to nearby pedestrian traffic on waterfront trails. Secondly, many of the Town's waterfront parks

are linear/narrow and many abut residential homes and within residential communities. Staff are very concerned that opening up fishing to neighbourhood waterfront parks will lead to nuisance and disturbance to adjacent residents, and additional parking on residential streets close to the particular waterfront park. The increased usage of waterfront parks and impact on local streets/residents, in both Oakville harbour and Bronte harbour environs has also been well documented to Council and lead to Special Parking Restrictions on local streets where requested by residents. As noted, from a fish habitat standpoint fishing in waterfront parks cannot be supported. On-shore anglers do not wish to stand or sit and wait for long periods of time to fish in an area that is not conducive to fish habitat.

By continuing to restrict fishing at neighbourhood waterfront parks, it leaves fishing from the piers in Oakville and Bronte harbours as the most viable and desired locations for anglers in Oakville.

Safety for pedestrians and safety for boaters is the overriding concern for staff related to allowing fishing from the piers. Given the pedestrian traffic on all 3 of the 4 piers in town, there is a real potential for an angler casting a line to snag a pedestrian walking behind, or casting a line out into a channel and contacting a vessel or a person onboard the vessel. The channels in both harbours are extremely busy during the recreational boating season, which correlates to the high pedestrian traffic on piers. Simply prohibiting anglers to cast and restricting them to dropping a line to the water (as is the case with ice fishing) would be very difficult to enforce and be a very poor fishing experience based on discussion with angling stakeholders.

One (1) Year Pilot Program

Given the continued pandemic the use of waterfront parks and harbours by the community is once again going to be significant for the remainder of 2021 and likely beyond as so many residents have embraced out door activity and the wonderful amenities our town has to offer. Hence it is appropriate to look at allowing some additional fishing opportunities within the inner harbours in terms of location and restricted time periods. Staff are recommending the following changes be a pilot program for a one (1) year period to determine to gauge feedback and determine the impact of the changes on safety and recreational boating within the harbours. The recommended changes include;

1. Allow fishing from the west pier in Bronte with no seasonal restrictions.

In summer 2020 due to the increase in desire for fishing staff permitted fishing to be permitted on the west pier but only on the lake side, not on the channel side of the pier. That change was well received and well adhered by the fishing community. As part of the pilot program staff are recommending the west pier be exempt of any

seasonal restrictions and fishing be permitted on both sides of the pier. This will accommodate more fishing and provide fishing year round. Staff feel this change is appropriate to be included in the pilot program because there is very little pedestrian activity on the west pier. Secondly, there are navigational buoy markers within the channel and boaters should be within buoys and therefore allow fishing to occur from the east side of the pier.

2. Allow additional spring and fall fishing by amending the restricted period to be May 15 - October 15

This amendment to the fishing restrictions would allow an additional 2 months of fishing. (Current restricted period is April 15 – November 15). This would allow additional early season spring fishing for species such as rainbow and brown trout, and better opportunity for fall fishing with the migration of the chinook salmon. This revised period is more in alignment with the recreational boating season. Boat launch this spring was early May and boats are to be removed from the harbour by October 15. Hence allowing additional spring and fall fishing should not impact the recreational boating community and maintains a restricted period when our waterfront parks and piers experience the heaviest pedestrian usage.

These amendments, if approved would be communicated through signage, included in communications to boaters, notices on social media, and especially targeted to social media channels that are favoured by the fishing community. Staff believe these amended restrictions are practical, reasonable and worthy of a trial period over an entire year. Safety for pedestrians and recreational boaters remains the primary concern. Additional future enhancements could be allowing early morning and evening fishing during the restricted period, but staff believe any easing of restrictions should be thoughtful and measured.

Furthermore, easing of further fishing restrictions must be reviewed in the context of significant increase in recreational usage of our inner harbours, creeks and resulting entry/egress into Lake Ontario in both harbours. The use of kayaks, canoes, paddleboards is increasing especially during 2020. Safety for all is becoming a major concern such that HRPS Marine Unit is shortly launching a *Share the Water* educational campaign to promote water safety. Parks and Open Space is partnering with HRPS in this endeavour as well as partnering in the production of several short videos on canoe/kayak/paddleboard safety that will be available on You Tube. This is intended to provide safety information and tips for the many novices that have been witnessed in the last year on the water – endangering themselves and others through their inexperience.

Oakville is a lakefront community and as such at every opportunity we actively promote access to the water and safety remains the highest priority as well as accessibility. Staff believe that fishing is a recreational component of a lakefront

community, and merits a trial period in easing restrictions but ensuring community safety remains at the forefront.

CONSIDERATIONS:

(A) PUBLIC

In preparation of this report staff have consulted several stakeholders in the fishing community.

(B) FINANCIAL

The changes to signage or new signs required to implement the pilot program can be accommodated within the 2021 operating budgets of parks and Open Space.

Costs associated with enforcement over the pilot period will be monitored by MES and budgetary implications will be included in the one-year updated report.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

This report has been prepared with the assistance of the Municipal Enforcement Services department.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

- Foster community engagement by enhancing fishing as a recreational activity.
- Be the most livable town in Canada.

(E) CLIMATE CHANGE/ACTION

Climate change is influencing more and more migratory fish species to waters off Oakville. Allowing additional early and late season fishing, and year round fishing from the Bronte west pier as outlined as a pilot program, enhances this recreational activity.

APPENDICES:

Appendix A – Existing Fishing Restriction Signs

Appendix B – No Fishing Signs

Submitted by:

Chris Mark, Director Parks and Open Space

Recommended by:

Colleen Bell, Commissioner Community Services