

**Overview:**

At the Council meeting held on May 5th, 2020, Council received a petition requesting that fishing be banned at the Crowe's and McCracken's Landing Wharfs. In response to the Petition please see the Resolution passed by Council:

**Resolution Number 168-2020**

Moved by: Councillor Landsmann

Seconded by: Deputy Mayor Moher

That the petition, dated April 19, 2020, regarding the request to ban fishing at the Crowe's and McCracken's Landing Wharves be received and that staff be requested to further investigate this matter. Carried

At the next meeting on May 19, 2020, staff brought a report to Council outlining initial investigations that had taken place regarding the potential fishing ban. In the report it was outlined that Council was able to ban fishing at the Wharfs but that other options were also available to address the concerns regarding anglers using the wharfs. The report also provided comments from OFAH (Ontario Federation of Anglers and Hunters) who were not in support of a ban and provided a number of measures that could be taken to address the issue; MNR (Ministry of Natural Resources and Forestry) who stated that they do not support or encourage the use of the *Trespass to Property Act* or other measures to restrict access to public fisheries and they hoped an acceptable solution could be found. The OPP stated that they do not take a position on this issue but they have seen an increase in calls for service where bans have been put in place.

At the May 19, 2020, meeting Council passed the following Resolution:

**Resolution Number 188-2020**

Moved by: Deputy Mayor Moher

Seconded by: Councillor Landsmann

That the C.A.O.-2020-18 report, dated May 11, 2020, regarding the Petition to Ban Fishing at Crowe's Landing and McCracken's Landing Wharfs be received, that a working committee be organized to make recommendations to Council in three weeks regarding the use of the Township Wharfs and further that Deputy Mayor Moher and Councillor Landsmann be appointed to this working committee. Carried

Deputy Mayor Moher was not able to sit on the Committee because of other responsibilities so Councillor at-Large, Tom Watt took the vacated seat. The first meeting of the Committee took place on May 21, 2020. Two staff, Temporary C.A.O., Martina Chait-Hartwig and Clerk/ Planning Coordinator, Crystal McMillan, sat on the Committee to provide support, research and recommendations to the Committee. At the first meeting, Councillors brought forward the names of two residents they felt would

provide good input to sit on the Committee: Donna Rork and Les Bryan. As well a survey was designed to receive feed back from the Public. The survey went out on May 22<sup>nd</sup>, 2020 and ran until May 30<sup>th</sup>, 2020.

The next meeting of the Committee was held on May 27<sup>th</sup>, 2020, and Township Solicitor, Jim Baird was asked to attend the meeting. At this meeting the topics discussed were the survey, comments received from the public, legal opinions and next steps. During the discussion of the survey and comments received from the public, it was noted that concerns were raised in regards to the survey and its statistical validity as it was open to anyone; there was no mechanism to track who was completing the survey; and a summary of the issues was not presented to the participants. Concerns were also raised regarding the perceptions of a visitor-vs-local mentality in the survey and in the discussions surrounding the use of the wharf. A verbal report from the Police Services Board was received. The Board was not in favour of a ban but would await a recommendation from the Committee and would consider at their next meeting – see attached letter dated June 8, 2020. At this meeting the Committee requested that data on enforcement be requested from MNRF and OPP and that OFAH, OPP and MNRF all be invited to the next meeting to share their views and expertise on the issues at hand.

A meeting was held on June 2, 2020. At this meeting the following guests were in attendance: Adam Weir and Lauren Tonelli from OFAH, Staff Sergeant C.P (Chris) Galeazza of the OPP, Louise Sugar, concerned citizen and Jim Baird, Township Solicitor. Staff from the Ministry of Natural Resources and Forestry were not able to attend. Staff from OFHA discussed strategies that have worked in other communities to reduce conflict between anglers and other users of water access points such as education campaigns, enforcement blitzes from MNRF and OPP, Tackle Share volunteer programs, learn to fish days and enhanced public signage. Louise Sugar inquired as to the number of complaints received by the OPP, Louise was not able to stay for the whole meeting so Temporary C.A.O., Martina Chait-Hartwig, read out Louise's concerns. A verbal report was presented from the Police Services Board stating that "our Board anxiously awaits the recommendation of the committee and response from the community, as well as the OPP, but at this time does not provide support for a fishing ban at Crowe's and McCracken's Landing and hat this item be brought back [at] our next meeting". A letter stating the same, dated June 8, 2020 is attached to this report.

Staff Sergeant Galeazza, presented stats on the number of calls for service to address issues regarding fishing – 10 over the course of 2015-2020, with one being at Crowe's Landing and none at McCracken's Landing. The Staff Sargent also suggested the idea of hiring officers to conduct additional enforcement, the minimum time commitment would be four hours at a cost of \$75.00 per hour per officer. Discussion was also had regarding fines that OPP could charge. This would require a delegation of duties by-law to delegate the OPP to enforce any new regulations regarding fishing and the process through the Ministry of the Attorney General to allow for such to occur.

Discussions also took place regarding the survey results. The survey was completed 395 times and each question had a different response rate. As stated above there were concerns with the survey data, so the Committee agreed not to base their decision on the results but to allow the results to enhance the discussion. Comments from the survey ranged from suggesting a full ban; suggesting reduced fishing hours; or leaving the situation as it is presently. At this time the survey data will not be released as it contains offensive language and comments from respondents. The Committee requested that all members prepare their preferred method for addressing issues at the wharf in advance of the next meeting on June 8<sup>th</sup> and requested that the OPP provide data on calls for service regarding trespass on private property.

At the last meeting of the Committee (June 8, 2020), it was announced that Les Bryan would no longer be sitting on the Committee as he had other commitments that took priority. Statistics from the OPP were shared regarding trespass complaints, from 2015 to June 3<sup>rd</sup>, 2020, 74 trespass occurrences took place, 3 at Crowe's Landing and 1 at McCracken's Landing. A long discussion was held regarding enforcement concerns and what would be required to request enforcement blitzes from OPP and MNRF. A discussion was also had regarding any effects on location businesses if a ban was to be put in place. During this meeting, each member of the Committee reviewed their preferred method to addressing the use of the wharfs.

The preferred solutions from each of the Committee members are as follows in the order that they were presented. Wherever the reader sees "I", "my" in the preferred solutions that is the voice of the individual Committee member:

- After hearing comments/stats from the MNRF, OPP, OFAH and from the working group, my recommendation would be to do a joint enforcement 'blitz'/campaign with the MNRF and paid OPP at the wharfs as well as to erect signage at both wharfs that identify who to call to report an issue including a phone number. I feel that this will help gather additional information on the issues at the wharfs would help guide if further action (i.e. reducing hours of fishing or banning it, etc.) is necessary. If the 'blitz' hours are randomized it may assist with the issues as people will realize that the wharfs are being monitored and rules being enforced.
- The people who are affected by the fishing are the ones who live in the vicinity, come to the Landings to shop/dine, cottage on islands, are picking people up by boat or have parking spaces on the mainland and need to access their cars. The summer swimming lessons are also affected with fish hooks being left in the wooden docks. Those who come to the Landings to fish have little regard for private property, bathroom hygiene and leave garbage for others to pick up. To my knowledge they do not patronize the store or dine at the restaurants. This affects not only DD people, but also a number of islanders in NK who shop, eat, have a docking space or park at the Landings. Ban fishing at the Landings.

- Ban fishing at both landings for this year; limit fishing to 2 hours in the morning and 2 in the evening 8-10 am 7-9pm Covid-19 distancing reasons ...no room on the landing for boat traffic; limit the #of people on the dock for Covid-19 reasons, if fishing is not banded then hire OPP to blitz mid-day and weekends until July and August and then it should be random; immediately put up signs with fishing rules must have and a phone # to report infractions to lower the tension between cottagers and anglers, report the times and number of people fishing by Cottage Toys staff at McCracken's and maybe ask Rob and Veronica Knox if they could do the same at Crowe's.
- Work with MNRF, OPP and OFAH to create a responsible angling campaign and new signage that can be installed at the wharfs. Hire OPP officers to conduct random enforcement blitzes in coordination with MNRF enforcement. Use this method for summer of 2020 and revisit situation in fall of 2020. Re-install port-a-potties at both locations post Covid-19-19 pandemic or when cleaning restriction are eased. Have staff visit wharfs on a consistent schedule to monitor any build-up of waste, provide waste receptacles – would need to determine staff/contractor ability to empty bins on a regular basis. While other options are available, without additional data from MNRF and OPP, it would be premature to ban fishing. Putting in place a campaign and an enforcement blitz would allow for the collection of data, would reduce potential conflicts and would provide education to boaters and anglers on best practices.
- Ban fishing altogether. As stated in our meetings, the my back yard syndrome comes in and many of us do not realize the impact on local people or cottagers trying to access their properties. Trespassing on private property and using these properties for their washroom services is another concern. This problem has been going on for years with many complaints. Hopefully it will not escalate into a physical altercation in the near future.

### **Conclusion:**

Once each members' top solution was read out, voting took place to determine the solutions that the Committee wanted to bring forward to Council, that vote was in favour of the banning of fishing at both Wharfs. The second preferred option was to limit fishing to certain dates and times.

A discussion took place regarding the need to have a public meeting prior to Council deciding on the recommended solution. Through a vote, the Committee determined that a public meeting was not necessary. From a legal perspective, the *Municipal Act, 2001, as amended*, does not require a public meeting for this type of decision of Council.

As the Township Solicitor, Jim Baird, was present at the meeting, he was requested to provide a quote on the cost to prepare a By-law to ban fishing from the Wharfs and complete the process with the Ministry of the Attorney General to allow set fines to be issued to those who may disobey the By-law. The cost of this is included in the financial impacts section of the report.

**Recommendation:**

That the C.A.O.-2020-26 report, dated June 8, 2020, regarding received and the recommendation to Council from the Committee to Consider Fishing and Other Uses at Township Wharfs be approved as follows:

- That fishing be banned at Crowe's Landing Wharf and McCracken's Landing Wharf
- That the Township Solicitor be requested to draft a By-law for Council to consider regarding the ban and that the Solicitor also complete the work required to obtain the set fine approval order from the Ministry of the Attorney General
- That the By-law include a clause to allow for special fishing events to take place at the Wharfs through a request to Council
- That staff be requested to prepare signage to be installed as soon as possible at the Wharfs to alert users to the fishing ban and that the signage contain contact information for the OPP and MNRF for enforcement and that the information be noted on the Township website
- That once the By-law is passed that staff be requested to place ads in the local papers (Lakefield Herald and Peterborough This Week) to alert the wider community to the change of uses at the Wharfs

**Financial Impact:**

Legal Costs: \$3110.00 plus HST

Permanent Signage: Approximately \$70.00 per sign plus setup and design fees and HST

Newspaper ads: \$400.00 to \$600.00 plus HST

Additional enforcement costs: \$75.00 an hour per officer for a minimum four-hour block for enhanced enforcement with paid officers - \$ 6600 for one four-hour enforcement block once a week for 22 weeks (May to September)

Increased calls for service and cost of potential prosecutions for violators of the By-law – unknown at this time.

**Strategic Plan Applicability:** N/A

**Sustainability Plan Applicability:** N/A