

COUNCIL ACTION FORM

**SUBJECT: REPEAL OF FISHING ORDINANCES AT ADA HAYDEN
HERITAGE PARK**

BACKGROUND:

Prior to opening Ada Hayden Heritage Park (AHHP) in August of 2004, the Iowa Department of Natural Resources (IDNR), in conjunction with Iowa State University, completed a fisheries survey. The goals of the survey were to:

- 1) Determine what species were present,
- 2) Assess age-growth of the fish, and
- 3) Assist with the development of appropriate fishing regulations to guide the development of a Fishery Management Plan for this site.

The fisheries survey confirmed that due to the lack of habitat and to the depths of this man-made lake, the fish population had been impaired. Based on their findings, conversation then began between local anglers, ISU and City staff members, and the IDNR regarding how best to manage and enhance this resource.

Local anglers expressed the need to impose limits on pan fish (Crappie, Bluegill, and Sunfish) and for catch and release regulations on Bass. However, the IDNR did not support their position. In Iowa, the IDNR has the responsibility to make recommendations to the Iowa Natural Resources Commission (NRC) for how all "public bodies of water" will be managed throughout the State. Prior to 2009, the IDNR / NRC has **not supported nor allowed** limits on pan fish and has established an 18" minimum length limit on Black Bass (versus catch and release only) for all public bodies of water in Iowa.

In response to the IDNR's / NRC's fishing regulations in Iowa related to limits and catch and release, **in 2003 local anglers shared the following observations:**

- This is a unique site when compared to other Iowa bodies of water. It is a man-made body of water that functioned as a rock quarry for several decades. It is, on average, 50 feet deep, with very steep banks. Due to these conditions fish habitat/spawning zones are virtually non-existent.
- Prior to City ownership, the site was privately owned and the public was denied access. Because of this, hundreds (if not thousands) of people in central Iowa have the perception that the lake is "full of huge fish". The IDNR survey demonstrated that is not the case. As the Fisheries Survey proved, the lack of habitat / spawning zones has affected both the quantity and quality of fish.

- Once the park opens, tremendous usage will occur; not only from anglers in central Iowa, but potentially from a 50 to 75-mile radius.
- City ordinances need to be adopted to protect this sensitive fishery. If not, the site could be “fished-out” in perhaps less than a month or two. The IDNR’s authority is limited to “public bodies of water”. Therefore, via an ordinance, the City could control how many and the type of fish anglers had in their possession “on land”.

The local anglers also made a recommendation that the City establish ordinances in an attempt to maintain this site as a viable recreational fishing spot for years to come.

In response to the input received from these Ames’ residents, in January of 2004 the City Council adopted the following ordinances to govern fishing at Ada Hayden Heritage Park:

- Catch and release regulations on Bass (Ordinance 19.15)
- Limits on Crappie, Bluegill and Sunfish (Ordinance 19.16)
- Establish / Protect Spawning Zones (Ordinance 19.17)

After the ordinances were approved, the IDNR continued to challenge the City’s philosophy for managing the fish population. In 2007, in response to the IDNR’s ongoing concern, City staff hosted a meeting between the IDNR, ISU faculty and staff members, and Story County Conservation staff. At that time IDNR officials continued to state that limits and catch and release regulations are **not** an effective method to manage fish populations. They stated that if the City would rescind the existing ordinances, that the IDNR would implement the following practices to improve fishing at this site:

- Monitor and research the fish population
- Stock the lake with fish
- Enhance and increase the fish habitat

Additionally, the IDNR said that the City would become eligible for grants that could enhance park visitors’ overall fishing experience. This could include receiving funding for up to 75% of the cost to construct a fishing pier at the north end of the lake (a grant of approximately \$97,500). Given this information and the IDNR’s ongoing opposition to the City’s fishing ordinances, staff informed the IDNR that staff would once again meet with local anglers, share this information, and gain their reaction.

A meeting was then held with local anglers in 2008. The anglers said that since the park has been open for five years, the volume of people who fish this site is no longer a concern. They believe that anglers from both near and far have come to realize that large fish are the exception. Additionally, they value the IDNR’s offer to stock the lake and monitor the fish population, as well as their commitment to enhance the fish habitat.

City staff, faculty and staff members from ISU, and the Director of Story County Conservation, concur with the local anglers’ perspective. Therefore, in 2009 it now

seems prudent to take full advantage of the IDNR's expertise and resources to enhance the fishery component at AHHP. The additional benefit of becoming eligible for grants to enhance the public's fishing experience is most positive.

Currently the City's FY08/09 Capital Improvements Plan includes an expenditure of \$130,000 to construct a fishing pier and overlook feature at the north end of the lake. The identified funding streams are \$50,000 in Local Option Sales Tax and \$97,500 (75% of the total project cost) in State funding from IDNR.

At their March 26, 2009 Parks and Recreation Commission meeting, the Commission unanimously approved recommending that the City Council repeal the ordinances related to the fishing population at Ada Hayden Heritage Park and direct staff to submit a grant to the IDNR to fund up to 75% of the cost of a fishing pier at this site.

ALTERNATIVES:

1. Repeal the ordinances related to the fishing population at Ada Hayden Heritage Park and direct staff to submit a grant application to the IDNR to fund up to 75% of the cost of a fishing pier at this site. This alternative would require two separate actions in this order:
 - A. Passage of an ordinance amending the Municipal Code by repealing regulations concerning fish management at Ada Hayden Heritage Park, sections 19.15, 19.16, and 19.17.
 - B. Motion directing staff to submit a grant application to the IDNR to fund up to 75% of the cost of the fishing pier.
2. Do not repeal the ordinances related to the fishing population at Ada Hayden Heritage Park. Additionally, delay the FY08/09 Capital Improvement Plan project for a Fishing Pier and Overlook Feature until additional fiscal resources (City and/or private) can be obtained totaling \$97,500.

MANAGER'S RECOMMENDED ACTION:

This park has been open five years and the concern that the lake will get "fished out" no longer exists. Since its inception, staff has relied heavily on input from local anglers and the expertise of ISU faculty and staff and Story County Conservation on how best to manage this unique man-made feature. It now seems appropriate to utilize the IDNR's expertise and resources to enhance the fishery component of Ada Hayden Heritage Park and to apply for grants to enhance the public's fishing experience.

Therefore, the City Manager recommends that the Council approve Alternative #1 to repeal the ordinances related to the fishing population at Ada Hayden Heritage Park and to direct staff to submit the fishing pier grant application to IDNR.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTIONS 19.15, 19.16 AND 19.17, RELATED TO THE FISHING POPULATION AT ADA HAYDEN HERITAGE PARK; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 19.15, related to the catch and release regulations on bass at Ada Hayden Heritage Park.

Section Two. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 19.16, related to limits on crappie, bluegill, and sunfish at Ada Hayden Heritage Park.

Section Three. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 19.17, related to the establishment and protection of spawning zones at Ada Hayden Heritage Park.

Section Four. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Five. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk
01007

Ann H. Campbell, Mayor