



## MEMORANDUM

September 9, 2022

**TO:** MEMBERS, PORT COMMISSION  
Hon. Willie Adams, President  
Hon. Kimberly Brandon, Vice President  
Hon. John Burton  
Hon. Gail Gilman  
Hon. Steven Lee

**FROM:** Elaine Forbes   
Executive Director

**SUBJECT:** Request authorization to make the Dungeness Crab pilot program permanent as part of the Port's Retail Fish Sales program at Fisherman's Wharf

**DIRECTOR'S RECOMMENDATION:** Approve the Attached Resolution No. 22-47

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### EXECUTIVE SUMMARY

Port staff is proposing to make permanent a Port Commission-approved program which allows commercial fishing boats at Fisherman's Wharf Harbor to sell Dungeness Crab retail from their berths directly to consumers. Since the expansion of the Program to include Dungeness Crab in 2021, the Port has received significant positive feedback from both fishers and the local community, requesting the continuation of the program permanently.

### BACKGROUND

Commercial fishing is a defining feature of the Port of San Francisco and Seafood is integrated into the fabric of the local community and its culture. The Port's Retail Fish Sales pilot program was the result of on-going series of public meetings, dating back to 2017, to address the Public's demand for greater access to fresh locally sourced seafood. As a result of these community efforts, the Port Commission authorized retail "off-the-boat" sales of fish as a pilot program to permit the sale by fishers of their catch directly to the public from their berth at the Wharf. At the time, fish sales were limited to Salmon, Tuna, Rockfish, Halibut, & by-catch. Thanks to the Program's initial strong

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success, the program was made permanent by the Port commission in November of 2021. Additionally, the Program was expanded to include the Dungeness Crab as a pilot program at that time, permitting the sale of crab for a trial period of one year.

As a backdrop to that successful program, COVID-19 pandemic and subsequent closure of the restaurants at Fisherman's Wharf devastated our fishing industry in 2020 across the board. A further devastating blow was delivered to the local fishers when, on May 25<sup>th</sup>, 2020 Pier 45 Shed C, the primary storage area of the local fishing fleet, was destroyed in a massive fire. During the incident, approximately 8,000 crab traps and all of the other fishing gear necessary for commercial fishing stored inside were destroyed, further crippling an already struggling industry.

The fish sales program is intended to facilitate access by the San Francisco commercial fishing fleet and the local community to fresh, affordable seafood without harming other parts of the fishing industry chain of economics (such as our fish processors or distributors). The commercial fishers that have participated in the program have greatly enhanced the public's access to fresh seafood products as there is no other retail opportunity for uncooked seafood sales authorized at the Wharf.

The Port wishes to continue expanding the retail fish sales to further enhance public access to retail sales market. Port staff will explore new ways to expand access to diverse retail seafood sales, including discussions with stakeholders, and return to the Commission for future changes beyond the proposal to make permanent the Dungeness Crab Sales Pilot Program.

### **Dungeness Crab Sales**

The Port's proposes to make the Dungeness Crab Sales Pilot Program permanent as the trial period of one year proved successful.

There are 43 licensed commercial fishing boats with a permanent berth in Fisherman's Wharf Harbor: this is the current maximum number of participants in the program. More boats could be added as candidates if they take advantage of the benefit of becoming permanently berthed at Fisherman's Wharf. Transient boats are not allowed to participate in the retail fish sales program.

The fish sold retail is the same product that is sold to wholesalers. The commercial fishers, who work in a dangerous environment while fishing, are motivated to bring a high-quality product to market and build lasting relationships with all buyers, whether wholesale or retail. All fish sales by commercial fishers are recorded on California Fish and Wildlife receipts in accordance with all regulations.

For the purposes of the retail fish sales permit, previous exclusion of crab will be removed. As the retail fish sales program only includes non-cooked fish and live crab, there should be no impact to the established crab-stand businesses at Fisherman's Wharf on Taylor and Jefferson Streets. The fish sales program is intended to help

commercial fishers, but not harm other parts of the fishing industry (e.g. fish processors & distributors). Based on the pilot program, the ability of fishers to sell fish, including Dungeness Crab, off the boat did not harm wholesale fish sales at Fisherman's Wharf.

The wharves where retail fish would be sold, during daylight hours only, are already public access areas. No customers shall be allowed on the vessels selling fish. All shore attachments, protrusions or equipment that could injure a customer or create a trip hazard shall be safely covered or removed. During the pilot program, there were no Health and Safety issues reported. As stated previously, if Health and Safety issues are identified, the Port will investigate and, if violations occur, will notify the appropriate regulators.

### **STAFF PROPOSAL FOR ACTION**

Based on the positive experience with the Dungeness Crab pilot program, Port staff recommends the Port Commission approve the attached Resolution, converting the Dungeness Crab Sale Pilot Program as a permanent expansion of the retail fish sales program for off-the-boat sales.

The proposed actions outlined above are brought forward to improve economic recovery of the Fisherman's Wharf community and the San Francisco Commercial fishing industry. The permanent retail fish sales program, including the expansion to include live Dungeness Crab, will continue to attract locals to Fisherman's Wharf and contribute to the neighborhood's vitality.

### **STRATEGIC PLAN CONFORMITY**

The Retail Fish Program for retail fish sales supports two key goals of the Port's Strategic Plan:

- *Engagement*: Promote the richness the Port has to offer through education, marketing, and maintaining strong relationships with Port users and stakeholders.
- *Economic Vitality*: Attract and retain maritime and non-maritime commerce to contribute to the long-term viability of the Port and the City.

### **NEXT STEPS**

To provide certainty for the fishers and crabbers who have enjoyed the economic opportunity and revitalization at Fisherman's Wharf, Port staff recommends that the Port Commission convert the Dungeness Crab Sales Pilot Program as a permanent component of retail seafood sales at the Wharf.

Prepared by: Demetri Amaro,  
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For: Andre Coleman,  
Deputy Director, Maritime

Dominic Moreno,  
Assistant Deputy Director, Maritime

**ATTACHMENT:**

- Program for Retail Fish Sales from Commercial Fishing Vessels at Fisherman's Wharf Harbor (updated)

## PORT OF SAN FRANCISCO

### **Program for Retail Fish Sales** **From Commercial Fishing Vessels at Fisherman's Wharf Harbor**

This program is intended to allow the retail sale of fish directly from fishers to the public in a safe, orderly manner, while minimizing the potential liability of the Port of San Francisco and protecting the local fishing industry. It allows retail sales only (no wholesaling or sales to restaurants or distributors).

1. For the purposes of the permit, fish shall be defined as salmon, tuna, rock fish, halibut, live [crab](#) and those fish that are a bycatch of the harvesting methods used to catch these fish.
2. All participating owners/vessels must have a berth agreement, and their account must be in good standing with the Port of San Francisco.
3. Fish may be sold only from vessels with a preferential berth assignment as defined in the Port Tariff No. 5, Item No. 831, at the following berth locations: Wharves J-2, J-3, J-4, J-7, J-8, J-9, and Pier 47. Excluded: Wharf J-5 (Jefferson Street) and Hyde Street Harbor.
4. No sales shall take place outside of the berth locations specified in Item 3 above or elsewhere in the jurisdiction of the Port of San Francisco. There shall be no subletting of berths for the purpose of retail fish sales, [although the Harbormaster has the authority to make accommodations](#).
5. Prior to the commencement of any fish sales, vessel owners or operators must acquire all required permits, licenses, and liability insurance. Vessel owners or operators shall conform to all regulations and requirements, including those of California Department of Fish and Wildlife, California Department of Food and Agriculture, San Francisco Department of Public Health, San Francisco Department of Environment, and Port of San Francisco.
6. Vessels must have a Retail Fish Sales Permit, issued by the Port of San Francisco. The permit shall be displayed as designated by the Port during the time fish sales are conducted. Permits shall be issued annually, upon presentation of California Department of Fish and Wildlife Commercial Fisherman Retail License, San Francisco Environmental Health Weights & Measure seal, San Francisco Business Registration Certificate, and payment of \$225.00.
7. Retail fish sales shall occur between sunrise and sunset only.
8. No signs or posters may be fastened to any Port property, including railings and lampposts. Signage posted on the boat shall follow the guidelines established by the Port.

9. All fish and live crab sold under this permit are to be sold whole (uncooked, whole fish, gilled and gutted only), and in accordance with all Health Code regulations.
10. Gilling and gutting of fish shall be done at sea prior to beginning sales and in accordance with all California Fish and Wildlife regulations.
11. All fish and live crab sold under this permit shall be recorded on proper California Fish and Wildlife receipts and shall be sold by duly licensed and permitted fishers in accordance with all California Fish and Wildlife regulations.
12. Fish and live crab sold shall be packed at the time of sale in a drip-proof bag of sufficient strength to support the weight of the fish.
13. Fish and live crab shall be sold only by, or under direct supervision of, the fisher who harvested the fish.
14. All fish and live crab sales must occur from the vessel. No selling stations will be allowed to be set up on or in any dock, wharf, parking area, or other structure.
15. No customers shall be allowed on the vessels selling fish. All shore attachments, protrusions or equipment that could injure a customer or create a trip hazard shall be safely covered or removed.
16. The vessel or business name shall be prominently placed and clearly visible to customers during sales activities so that the business or vessel is easily identifiable.
17. Discharge of fish carcasses, entrails, and other debris into harbor waters is prohibited. All refuse shall be placed in designated trash receptacles and shall not be left on a pier, wharf, sidewalk, street, or curb.
18. The Port of San Francisco reserves the right to revoke or suspend an individual Port Retail Sales Permit as the result of non-compliance with any of the provisions contained herein.
19. The Port of San Francisco reserves the right to discontinue the Retail Fish Sales Program at its sole discretion.

**PORT COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO**

**RESOLUTION NO. 22-47**

WHEREAS, California Statutes of 1968, Chapter 1333, commonly known as the “Burton Act;” and City Charter Section 3.581 empower the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate, and control the Port area of San Francisco; and

WHEREAS, The Burton Act mandates that said lands be managed to promote their use and development to benefit the public and to prioritize specific uses, including fisheries and maritime industry; and

WHEREAS, The Port Commission previously authorized a temporary expansion of the Program for Retail Fish Sales from Commercial Fishing Vessels at Fisherman’s Wharf Harbor (“Retail Fish Sales Program”) in order to allow the sale live crab from vessels at Fisherman’s Wharf and provide for the orderly conduct of those sales; and

WHEREAS, The Retail Fish Sales Program provides an additional market for commercial fishers, protects the health and safety of the general public through compliance with local and state regulations, and enhances the experience of visitors to Fisherman’s Wharf, as described in in the Staff Memorandum to which this Resolution is attached; now, therefore be it

RESOLVED, That the Port Commission hereby converts the temporary expansion of the Retail Fish Sales Program to include live crab sales as a permanent component of the Retail Fish Sales Program; and, be it further

RESOLVED, That the Port Commission hereby authorizes Port staff to promulgate and implement such rules and regulations that further the purposes of the Retail Fish Sales Program as described in the Staff Memorandum to which this Resolution is attached and to further the health, safety, and welfare of the public and the Port.

***I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of September 13<sup>th</sup>, 2022.***

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Secretary