

MEMORANDUM

July 7, 2017

TO: MEMBERS, PORT COMMISSION
Hon. Willie Adams, President
Hon. Kimberly Brandon, Vice President
Hon. Leslie Katz
Hon. Doreen Woo Ho

FROM: Elaine Forbes
Executive Director

SUBJECT: Informational presentation on proposed policy to allow retail fish sales from commercial fishing boats at Fisherman's Wharf Harbor

DIRECTOR'S RECOMMENDATION: Informational Only; No Action Required

EXECUTIVE SUMMARY

Port staff is proposing to revive a Port Commission approved program which was in place from 1999-2000. This program allowed commercial fishing boats at Fisherman's Wharf Harbor to sell fish retail from their berths directly to consumers. This proposal is in response to numerous requests the Port has received from fishers and interested parties to resume this practice, which is permitted at many other California harbors. To establish best practices, the Port staff consulted these harbors and state and local regulators to formulate guidelines that would allow this activity in support of the fishing industry, while at the same time protecting the health and safety of the public and addressing tenant concerns.

The proposed guidelines, based on the 1999 version, include the following key points:

- Retail only (no wholesaling or sales to restaurants or distributors)
- Sales would be limited to salmon, tuna, rock fish, halibut, and bycatch
- Crab is excluded from sales permit
- Only whole-fish sales are allowed (not processed)
- Only Fisherman's Wharf permanent berth-holders can participate in the program (no transient boats)
- Sales area is limited to Fisherman's Wharf Harbor, excluding Jefferson Street and Hyde Street Harbor
- Sellers must comply with all state and local regulations or permit will be revoked

THIS PRINT COVERS CALENDAR ITEM NO. 11A

BACKGROUND

In May 1998, fishers at Fisherman's Wharf approached the Port and proposed retail fish sales from their boats, as is allowed in other California harbors. In July 1998, an interim policy was adopted and fish sales were allowed from boats for a trial period of three months. In July 1999, the policy was updated and approved by the Port Commission to allow fish sales through October 2000, at which time the policy expired and was not renewed. This was primarily due to limited public awareness and participation.

In January 2017, 16 years after the sunset of the program, fishers again approached the Port seeking to revive the retail fish sales policy. The Port took action in the subsequent months by investigating the process through meetings and discussions with regulators, other ports, and interested parties.

The culmination was a public meeting which was held at the Port offices at Pier 1 on June 2, 2017. More than 50 people attended this meeting, including fishing boat operators, fish processors, Northern California fishing harbors where retail fish sales are allowed (Half Moon Bay, Bodega Bay), state regulators (CA Department of Fish & Wildlife, CA Department of Food & Agriculture), city and county regulators (SF Public Health, SF Environment), local businesses, and Port staff.

FEEDBACK

The commercial fishers expressed their opinion that allowing retail fish sales would be helpful for their businesses, and they encouraged the Port to go forward with this program. The boat operators stated that their industry is heavily regulated in terms of vessel safety and navigation, fishing quotas, and fish handling and that retail sales would supplement income and help the fishing industry.

Other constituents, principally the Port's fish processing tenants, voiced concern. The major concern of the fish processors, wholesalers, and distributors at Pier 45 and Fisherman's Wharf appears to be selling "wholesale" to restaurants and third-party (non-Port tenant) fish companies over the Port of San Francisco docks. Fishers selling "retail" directly to the consumer was not a serious concern. The tenant processors have leased and invested heavily in Port facilities and are required to follow strict environmental, health, safety, and insurance regulations on the federal, state, and local (including Port) level. They are concerned that if fishing boat operators are allowed to sell wholesale to third-parties and bypass the established process, it will create an unfair business climate whereby wholesalers have significant overhead costs which fishers avoid. This unlevel playing field could potentially cause harm to the San Francisco fishing industry.

The fishing harbors at Pillar Point (Half Moon Bay) and Spud Point (Bodega Bay) have managed retail fish sale programs for many years, in conjunction with supervision from fish and wildlife, agriculture, and health officials. These harbors reported no major incidents and see the program as a benefit to the fishers, marinas, and consumers.

Regulators explained various requirements, including licensing, tally reports, weighing procedures, scale accuracy verification, sanitary inspections, packaging, recycling, and composting. The boat operators must comply in all these areas to qualify for permits to participate in retail fish sales.

In light of comments and feedback, Port staff proposes to revive the program to allow retail fish sales from commercial fishing boats at Fisherman's Wharf Harbor. This would not involve a change in use or require any physical changes of facilities, and is therefore not a project that requires environmental review under the California Environmental Quality Act (CEQA).

Mirroring the Port's earlier policy, to qualify for a retail fish sales permit, an applicant must be a permanent berth-holder at Fisherman's Wharf Harbor, in good standing, pay the Port permit fee, obtain any required liability insurance, and provide the following documentation:

- California Department of Fish and Wildlife Commercial Fisherman Retail License
- San Francisco Department of Public Health Sealer of Weights and Measures Registration
- San Francisco Business Registration Certificate

The Port will issue permits and monitor this program.

FINANCIAL IMPACTS

The proposed annual retail fish sales permit fee is \$225 to cover Port administrative costs. This fee is in line with the fees assessed at other regional fishing harbors.

STRATEGIC PLAN CONFORMITY

The proposed retail fish sales policy supports two key goals of the Port's 2016-2021 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

The purpose of this presentation is to inform the Port Commission about this proposed policy and to give interested parties the opportunity to express their views for Port Commissioner consideration. Based on all the information and feedback gathered, Port staff recommends reinstating the retail fish sales policy in support of the commercial fishing industry.

Prepared by: Michael Nerney,
Maritime Marketing Manager

For: Peter Dailey,
Deputy Director, Maritime

ATTACHMENT:

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

DRAFT

PORT OF SAN FRANCISCO

Policy for Retail Fish Sales from Commercial Fishing Vessels at Fisherman's Wharf Harbor

This policy 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, and those fish that are a bycatch of the harvesting methods used to catch these fish. This permit expressly does not include crab.
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.
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. Sales shall occur between the hours of 7:00am and 8:00pm 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 customers purchasing fish must be issued with a receipt with the following information:
 - Name of Vessel
 - Name of Fisher
 - CA Fish and Wildlife Commercial Fisherman Retail License Number
 - SF Environmental Health Weights & Measure Seal Number
 - SF Business Registration Certificate Number
 - Species
 - Price per Pound
 - Quantity
 - Total Price
10. All fish shall be sold whole. No filleting, steaking or processing, other than gilling and gutting, is allowed.
11. Gilling and gutting of fish shall be done at sea prior to beginning sales and in accordance with all California Fish and Wildlife regulations.
12. Fish 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 shall be sold only by, or under direct supervision of, the fisher who harvested the fish.
14. All fish 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. Fish must be maintained at a temperature of 41 degrees Fahrenheit (5 degrees Celsius) or below at all times, including storage (California Salmon Council Quality Guidelines recommend 32-35 degrees Fahrenheit). Acceptable means of maintaining temperature include approved refrigeration equipment or embedding in ice.
18. Ice used for the chilling of fish must be made from potable water and be protected from sources of contamination.
19. Stored fish must be protected from all sources of contamination.

20. Scombrototoxic fish (including tuna) must receive special care in handling, including proper icing, refrigeration, or immediate freezing upon landing (catching) to prevent bacterial growth, spoilage, and histamine production.
21. 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.
22. Only approved, cleanable utensils may be used to clean fish. Utensils, processing areas, and storage facilities, such as holds, must be maintained in a clean and sanitary condition.
23. 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.
24. The Port of San Francisco reserves the right to discontinue the Retail Fish Sales Policy at its sole discretion.

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