

MEMORANDUM

January 4, 2019

TO: MEMBERS, PORT COMMISSION
Hon. Kimberly Brandon, President
Hon. Willie Adams, Vice President
Hon. Gail Gilman
Hon. Victor Makras
Hon. Doreen Woo Ho

FROM: Elaine Forbes
Executive Director

SUBJECT: Update on the retail fish sales from boats at Fisherman's Wharf

DIRECTOR'S RECOMMENDATION: No action – Informational Only

EXECUTIVE SUMMARY

This report is to provide an update on a one-year pilot program that the Port Commission approved on September 12, 2017 to allow retail fish sales from commercial fishing vessels at Fisherman's Wharf Harbor. The purpose of this update is to seek Port Commission guidance on any adjustments that may be necessary to the program and direction as to whether to extend the program beyond the one-year trial period.

BACKGROUND

The retail fish sales pilot program was the result of several public meetings, including two Port Commission meetings, in July and September 2017. The Port Commission supported a retail fish sales pilot program to expand commercial opportunities for fishers and to provide more customer experiences at the Wharf. The role of the Port in this pilot program was clarified to permit the fish sales, but not regulate them. Regulation is the responsibility of state and local officials: California Department of Fish and Wildlife; California Department of Food and Agriculture, Division of Measurement Standards; San Francisco Department of Public Health, Weights and Measures Program; San Francisco Department of Environment. If the Port were to become aware of any complaints or violations, the appropriate regulatory agency would be notified.

The fish sold to retail customers is the same quality product as is sold to wholesalers, and the Port is not aware of any problems in this area. All fish sales are recorded with

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California Fish and Wildlife in accordance with regulations; the quantity and price are determined by the fishers and consumers. Fishers are responsible for their own advertising and business promotion.

Retail fish sales are limited to salmon, tuna, rock fish, halibut, and bycatch. Crab is excluded so as not to interfere with established crab-stand business at Fisherman's Wharf. The fish sales program is intended to help commercial fishers, but not harm other parts of the fishing industry (such as fish processors).

The wharves where the fish is sold are already public access areas and safe for pedestrians. Sales are permitted during daylight hours only, and no customers are allowed on board the vessels. This new enterprise has attracted more people to Fisherman's Wharf and contributes to the neighborhood's vitality.

TIMELINE

- September 2017: First permit issued, but sales did not commence until October 2017, pending clarification of insurance issues by the Port.
- November 2017: One fishing vessel was observed filleting fish on board. This is allowed by California Fish and Wildlife, but fish must remain on vessel for crew's consumption only; it may not be landed. All fish sold under this program must be sold whole.
- December 2017: One fishing vessel hired 10 more crew to help sell fish because of so many customers; rose fish (a type of rock fish) now being sold retail, used to get dumped back to sea (was not desired by wholesalers).
- February 2018: One fishing vessel installed safety railing, but without permit; railing was removed. Advertising signs were posted on fence, but this is not allowed; signs were removed.
- February 2018: One fishing vessel owner met with managers of Scoma's Restaurant, which is adjacent to retail fish sales berth. Various concerns were discussed, including added vehicle and pedestrian congestion, line management, and the need for cleanliness on the dock. All these issues have since been addressed to restaurant's satisfaction.
- March 2018: Second permit issued.
- May 2018: Third permit issued.
- July 2018: SF Gov TV feature: "What's Next SF: Fish Sales at Pier 47"
<https://www.youtube.com/watch?v=gxq7CGGrtqE>
- September 2018: Port staff attended Fisherman's Wharf Waterfront Advisory Group ("Fish Wag") meeting seeking feedback. Fishers were positive. One processor said business had declined.
- October 2018-January 2019: Program allowed to continue by Port staff.

METRICS

- Number of participants (boats): Three preferential berth-holders at Fisherman's Wharf Harbor obtained permits in the first year. Approximately 40 other licensed commercial fishing boats at the Wharf are candidates to join the program.

- Public support (customers): As demonstrated by sales, the public support has been strong. Average monthly fish sales have been over 18,000 pounds. The record month was December 2017, when 57,000 pounds were sold.
- Absence of problems: There were a few minor issues, as reported in timeline, but nothing major. There were no regulatory violations reported.
- Adequacy of permit fee (\$225 per year): This fee is adequate, as minimal staff hours were needed for administration of this program.
- Feedback: Participating fishers and customers, along with neighborhood merchants, are favorable. Some fish processors are opposed.

STRATEGIC PLAN CONFORMITY

The Pilot Program for retail fish sales 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.

CONCLUSION

A retail fish sales program was originally permitted by the Port Commission in 1999-2000, but it expired and was not renewed due to limited public awareness and participation at that time. In response to a request from commercial fishers in 2017, the Port Commission agreed to authorize a retail fish sales pilot program for a year, which has now passed. Based on this report and feedback from stakeholders, Port staff would appreciate any guidance the Port Commission may have, including whether to extend the program permanently, which would give commercial fishers the option for retail fish sales in the future.

Prepared by: Michael Nerney,
Assistant Deputy Director, Maritime

For: Peter Dailey,
Deputy Director, Maritime

ATTACHMENT:

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

PORT OF SAN FRANCISCO

Pilot 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, 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 for the purpose of retail fish sales.
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 sold under this permit are to be sold whole (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 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 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. 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.