



MEMORANDUM

October 22, 2021

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

FROM: Elaine Forbes
Executive Director

SUBJECT: Proposed expansion of the retail fish sales from boats at Fisherman's Wharf

DIRECTOR'S RECOMMENDATION: Information Only – No Action Required

EXECUTIVE SUMMARY

This report provides an update on the 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 a proposed expansion of the program to remove species limitations and exclusions of the original program.

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 authorized 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.

THIS PRINT COVERS CALENDAR ITEM NO. 12A

The fish sold to retail customers is the same quality product as is sold to wholesalers. All fish sales are recorded with the California Department of Fish and Wildlife

in accordance with department 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 currently limited to salmon, tuna, rock fish, halibut, and bycatch. Crab sales were 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 commercial fishers that have participated in the program improved access to local harvest and had little to no impact to other stakeholders as there is no other retail opportunity for uncooked seafood sales authorized at the Wharf.

The wharves where 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.

The fishing industry has been a mainstay of the San Francisco and Fisherman's Wharf economy since the Gold Rush era. Commercial fishing is one of the Port's and City's most important maritime industries. The closure of restaurants due to the COVID-19 pandemic and departure of tourists from Fisherman's Wharf devastated San Francisco's fishing industry in 2020. The Pier 45 fire in May of 2020 destroyed approximately 8,000 carb traps and other fishing gear stored inside further crippling an already struggling industry.

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=gxg7CGGrtqE>
- September 2018: Port staff attended Fisherman’s Wharf Waterfront Advisory Group (“Fish Wag”) meeting seeking feedback. Fishers were supportive of the program. One processor indicated business had declined.
- The program has two permitted participants, but activity in the program has waned through the Pandemic.

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 to the Port.
- Adequacy of permit fee (\$225 per year): This fee is adequate, as minimal staff hours are needed for administration of this program and the fee does not exceed the administrative cost of the program.
- Feedback: Participating fishers and customers, along with neighborhood merchants, are highly favorable. Some fish processors are opposed to the proposed expansion.

STAFF PROPOSAL FOR COMMENT

Based on the positive experience with the retail fish sales pilot program, Port staff recommends the Port Commission consider making the retail fish sales program permanent.

As noted above, crab sales were excluded from the initial retail fish sales program to avoid unnecessary competition with existing crab stands in the Fisherman’s Wharf area. During the Pandemic, there were no crab stands in operation at Fisherman’s Wharf. While one or two crab stands have returned to business, the expansion of the program does not include cooked crab. With minimal conflict to the crab stands, Port staff request guidance from the Port Commission regarding the inclusion of crab sales directly from fishers by including crab sales within the retail fish program. Proposed changes to the retail fish sales program rules are attached.

The two proposed actions outlined above are brought forward to improve economic recovery of the Fisherman’s Wharf community and the San Francisco Commercial fishing industry. This new expansion is sure to attract more people 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

Given the potential for economic opportunity and revitalization at Fisherman's Wharf, Port staff seeks any guidance the Port Commission may have, including whether to make the retail fish sales program permanent, and whether to expand the program to remove species restrictions, which would give commercial fishers the option for improved retail fish sales in the future. Port staff anticipates returning to the Commission with an action item based on discussion of this item.

Prepared by: Dominic Moreno,
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For: Andre Coleman,
Deputy Director, Maritime

ATTACHMENT:

- Pilot 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, [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 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 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 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 crab shall be sold only by, or under direct supervision of, the fisher who harvested the fish.
14. All fish and 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.