



## Board of Harbor Commissioners

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### Staff Report In Support Of Revenue and Income Ad Hoc Committee

**TO:** Revenue and Income Ad Hoc Committee

**FROM:** James B. Pruett, General Manager

**DATE:** September 23, 2021

**SUBJ:** Expanded Fish Sales by Commercial Fish Buyers/Fishermen's Market

**Topic:**

Consideration of Expanded Commercial Fish Sales directly to the public by the District tenants located at the end of Johnson Pier.

Possibility of a "Fishermen's Market" at Pillar Point Harbor

**Health and Safety Code:**

Health and Safety Code Chapter 12.7. Fishermen's Market [114378 – 114378.3]

**Alignment with to District Strategic Plan:**

District Vision:

We provide a wide range of services for boaters, visitors, and residents, including excellent facilities and shops, annual boating events, and other coastal activities.

We provide excellent facilities and services for our commercial fishing fleet and advocate for sustainable practices to ensure thriving fisheries and ecosystems.

District Core Value:

Equality – We accept nothing less than equal access to all harbor facilities, employment opportunities, and services for everyone.

Safety – We are committed to the safety of all harbor users, including the commercial fishing and boating fleets, harbor businesses, visitors, and staff.

District Goals and Objectives:

Goal 3: Provide Excellent Customer Service

**Fish Buyer Lease:**

9.1.b.2(ii): "Tenant shall have the non-exclusive right to sell fish in the same condition as purchased directly from fishing boats at Pillar Point Harbor, on a retail basis, on a month-to-month basis, subject to written approval of Landlord of any plans, specifications and engineering and compliance with San Mateo County Local Coastal

Plan and zoning/land use regulations. Landlord shall retain the right to delete this right if storage, traffic, pedestrian or space problems occur. Tenant shall not be allowed to do any advertising for the retail fish operation on or off-site at any time except as may be permitted by Landlord at Landlord's sole discretion. Violation of this provision will automatically rescind the right by Tenant to sell fish on a retail basis."

**Background/Discussion:**

At the August 18, 2021, at a Regular Board Meeting of the Harbor Commission, Staff made a presentation and sought the Board's guidance on a request from the Fish Buyer lessees' at the end of Johnson Pier. The request was:

"allow fish buying tenants to offer locally harvested and locally processed seafood retail to the public under certain conditions." Specifically, "...permission for the three fish buying businesses only to have the additional option to retail locally harvested fish and crab that was landed at our facilities in a processed condition such as fresh or frozen fish fillets, cooked crab, etc.

Following the presentation, the Board did not take any action on the request, but directed Staff to conduct further research, specifically into the possibility of creating a "fisherman's market" in Pillar Point Harbor, off Johnson Pier, similar to a farmers' market. The intent would be to provide fishermen an opportunity to sell their catch to the public, while getting the public off the main pier to alleviate congestion and improve safety. The Board further directed the issue be reviewed by the Income and Revenue Ad Hoc Committee prior to being returned to the full Board for consideration.

**Current Practice:**

The current practice as permitted by the Fish Buyer lease, Section 9.1.b.2, the Fish Buyers may sell directly to the public seafood products as they as received from the fishing vessels. The Fish Buyers may not process the seafood in any way to include cooking, filleting, boning.

Also, as part of the lease, the Fish Buyer pay a percentage fee for access by their customers who purchase seafood off the dock. The percentage fee is 2.5% of gross sales for Off the Dock Sales to non-commercial buyers. The amount received by the District over the past three fiscal years in percentage fees is listed below:

<b>Off the Dock Lessee Percentage Revenues</b>	
<b>Fiscal Year</b>	<b>Revenue</b>
2018/2019	\$298.31
2019/2020	\$411.50
2020/2021	\$158.22

Direct sales to the public from off the dock/boats sales do not require a San Mateo County Health Department permit for fresh, un-processed seafood off loaded from the fishing vessels and sold on the dock, or off the boat. If the seafood is altered in anyway to include cooking, filleting, boning, removing gills, a permit from the County is required.

Staff's Recommendation if Expanded Sales are Allowed on Johnson Pier: Staff recommended to the Board, that if the District were to allow expanded End of the Dock Fish sales, the following be implemented:

1. all sales take place from their leased space.
2. only seafood product landed on Johnson Pier be offered for retail sale.
3. the percentage of gross sales be set at 3%.
4. no sales activity take place during active loading/offloading of a fishing vessel, unless the member of the public purchasing the fish product is escorted by an employee or representative of the fish buyer.
5. individual fish buyers are required to obtain all required permits.

Fishermen's Market:

Fishermen's Markets are permitted in San Mateo County and require a permit from the County Health Department.

A "Fishermen's Market" is defined as "a location that is operated by a commercial fisherman licensed by the Department of Fish and Wildlife or an entity representing two or more California-licensed commercial fishermen or California-licensed commercial fishermen and California-registered aquaculturists, that sells only raw edible aquatic plants, raw fresh fish, or fresh frozen fish, caught by commercial fishermen licensed by the Department of Fish and Wildlife or harvested by California-registered aquaculturists, directly to consumer. (HSC §1113780)

Fish sold in a fishermen's market shall be raw and may be displayed whole or eviscerated. A fisherman selling fish in a fishermen's market shall only sell raw fish that he or she caught legally, or that was caught by one or two other licensed commercial fishermen. (HSC §114378.1).

A fishermen's market may provide a separate service that fillets, cuts, or packages fish for customers who purchase direct sales of fish within the fishermen's market as a temporary food facility, mobile food facility, or other facility approved by the enforcement agency. A separate health permit is required and applicable requirements for that category of permit shall be met. (HSC §114378.1).

A fishermen's market must meet the requirements of Section 114378.2. This includes, among other requirements:

- handwashing facilities
- toilet facilities
- ware washing facilities,
- garbage and refuse service,
- Overhead protection over the evisceration process, food storage, food display, and ware washing areas.

(HSC §114378.2)

It is staff's opinion that meeting the facility requirements of the permit for a Fishermen's Market is beyond that of a single fisherman in Pillar Point Harbor. However, the option of the District hosting a Fishermen's Market where individual fishermen could utilize space within the market to sell their product is a possibility. It would require the District to create a space that included all the required services to include: handwashing facilities, toilet facilities, ware washing facilities, garbage and refuse service, and cover from the elements. Staff recommends the south end of Parking Lot A which is currently permit only parking. The parking lot, when not being used as a Fishermen's Market would return to a parking lot, with the cover remaining in place. It is envisioned the Market would only be established on Weekends and holidays.

In discussions with the Department of Health, a permit is required by the County for a Fishermen's Market. A Coastal Development Permit would also be required.

If the District establishes a Fishermen's Market, it will greatly improve the safety of Johnson Pier by removing the thousands of visitors to the Harbor to purchase fish from off the dock/boat from entering Johnson Pier. The District would also benefit through the percentage fees charged on the gross sales of the Market.

### **Possible Options:**

These options are not in the alternative to each other, with the exception of Option 4. Option 1 can be approved with Option 2 or Option 3.

Option 1: Authorize the General Manager to issue "written consent" under Section 9.1 of the lease to allow for the expanded sale of seafood products for Morning Star Fisheries, McHenry Fisheries, and Three Captains Seafood Products, subject to:

1. all sales take place from their leased space.
2. only seafood product landed on Johnson Pier be offered for retail sale.
3. the percentage of gross sales be set at 3%.
4. no sales activity take place during active loading/offloading of a fishing vessel, unless the member of the public purchasing the fish product is escorted by an employee or representative of the fish buyer.
5. individual fish buyers are required to obtain all required permits.

Option 2: Explore the possibility of the District establishing a Fishermen's Market and bring before the Board of Harbor Commissioners on or before December 15, 2021 for consideration.

Option 3: Provide space for individual fishermen/fish buyers to establish a Fishermen's Market.

Option 4: Do nothing, remain at status quo.