



Effective

**GARY PAXTON INDUSTRIAL PARK PORT TARIFF
OPERATED BY THE CITY AND BOROUGH OF SITKA, ALASKA**

FMC TARIFF NO. 1

NAMING RATES, CHARGES, RULES AND REGULATIONS

~For~

Wharfage Dockage and Storage

At

The Port of Sitka, Alaska

ISSUED BY:

PORT OF SITKA
SITKA, ALASKA

Published as

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CHECK SHEET FOR TARIFF REVISIONS

Changes in this tariff will be supplied from time to time in loose-leaf form. Upon receipt of revised or additional pages, correction numbers appearing at the bottom left margin of each such page should be checked off against correction number listed below. If all corrections are correctly checked on receipt, checks should be consecutive with no omissions. Should interruption in sequence be noted, a request for missing corrections may be directed to the issuing office.

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EXPLANATION OF ABBREVIATIONS AND SYMBOLS			
ABBREVIATIONS APPEARING IN TARIFF			
B.M.	Board Measure	Min.	Minimum
Bbl.	Barrel	Misc.	Miscellaneous
Bdl.	Bundle	M.T.	Cubic Ton of 40 Cu. Ft.
C.L.	Carload	No.	Number
Cs.	Case	N.O.S.	Not Otherwise Specified herein
Crt	Crate	Par.	Paragraph
Ctn	Carton	Pig.	Package
Cu.Ft.	Cubic Foot or Feet	Port	Port of Sitka
Dkg.	Dockage	S.U.	Set-Up
Ea.	Each	Sq.Ft.	Square Foot or Feet
F.F.	Folded Flat	Stg.	Storage
F.M.C.	Federal Maritime Commission	Term'l.	Terminal
Gals.	Gallons	Unldg.	Unloading
Hdlg.	Handling	US	United States of America. Inc.
	Incorporated	USCG	United States Coast Guard K.D.
	Knocked Down	W.T.	Weight ton of 2000 pounds
K.D.F.	Knocked Down Flat	W/M	Weight ton of 2000 pounds or cubic ton of 40 cu. Ft.
Lb.	Pound	W.R.	Warehouse Receipt
L.C.L.	Less Than Carload	Wt.	Weight
Ldg.	Loading	Yd.	Yard
Lgth.	Length	Viz.	Videlicet (examples, lists)
M.B.M.	1000 Ft. Board Measure		
Meas.	Measurement		
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EXPLANATION OF ABBREVIATIONS AND SYMBOLS

SYMBOLS APPEARING IN TARIFF

The following symbols will be used for the purpose indicated only, and will not be used for any other purpose in this tariff.

- (A) New or Added Matter
- (+) Increase
- (-) Reduction
- (C) Change, neither increase nor reduction
- (R) Indicates that item or rule has been revised
- (**) Cancelled or eliminated

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SECTION 1 GENERAL RULES AND REGULATIONS		
ITEM 100 <u>NOTICE TO PUBLIC</u>		
<p>The Port of Sitka is a Non-Operating Port and is owned by the City and Borough of Sitka. This tariff is published and filed as required by Federal Maritime Commission law and is, therefore, notice to the public, shippers, consignees and carriers, that the rates, rules and charges apply to all traffic without specific notice, quotation or arrangement.</p>		
ITEM 100 <u>APPLICATION OF TARIFF</u>		
(a) GENERAL APPLICATION OF TARIFF:		
<p>Rates, charges, rules and regulations provided in this tariff will apply only to merchandise received at or shipped from the facilities or properties operated under the jurisdiction and control of the Port of Sitka, and specifically to City and Borough Terminals, appurtenant structures thereto and waterways under the management of the Port Director, City and Borough of Sitka. Vessel charges and assessments provided in this tariff are applicable to all vessels, self-propelled or other than self-propelled, when such vessels are provided with dockage services or other vessel services named in this tariff.</p>		
(b) TARIFF EFFECTIVE:		
<p>The rates, charges, rules and regulations named in this tariff, additions, revisions, or supplements thereto shall apply on all freight received at facilities subject to this tariff on and after revisions, or supplements, thereto. Unless otherwise specified, all transit freight received at terminals and undelivered prior to effective dates of tariff, revisions, or supplements thereto, shall be charged the rates in effect on the date such freight was received until entire lot or shipment has been withdrawn.</p> <p>Except as otherwise provided in this section, the rates, rules and regulations published in other sections of this tariff apply to vessels, shippers, (and) consignees of Bulk Petroleum Products.</p>		
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<u>APPLICATION OF TARIFF (Continued)</u>		
<p>(c) ACCEPTANCE OF TARIFF:</p> <p>Use of wharves and facilities shall be deemed an acceptance of this tariff and the terms and conditions named therein.</p>		
<p>(d) RESERVATIONS OF AGREEMENT RIGHTS</p> <p>Right is reserved by the Port of Sitka to enter into agreement with carriers, shippers, consignees and/or their agents concerning rates and services, providing such agreements are consistent with existing local, state and national law governing the civil and business relations of all parties concerned.</p>		
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SECTION 1 GENERAL RULES AND REGULATIONS

ITEM 105 APPLICATION OF RATES

(a) Except as otherwise provided, rates apply per 2,000 lbs., or per 40 Cu.Ft. as rated by ocean carrier, or per M.B.M., or 42 gal. per bbl. of bulk petroleum products corrected to 60° Fahrenheit, or 376 lbs. per bbl. of bulk cement.

(b) RATES ARE SPECIFIC:

Rates provided for commodities herein are specific and may not be applied by analogy. If rates are not provided for specific commodities, rates to be applied are those established for "Freight N.O.S."

(c) PREFERENTIAL USER AGREEMENTS (PUA)

The Port of Sitka reserves the right to negotiate preferential user rates and terms (i.e. a reduced charge for dockage, wharfage, and real estate) with requesting users who agree to provide profitable long-term business arrangements with the Port, at rates, terms and conditions consistent with policies set by the Port and City and Borough of Sitka.

NOTE: There is no requirement for PUAs to be standardized, beyond those requirements mandated in Municipal Code to be so. Rather, terms and conditions will be tailored to each individual applicant.



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ITEM 110 <u>INSURANCE</u>		
(a) Rates named in this tariff do not include insurance of any kind.		
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SECTION 1 GENERAL RULES AND REGULATIONS

ITEM 115 METHOD OF PAYMENT AND PENALTIES

(a) **RESPONSIBILITY FOR CHARGES, PAYMENT TERMS:**

All charges for services rendered by the Port of Sitka or for the use of terminal facilities shall be billed in arrears and payable 30 days from invoice date arrears of such services or use, as follows:

1. For all charges to the vessel, from its owners or agents before a vessel commences it's loading or discharging.
2. For all charges to the cargo, from a vessel owner, charterer, shipper or consignee before the cargo leaves the custody of the terminal.
3. For all charges on perishable goods or freight of doubtful value, or household goods.

(b) **COMPLIANCE WITH CONDITIONS OF BERTH RESERVATION:**

Use of Port facilities and services shall comply with the Conditions of Berthing set forth in the Supplement to the Vessel Berthing Application as published by the Port.

(c) **PENALTY CHARGES ON DELINQUENT ACCOUNTS:**

All invoices will be declared delinquent thirty days after the date of the invoice and, as such, will be charged a penalty charge of \$25.00 per month for each additional thirty day period in which the invoice is past due or not fully paid, up to a maximum penalty of \$250.00. All extra expense, including legal expense, litigation cost, or costs of agents employed to affect collection shall also be assessed to, and payable to, such accounts.

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ITEM 120 LIABILITY FOR LOSS OR DAMAGE

(a) **RESPONSIBILITY LIMITED:**

No persons other than employees or agents of the holder of an authorized Terminal Operator Permit shall be permitted to perform any services on the wharves or premises of the Port of Sitka, operated under the authority of the Port Commission of the Port of Sitka, except upon written authorization of the Port Director or their designee.

The Port of Sitka will not be responsible for any loss, damage, injury or death, including but not limited to, loss, damage, injury or death caused by earthquakes, tidal waves, fire, frost, heating, dampness, leakage, the elements, evaporation, natural shrinkage, wastage or decay, animals, rats, mice, or other rodents, moths, weevils, or other insects, leakage or discharge from sprinkler fire systems, collapse of building or equipment, or by floats, logs or pilings required in breasting vessels way from wharf, nor will it be liable for any loss, damage, injury or death or delay arising from insufficient notification or from war, insurrection, shortage of labor, combinations, riots or strikes of any person in its employ or in service of others or from any consequences arising herefrom, except, the Port of Sitka shall not be relived from liability for its own negligence.

(b) **HOLD HARMLESS AND INDEMNITY:**

Except for that portion resulting from the negligence of the Port of Sitka, if any, owners, shippers, consignees, and carriers shall indemnify, defend, save and hold the City and Borough of Sitka, Port of Sitka harmless from and against all charges, losses, damages, liabilities, expenses, causes of action, suits, claims, demands, or judgments of any nature whatsoever that may be incurred or rise from or grow out of use of Port of Sitka facilities.

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ITEM 125 RIGHTS OF TERMINAL

(a) RIGHTS RESERVED:

Right is reserved by the Port of Sitka to furnish all equipment, supplies and materials and to perform all services in connection with the operation of terminals under rates and conditions named herein.

(b) RIGHT TO REFUSE FREIGHT:

Right is reserved by the Port of Sitka, without responsibility for demurrage, loss or damage attaching, to refuse to accept, receive, or unload, or to permit any vessel to discharge at Terminals or appurtenant premises:

1. Freight for which previous arrangements for space, receiving, unloading or handling have not been made by shipper, consignee or carrier.
2. Freight deemed extra offensive, perishable or hazardous.
3. Freight, the value of which may be determined as less than the probable terminal charges.
4. Freight, not packed in packages or containers suitable for standing the ordinary handling incident to its transportation. Such freight, however, may be repacked or reconditioned at the discretion of the Port of Sitka and all expense, loss or damage incident thereto shall be for the account of the shipper, consignee, owner, or carrier.

(c) RIGHT TO REMOVE, TRANSFER OR WAREHOUSE FREIGHT:

Hazardous or offensive freight which by its nature is liable to damage other freight, may be immediately removed to other locations or receptacles with all expense and risk for loss or damage for the account of the owner, shipper, agent or consignee.

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RIGHTS OF TERMINAL (Continued)

Freight remaining after the sailing of a vessel may be piled or re-piled to make space, transferred to other locations or receptacles or removed to public or private warehouse with all expense and risk of loss or damage for account of the owner, shipper, consignee, agent, or carrier as responsibility may appear.

This provision is subject to Item 120 (b)

(d) **RIGHT TO WITHHOLD DELIVER OF FREIGHT:**

Right is reserved by the Port of Sitka to withhold delivery of freight until all accrued terminal charges and/or advances against said freight have been paid in full. At the Port Director's discretion, any or all of such freight may be placed in public or private warehouse with all cost of removal and subsequent handling and storage for the account of the owner of the freight.

(e) **RIGHT TO SELL FOR UNPAID CHARGES:**

Freight on which unpaid terminal charges have accrued may be sold to satisfy such charges and costs, provided such sale has been publicly advertised. Freight of a perishable nature or of a nature liable to damage other freight may be sold at public or private sale without advertising, providing owner has been given proper notice to pay charges and to remove said freight and has neglected or failed to do so within a prescribed reasonable time.

(f) **EXPLOSIVES:**

The acceptance, handling or storage of explosives or excessively flammable material shall be subject to special arrangements with the Port Director and governed by rules and regulations of Federal, State and local authorities.

(g) **OWNERS RISK:**

All water craft if and when permitted by the Port Director or his authorized agent to be moored at wharves or alongside of vessels, are at owner's risk for loss or damage.

This provision is subject to Item 120(b).

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ITEM 130 <u>SHIPPERS' REQUESTS AND COMPLAINTS</u>		
<p>Shipper requests and complaints may be made by any shipper by filing a written statement with the Port Director, Port of Sitka, 329 Harbor Drive, Suite 212, Sitka, Alaska 99835</p>		
ITEM 131 <u>DEMURRAGE OR DELAYS</u>		
<p>In furnishing the service of vessel berth scheduling, no responsibility for any demurrage or delays whatsoever, on freight, will be assumed by the Port of Sitka.</p> <p>This provision is subject to Item 120(b).</p>		
ITEM 135 <u>DELAYS - NO WAIVER OF CHARGES</u>		
<p>Delays which may be occasioned in loading, unloading, receiving or delivering freight as a result of equipment failure or breakdown or of combinations, riots or strikes of any persons or arising from any other cause not reasonably within the control of the Port of Sitka, will not excuse the owners, shippers, consignees or carriers of the freight from full wharf demurrage or other terminal charges or expenses which may be incurred under conditions stated herein.</p> <p>This provision is subject to Item 12(b).</p>		
ITEM 140 <u>MANIFESTS REQUIRED OF VESSELS</u>		
<p>Masters, owners, terminal operators, agents or operators of freight vessels are required to furnish the Port of Sitka with complete copies of vessels' manifests showing names of consignees or consignors and the weights or measurements of all freight loaded or discharged at the facilities of the Port of Sitka. Such manifests must be certified as correct by an authorized official of the company and must also designate the basis weight or measurement on which ocean freight was assessed. In lieu of manifests, freight bills containing all information as required above may be accepted.</p>		
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ITEM 145 CLASSIFICATION OF TRAFFIC

Coastwise Trade: All traffic between West Coast ports of the United States and Alaska. Inter-Coastal Trade: All traffic between ports of the United States, other than West Coast ports, and Alaska.

Intra-Alaska Trade: Traffic between points in Alaska.

Foreign Trade: All traffic between ports outside the United States of Alaska.

ITEM 150 BERTHING

The maximum vessel sizes that can berth at the face of the dock is a 30' beam by 150' long vessel with 440 US ton displacement and a berthing velocity normal to the dock of .71 knots with existing fender system.

Vessels over 150' up to a 100' beam by 400' long with a displacement of 22,000 US tons can be accepted at the face of dock with an approved fender system.

ITEM 150 ENVIRONMENTAL PARAMETERS

Tidal Currents
Tidal currents for the Port generally vary from 2-4 knots. Extreme tidal currents in excess of 5 knots have been reported. Tidal current information is published and available from NOAA.

Temperature
Temperatures at the Port generally range from 62 degrees Fahrenheit in the summer to 30 degrees Fahrenheit in the winter.

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ENVIRONMENTAL PARAMETERS (Continued)

DEPTH OF WATER

50' at the face of the dock.
 30'-50' at the stern of the barge (left side facing out) Not sure how to designate the area.
 20' at the interior small boat float.

NOAA TIDE BENCHMARKS AT SITKA, ALASKA:

ELEVATION DATUM FOR THE PROJECT IS 0.0 FT MEAN LOWER LOW WATER (MLLW)

- HIGHEST TIDE OBSERVED 14.8 FT
- MEAN HIGHER HIGH WATER 9.9 FT
- MEAN HIGH WATER 9.2 FT
- MEAN TIDE LEVEL 5.3 FT
- MEAN LOW WATER 1.5 FT
- MEAN LOWER LOW WATER 0.0 FT
- LOWEST TIDE OBSERVED -4.1

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<u>ENVIRONMENTAL PARAMETERS (Continued)</u>		
<u>WINTER USE OF THE PORT</u>		
<p>The Port is open year round. However, extreme temperatures provide a number of challenges during the winter months. Machinery including fuel systems, cooling systems, winches, anchors, ballast water systems, and other auxiliary systems must be winterized and maintained in a state for use in the extreme environment. Tug assistance aids in mitigating these conditions.</p> <p style="text-align: center;">(Continued on next page)</p>		
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ITEM 160 <u>SAFETY, SANITATION AND HOUSEKEEPING</u>		
<p>(a) SAFETY AND SANITATION:</p> <p>Users/Operators of Port of Sitka facilities will be required to comply with all safety and sanitation rules applicable on structures and facilities of the Port of Sitka as required by federal, state and local law.</p>		
<p>(b) RESPONSIBILITY FOR HOUSEKEEPING:</p> <p>Users/Operators of Port of Sitka property will be required to maintain same in an orderly manner as directed by the Port Director. If User/Operator does not properly clean property used, the Port Director shall order the work performed and User/Operator will be billed at cost, including 15% overhead.</p>		
<p>(c) SMOKING PROHIBITED:</p> <p>No smoking shall be allowed on any wharf, pier or in any warehouse or transit shed except in approved areas specifically designated for that purpose. Persons violating this rule may be barred, at the discretion of the Port Director, from the further use of any wharf and, in addition, shall be subject to prosecution under applicable Federal, State and Municipal Laws.</p>		
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ITEM 165 RESPONSIBILITY FOR PROPERTY DAMAGE

Damaged Port property and facilities should be reported immediately to the Port Director. The initial reporting of damages should be communicated by the most expeditious means, followed in writing. Owners/operators damaging Port of Sitka property will be responsible for repairs. Should the repairs be undertaken by the Port of Sitka the owners/operators will be billed for repairs to damaged property at cost, including 15% overhead.

ITEM 166 FACILITY USE AGREEMENT

Private owners and business vendors/contractors desiring to use the GPIF facility to work on vessels owned by a third-party shall complete a facility use agreement with the port and pay appropriate fee before they begin work on vessel(s). The facility use agreement has specific provisions that address basic yard rules and regulations, boatyard user required best management practices, an agreement section addressing indemnify/hold harmless requirements and insurance requirements. The facility use agreement is available for review during normal business hours.

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ITEM 170 BULK PETROLEUM PRODUCTS

(a) APPLICATION OF TARIFF:

Except as otherwise provided in this section, the rates, rules and regulations published in other sections of this tariff apply to vessels, shippers, and consignees of Bulk Petroleum Products.

(b) CLEARING PETROLEUM LINES:

Shippers, consignees or vessels and persons in charge thereof are responsible for providing means to assure the proper flow of products. Shippers, consignees or vessels and persons in charge thereof will be responsible for clearing all petroleum products, other liquid products, compounds, and residues from lines located on or adjacent to the Petroleum Terminal after vessel completes loading or discharging unless otherwise authorized by the Port Director. In the event the Port of Sitka performs any of the above named services, any applicable costs will be billed to shipper, consignee or vessel at cost plus 15% overhead.

(c) REGULATIONS GOVERNING PETROLEUM PRODUCTS:

The transfer of bulk petroleum products shall be governed by applicable federal, state and local laws, regulations, permits and ordinances/regulations including Port of Sitka Bulk Petroleum Transfer Procedures Manual rules.

(d) HOUSEKEEPING:

Flammable liquids leaked or spilled on wharves shall be cleaned up immediately. Vessel operators or their agents shall remove temporary lines immediately upon completion of receipt or discharge of flammable liquids. Spillage from disconnected lines shall be the responsibility of the petroleum terminal operator, vessel owner/operator and/or their agents. All spills should be reported to the Port Director and regulatory authorities immediately.

(e) DEPARTURE AFTER LOADING OR DISCHARGING:

Any vessel after having discharged or loaded any petroleum product must immediately haul away from dock, pier or wharf and depart, unless otherwise authorized by the Port Director.

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SECTION 2 DEFINITIONS AND SCHEDULE OF CHARGES

ITEM 175 DEFINITIONS - GENERAL

- (a) "AFFREIGHTMENT": A contract of affreightment is one with a shipowner to hire his ship or part of it for the carriage of goods. Such a contract generally takes the form of a charter party or bill of lading.
- (b) "BEAM" means the greatest overall width of a vessel.
- (c) "BILL OF LADING" means a document by which the master of a ship acknowledges having received in good order and condition (or the reverse) certain specified goods consigned to him by some particular shipper, and binds himself to deliver them in similar condition - unless the perils of the sea, fire, or enemies prevent him - the consignees of the shipper at the point of destination on their paying him the stipulated freight.
- (d) "BULK CARGO" means cargo that is loaded and carried in bulk without mark or count in a loose unpackaged form, having homogeneous characteristics. Bulk cargo loaded into intermodal equipment, except LASH or Seabee barges, is subject to mark and count and is, therefore, subject to the requirements of this part.
- (e) "BUSINESS ENTITY" means a person, firm, association, organization, partnership, business trust, corporation, company, or any other business entity.
- (f) "CARLOADING OR UNLOADING" is the service performed to load cargo from wharf premises or other such terminal premises designated by the Port Director or his authorized representative to be used for such purposes, to or from railroad cars or trucks, trailers, semi-trailers from or to wharf premises or other terminal premises.
- (g) "COMMISSION" means the Federal Maritime Commission.
- (h) "CONSIGNEE" means the recipient of cargo from a shipper, individuals or business entities to whom a transported commodity is to be delivered.

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<p>(i) freight-carrying unit designed to be transported by different modes of transportation and having construction, fittings, and fastenings able to withstand, without permanent distortion or additional exterior packaging or containment, the normal stresses that apply on continuous all-water and intermodal transportation. The term includes dry cargo, ventilated, insulated, refrigerated, flat rack, vehicle rack, liquid tank, and open-top containers without chassis, but does not include crates, boxes or pallets.</p> <p>(j) "DELINQUENT LIST" means the record of vessels, their owners or agents, or other users of the Port of Sitka who have failed to pay charges within sixty (60) days after date of invoice or who have not furnished proper cargo statements to the Port Director.</p> <p>(k) "DERELICT" means any watercraft moored or otherwise located within the Port which is forsaken, abandoned, deserted or whose owner fails to contact the Port Director within seven (7) days after written notice declaring the watercraft to be abandoned is attached to said watercraft.</p> <p>(l) "DIRECT LOADING OR UNLOADING" is the service accorded to cargo in transferring cargo by ship's tackle between ship and open top railroad cars, vehicles, pipeline, or water, raft, barge, lighter, or other waterborne vessels; or open top trucks, trailer beds or bodies, which are spotted within reach of ship's tackle or terminal's tackle.</p> <p>(m) "DOCKAGE" is the charge assessed to a vessel for docking at a wharf, dock, pier or other facility, or for mooring to a vessel so docked.</p> <p>(n) "DUNNAGE" means loose wood or other material used in a ship's hold for the protection of cargo and specified items approved by the Sitka Port Commission in Item 202.</p> <p>(o) "FLOATING DOCKS/FLOATS" means docks/floats equipped with or without gangways that are secured to the appurtenant to it for the use of small vessels.</p> <p>(p) "FOREIGN COMMERCE" means that commerce under the jurisdiction of the Foreign Commerce Act.</p> <p style="text-align: center;">(Continued on next page)</p>		
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<p>(q) "FOREST PRODUCTS" means forest products including, but not limited to, lumber in bundles, rough timber, ties, poles, piling, laminated beams, bundled siding, bundled plywood, bundled core stock or veneers, bundled particle or fiber boards, bundled hardwood, wood pulp in unitized bales, paper and paper board in rolls or in pallet or skid-sized sheets, liquid or granular by-products derived from pulping and papermaking, and engineered wood products.</p> <p>(r) "GANGWAY" means a narrow, portable platform used as a passage by persons entering or leaving a vessel moored alongside a quay or pier.</p> <p>(s) "HANDLING" is the service accorded to cargo movement from end of ship's tackle or terminal's tackle to the first place of rest on the wharf or other terminal premises designated by the Port Director or his authorized representative to be used as the first place of rest, or from such first place of rest on the wharf or other such terminal premises to a place within reach of ship's tackle or terminal's tackle.</p> <p>(t) "HOLIDAYS": Whenever in this tariff reference is made to holidays the following days are included: New Year's Day, Martin Luther King Day, President's Day, Seward's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Day After Thanksgiving, Christmas Day, and every other day appointed by the President of the United States of America and/or the Governor of Alaska. In the event that one of the above mentioned holidays occurs on Saturday, the previous Friday will be considered a holiday for the purpose of this tariff. In the event that one of the above mentioned holidays occurs on Sunday, the following Monday will be considered a holiday for the purpose of this tariff.</p> <p>(u) "INDUSTRIAL PARK" means those parcels of real property adjacent to the Municipal Terminal which organizations with business interests at the Port may lease/rent from the Municipality.</p> <p>(v) "LADDER" means a metal, wooden or rope stairway.</p> <p>(w) "LOA" means the overall length of a watercraft measured from the most forward point at the Beam to the aftermost part of the stern of the watercraft, to include the motor.</p> <p style="text-align: center;">(Continued on next page)</p>		
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<p>(x) "MANIFEST" means a detailed statement of a vessel's cargo, giving the bills of lading numbers, marks, number of packages, names of shipper, names of consignee, weight or total measurement of goods, rate of freight and where payable. Such a statement is sent by the owners or brokers at port of shipment to their agents at destination port.</p> <p>(y) "MOORING" means to secure a ship or vessel or any floating object in a particular place by weight, chain, rope, float, structure, or any appliance used for anchoring purposes by a watercraft which is not carried aboard a watercraft as part of it.</p> <p>(z) "MOTOR VEHICLE" means a wheeled vehicle whose primary purpose is ordinarily the non-commercial transportation of passengers, including an automobile, pickup truck, minivan, or sport utility vehicle.</p> <p>(aa) "CITY AND BOROUGH DOCK" means the concrete operating wharves and their associated facilities, such as cranes, transit shed and access trestles permanently affixed thereto.</p> <p>(bb) "CITY AND BOROUGH TERMINALS" means the Municipal Docks and all waterfront property as shown on page __ of this tariff, Transit Areas and their associated facilities, such as access roads, and the adjacent storage areas necessary to conduct normal day-to-day dock or cargo handling operations.</p> <p>(cc) "NON•OPERATING PORT" means a landlord port with all port facilities generally leased, rented or preferentially assigned with the lessee, rental permittee or assignee responsible for operating the facilities.</p> <p>(dd) "OPERATING PORTS" generally provide all port services except stevedoring with their own employees including, but not limited to, loading and unloading of rail cars and trucks and the operation of container terminals, grain elevators, and other bulk terminal operations.</p> <p>(ee) "LIMITED•OPERATING PORTS" lease facilities to others, but continue to operate one or more facilities with port employees. These operated facilities may be specialized terminals, such as grain elevators, bulk terminals, container terminals, etc.</p> <p style="text-align: center;">(Continued on next page)</p>		
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<p>(ff) "OVERSTOWAGE" means faulty loading, as when cargo for the second port of discharge is stowed above cargo for the first port and therefore the latter cannot be discharged at its destination.</p> <p>(gg) "POINT OF REST": Point of Rest is defined as that area on the terminal facility which is assigned for the receipt of inbound cargo from the vessel and from which inbound cargo may be delivered to the consignee and that area which is assigned for the receipt of outbound cargo from shippers for vessel loading.</p> <p>Note: Issued pursuant to F.M.C., Docket 875, General Order 15.</p> <p>(hh) "PORT" means a place at which a common carrier originates or terminates (by transshipment or otherwise) its actual ocean carriage of cargo or passengers as to any particular transportation movement.</p> <p>(ii) "PORT DIRECTOR" means the Director of the Port of Sitka or the Port Director's designee.</p> <p>(jj) "PORT FACILITIES" means all docks, floats, berths, wharves, and other landing, launching, mooring, cargo or other facilities located within the Port of Sitka.</p> <p>(kk) "PORT OF SITKA" means the Port of Sitka Subdivision as defined by plat number ____, sheets, exclusive of those areas which are within the exclusive jurisdiction of either the state or the United States.</p> <p style="text-align: center;">(Continued on next page)</p>		
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DEFINITIONS – GENERAL (Continued)

- (ll) "TERMINAL OPERATOR" means a person or company engaged in the United States or a commonwealth, territory, or possession thereof, in the business of furnishing wharfage, dock, warehouse or other terminal facilities or services in connection with a common carrier, or in connection with a common carrier and a water carrier subject to Subchapter II of Chapter 135 of Title 49, United States Code. A marine terminal operator includes, but is not limited to, terminals owned or operated by states and their political subdivisions; railroads who perform port terminal services not covered by their line haul rates; common carriers who perform port terminal services; and agents thereof who operate port terminal facilities.

- (mm) "TERMINAL OPERATOR PERMIT" is a permit issued by the City and Borough of Sitka for an agency/entity to perform one or more of the following marine related services or operations at the Port of Sitka: petroleum transfer operations; general cargo operations; dry bulk cargo operations; outloading of cargo from first place of rest within Port transit areas; vessel servicing; fish handling operations; and, passenger operations.

- (nn) "TRANSSHIPMENT" means the transfer of goods from the vessel stipulated in the contract of affreightment to another vessel before the place of destination has been reached.

- (oo) "VESSEL" means ships or crafts of all types, including but not limited to the following: motor ships, steam ships, canal boats, tugs, barges, sailing vessels, motor boats, and every structure adapted to be navigated from place to place for the transportation of property and persons by any means.

- (pp) "VESSEL OWNER" means the actual or registered owner, charterer, master, agent, person in navigational control or person responsible for the operation of the vessel.

- (qq) "WATERCRAFT" means any vessel, including but not limited to houseboats, floatplanes, waterborne aircraft, floats, scows, rafts, pile drivers, or any other floating structure adopted to be navigated from place to place, used for recreational, commercial, or other purpose upon the waterways within the Port or moored at any place within the Port.

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<p>(rr) "WHARFAGE" is the charge assessed against any freight, cargo, goods placed in a transit shed or on a wharf, or passing through, over or under a wharf or Municipal terminal; or transferred between vessels, or loaded to or unloaded from a vessel at a wharf, regardless of whether or not a wharf is used. Wharfage is solely the charge for use of wharf and does not include handling, sorting, piling of freight or charges for any other services.</p>		
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SECTION 2 DEFINITIONS AND SCHEDULE OF CHARGES

ITEM 200 DOCKAGE

(a) DOCKAGE:

Dockage is the charge assessed to a vessel for docking at a wharf, dock, pier or other facility, or for mooring to a vessel so docked.

(b) DOCKAGE PERIOD - HOW CALCULATED:

Dockage shall commence when a vessel's first line is made fast to a wharf, pier or other facility, or when a vessel is moored to another vessel so berthed and shall continue until such vessel is completely freed from and has vacated the berth. No deductions will be made for Sundays or holidays.

(c) BASIS FOR COMPUTING CHARGES:

Dockage charges will be assessed on the length-over-all of the vessel. Length-over-all shall be construed to mean the linear distance, expressed in feet, from the most forward point of the stem of the vessel to the aftermost part of the stern of the vessel, measured parallel to the baseline of the vessel.

For dockage billing purposes, length-over-all of the vessel as published in "Lloyd's Register of Shipping" will be used. If no such figure appears in "Lloyd's Register", the Port reserves the right to: (1) obtain the length-over-all from the vessel's register, or (2) measure the vessel.

(d) VESSEL DOCKED TO REPAIR, SHORE, OUTFIT OR FUMIGATE:

Full dockage will be charged if and when a vessel is permitted to make repairs or alterations, shore for special freight, outfit, store or fumigate while docked at wharf.

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DOCKAGE (Continued)

(e) **VESSELS REQUIRED TO OBTAIN ASSIGNMENTS/BERTHING RESERVATION:**

No vessel will be permitted to berth at a wharf or terminal facility of the without having first made written application for a berth assignment and without such an assignment having been granted. Berthing Applications are available from the Port of Sitka offices.

Application of berth assignments must be made as far in advance of the arrival of vessel as possible and must specify arrival and departure dates and the nature and quantity of the freight to be loaded or discharged.

(f) **BERTHING POLICY/BERTHING RESERVATION:**

A Terminal Operator Permittee may secure reserved dock space under the following conditions:

- (1) Provide the Port with a fully completed Berthing Application indicating berth and desired, scheduled dockside activities/services needed and timeframes/ date(s) requested.
- (2) Berthing Application and prepaid dockage must be received by the Port a minimum of 4 business days prior to anticipated vessel arrival. Applications will be processed on a first-come first-served basis.
- (3) Port will determine availability of berth, services, etc., and dates requested. Should berthing schedule conflicts be found between berthing applicants, the Port shall mediate a resolution which will attempt to minimize negative impacts on both (or all) parties?
- (4) Full dockage fees will be paid to the Port at the time of application for berthing reservation Prepaid dockage fees will be non-refundable unless a written cancellation is received by the Port a minimum of 24 hours prior to scheduled vessel arrival.

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DOCKAGE (Continued)

(5) When space is available, vessels with approved reservations may have a 24-hour grace window on either side of scheduled call/stay provided no other reservations have been received.

(6) Vessels that dock at berths without prior berthing application approvals do not have berthing privileges or priority and shall complete a berthing application immediately after docking.

(g) **VESSELS REQUIRED TO VACATE BERTHS:**

Vessels may occupy a berth, subject to charges named in Item 200, Section (j), providing such vessel shall vacate the berth upon demand by the Port Director or his authorized representative. Vessels refusing to vacate berth on demand may be moved by tug or otherwise, and any expenses or damages to vessel, other vessels or wharf structures during such removal shall be charged to the vessel so moved.

(h) **CHARGES ON VESSEL SHIFTING:**

When a vessel is shifted directly from one wharf (berth) to another wharf (berth) owned by the Port of Sitka, the total time at such berths will be considered together in computing the dockage charge.

(i) **CHARGES TO ASSISTING VESSELS:**

A single vessel, when actively engaged as a tug boat, assisting and made fast outboard of a vessel loading or discharging cargo, will be accorded free dockage. A tug boat leaving its tended vessel for any purpose shall waive its right to free dockage for the period of berthing it left its tended vessel until it secures back to its tended vessel.

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DOCKAGE (Continued)

(j) DOCKAGE RATES WILL BE ASSESSED AS FOLLOWS EXCEPT AS OTHERWISE PROVIDED.

Vessel Length (feet)	DOCKAGE RATE In Dollars					
	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
0 – 50 feet – rate per foot	\$0.80	\$0.84	\$0.89	\$0.94	\$1.00	\$1.06
51 – 149 feet – rate per foot	\$1.00	\$1.06	\$1.12	\$1.19	\$1.26	\$1.34
150 - 199	\$396	\$420	\$445	\$472	\$500	\$530
200 - 299	\$592	\$628	\$665	\$705	\$747	\$792
300-399	\$922	\$998	\$998	\$998	\$998	\$998
400	\$1,175	\$1,272	\$1,272	\$1,272	\$1,272	\$1,272

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<p>Note 1: Half days shall not be considered in computing dockage. Dockage is assessed as follows:</p> <ul style="list-style-type: none"> a. 24 hours or less shall be charged one full day's dockage. b. Over 12 hours, and not more than 24 hours, shall be charged one full day's dockage. <p>(k) MONTHLY DOCKAGE RATES:</p> <p>Vessels employed solely in the business of providing tug service to vessels calling at the Port may make application to the Port Director for monthly dockage rates.</p> <p>4 Vessels accorded the monthly rate shall not be deemed to have been given any preferential berthing right and shall vacate any particular berth when ordered to do so by the Port Director.</p> <p>The monthly agreement may be revoked by the Port Director and terminated by the operator upon five days written notice.</p> <p style="text-align: center;">(Continued on next page)</p>		
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SECTION 2 DEFINITIONS AND SCHEDULE OF CHARGES

ITEM 202 DUNNAGE

(a) DEFINITION:

The specified items approved by the Sitka Port Commission for which no wharfage charge will be assessed on outbound containers carrying the specific dunnage items, for which wharfage was assessed on the inbound movement. The qualifying dunnage materials that are used strictly for the purpose of securing and protecting cargo are listed below:

- Bags, Horticultural, Growing Bags, bulk container, empty Bales of Cardboard
- Baskets
- Bins, necessary for the transportation of groceries, foodstuffs and/or department store merchandise
- Blankets, furniture
- Boxes, fiberboard, paper or pulpboard, used, collapsed
- Bread Trays
- Cans, Aluminum, empty, used
- Containers, bulk flour
- Containers, bulk liquid (Porta-feeds), used for transporting chemicals or paint, in bulk, capacity not to exceed 500 gallons each
- Cylinders
- Cribbing
- Cribs
- Dunnage, rubber, inflatable Dunnage, wooden Hampers, garment Hangers, garment
- Kegs, not exceeding 55 gallon capacity
- Load locks
- Material, not a part of the pallet, platform, skid or shipping container, used to protect top of
 - lading or to secure the load to the pallet, platform or shipping container
- Milk Baskets, Milk Crates
- Pads; i.e., packing, shipping, cotton or jute, old, used per Item 148700 of NMFC (Furniture Pads)
- Pallets

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DUNNAGE
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Pallets, Platforms or Skids, with or without standing or collapsible sides or ends, with or without top, and includes plastic or rubber liners used in conjunction therewith

- Platforms, Partitions or Dividers
- Racks
- Racks,
- Shoe
- Reels
- Skid
- s
- Spo
- ols
- Tote
- s

Note: the return provisions of dunnage will apply only when the returned articles have been assessed wharfage on inbound movement.

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ITEM 210 <u>LOADING AND UNLOADING</u>		
Over 20 feet RATE (each per day)	<u>2018</u> \$6.15	<u>2019</u> \$6.52
	<u>2020</u> \$6.91	<u>2021</u> \$7.32
		<u>2022</u> \$7.76
<p>(a) DIRECT LOADING AND UNLOADING: Direct loading or unloading is the service accorded to cargo in transferring cargo by ship's tackle or terminal's tackle between ship and open top railroad cars or water, raft, barge, lighter, or other waterborne vessels; or open top trucks, trailer beds or bodies, which are spotted within reach of ship's tackle or terminal's tackle. Cargo shall be subject to wharfage charges.</p>		
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ITEM 212 <u>FREE TIME</u>		
<p>(a) DEFINITION: The specified period during which cargo may occupy space assigned to it on Terminal property, free of wharfage, demurrage or terminal storage charges, immediately prior to the loading, or subsequent to the discharge, of such cargo on or off the vessel.</p> <p>(b) COMPUTING FREE TIME: Free time starts the first 12:00 am after cargo is received or unloaded onto wharf from car or truck, or, in the case of cargo received from vessel, the first 12:00 am after completion of the vessel's discharge. On outbound traffic, the day or days vessel is loading are not included in the computation. On inbound traffic from vessel, delivery of which is made after the allotted free time period, the day freight is loaded out or delivered to truck or car is to be included in the computation as a storage day.</p> <p>When freight is transshipped between deep sea vessels and involves application of both a long and short time period, the longer period shall be allowed, but not the aggregate of any two free time periods.</p> <p>(c) FREE TIME PERIOD: Free time of three (3) days will be allowed on all inbound traffic. Free time of three (3) days will be allowed on all outbound cargo. Subject to the discretion of the Port Director.</p>		
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ITEM 215 <u>TERMINAL OPERATOR PERMIT</u>		
<p>(a) TERMINAL OPERATOR PERMITS: The services set forth in Item 215, Section (b) shall be provided by independent agents at the Port of Sitka under Terminal Operator Permits issued by the Sitka Port Commission. These permits are available to any qualified agent desiring to provide terminal services at the Port of Sitka and required by the Port of Sitka.</p> <p>A current list of the Terminal Operator Permit Holders operation at the Port of Sitka is on file at the Port of Sitka and available upon request.</p>		
ITEM 220 <u>MINIMUM CHARGES</u>		
<p>Except as otherwise provided herein, where named services are performed, the minimum charge for any single shipment shall be:</p> <p style="text-align: center;">Wharfage: \$75.00</p> <p style="text-align: center;">(Continued on next page)</p>		
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ITEM 222 <u>PORT LABOR</u>		
(a)	SUBJECT TO CHANGE: The rates named in this tariff, revisions or supplements thereto, are based upon ordinary traffic and labor conditions. If and when these conditions change because of demand of labor for increased wages, strikes, congestions or other causes not reasonably within the control of the Port of Sitka, resulting in an increased cost of service, the rates are subject to change without notice.	
(b)	OVERTIME: Overtime work performed on Saturdays, Sundays, or Holidays or after 5:00 P.M., or before 8:00 A.M., Mondays through Fridays, or during meal periods as shown below:	
	06:00 A.M.	to 07:00 A.M.
	12:00 Noon	to 01:00 P.M.
	06:00 P.M.	to 07:00 P.M.
(c)	STANDBY TIME: Except as otherwise provided, when the Port of Sitka is required to order labor for a specific service, and through no fault or inability of the Port of Sitka, the work or service is not commenced, causing standby time to accrue, or when work or service after commencement is delayed through no fault of the Port of Sitka for periods of fifteen consecutive minutes or more, current man-hour rates or agent's actual labor rates, plus 15% will be assessed against the part for whom labor was ordered. In computing cost of man-hour time, less than 15 minutes will be considered no delay, but time of 15 minutes or more will be considered delay time and charges computed from cessation of work until resumption of work will be assessed in units of 15 minutes, except that no charge will be made for the final 15 minutes if work commences within the first seven minutes of such period.	
(d)	MINIMUM LABOR HOURS: When the Port of Sitka is required to furnish labor for a specific service and such service is completed before the expiration of the minimum time allowed under current labor working agreements and awards, the labor charges accruing after the specific service is completed and until the end of the minimum time allowed will be assessed at current man-hour rates plus 15% overhead.	
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<p>(e) RATES APPLY WHEN NOT OTHERWISE PROVIDED: When services are performed by the Port of Sitka, its employees or agents, for which no specific rates are set forth in this tariff, or when reference is made to this item, charges for such services shall be at current man-hour rates, or agent's actual labor rates, plus 15% overhead, and the charge for any equipment used as set forth in Item 205. Charge for materials furnished in connection with said services will be assessed at actual cost to the Port of Sitka, plus 15%.</p>		
<p>(f) LINE HANDLING: The Port of Sitka does not perform the services of line handling. Such service is arranged by and is for the account of the agents of the vessel or stevedore company handling the vessel.</p>		
<p>(g) LONGSHORE MAN•HOUR RATES: Man-hour rates for longshore work are available from holders of valid stevedore companies.</p>		
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SECTION 2 DEFINITIONS AND SCHEDULE OF CHARGES

ITEM 250 WHARFAGE

- (a) Wharfage is the charge assessed against any freight, cargo, goods placed in a transit shed or on a wharf, or passing through, over or under a wharf or Municipal Terminal; or transferred between vessels, or loaded to or unloaded from a vessel at a wharf, regardless of whether or not a wharf is used. Wharfage is solely the charge for use of wharf and does not include handling, sorting, piling of freight or charges for any other

- (b) APPLICATION:
Wharfage rates named in this tariff will be charged for all merchandise received over the Municipal Docks or Municipal Terminal of the Port of Sitka and will be in addition to all other charges made under provisions of this tariff, EXCEPT:

No wharfage shall be charged to ship's gear, such as strongbacks, lines, hatch covers, walking boards, etc., placed on wharf during unloading operations. Fuel handled over wharf will not be considered as ship's stores and will be subject to wharfage and other charges that may be incurred.

- (c) OVERSIDE:
Full wharfage named herein will be charged to merchandise discharged or loaded overside of vessel directly to or from another vessel or to the water when vessel is berthed at wharf.

- (d) OVERSTOWED CARGO:
Overstowed cargo destined for discharging at another port will be exempt of wharfage charges, provided such cargo is immediately re-loaded to departure of the same vessel.

- (e) MINIMUM CHARGE:
See Item 220.

- (f) SCHEDULE OF RATES:
Except as otherwise specifically provided, rates are in cents per ton of 2000 lbs.

- (g) TRANSSHIPPED CARGO:
Transshipped cargo shall be taken as a single through movement and shall be included only one time for purposes of determining the wharfage rate.

- (h) SECURITY SURCHARGE:
Notwithstanding any other schedule of charges, the Port of Sitka shall assess a security surcharge of \$0.58 per ton for all commodities crossing the Port of Sitka.

ISSUED BY: Keith Brady, Municipal Administrator, Sitka, Alaska

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TERMINAL TARIFF, FMC NO. 1**

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SECTION 2 DEFINITIONS AND SCHEDULE OF CHARGES

COMMODITY		WHARFAGE RATE In Dollars						
		<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	
ITEM 251	Aggregates	Per ton	\$1.17	\$1.24	\$1.31	\$1.39	\$1.48	\$1.57
ITEM 252	Freight, N.O.S	Per ton	\$7.03	\$7.45	\$7.90	\$8.37	\$8.88	\$9.41
ITEM 253	Fish	Per ton	\$14.50	\$15.37	\$16.29	\$17.27	\$18.31	\$19.41
ITEM 254	30 AMP	Per day	\$8.00	\$8.48	\$8.98	\$9.52	\$10.09	\$10.70
ITEM 254	100 AMP	Per every 4 hours	\$20.00	\$21.20	\$22.47	\$23.82	\$25.25	\$26.76

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SECTION 2 DEFINITIONS AND SCHEDULE OF CHARGES

COMMODITY	WHARFAGE RATE In Dollars					
	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
FUEL Liquids, Petroleum or Petroleum Products, N.O.S., in bulk, discharged or loaded between mobile motor freight tank vehicles or railroad tank cars and vessel's tanks per gal.	\$1.58	\$1.67	\$1.78	\$1.88	\$1.99	\$2.11
NOTE 1: All petroleum transferring operations are subject to rules governing bulk petroleum products. See Item 170.						
POWDER Gun or Blasting; Blasting Cap; Dynamite; High Explosive, N.O.S.; Explosive Ammunition other than small arms Ammunition (See note)	\$1.75	\$1.86	\$1.97	\$2.08	\$2.21	\$2.34
NOTE 1: Written permission of the Port Director must be obtained prior to any movement of merchandise named in this Item over the Municipal Terminal facilities.						

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SECTION 2 DEFINITIONS AND SCHEDULE OF CHARGES

COMMODITY	WHARFAGE RATE In Dollars					
	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
VANS OR CONTAINERS						
Freight; rigid, non-disposable, dry cargo, insulated, refrigerated, flat rack, liquid tank, or open top container, with or without wheels or chassis attached, minimum dimensions 8 ft. wide and 20 ft. long, viz: containing merchandise, except containing powder, gun or blasting, or other articles as described in Item 264, under seal. (Subject to Notes 1 and 2)	\$3.51	\$3.72	\$3.94	\$4.18	\$4.43	\$4.70
Empties returning, each (Subject to Note 1)	\$1.17	\$1.24	\$1.31	\$1.39	\$1.48	\$1.57
NOTE 1: May include unit for refrigeration or heating of merchandise.						
NOTE 2: Charge applies to net weight of contents of vans or containers, inbound or outbound.						
VEHICLES and other articles, empty self-propelled or non-self-propelled, viz:						
Automobiles, including pickups with or without camper bodies attached, chassis,	\$1.17	\$1.24	\$1.31	\$1.39	\$1.48	\$1.57
Trailers, house or vacation; homes or buildings, mobile or modular, S.U.	\$9.36	\$9.92	\$10.52	\$11.15	\$11.82	\$12.53
Heavy Equipment including cranes, sanders, sweepers, graders, loaders, fork lifts,	\$12.87	\$13.64	\$14.46	\$15.33	\$16.25	\$17.22

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SECTION 2 DEFINITIONS AND SCHEDULE OF CHARGES

COMMODITY	WHARFAGE RATE					
	In Dollars					
	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Pursuant to the establishment of the Office of Homeland Security in 2001 and Maritime Transportation Security Act of 2002, the Port of Sitka will assess a security fee in order to defray expenses associated with mandated security measures.						
Heavy Equipment including cranes, sanders, sweepers, graders, loaders, fork lifts,	\$12.87	\$13.64	\$14.46	\$15.33	\$16.25	\$17.22
PORT FACILITY SECURITY FEES petroleum products. See Item 170.	\$0.68	\$0.72	\$0.76	\$0.81	\$0.86	\$0.91
CARGO VESSELS						
Notwithstanding any other schedule of charges, the Port of Sitka shall assess a security surcharge on per ton for all commodities crossing the Port of Sitka facilities.						
NON-CARGO VESSELS						
Notwithstanding any other schedule of charges, the Port of Sitka shall assess a security fee on the gross tons of all vessels calling at the Port facilities.	\$0.12	\$0.13	\$0.13	\$0.14	\$0.15	\$0.16
PASSENGER						
Notwithstanding any other schedule of charges, the Port of Sitka shall assess a security fee on per passenger embarking or disembarking at the Port facilities.	\$1.17	\$1.24	\$1.31	\$1.39	\$1.48	\$1.57

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