



The Port OF HUENEME

We Make Cargo Move

OXNARD HARBOR DISTRICT
PORT OF HUENEME

PORT TERMINAL SCHEDULE NO 9.2

NAMING: RATES, CHARGES, RULES AND REGULATIONS

AT: THE PORT OF HUENEME, CALIFORNIA

FOR: PILOTAGE, DOCKAGE, WHARFAGE, DEMURRAGE AND
OTHER SERVICES DESCRIBED HEREIN

Issued by:

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OXNARD HARBOR DISTRICT

PORT OF HUENEME

PORT HUENEME, VENTURA COUNTY, CALIFORNIA

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Changes and additions to this Schedule 9.2 will be made by reprinting the page on which the change or addition is made; such page will be designated as a revised page, with a "Correction" number in the lower left-hand corner.

On receipt of a revised or new page, note the "Correction" number shown below; if a "Correction" has been made but not received, a request should be made at once for a copy of the missing page.

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SECTION I

DEFINITIONS

Explanation of Abbreviations and Symbols

+	Addition
*	Change
[C]	Change; change in wording resulting in neither an increase nor decrease [D] Deletion
[I]	Increase
[R]	Reduction
%	Percent
B.M	Board measure or board measurement Cu. Ft. Cubic feet or cubic foot
Etc.	Et cetera
Incl.	Inclusive
K.D.	Knocked down Kg(s) Kilogram(s)
KT	1000 kilograms
Lbs.	Pounds
M3	Cubic Meter
No.	Number
N.O.S.	Not Otherwise Specified Para.Paragraph
Sec.	Section
Sq. ft.	Square feet or square foot
S.U.	Set up
U.S.	United States
W/M	Weight or measurement whichever yields the greater revenue
&	And
\$	U.S. dollars

Units of Weights and Measure

International (metric) and U.S. customary units of weights and measure (based on U.S. Department of Commerce, National Bureau of Standards publications) governing the determination of rates and charges assessed under this Schedule are as follows:

1 Kilogram = 2.2046 Pounds

1 Pound = 0.4536 Kilogram

1,000 Kilograms = 2204.6 Pounds (1 Metric Ton)

2,000 Pounds = 907.1847 Kilograms (1 Short Ton)

1 Metric Ton = 1.1023 Short Tons

Short Ton = 0.9072 Metric Ton

Long Ton = 2,240 Pounds

1 Long Ton = 1,016.0469 Kilograms

1 Foot = 0.3048 Meter

1 Meter = 3.2808 Feet

1 Cubic Foot = 0.0283 Cubic Meter

1 Cubic Meter = 35.3147 Cubic Feet

40 Cubic Feet = 1.1327 Cubic Meters

1 Bushel = 0.0352 Cubic Meter

1 Cubic Meter = 28.3776 Bushels

1 Liter = .2642 Gallon

1 Gallon = 3.7854 Liters

1 Barrel (42 Gallons) = 158.9873 Liters

1,000 B.M. = 83.33 Cubic Feet (2.3597 cubic meters)

1 Cubic Meter = 423.783 B.M.

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DEFINITIONS

Note: all words or terms that have been defined within this Schedule, regardless of where stated, shall apply to the entire Schedule.

- a. “Area” or “Port area” refers to the premises, wharves, landings, docks and any other areas within the Port Hueneme, California, under the possession, operation or control of the Board of Harbor Commissioners of the Oxnard Harbor District.
- b. “Board” is the Board of Harbor Commissioners of the Oxnard Harbor District.
- c. “Bulk cargo” or “in bulk” means merchandise that is loaded and carried in bulk without mark or count, in a loose unpackaged form, having homogenous characteristics. Bulk cargo loaded into intermodal equipment shall be subject to mark and count and is, therefore, subject to the requirements of this part.
- d. “Coastwise trade” is trade in which merchandise is transported by vessel between U.S. Pacific Coast ports, as well as to or from British Columbia, Canada ports.
- e. “Container” is a rigid, non-disposable, intermodal dry cargo, insulated, refrigerated, flat rack, liquid tank or open-top container, demountable, of not less than 225-cubic feet capacity, furnished or approved by an ocean carrier for transportation of merchandise aboard a vessel.
- f. “Correlation of Federal Maritime Commission definitions,” Part 525, Subchapter B, Chapter IV of Title 46 Code of Federal Regulations, as amended from time to time, contains definitions of certain terminal services; pursuant to Section 525.1(a), the definitions in Section 525.1 (c) and the correlated definitions contained in this Schedule are as follows:
 - Section 525.1(c) (5) – Dockage
 - Section 525.1(c) (23) – Wharfage
 - Section 525.1(c) (9) – Free Time
 - Section 525.1(c) (22) – Wharf Demurrage
 - Section 525.1(c) (20) – Terminal Storage
- g. “Direct” is continuous operation between barge, car/truck and vessel by stevedores.
- h. “Director” is the administrative head of the Port of Hueneme, including their duly authorized agent, designee or representative; whenever this Schedule gives the Director power or authority to do or perform any act, such designee shall have like power and authority, and any such action taken pursuant to this Schedule shall have the same force and effect.

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- i. “District” is the Oxnard Harbor District, in Ventura County, California, which owns and operates the Port of Hueneme as an independent special district and political subdivision of California, with a five-member Board of Harbor Commissioners elected at large; by statute, it can acquire, own, operate, control or develop harbor works or facilities, control its budget and fiscal activities, and is responsible for Port construction and operations.
- j. “Export merchandise” is a shipment of goods to a foreign country.
- k. “Foreign and offshore trade” are trades, other than coastwise or intercoastal trade, in which merchandise is transported by vessel.
- l. “Hazardous materials,” “hazardous waste,” “hazardous substance,” and/or “dangerous cargoes” are materials designated by U.S. Environmental Protection Agency (EPA), International Maritime Organization (IMO), California Health & Safety Code (CHS) or U.S. Coast Guard (USCG), as capable of posing a significant risk to health, safety or property when transported, stored or released, or which qualify as hazardous due to their characteristics under CHS Code, Title 22, as amended from time to time; they include but are not limited to acids, corrosives, explosives, oxidizers, poisons, reactives, flammables and combustibles, or any other federal or state definition of hazardous waste, substance or toxin.
- m. “Import merchandise” is a shipment of goods received from a foreign country.
- n. “Inbound cargo” is cargo that is being or has been discharged from a vessel.
- o. “Intercoastal trade” is trade in which merchandise is transported by vessel between U.S. Pacific Coast ports and U.S. Atlantic, Gulf and Puerto Rican ports.
- p. “Operator” shall include all assignees, tenants, permittees, contractors and any person operating on Port facilities
- q. “Legal holiday” shall mean and include the following days:
 - (i) New Year’s Day
 - (ii) Martin Luther King Jr. Day
 - (iii) Lincoln’s Birthday
 - (iv) Washington’s Birthday
 - (v) Cesar Chavez
 - (vi) Memorial Day
 - (vii) Juneteenth

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- (viii) Independence Day
- (ix) Labor Day
- (x) Indigenous Peoples' Day
- (xi) Veterans' Day
- (xii) Thanksgiving Day
- (xiii) Christmas Day
- (xiv) Other legal holiday that may be proclaimed by Federal or California State authority.

Note: When any holiday falls on Sunday, the Monday following will be observed as the holiday.

r. "Local territory" is defined as an origin or destination in the U.S. located in states west of and including Montana, Wyoming, Utah and Arizona and in Canada west of Saskatchewan.

s. "Marine terminal operator" means a person or conference in the U.S. (including a commonwealth, territory or possession thereof) that provides wharfage, dock, warehouse or other terminal facilities in connection with a common carrier, or in connection with a common carrier and a water carrier subject to subchapter II of chapter 35 of title 49 USC; this includes, but is not limited to, terminals owned or operated by states and their political subdivisions; railroads that perform port terminal services not covered by their line haul rates; common carriers who perform port terminal services; and warehousemen who operate port terminal facilities.

t. "Merchandise" includes, but is not limited to, cargo, commodities, goods, freight, liquids, and materials of any kind, animals, vessels' stores, supplies and bunkers.

u. "Merchandise in bulk" are commodities that due to their unsegregated mass are usually handled by shovels, scoops, buckets, forks, magnets or mechanized conveyors, and are carried without wrappers or containers, and are received and delivered by carrier without transportation mark or count (excluding any item subject to a piece count.)

v. "Overtime" are hours before 8 a.m. and after 5 p.m., Saturdays, Sundays and Legal holidays.

w. "Palletized stowed units" is cargo loaded on pallets, platforms or skids forming a single unit by the shipper not on terminal premises, handled with mechanical equipment, loaded and stowed in or discharged from vessel's stowage and delivered to consignee (excluding cargo palletized on vessels while berthed at terminal facilities). When received from shipper at the terminal, cargo must be designated on shipping documents as "Palletized stowed units," and

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when delivered to consignee at the terminal must be designated on inward vessel manifest and ocean bill of lading as “Palletized stowed units.” The weight of such pallets, platforms or skids shall be excluded when computing weight on which charges are assessed.

x. “Person” shall mean any individual, corporation, partnership, association, joint venture, trustee, receiver, agent, representative, county, state or federal agency, board or commission.

y. “Port” shall mean the Port of Hueneme under jurisdiction of the Oxnard Harbor District (with jurisdiction to make and enforce rules and regulations governing the use and control of navigable waters and lands within the Port), and shall include berths at marine terminals, wharves and commercial shipyard facilities within the Port.

z. “Rail demurrage” is the charge, assessed by rail providers, for expenses incurred when rail cars are detained on Port terminal facilities beyond a specified period allowed by rail provider.

aa. “Schedule” means a publication containing rates, charges, classifications, regulations and practices of a marine terminal operator, including usage, customs or modes of operation that affect, determine or change rates, charges or services provided by a marine terminal operator (also referred to as a “tariff”).

bb. “Straight time” are hours between 8 a.m. and 5 p.m., except Saturdays, Sundays and Legal holidays.

cc. “Terminal” includes all piers, wharves, docks, landings or other property or terminal structures operated by the Oxnard Harbor District.

dd. “Ton” means 1,000 kg, gross weight, unless otherwise provided; and “measurement ton” means one cubic meter (35.315 Cubic Feet) based on vessel manifest or computed by using outside dimensions of all sides of the package.

ee. “Unitized cargo” is cargo secured to pallets, platforms or skids, when individual containers are banded or otherwise securely held together to form a single unit, prepared by a shipper to facilitate handling, weighing not less than 816 kilos nor more than 2041 kilos and which is handled by mechanical equipment. The weight of such pallets, platforms or skids will be excluded when computing weight on which charges are assessed.

ff. “Port Berths” The Port has modernized its wharves, the Port reserves the capability to berth vessels at different locations depending on vessel sizes and ongoing Port operational needs.

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SECTION II

GENERAL RULES & REGULATIONS

1. Application

The rules and regulations, as well as the rates, charges and fees therein, shall be those in effect at the time of enforcement; the Director reserves the right to interpret and determine the applicability of any of the rates and to assess charges or fees in accordance with any such interpretation and determination. Further, the Port may revise this Schedule at any time, in its sole discretion, which shall have the same force and effect as though expressly set out herein.

The Director's interpretation and application of this Schedule shall be guided by the Port's goals of maximizing economic benefits for the greater Port community, utilizing Port property in connection with maritime purposes, and growing and developing trade opportunities.

2. Unlawful Collection

It shall be unlawful for any person to collect or attempt to collect any rate, charge or fee set out in this Schedule, or to land, ship, deposit or remove merchandise or other property on or from any wharf, wharf premises or other premises under the jurisdiction of the Port, without written approval by the Director to do so; further, it shall be unlawful for any person acting with written approval to collect or attempt to collect any rate, charge or fee other than those provided in this Schedule.

3. Consent

By using or being present upon any marine or terminal facility at the Port, any interested party shall thereby consent to and abide by all terms, conditions, rules, regulations, rates and charges in the Schedule.

Any person or vessel violating any of the provisions of this Schedule, or interfering with the operation of any of the rules and/or terms and conditions, or who fail to pay any charge or penalty imposed, shall be denied all privileges and facilities under the control of the Port until such charges or penalties have been paid and satisfied; further, they may be subject to other penalties (including with regard to any Delinquent List), as set out herein.

4. Failure or Refuse to Pay Charges; Penalties

a. Any person who fails or refuses to pay, or by false return or in any manner fails or refuses to pay any portion of any charge or fee for dockage, wharfage, wharf demurrage, wharf storage, or any other charge or fee due under this Schedule shall, in addition to penalties provided under

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this Schedule, be liable for and pay the Port twice the amount of such charge or fee as a penalty, plus \$120, except as may be otherwise specifically provided herein.

b. Invoices as issued by the Port are due and payable upon presentation. Port charges are due and payable as incurred. All charges that remain due and unpaid for a period of 30-days after being incurred, shall be subject to a delinquency payment to the Port, equal to .0667% percent of such delinquent charges per day, for each day thereafter until paid in full.

c. It shall be unlawful for any person to use a wharf, landing, watercraft, facility, utility, structure, improvement or appliance under the jurisdiction of the District, or to make use of the navigable waters of the Port, without paying the applicable toll, charge or fee specified in this Schedule; any person that fails or refuses to pay such toll, charge or fee, shall be guilty of a misdemeanor, punishable by a fine not more than \$1,000, or by imprisonment for not more than six-months, or by both, pursuant to California Harbors and Navigation Code.

d. Any person who fails or refuses to comply with this Schedule shall be guilty of a misdemeanor, punishable by a fine of not more than \$599, or by imprisonment for not more than 6-months, or by both.

e. Any violation of this Schedule that constitutes a misdemeanor shall be punishable by a fine of not more than \$500, or by imprisonment for not more than 6-months, or both. And for violation of this Schedule that constitutes an infraction shall be punishable by a fine as set forth in this Schedule; if not so stated, then not to exceed \$300 per infraction.

f. It shall be a separate offense for each day (or portion thereof) this Schedule is violated.

5. Credit List

a. The Director may release any person from payment under this Schedule as may be required, provided such person (i) deposits and maintains on deposit with the Director security acceptable to the Director in an amount sufficient to guarantee payment of all charges incurred by or on behalf of such person, or (ii) is placed on a credit list (Credit List) after making written application, wherein such person agrees to pay, upon presentation any and all bills for said charges (Credit List) .

b. If the application for credit is granted, such person shall have 15-calendar days from date of departure of vessel from any wharf, to deliver to the Director, complete and verifiable copies of the vessel's manifest and/or Bills of Lading, container reports and other information as to such vessel and merchandise as the Director may require. In case of failure to furnish any such documentation when due, or to pay any bill upon presentation, such person may be stricken from the Credit List and placed upon the Delinquent List.

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c. A person not on the Credit List may, in lieu of making a deposit or application as provided above, with the consent of the Director, be relieved of paying charges as required, on producing and filing with the Director a written agreement signed by a person on the Credit List (or who has a sufficient deposit with the Director) to guarantee payment of such charges, wherein such person agrees and promises to pay any and all bills for charges upon presentation.

6. Payment Terms

a. The use of Port facilities or service is conditioned on satisfactory assurance of the Port that applicable charges will be paid when due. All charges are due and payable as they accrue or on completion of service or use. Cash payment for all anticipated Schedule charges is required in advance, unless credit has been arranged.

b. Invoices as issued by the Port are due and payable upon presentation. Any invoice for which full payment is not received by the Oxnard Harbor District within thirty (30) calendar days from the date of the invoice is delinquent and shall be placed on the Delinquent List. A delinquent invoice will be subject to an interest charge of 2% per month or the maximum allowed by law on the unpaid balance, whichever is less (pg. 14, Section 6). Vessels on the Credit List shall file with the Director, information on docking and vessel movement as required by the Port within 15-days after such dockage or pilotage shall accrue.

c. Wharfage, wharf demurrage, wharf storage and any other charge assessed against merchandise shall be paid at rates stated in this Schedule; charges shall be paid by the owner of the merchandise and collected by the vessel discharging or loading the merchandise through its owner, agent, manager, master, berth assignee or other authorized person. All charges assessed against merchandise shall be paid prior to removal or delivery thereof from the wharf or wharf premise unless the vessel, its owner or agent or berth assignee is on the Credit List.

d. The vessel, its owner and charterer jointly and severally, and berth assignee guarantee, shall be liable for payment of all charges whether or not collected. The use of a wharf or wharves by the vessel, its owner or charterer or acceptance of a berth assignment by an assignee constitutes acceptance and acknowledgement of the liability for and guarantee of all applicable charges.

e. Wharfage, wharf demurrage, wharf storage and any other charges in this Schedule that are assessed against merchandise are liens against all such merchandise deposited upon any wharf or other premises under the jurisdiction and control of the District. The Port, its agents and assignees, may hold possession of any or all of such merchandise to secure payment of any or all of such charges until paid.

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f. The Port may take physical possession of merchandise that remains on the wharf or other premises longer than the time prescribed in this Schedule; if accrued charges are not immediately paid thereafter, the Port may, at any time after taking possession, remove and store merchandise at the charge, risk and expense of the merchandise, its owner or consignee. The Port may sell any or all such merchandise at public auction, with or without notice.

g. In order to keep wharves and other premises under the Port’s jurisdiction and control free of obstruction, the Port may serve written (or post thereon) notice on the owner, agent, consignee or person in possession or having custody of such obstructing merchandise, material or structure, requiring removal within 24-hours; on failure to comply, the Port may remove or store it at the charge, risk and expense of owner or consignee. Further, the Port may sell such merchandise, material or structures at public auction, with or without notice, and such sale will be subject to immediate removal, if not already removed.

h. Proceeds from public auction shall be used to satisfy charges assessed against merchandise, plus 10% and in the case of obstruction, \$120 for each day during which the wharf or other premises were obstructed (any surplus shall be paid to proper person). The owner, consignee or proper person shall be liable for and pay the Port any charges, fees and costs not satisfied from sale proceeds.

i. Any person in charge of a vessel or cargo who causes, allows or permits such vessel to leave a wharf or berth at which it is docked (unless forced by weather or fire) if not on the Credit List or has not arranged credit before all charges due and payable have been paid, shall be liable for a misdemeanor and subject to penalties prescribed by law and this Schedule.

j. All vessel owners and charterers, cargo owners, agents, managers, masters, berth assignees and terminal operators accepting services at the Port agree that they are provided by and accepted pursuant to this Schedule and form part of any contract for services between the Port and entities, and that the Port may assert all other remedies available to it at law concurrently with or prior to remedies under this Schedule.

k. A vessel agent or person requesting reservation of a berth (“Berthing Agent”) shall, as part of the process, provide information as to the vessel, estimated arrival and departure, amount(s) and type(s) of cargo to be loaded/discharged and shall estimate the port charges, as enumerated and responsible party; such information shall be provided on the Port’s Berthing Application form. Submission of such form, signed by the Berthing Agent, shall attest to the accuracy of information therein supplied, based on information available to the Berthing Agent at time of submission; the Berthing Agent shall be personally liable for any financial loss suffered by the Port as a result of the agent’s failure to report accurately.

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7. Cargo Statements; Penalties

a. The owner, agent, master or other person in charge of a vessel or cargo must furnish to the Harbormaster at the wharf where such vessel is discharging or loading, complete and legible copies of vessel's manifest, name of consignee and/or consignor, weight and measurements of all freight, which shall be placed on record or filed by the Port.

b. All vessel, rail, truck or barge lines, exporters, shippers and/or their agents, within ten-days after sailing of a vessel or shipment of transferred cargo, shall furnish the Port with copies of bills of lading, freight bills, draft surveys, manifests or other information, data or documents as may be necessary for statistical records and to ensure proper assessment of charges; failure to do so may result in a penalty equal to .0667% per day, for each day documents are not made available, of the total charges due subject to a minimum penalty charge of 2% of total wharfage charges.

8. Right to Audit

a. The Port may conduct an audit; all users of Port facilities shall fully cooperate with such audit and permit access to any records related to transactions under this Schedule which shall include, but not be limited to, shipping, receiving, accounts payable and receivable, and accounting records. If the user's business operations conducted within or from Port premises are part of a larger business operation, the Port shall have the right to audit such records.

b. If a user's records are not available within the District's limits, users agree to pay all necessary travel expenses incurred by the District in order to conduct audits at locations where said records are maintained.

9. Right to Refuse Cargo; No Liability

a. The Port reserves the right to refuse, within its sole discretion, to handle any cargo or commodity which, in its opinion, is not suitable for handling within the Port. The Port shall not be liable for loss or damage to merchandise on or being moved onto, through or under any wharf, structure or property owned, controlled or operated by the Port, from any cause whatsoever, including loss or damage caused by or resulting from: pilferage; animal (including rats, mice and other rodents); insects (including moths and weevils); shrinkage; wastage; decay; seepage; leaky containers; heating; evaporation; fire or extinguishment thereof; explosion; leakage; discharge from fire protection systems; dampness; rain; floods; freezing, frost or other elements; collapse of wharves, piers or other structures; breakdown of plant, machinery or equipment; floats, logs or pilings to break vessels away from wharves; sabotage; insurrection; revolution; war; riots; strikes; or act of God.

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b. Nothing in this section shall be deemed to relieve the Port from liability for cargo loss or damage pertaining to receiving, delivering, handling, or storing property at a marine terminal due to its own active negligence or intentional misconduct.

c. The Port will not be responsible for delays to vessels docked at, seeking berths or any Port facility, regardless of the cause.

10. Right of Entry & Inspection

a. The Director and any authorized agent may board or inspect any vessel, cargo or merchandise thereon to determine compliance with environmental regulations and/or verify its condition in any respect; and enter and inspect any wharf, warehouse or location within the jurisdiction of the Port for purposes of carrying out its duties.

b. It shall be unlawful for any person to hinder or molest the Director or such agent or refuse entry onto a vessel or other premises for any of specified purpose hereunder.

11. MTSA Regulations

a. The Port has assigned a Facility Security Officer (FSO) to oversee and manage all Port-owned or controlled land for which a facility security plan (FSP) is required by the Maritime Transportation Security Act (MTSA) regulations. The FSO shall prepare a plan (or amended plan, as the case may be) and obtain all necessary approvals in a timely manner.

b. Every Operator on or using any Port facility shall comply with the MTSA, MTSA Regulations, and the FSP plan and partake in necessary training or provide proof of required trainings such as general security awareness, persons with security duties or other as deemed necessary by the FSO and or MTSA regulations.

c. A Port Operator's failure to comply with the FSP that results in a notice of violation and or a fine, will be the Operator's sole responsibility. Any additional costs incurred by the Port to remediate or to ensure compliance will be assessed on the Operator and will include a 15% service charge.

12. Suspension of Access Privileges

Even though a person may have a valid Transportation Workers' Identification Credential (TWIC), the Port takes seriously the security of its facilities; the Port therefore reserves the right to deny access to the Port by any person with a TWIC card and/or suspend access privileges if the person has been charged with any of (but not limited) to the following:

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- Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, or export, in any way concerning (a) a firearm or other weapon, or (b) drugs and/or other controlled substances;
- Extortion;
- Identity Fraud, including but not limited to false identity;
- Bribery;
- Perjury; or
- Smuggling.

This shall include charges with attempt to commit any of the above listed crimes and/or misdemeanors.

13. Compliance with Government Regulations and Environmental Compliance

Every user of Port property or facilities shall at all times, at their own expense, maintain such property or premises in a sanitary condition and in compliance with all laws, ordinances and regulations relating to sanitation, management of hazardous materials, hazardous substances or hazardous waste, public health, safety or welfare, and shall obey and comply with all applicable civil environmental laws, rules and regulations adopted by The Department of Homeland Security, U.S., State of California, the District, and other local governmental bodies.

Any cargo operation related materials determined by the Port and its staff to pose a risk to the environment shall be cleaned up by the start of the following operational shift, by those responsible for the material. If material, such as, but not exclusively, trash, lashing, packing materials, cladding, flagging, dunnage, spilled liquids or solids are not cleaned up appropriately, the Port will undertake the cleanup and bill the responsible parties for the clean-up and any associated fees and staff time.

14. Perishable/Undesirable Cargo

The Director may remove any perishables, cargo that may damage other cargo, bulky freight or undesirable cargo or material, with or without notice, to another location within the terminal or Port facility, or to private facilities at the sole risk and expense of the owner. Trash or other substance on which no wharfage is charged shall be removed from the wharf by the person or persons placing it there; upon failure to do so, it shall be removed by order of the Director at such person's sole expense.

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15. Vehicle Operations

a. It shall be unlawful for any person to: drive, operate, stand or park, or to cause or permit to be driven, operated, stood or parked, any motor or other vehicle on any wharf or landing in the Port, except to load or discharge freight and passengers, or while engaged in performance of necessary duties that requires such vehicle thereon. The operator of such vehicle shall immediately remove such vehicle on completion of such duties or business.

b. Any person operating or driving a motor vehicle or other vehicle on any wharf or wharf premise or within any transit shed, warehouse, marine terminal area, or any other area where merchandise is being handled, shall do so at a careful and prudent speed not greater than is reasonable, having due regard to the traffic and shall not drive in a manner that may endanger the life, limb or property of any person; in no event shall speed exceed 10-miles per hour, unless otherwise posted in such area.

c. It shall be unlawful for any motor vehicle to be stored on Port property. Any violation shall result in the vehicle being removed at the expense of the owner, as well as any penalties under the Schedule.

d. It shall be unlawful for any person to park, abandon or store any vehicle, tractor, trailer, chassis or other object in areas designated as restricted parking areas; any violation may be subject to penalties under this Schedule.

16. Damage to Property

a. No person shall damage or deface any property in the Port; any person or vessel responsible for damage to any property shall be liable for the cost and expense of replacement or repair.

b. If there is any damage to wharf, wharf premises, facility or other property at the Port, the person responsible in any way for such damage, as well as the person to whom such wharf, wharf premises, facility or other property is assigned or being used, and the master, owner, operator, or agent of any vessel, vehicle or other instrumentality involved in such damage, shall promptly provide a written report to the Director or Harbormaster, setting out date and time, names and addresses or, if unknown, description of witnesses and other persons, vessels or instrumentalities involved in the damage, as well as all pertinent facts and information. Refusal to do so (in addition to penalties under this Schedule) may result in refusal to allow use of any wharf or other facility at the Port until full reimbursement has been made.

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SECTION III

HAZARDOUS MATERIAL

1. Right of Refusal

The Director may refuse permission to any person, vessel or entity transporting hazardous material or other dangerous cargo to store or berth at any dock, wharf, bulkhead area or alongside any transit shed, and may at any time cause such hazardous material or dangerous cargo to be removed at the sole expense of the vessel, cargo owner or assignee.

2. Permit; Compliance with Regulations

a. It shall be unlawful for any person, vessel or entity to handle, transport, load, discharge or store any hazardous material or dangerous cargo on any vessel, lighter, barge or other conveyance at any dock, wharf, bulkhead area or in any transit shed or warehouse on Port property, unless a special permit has been obtained from the Director and such materials are handled, stored and transported according to any and all applicable laws and regulations.

b. Hazardous and dangerous cargo that is permitted to enter Port facilities must be prepared for shipment in accordance with U.S. Department of Transportation Regulations, contained within 49 CFR 100-185 as may be amended from time to time; shipping documents required by 49 CFR for shipment of hazardous and dangerous cargo must be submitted to the Director prior to such cargo's arrival.

c. Hazardous and dangerous cargo stored at Port facilities must be placed in designated areas that conform to "Handling of Explosives or other Dangerous Cargoes within or Contiguous to Waterfront Facilities" Regulations (33 CFR 126) and applicable Uniform Fire Code (NFPA 307).

d. During loading or discharge of cargo, precautions must be taken to prevent pollution or toxic, hazardous and dangerous cargo from entering Port waters, and operators of such cargo must meet all requirements of the Clean Water and Clean Air Acts and their California State equivalents, and any other pertinent State or Federal environmental compliance requirements.

3. Explosives

It shall be unlawful for any person to handle, transport, load, discharge, stow, or retain any dangerous cargo on any vessel in the Port unless such person has fully complied with "EXPLOSIVES OR OTHER DANGEROUS ARTICLES ON BOARD VESSELS" as amended, (46 USC Par.170) and "U.S. COAST GUARD TANK VESSEL REGULATIONS" as amended (46 USC Par. 391a),

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and any other applicable laws or regulations; such person shall have a special explosives permit (and shall comply therewith) from the Director.

a. The Director may at their sole discretion issue a special explosives permit, subject to terms and conditions that are not contrary to or inconsistent with any applicable laws or regulations; any application for such permit shall include a description, quantity, stowage and pertinent information on the explosives.

4. Allowable and Prohibited Discharges and Maintenance Activities

Discharge/ Activity	Allowable (Yes/No/ Restrictions)	DischargeRestriction Summary	Regulation/Reference
Deck washdown	Restrictions	Deck washdown is allowed in the Port as long as the runoff does not contain any pollutants, including sediment, trash, oils, metals, paint, or other debris. No soap, detergent or other cleaners may be used.	VGP Section 2.2.1
Above water hull cleaning and painting	Restrictions	Over/above water hull cleaning and painting is allowed in the Port only with prior written approval from Port COO. Spray equipment is not allowed for any on/above water painting or cleaning. BMPs must be in place to ensure that no paint or cleaning solution are discharged into harbor.	VGP Section 2.2.1;CCR Title 2, Division 3, Chapter 1, Article 4.8;PRC 71200 et seq.;
Sandblasting	No	Sandblasting is not allowed on vessels that are in-water.	

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Discharge/ Activity	Allowable (Yes/No/ Restrictions)	DischargeRestriction Summary	Regulation/Reference
Propeller polishing and other in-water maintenance	Restrictions	In-water hull cleaning of vessels with biocide-based antifouling paint is prohibited. Propeller polishing and other in-water maintenance is not recommended or preferred in the Port, but is allowed assuming all required rules, regulations, BMPs and the best available technologies, as determined by both the SLC and the SWRCB, are used. Written approval from Port COO is required prior to commencing work.	SWRCB VGP Certification - FAQ; VGP 2.2.9;
Aqueous film forming foam (AFFF)	Emergency Only	The discharge of AFFF within the Port is allowable only during an emergency.	VGP 2.2.5
Firemain system	Emergency and Testing Only	Discharges from the firemain system are allowed in cases of emergency, when necessary to ensure the safety of the vessel and crew, as well as for testing purposes to ensure the system will be operational in an emergency.	VGP 2.2.12; (see also VGP 2.2.1 for deck wash down restrictions).
Cathodic protection	Yes	There are no regulations pertaining to specific types of cathodic protection devices. The VGP includes recommended BMPs.	VGP 2.2.7

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Discharge/ Activity	Allowable (Yes/No/ Restrictions)	DischargeRestriction Summary	Regulation/Reference
Ballast water	Restrictions	Ballast water shall not be discharged without treatment to USCG standards or exchange (unless for safety purposes) into Port waters. Harbormasters must be notified prior to any ballast discharges.	CCR Title 2, Division 3, Chapter 1, Article 4.6/4.7; VGP Section 2.2.3; CFR Title 33, Part 151 (USCG); PRC 71200 et seq.; SWRCB VGP Certification
Chain locker effluent discharge	Restrictions	For vessels that leave U.S. waters (i.e. the Port) at least once per month, chain lockers may not be rinsed or pumped out within the Port or any other U.S. water unless required for safety. For all other vessels that remain in the Port and do not leave waters subject to the VGP, chain locker effluent with visible pollutants must not be discharged into Port waters.	VGP 2.2.8
Seawater piping biofoul prevention	Restrictions	No pesticides, biocides, or chemicals banned for use in the United States may be discharged into the Port. This includes any substance or material harmful to fish, plant life, mammals, or bird life. Removal of fouling accumulation or organisms must not occur in the Port.	VGP 2.2.20; Fish and Game Code 5650

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Discharge/ Activity	Allowable (Yes/No/ Restrictions)	DischargeRestriction Summary	Regulation/Reference
Anti-fouling hull coating	No	The application, disturbance or removal of anti-fouling paint containing copper, TBT or other organotins is prohibited within the Port. TBT antifouling paint application is prohibited in U.S. and international waters. If a vessel has previous hull coatings containing TBT, this coating must be covered by a non-organotin based product prior to entering the Port.	VGP 2.2.4; IMO Resolution A.928(22)
Underwater hull cleaning	Restrictions	Underwater hull cleaning, including fouling removal, is prohibited on vessels with biocide-based antifouling paint. In-water hull cleaning on vessels with non-biocide based antifouling paint is not recommended or preferred, but is allowed in the Ports assuming all required rules, regulations and BMPs, as identified by the EPA, SWRCB and the SLC, are followed. Written approval by Port COO is required before hull cleaning of any vessel with non-biocide hull paint vessel.	CCR Title 2, Division 3, Chapter 1, Article 4.8; VGP 2.2.23; SWRCB VGP Certification - FAQ;
Bilge water	No	Bilge water is prohibited from being discharged into Port waters.	

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Discharge/ Activity	Allowable (Yes/No/ Restrictions)	DischargeRestriction Summary	Regulation/Reference
Boiler/ economizer blowdown	Restrictions	Vessels greater than 400 gross tons that leave the Port at least once per week cannot discharge within 3 nm of the shore, unless: the vessel remains in the Port for longer than the necessary duration between blowdowns or; for safety purposes.	VGP 2.2.6
Elevator pit effluent	Emergency Only	Discharges of untreated elevator pit effluent are prohibited within Port waters, unless during an emergency.	VGP 2.2.11
Gas turbine wash water	No	Gas turbine wash water may not be discharged into the Port. Wash water should be collected and properly disposed of onshore.	Fish and Game Code 5650; VGP 2.2.14
Motor gasoline and compensating discharge	No	The discharge of motor gasoline and compensating effluent that comes into contact with oil is prohibited in the Port.	VGP 2.2.16
Welldeck discharges	No	Welldeck discharges shall not be discharged within Port waters.	Fish and Game Code 5650; VGP 2.2.24
Exhaust gas scrubber wash water discharges	No	Exhaust gas scrubber wash water, and/or sludge generated from exhaust gas scrubber wash water may not be discharged in the Port.	VGP 2.2.26; 40 CFR Part 110

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Discharge/ Activity	Allowable (Yes/No/ Restrictions)	DischargeRestriction Summary	Regulation/Reference
Boat engine wet exhaust	Yes	Vessel operators are asked to minimize the use of small vessels generating wet exhaust while in the Port to those activities required for the safety of the vessel and/or crew. Vessel operators are encouraged to consider the use of 4-stroke engines as opposed to 2-stroke engines to reduce wet exhaust.	<u>VGP 2.2.21</u>
Distillation and reverse osmosis	Restrictions	Brine from the distillation system and reverse osmosis water that comes in contact with machinery or industrial equipment, toxic or hazardous materials, or wastes shall not be discharged in the Port.	<u>VGP 2.2.10</u>
Freshwater layup	Restrictions	Vessel operators shall minimize the amount of disinfection agents used in freshwater layup to the minimum required to prevent aquatic growth. Discharge of freshwater layup may occur only in the event of emergency.	<u>VGP 2.2.13</u>

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Discharge/ Activity	Allowable (Yes/No/ Restrictions)	DischargeRestriction Summary	Regulation/Reference
Non-oily machinery wastewater	Restrictions	Non-oily machinery wastewater shall not be discharged in the Port if it becomes contaminated by oil or any pollutants, or additives that are toxic or bioaccumulative in nature.	VGP 2.2.17;
Refrigeration and air condensate discharge	Yes	Pollutant free condensation discharge is allowed in the Port.	VGP 2.2.18
Cooling sea water	Restrictions	When possible, seawater cooling water should be discharged when the vessel is underway so that any thermal impacts are dispersed. If it must be discharged in the Port, the discharge rate shall be reduced to minimize thermal impacts to the Port waters and ensure that the discharge does not contain trace metals, oils or other pollutants. If oils, metals or other pollutants are present, the discharge is prohibited in the Port.	VGP 2.2.19
Sonar dome discharge	No	The water inside the sonar dome shall not be discharged into the Port.	VGP 2.2.22

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Discharge/ Activity	Allowable (Yes/No/ Restrictions)	DischargeRestriction Summary	Regulation/Reference
Graywater	Restrictions	Discharge of graywater is prohibited within the Port from oceangoing vessels 300 gross tons or larger with adequate holding capacity. All other vessels must minimize the discharge of graywater while in Port.	California Clean Coast Act (PRC 72400); VGP 2.2.15
Sewage	No	The discharge of sewage (treated or untreated) is prohibited within the Port and California waters.	CWA Sec. 312 ; MARPOL Annex IV ; California Clean Coast Act (PRC 72400); California No Discharge Zone Rule
Graywater mixed with sewage from vessels	No	The discharge of graywater mixed with sewage (treated or untreated) is prohibited within the Port and California waters.	VGP Sec. 2.2.25 ; California No Discharge Zone Rule

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List of Acronyms and Abbreviations Used in this Section

AFFF	aqueous film forming foam
BMP	best management practice
CARB	California Air Resources Board
CCR	California Code of Regulations
CFR	Code of Federal Regulations
COO	Chief Operating Officer
CPP	controllable pitch propellers
CWA	Clean Water Act
EGS	exhaust gas scrubber
EPA	Environmental Protection Agency
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
ICCP	impressed current cathodic protection
IMO	International Maritime Organization
LA-RWQCB	Los Angeles Regional Water Quality Control Board
MARPOL	International Convention for the Prevention of Marine Pollution from Ships
MEPC	Marine Environmental Protection Committee
MSD	marine sanitation device
nm	nautical mile
NPDES	National Pollutant Discharge Elimination System
Port	Port of Hueneme
PCB	polychlorinated biphenyl
PRC	Public Resources Code
SLC	California State Lands Commission
SWRCB	State Water Resources Control Board
TBT	tributyltin
VGP	Vessel General Permit

5. Petroleum Products

a. Persons operating vessels engaged in handling of petroleum or petroleum products berthed at wharves or bulkheads, or when lying alongside another vessel berthed, are subject to applicable laws and regulations. No petroleum product with flash below 100 degrees Fahrenheit (37.8 degrees Celsius) may be handled on any wharf or pier without written authorization from the Director. For any intent to handle petroleum products, a minimum of 4-hours' notice to the Director is required.

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b. A Cargo Handling Permit must be obtained from the Director in order to handle petroleum products; application for such permit shall include compliance with all applicable laws and regulations, proof of financial responsibility, operations manual, notification systems and spill prevention plan.

c. Petroleum products handled by tanker truck, if allowed, shall be scheduled by the Director; scheduling shall include amount of petroleum product, number of trucks and estimated time to complete operation. On completion, the permitted handler shall report to the Director the certified record of fuel transferred.

d. Vessels berthed at any wharf, pier or bulkhead, or lying alongside any vessel so berthed, may take on board gasoline or distillate only if permission is granted by the Director. Delivery, other than through pipeline, must be made directly from “vehicle to vessel or vessel to vehicle.” If the vessel is not ready to receive delivery, the loaded vehicle may not wait on the wharf or pier but shall depart.

e. No person shall allow or permit any vessel to load or discharge bunker fuel, or load or discharge any petroleum or petroleum products in bulk, unless all scupper pipes leading from the decks of such vessel are closed up and plugged by vessel owners, master or agent, and made oil tight to prevent any oil being spilled onto the deck of such vessel from running through the scuppers into Port waters.

f. Offshore oil supply vessels may take on petroleum products for further transfer to offshore drilling or production facilities (46 USC 3702b); however, they may not transfer bulk petroleum products to other offshore oil supply vessels unless the delivering vessel meets tanker ship standards (46 USC 3710).

g. When not shipped in containers and actual weight or specific gravity is not obtainable, kerosene and lighter petroleum products shall be subject to estimated weight of 6.6 pounds per gallon; other petroleum products shall be subject to estimated weight of 7.4 pounds per gallon.

6. Flammable Liquids

a. Flash point of liquids shall be determined under the American Society for Testing Materials’ Standard Method of Tests, Designation D 56-21, using the Tag Closed Tester for all volatile flammable liquids flashing below 175 degrees Fahrenheit (79.5 degrees Celsius), except for products classed as fuel oil, and using the Pensky-Martens Closed Tester for fuel oil, Designation D 93-22.

b. It shall be unlawful for any person to handle or store gasoline, kerosene, distillate or other liquid petroleum product or flammable liquid which will flash below 175 degrees Fahrenheit (79

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degrees Celsius) closed cup test, on the wharves, in the warehouse or on Port waters, or to handle or store liquefied petroleum gas on any wharf.

7. Empty Drums

Drums or any type of container that have been used for storage or transportation of hazardous and dangerous cargo, or petroleum products, may not remain within Port area after sunset of the day received, without a permit from the Director; storage of such materials must be secured in approved containers, properly labeled, and stored in a manner to preclude any release into Port waters and shall comply with applicable laws and regulations.

8. Hot Work

Hot work is any operation involving oxyacetylene or electric welding, burning, cutting or other heat producing activities, and is prohibited at the Port and on any vessel berthed at the Port unless approved in writing by the Port COO and only in compliance with applicable laws and regulations. Notice shall be given to the Port COO prior to the start of any approved hot work (including start date, time and duration). However, hot work is prohibited during movement or transfer of hazardous and dangerous cargos or petroleum products.

9. Smoking Prohibited

It shall be unlawful for any person to smoke, light a match, use or carry any open flame within 50-feet of any fuel transfer or operation, or on any vessel being fueled or transferring flammable materials, or in any “No Smoking” area designated by the Director.

10. Fire-Fighting Apparatus

No person shall obstruct or interfere with, use, remove or disturb any fire extinguisher, fire hose, fire hydrant, or fire sprinkler system, fire-fighting appliance or apparatus installed on any wharf, warehouse, building, structure or premises under jurisdiction of the Port, except to prevent a fire or to repair such equipment or conduct a test thereof.

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SECTION IV

GENERAL RULES & REGULATIONS

Definitions

- “Pilotage” is the charge assessed against a vessel for authorized piloting services provided to such vessels for entering, leaving or shifting within the Port.
- “Authorized Pilot” is a licensed pilot designated by the Port of Hueneme Pilots Association at the Port to provide piloting services to vessels that enter, leave or shift within the Port.
- “Piloting Services” are services rendered by a piloting association or contractor to vessels that enter, leave or shift within the Port, and the operation of the vessel Traffic Service inside the breakwater, including vessel traffic and information.
- “Entering” are vessels inbound from open sea to the Port.
- “Leaving” are vessels outbound that leave the Port for open sea.
- “Intra Harbor Shifting” are vessels that move from point to point within the Port.
- “Gross Registered Ton” means the highest of any registered tonnage held by a vessel.
- “Flat Tow” shall mean non self-propelled barges or scows with tug assist.

2. Authority

The District (under California Harbors and Navigation Code) regulates vessels within the Port, including pilotage charges. The charges and conditions regarding piloting services are set out herein. Authorized Pilots shall provide piloting services as independent contractors, not as officers, employees or agents of District.

3. Pilots

a. All vessels that enter, leave or shift within the Port not exempt from payment of pilotage must be piloted by a Port pilot, duly licensed to perform services relating to the piloting of vessels within the Port. The District does not employ or maintain pilots; pilots duly authorized by the District to perform piloting services within the Port are available from the Port of Hueneme Pilots Association; pilots may be arranged and contracted directly at (805) 986-3213.

b. On boarding a vessel in response to the request of its master, owner or agent, it shall be the duty of each Authorized Pilot to place his/her knowledge of the Port at the disposal of the vessel’s master.

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c. The safe navigation of the vessel, including piloting, is the duty of its master; the presence of an Authorized Pilot on the bridge shall not relieve the master of duties. The master shall remain in full command of the vessel, continue to navigate, take bearings and soundings, check compass courses, make radar observations, and take all actions necessary to safeguard the vessel under his/her command. In that regard, it shall be the duty of the vessel and its master to:

(i) Post and properly instruct, efficient and competent lookouts, with no other duty to perform, and with efficient means of rapid communication with the bridge.

(ii) Immediately inform the pilot of all reports by lookout.

(iii) On radar-equipped vessels, ensure the radar is functioning and manned by competent observer under instructions to keep the master and the pilot constantly and currently informed of targets.

(iv) Arrange for and provide adequate tug assistance, and have available adequate vessel's lines to assist in tying the tug.

(v) Remain on the bridge and accompany the Authorized Pilot in their duties on the bridge.

(vi) Provide and supervise competent vessel's personnel.

(vii) Understand and agree that even though all orders of the Authorized Pilot shall be given in the presence of the master, such order (unless countermanded) shall be deemed the order of the master and fully agreed by the master, that the Authorized Pilot is acting in an advisory and not command capacity, and that the pilot has no authority independent of the master.

(viii) Understand and agree the Authorized Pilot is employed only for the benefit of their port knowledge.

(ix) Understand and agree that currents and winds within the Port may be unpredictable as to place, extent or force, and that bottom suction cannot be predicted by the pilot.

(x) Have adequate ship's anchors, properly manned and ready to drop.

(xi) Provide officers conversant in English, or advise the Authorized Pilot of any language difficulty and request that the pilot give his/her orders by hand signals through the master.

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d. It is the duty and sole obligation of the vessel, its owners, master, operators, charterers or agents to advise the Authorized Pilot (before or immediately on boarding) of vessel peculiarities, including:

- (i) Defects or deficiencies in the vessel, its personnel, engines or tackle;
- (ii) Vessel peculiarities as to steering, stopping, handling, speed, maneuvering, and sheer;
- (iii) The number and names of tugs to be supplied to the vessel; and
- (iv) Other relevant information that may assist the Authorized pilot in the piloting the vessel.

e. All piloting services are provided and performed solely in the pilot's capacity as servant of the vessel and its owners, master, operators, charterers or agents, who covenant and agree to comply with all provisions herein, and not to assert any personal liability against the pilot or the District, or any of their officers or employees, for damages arising out of or connected with, directly or indirectly, damage, loss or expense sustained by the vessel, its owners, master, operators, charterers, agents or crew, or by any third parties, even though resulting from acts, omissions or negligence of the pilot or District; and provided further, to the extent liability is legally imposed on the vessel, taking into consideration any limitation thereof to which the vessel or its owners, master, operators, charterers or agents are entitled by reason of any contract, bill of lading, statute or rule of law, they covenant and agree to indemnify and hold harmless (to the fullest extent allowed by law), said pilot, District, and their officers and employees, with regard to any liability arising out of claims, suits or actions against the pilot, District or their officers or employees, or by third parties, resulting from acts, omissions or negligence of said pilot, except, however, such personal liability and rights as may arise due to sole willful or intentional misconduct of the pilot. Nothing herein shall exculpate or otherwise relieve the District from liability for its own willful misconduct or impose on others the obligation to indemnify or hold harmless the Port from liability for its willful misconduct.

f. If any vessel on whose behalf piloting services are requested is not owned by the person or entity ordering services, that person or entity warrants its authority to bind the vessel and its owners, charterers, and operators pursuant to paragraph (e), and that person and entity agree to indemnify and hold harmless, the pilot, pilot's employer and employees for any losses, damages, and expenses that may be suffered or incurred due to such person or entity not having authority pursuant to paragraph (e).

g. All pilots providing piloting service in the Port shall hold a federal license for the Port.

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h. Any vessel over 300 gross registered tons and subject to pilotage that declines to use a pilot shall, before entering, leaving or shifting within the Port:

(i) Obtain prior permission from the District and the Port of Hueneme Pilots Association.

(ii) If a vessel has been granted permission under (i) above, it shall notify the Port of Hueneme Pilots Association, prior to arrival or commencement of any movement within the Port, and shall abide by all local rules and regulations. This requirement can be waived for subsequent moves with prior approval of the Port of Hueneme Pilots Association.

(iii) If for any reason a vessel's master or local representative permits the movement of a vessel without complying with the provisions of this paragraph (h), he or she shall be subject to a misdemeanor penalty charge under this Schedule.

Note: This paragraph (h) in no way exempts any vessel subject to pilotage from payment of pilotage charges, as set out herein.

4. Vessels Subject to Pilotage Charges

All vessels that enter, leave or shift in the Port shall be subject to pilotage charges and, except as provided in paragraph (h), shall be under the direction of a federally licensed pilot for the Port; however, the following vessels shall be exempt from piloting services:

- a. U.S. flag vessels under three hundred (300) gross registered tons;
- b. U.S. flag vessels licensed and engaged in the fishing trades and vessels sailing under U.S. enrollment and license, while under the control and direction of a pilot duly licensed under U.S. law for the Port;
- c. Combat and training vessels of the U.S. Government, foreign nations or State of California which do not use a Port public or commercial berth, whether or not pilot is actually employed by such vessel;

Note: When using a commercial berth, such vessels shall be subject to pilotage charges unless on prior application, in the sole discretion of the Director, the pilotage charges are waived.

- d. Barges and scows moving under flat tow from point to point within the Port, while under the control and direction of a pilot duly licensed under U.S. law for the Port;
- e. Private yachts, under 300 gross registered tons for pleasure purposes.

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5. Areas Subject to Pilotage

A federally licensed pilot for the Port is required on all vessels subject to pilotage when underway in any navigable waters of the Port.

- a. Inbound vessels must take aboard such pilot prior to entering navigable waters of the Port.
- b. Pilots shall not disembark outbound vessels inside the navigable waters of the Port, unless extreme weather conditions make it necessary for pilot safety.

6. Rates & Charges

- a. Pilotage charges are in addition to other charges that may be applicable, and shall be assessed against all vessels subject to payment of pilotage; such charges shall be paid by the assessed vessel to the pilot before such vessel leaves the Port, unless satisfactory credit is obtained (Subject to Exceptions 1 & 2 below).
- b. Pilotage charges shall be based on the gross tonnage and overall length of the vessel in meters, except as otherwise provided herein. U.S. Custom House, Lloyd's Register of Shipping, or American Bureau of Shipping Measurements shall be used to determine gross tonnage and length of any vessel.
- c. All vessels for which gross tonnage or overall length is not available in the ships registers mentioned herein, or on vessel documents, shall be measured and/or estimated by the pilot. For purposes of assessing pilotage charges on a barge, length plus width will be used. Vessels shifting between immediate berths or location where lines of the vessel are employed for such shifting shall be charged the intra-harbor rate then in effect.
- d. Pilotage charges will be assessed at \$0.0047 per gross registered ton, in addition to a charge assessed on the overall length of the vessel according to the following tables (the minimum charge for pilotage is \$310.35):

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Overall Length of Vessel in Meters		Dollars per Movement Effective January 1, 2020		Overall Length of Vessel in Meters		Dollars per Movement Effective January 1, 2020	
<u>Over</u>	<u>But Not Over</u>	<u>Entering or Leaving Port</u>	<u>Intra Harbor</u>	<u>Over</u>	<u>But Not Over</u>	<u>Entering or Leaving Port</u>	<u>Intra Harbor</u>

0	100		355	303		173	176		1,199	667
100	104		365	328		176	179		1,221	693
104	107		394	328		179	182		1,333	728
107	110		421	328		182	185		1,404	758
110	113		442	328		185	188		1,445	791
113	116		459	328		188	191		1,501	820
116	119		487	328		191	194		1,560	852
119	122		502	328		194	197		1,618	888
122	125		527	328		197	200		1,673	917
125	128		553	340		200	203		1,710	946
128	131		574	341		203	206		1,774	980
131	134		649	341		206	210		1,836	1,012
134	137		672	341		210	214		1,869	1,044
137	140		713	379		214	220		1,890	1,077
140	143		758	405		220	226		1,956	1,110
143	146		797	421		226	232		2,001	1,142
146	149		822	451		232	238		2,052	1,154
149	152		845	492		238	244		2,103	1,252
152	155		897	516		244	250		2,159	1,257
155	158		931	522						
158	161		973	542						
161	164		1,025	551						
164	167		1,054	594						
167	170		1,096	631						
170	173		1,143	643						

Note: The Port reserves the right to increase the annual pilotage rate based on the Consumer Price Index (CPI) as published by the Bureau of Labor Statistics for the prior year.

Exception 1: No intra-harbor shifting charge shall be assessed when entering vessels anchor due to inclement weather or other causes beyond the control of such vessels, if they proceed to berth immediately after such cause of delay ceases to exist.

e. Pilotage charges are due and payable as incurred to the pilot. All charges that remain due and unpaid for a period of 30-days after being incurred, shall be subject to a delinquency payment to the pilots, equal to .06% percent of such delinquent charges per day, for each day thereafter until paid in full.

f. Pilotage charges assessed under this Schedule, do not include marine insurance, for insuring the vessel from negligence of the pilot. On reasonable written notice from owners,

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agents, charterers or operators of the vessel, the piloting contractor shall provide such insurance on a “trip basis” for a specified amount up to a maximum limit of liability of \$2,500,000 (premium to be at cost, in addition to pilotage charge). Marine insurance coverage will insure the vessel, her owners, agents, charterers and/or operators, as the case may be, against losses or physical damages to the vessel due to negligence of the pilot, piloting contractor or their employees; provided, however, that such insurance will provide coverage only for that proportion of losses, damages or liabilities sustained by the vessel, her owners, master, operators, and charterers proximately caused by the negligence of the pilot, piloting contractor or their employees, there being no coverage for losses, damages or liabilities resulting from any other cause.

A copy of the marine insurance policy will be provided, on written request.

g. If a request for a pilot is canceled less than one-hour prior to the requested time, a minimum charge of \$246.44 shall be assessed.

h. If a pilot is required to stand-by in excess of one-hour, a stand-by charge of \$246.44 per hour or fraction thereof shall be assessed, in addition to other applicable charges.

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SECTION V

DOCKAGE

Definitions

“Dockage” means the charge assessed against a vessel for berthing at a wharf, pier, bulkhead structure, or bank or for mooring to a vessel so berthed.

1. Rates & Charges

a. Except as otherwise provided, dockage charges shall be assessed against all vessels in all trades at the rates provided below.

Overall length of vessel, in meters:		Charge, in dollars per 24 hour day or fraction thereof:
Over:	But Not Over:	
0	30	\$108.00
30	45	\$159.50
45	60	\$224.33
60	75	\$309.04
75	90	\$460.26
90	105	\$726.11
105	120	\$1,040.12
120	135	\$1,405.68
135	150	\$1,824.39
150	165	\$2,301.25
165	180	\$2,822.98
180	195	\$3,399.54
195	210	\$4,032.59
210	225	\$4,717.15
225	240	\$5,456.53
240	255	\$6,245.78
255	270	\$7,088.18

b. When dockage has been charged or the vessel’s owners, master, operator, charterer or agent has paid dockage at a wharf for any one day, the vessel may use the same or any other wharf designated by the Director during that same day without further charge.

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c. Dockage rate applies from and for the next 24-hour period at the rate in effect at the time the vessel is officially berthed.

2. Basis for Computing Charges

a. Dockage shall be based on the overall length of the vessel; “overall length” is the linear distance, expressed in meters, of the total length of a vessel.

b. Lloyd’s Register, when available, will be used to determine overall length of vessel.

c. If the overall length is not available in the Register under paragraph (b) above or in vessel documents, the vessel shall be measured by the Director to determine the length of the vessel and assess dockage charges; otherwise use of Port facilities may be denied.

d. In computing charges based on overall vessel length, the following will govern fractions:

(i) Less than .5 meter/feet, discard.

(ii) .5 meter/feet or more, increase to the next whole figure.

e. Official berthing time at which dockage shall be assessed against a vessel shall commence when the first line is received and the vessel is made fast to a wharf, pier, bulkhead structure or bank or to another berthed vessel, and shall continue until such vessel is completely freed from and has vacated the berth.

In computing dockage, charges are based on a 24-hour day or fraction thereof.

3. Free Dockage

Free dockage may be given to a vessel when, in the discretion of the Director, conditions warrant temporary suspension of regular dockage charges against:

a. Combat, training, and auxiliary vessels of the U.S., other Federal Agencies, similar vessels of other nations, and vessels engaged solely in research, education or training.

b. Vessels owned or operated by the State of California.

c. Tugboats actively engaged in towing operation or when berthed off-shore or alongside a wharf or other structure, while awaiting completion of towing operation.

d. Pilot or tugboats while picking up or dropping off pilots.

e. Vessels using berths for short duration solely for U.S. Customs clearance.

f. Crane or derrick barges while being used in stevedoring operations.

g. Waterside related construction or survey with prior approval from the Port Director.

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Note: Vessels given free dockage may still be assessed charges for berthing of the vessel.

4. Port Employed Vessels

a. Vessel operators who provide necessary services on a frequent basis for operation and maintenance of Port facilities, or who operate vessels utilizing Port facilities (including barges, lighters, tugs or similar vessels exclusively to and from District facilities) may, on written application to the Director, be granted special monthly rates.

b. This special monthly charge shall be revocable at the discretion of the Director, and shall not entitle such vessels to any preferential berthing rights; such vessels shall vacate any particular berth if so ordered by the Director.

5. Offshore Oil Exploration

a. Dockage on all vessels, excluding lighters and barges, engaged in offshore exploration and production, shall be assessed full dockage rates based on overall length of each vessel.

b. When cranes, compressors, sandblasters, welders, forklifts or any other industrial equipment are used on the dock for service of vessels engaged in offshore exploration vessels, the per meter per day dockage rate shall be subject to a 25% surcharge above the normal rate; however, this rate shall not apply when such equipment is used solely to load or discharge cargo on which wharfage has been assessed.

c. If there is a change of status and the vessel is no longer engaged in offshore exploration, such vessel shall pay dockage at the greater dockage rate for the entire 24-hour assessment period.

d. If a vessel engaged in offshore exploration is required to shift berth, dockage charges shall be prorated according to the time spent at each berth; however, total charges shall not exceed charges that would have been assessed during the same 24-hour assessment period had the vessel occupied a single berth.

e. Conditions for hot work-hot work is any operation involving oxyacetylene or electric welding, burning, cutting or other heat producing activities. Hot work is prohibited on the marine terminal or vessel moored thereto unless it is approved in writing by the Port COO and it is in compliance with all federal, state, District and local governmental rules and regulations. Notifications must be given to the Port COO prior to the start of any approved hot work. This notification shall include the expected start date, time and expected duration of the hot work. Hot work is prohibited at any time, on the marine terminal, during the movement or transfer of dangerous cargoes or petroleum products. If hot work is approved by the Port COO, the dockage of the vessel will be double the regular dockage rate.

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6. Commercial Fishing Vessels

a. A commercial fishing vessel berthed or moored at facilities shall be charged dockage at the rate of \$2.07 per linear foot per day; charges on such vessels shall be due and payable in advance, as follows:

(i) Vessels electing to be assessed charges on a monthly basis shall pay on or before 10th day of each calendar month, or within 3-days after berthing, whichever is later.

(ii) Vessels electing to be assessed charges on daily basis shall pay on arrival for the number of days vessel will utilize berthing space, as stated in berthing application.

b. In-transit fishing vessels (i.e. commercial fishing vessels not permanently home-ported at the Port) may be granted berthing not to exceed 20-days within any 30-day time period; such vessels shall be charged dockage (payable in advance) per 24-hour day at the rate of \$2.73 per linear foot per day, for a maximum of 20-days.

7. Transient Vessels

a. A transient vessel (i.e. vessel on temporary and irregular voyage between ports, harbors or marinas) may be granted berthing subject to the following:

(i) Dock space shall be available for periods of no more than 15-days within a 40-day period and is subject to existing berthing agreements and planned cargo operations.

(ii) Vessel must comply with Facility Security Plan

(iii) Vessels shall provide current evidence of registration prior to assignment of dock space.

(iv) Major repairs and maintenance are not permitted.

(v) Maximum sized vessel allowed is 65 feet in length.

Dockage charges are due and payable in advance, at a rate of \$2.73 per linear foot per day.

Note: Commencing January 1st, 2018, annual increases to dockage charge for transient vessels will be based on the Port's regional CPI, as published by the Bureau of Labor Statistics for prior calendar year (negative changes to CPI will not be applied and will be considered as "no change in rates" for the year).

8. Impounded Vessels

a. When any vessel has been or is considered to be abandoned or illegally moored/anchored within the Port, it will be taken into custody by the Port and impounded. The vessel will be placed

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alongside a berth operated by the Port, held in custody for 30 days and then scheduled for disposal.

b. Individuals with documented proof of ownership may claim vessels during the 30-day custody period, provided all assessed fees commencing from the date/time the vessel was taken into custody have been paid in full. At the end of 30 days, all impounded vessels remaining will be scheduled for disposal and assessed fees to recover costs incurred during impound, storage and disposal operations (including full dockage rates).

9. Full Rates

Dockage charges are in addition to all other charges and (unless granted free dockage) shall be paid by the assessed vessel before leaving the Port, unless on a “credit list” and subject to Exceptions 1 through 3, as follows:

Exception 1: 1/2 the applicable dockage charge shall be assessed on vessels that occupy an outside berth or when berthed at or made fast to structures not designed to accommodate loading and unloading of merchandise.

Exception 2: Dockage shall be assessed in 6-hour increments at 25% of daily rate on vessels at berth for purposes of taking on bunkers, stores and supplies.

Exception 3: 1/2 applicable dockage charge shall be assessed on vessels that comply with all of the following:

- a. Total daily dockage charges paid for no less than ninety (90) consecutive days;
- b. Executive Director has granted written permission for extended stay at berth;
- c. Not involved in commercial cargo handling operations;
- d. No preferential berthing rights acquired due to extended stay; and
- e. Shall vacate berth on 24-hour written notice by the Director.

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SECTION VI

WHARFAGE

Definition

- a. “Wharfage” is the charge assessed against merchandise; it is calculated based on charges set out in this Schedule for the passage or movement of such merchandise (i) onto, over, through or under a wharf or wharf premises, (ii) between vessels or overside vessels (to or from barge, lighter, or water) when berthed at a wharf or wharf premises, or (iii) when moored in a slip adjacent to a wharf or wharf premise.
- b. “Wharf” is any wharf, pile, quay, landing or other structure to which a vessel may make fast or be utilized in the transit or handling of goods and merchandise; shall also include all area between the pierhead and bulkhead lines, excepting, however, such location as may be designated and set apart as public landings or for private use.
- c. “Wharf premise” is defined and shall be deemed to mean and include, in addition to the area included in the term “wharf,” other port terminal facility areas, alongside of which vessels may lie or which are suitable for and are used in the direct loading, unloading, assembling, distribution or handling of merchandise under, over, or onto a wharf.

2. Rates & Charges

Vessels shall pay for wharfage on merchandise or cargo discharged from or loaded onto such vessel at any wharf. Except as otherwise provided herein, wharfage rates and charges on merchandise shall be assessed (in addition to other charges set out herein) as follows:

- a. Based on weights and measurements on bills of lading, freight bills, manifests or surveys.
- b. For inbound merchandise, on the date the vessel commences discharging merchandise.
- c. For outbound merchandise, on the date the vessel commences loading.
- d. Based on cents per ton of 1,000 kilograms, or 1 cubic meter measurement, as freighted. If basis of freight charges is not shown on manifest, on the basis of weight or measure, whichever produces greater revenue.
- e. If merchandise moving on other than weight or measure basis (per package, combination weight and measure), then per 1,000 kilograms or 1 cubic meter, whichever produces greater revenue.

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f. Where not otherwise covered by this Schedule, on basis of one cubic meter for each 125 kilograms of cargo.

g. Wharfage is strictly a charge on merchandise for the use of a wharf or wharf premise, and it does not include charges for any other service.

h. The minimum charge for any service performed under this Section shall be \$89.91/day.

3. Free Wharfage

No wharfage shall be assessed on:

a. Handling and stevedore tools, equipment and appliances for purpose of loading or discharging vessel, when moved onto or off wharf.

b. Passenger baggage, when carried on same vessel as passenger and on which no revenue is collected by water carrier as excess baggage, freight or cargo.

c. Petroleum and petroleum products in bulk, pumped from vessel to tank, at same facility where originally loaded, after payment on wharfage when loaded from tank to vessel.

d. Ballast in bulk, which is not manifested as cargo, has no commercial value and handled directly between vessel and barge or shore tank.

e. Vessel stores or supplies, when total amount laden on vessel is less than 1,000 kilograms.

f. Dunnage or ship lining for stowage or bracing of cargo discharged from and reloaded onto vessel within 30-days.

g. Scrap dunnage or scrap ship lining, discharged from vessel used in stowage or bracing of cargo, has no commercial value, and not reused as dunnage or ship lining.

h. Merchandise that a vessel discharges and reloads prior to departure, in order to load or discharge other merchandise (overstowed or restowed cargo).

i. Empty cargo and water ballast test containers, discharged from or loaded onto vessel to test and commission cranes, terminal equipment and operating systems.

4. Certified & Verified Statements; Penalties

a. The owner, agent, master or other person in charge of a vessel or cargo thereon shall submit to the Director (or their designee), within ten-days after vessel's departure, a statement of wharfage charges calculated in accordance with applicable rates and charges in this Schedule, with copies of vessel's manifest, bills of lading, totals discharged and/or loaded, certifying same as complete and correct.

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b. In addition to certified statement and documents required under (a) above, the owner, agent or other person in charge of cargo shall authorize in writing to any third party the release of any information required by the Director or their designee, to verify cargo loaded and/or discharged at the Port.

Any person who refuses or neglects to comply with paragraphs (a) or (b) above, or makes a false declaration on the statements or verifications required (including as they may relate to total number of vans/containers discharged and/or loaded), shall be subject to penalties prescribed by law, as well as this Schedule, including penalty charge of .0667% per day or a minimum penalty charge of 2% of total wharfage charges for the time between when such charge came due and when they are actually paid.

5. Transferred Merchandise

a. “Transferred cargo” or merchandise means cargo/merchandise received at a Port terminal or wharf premise from rail car, truck or vehicle and removed from a Port terminal or wharf premise by rail car, truck or other land vehicle.

b. Shall be assessed wharfage on the same basis as cargo/merchandise moving by vessel, subject to following exceptions:

Exception 1: if merchandise is transferred from premises of one wharf to another wharf, for delivery to land vehicle (including rail) or vessel, only single wharfage charge will be assessed.

Exception 2: Merchandise of any members of an alliance (“alliance” means formal contract among carriers to share terminal and vessel space); they shall have the option of paying wharfage charges on transferred merchandise handled at the Port as follows:

(i) 100% of applicable wharfage rate for cargo N.O.S. per kiloton or cubic meter, which shall not (i) count toward minimum annual guarantee (MAG), (ii) be revenue shared, or (iii) count towards efficiency criteria except to extent agreement with Port so allows; or

(ii) If written request submitted to and granted by the Director, flat fee per container, loaded or empty, which shall not count towards MAG, be revenue shared, or count towards efficiency criteria, except to extent agreement with Port so allows. Nevertheless, Port Director may revoke flat fee on 72-hours’ written notice.

6. Transshipped Merchandise

a. “Transshipped cargo” or merchandise is cargo/merchandise discharged from a vessel at a Port terminal or wharf premise and then reloaded onto another vessel from the same or another Port terminal or wharf premise.

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b. Subject to payment of wharfage, on which carriage is continuous (remains in carrier's possession and transferred from one vessel to another in the Port); in such case, a single wharfage charge will be assessed on inbound movement only.

c. Transshipped containerized cargo shall be assessed full wharfage at initial move and wharfage at one-half the full rate upon each subsequent move.

7. On-Dock Intermodal Incentive Program

Carriers using shared ("pool") intermodal equipment, including container chassis, shall be given priority use of terminal space and discounted fees, which shall be pre-arranged with the Port and are variable depending on volume.

8. Wharfage Rates

Article	Rate (Cents) Per 1,000 KG unless otherwise stated
Cargo or merchandise, N.O.S., per 1,000 kilograms or 1 cubic meter (per para. 1)	889
Cargo or merchandise, N.O.S. per container (includes vessel stores and supplies, as well as containerized loads of mixed commodities, excludes military cargo)	
• 20 ft. or smaller, each	17,739
• 40 ft., each	35,478
• Over 40 ft., each	39,913
Bananas, boxed or crated, per 1,000 kilograms	655
Boats, including launches, skiffs, and yachts, per cubic meter	613
Buildings, tanks, modules, including mobile, per cubic meter	639
Clothing-garments, including footwear, new NOS	782
Coffee	
• 20 ft. or smaller, each	10,547
• 40 ft., each	21,095
• Over 40 ft., each	23,732
Containers, full, including military cargo viz. (See Note 1)	
• 20 ft. or smaller, each	23,727
• 40 ft., each	45,361
• Over 40 ft., each	58,486
Containers, empty, viz.	
• 20 ft. or smaller, each	1,294

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Article	Rate (Cents) Per 1,000 KG unless otherwise stated
• 40 ft., each	2,590
• Over 40 ft., each	3,309
Cotton, cotton linters, in bales	864
Fresh fruit and fresh vegetables, boxed or crated, per 1,000 kilograms	781
Fresh Fish, when unloaded over fish escalator / pumps	428
Fresh Fish, when unloaded over port wharves	1,042
Flowers	
• 20 ft. or smaller, each	10,547
• 40 ft., each	21,095
Fish, bait use, when unloaded over port wharves by vessel's gear direct to truck	623
Foodstuffs, meat chilled Per 1,000 kilograms or 1 cubic meter (per Chapter 5 para. 1d)	893
Foodstuffs, meat frozen Per 1,000 kilograms or 1 cubic meter (per Chapter 5 para. 1d)	1,334
Furniture-household goods, including household appliances per 1,000 kilograms or 1 cubic meter (per Chapter 5 para. 1d)	749
General Department Store Merchandise	
• 20 ft or smaller, each	21,575
• 40 ft. or smaller, each	38,355
• Over 40 ft., each	49,742
Squid, sea mollusk, when unloaded over escalators or by pump	586
Sea urchins, shrimp	1,013
Livestock, viz.	
• Cattle, horses, mules per head	356
• Calves, colts, under 1 year, per head	311
• Goats, hogs, sheep per head	223
• Wild animals, deer, elk, boar, per head	889
Logs, lumber or timber viz.	
• Ash, hickory, mahogany, oak and all other hardwood logs per 1,000 feet B.M.	1,411
• Cedar, fir, pine, redwood, spruce and other softwoods per 1,000 feet B.M.	648
Metals, loose in bundles, or packages	797
Newsprint	819

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Article	Rate (Cents) Per 1,000 KG unless otherwise stated
Steel, Coils per 1,000 kgs	731
Cereal Grains, Seed in bags, unitized or in slings	900
Cereal Grains, unitized subject to 4000 ton movement and 20,000 annual	711
Vessel Stores and supplies per 1,000 kgs	858
Waste Paper	858
Woodpulp in bales	800
Cargo in bulk, NOS per 1,000 kgs	338
Cargo in bulk, when handled direct to vessel through private line	199
Cargo in bulk, moving direct between vessel and tank truck	223
Petroleum and petroleum products viz.:	
• In bulk through private line per barrel of 42 gallons, except bunker	1,096
• Bunkers in bulk through private line per barrel of 42 gallons	686
• Bunkers from barge to vessel at port wharf per barrel of 42 gallons	1,370
• Petroleum products in bulk moving direct between vessel and tank car per barrel of 42 gallons	411
Liquid Oxygen and liquid propane	1,507
Cruise Ship Passenger Fee, per each passenger, excluding security cost	1,233
Splashing vessels-pleasure craft, commercial, military when not manifested as cargo and handled directly between wharf and water, including launching per 1,000 kilograms or 1 cubic meter (per Chapter 5 para. 1d)	928
Pleasure craft, commercial, military - Float on/Float Off per 1,000 kilograms or 1 cubic meter (per Chapter 5 para. 1d)	591
Cruise Ship Passenger, in transit, excluding security	411
Crew / Sportfishing Boat Passenger	447
Automobiles, pleasure or passenger (each)	3,836
Commercial Vehicles (self-propelled, not in containers or on mafis)	2,445

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Project Rates

b. Project rates for wharfage must be approved in writing by the Director and shall be applicable only to shipments in connection with removal, construction, reconstruction of major capital projects or facilities as follows:

(i) Commodities to be transported or received shall not be for resale, and shall be used only in construction, erection and/or installation of projects

(ii) Bills of lading shall state: “All materials included on this Bill of Lading are of a proprietary nature, not for resale, and are for use in construction, erection, and/or installation of [Project Name]”.

(iii) The following shall not receive (and shall be excluded from) such special project rates, unless stated otherwise in writing by the Director:

- a. Automobiles
- b. Motor trucks
- c. Tractors
- d. Explosives
- e. Dangerous or hazardous cargo, restricted to on-deck stowage
- f. Refrigerator or cool room cargo
- g. Household goods and personal effects

Note 1: Container rates may not be used in lieu of specific commodity wharfage rates in this Schedule without prior approval of the Port COO.

Note 2: Container loads of mixed commodities will be assessed the highest container rate applicable to any commodity in the container.

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SECTION VII

VESSELS

Definitions

“Vessel” shall include but not be limited to steamboats, motorboats, sailing vessels, barges, scows, lighters, ferryboats, pleasure craft, and any other watercraft, including a vessel acting by or through its owners, agents, master, operators, charterers or any other person duly authorized to act on behalf of such vessel.

1. Berth Assignments

a. Application for a berth is required and must be approved by the Director, as far in advance as possible but not less than 72-hours prior to berthing. Berths are granted on a non-preferential basis depending on space availability, unless otherwise provided for in a contractual agreement between the Port and the vessel owner or operator.

b. All berth assignments are subject to the provisions, rates, charges, rules and regulations of this Schedule as well as any conditions relating to such assignment.

c. At the request of the Director, every vessel owner must provide written documentation of current ownership and a current California Department of Fish and Game vessel license.

d. The Director may disapprove any berth assignment for failure to comply with the terms of this Schedule, for an unseaworthy vessel, non-payment of charges, or if an available berth is not suited for the intended vessel.

e. Any vessel that docks at facilities under the Port’s jurisdiction without an approved application or at a berth that has not been assigned to such vessel, shall be subject to three times the rates and charges that would otherwise apply under this Schedule.

f. If a vessel occupies a berth in violation of this section after 24-hours written notice, it may be immediately impounded, shifted, towed or hauled to storage area at owner’s sole expense.

g. A vessel captain or operator using a facility of the Port without an approved application, or having taken shelter at a facility due to extreme weather conditions or distress, does so at his/her own risk and must immediately notify the Director; the vessel, its owner, agent and/or charterer shall be responsible for any and all charges, damages, and losses of any nature due to use of such facility. Upon alleviation of the extreme weather conditions or distress, the vessel shall immediately vacate the Port facility. If vessel repairs are necessary, they shall be carried out promptly; written proof of due diligence shall be submitted to the Director on request.

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h. Any condition on the vessel, berth or pier caused by such vessel, owner or operator, which in the opinion of the Director may constitute a fire hazard, health menace, environmental or any other danger to public safety, shall be corrected or removed immediately; if the vessel owner or operator neglects or refuses to remedy such condition, the Port may rectify the hazard or danger at the vessel owner or operator's sole cost and expense.

2. Berth Utilization

a. Commercial berth facilities will not be assigned for regularly scheduled crew-change operations, daily support service functions, or other uses that could be construed as a company base of operations or proprietary assignment.

b. Vessels supporting Port contractors may be approved for berthing if the Port is obligated to provide berthing space. Non-Port contractors' berthing space will only be assigned at the sole discretion of the Director to load materials, and only if the contract site is not suitable to load job related materials, equipment and employees. All berth assignments will be for a specified length of time, as determined by the Director.

3. Vacating Berth

a. When a berth, dock or other facility is declared by the Director as threatened by congestion, vessels shall be required to work continuously (including overtime) at their own expense. Any vessel that refuses to work overtime shall vacate the berth on order of the Director and shall forfeit its position and be relegated to the end of the list of vessels awaiting a berth.

b. On completion of loading or unloading, the vessel shall vacate the berth. However, at the discretion of the Director, and if no other vessel is awaiting a berth, a vessel may be allowed to remain at such berth.

c. If a vessel fails to vacate a berth, it may be removed by the Port, on instruction by the Director, at the vessel's sole risk and expense.

4. Person on Board with Authority

a. Vessels must at all times have on board at least one person in charge, with authority to take such action in an emergency as may be deemed necessary by the Director.

b. A vessel must shift or go into the stream at its own expense when so ordered by the Director, who shall have the power to enforce removal at the sole expense of the vessel.

c. The master, agent or owner of a vessel refusing or neglecting to obey the orders of the Director in any way relating to regulation of the Port, or removal or stationing of such vessel, is guilty of a misdemeanor, and shall be liable for a fine or imprisonment, or both.

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d. Whenever the master or any person in charge of any vessel or other watercraft fails or refuses to change position of such vessel or watercraft as instructed by the Port, the Director or representative may board such vessel or watercraft (with assistance as may be necessary) and change the position of such vessel or watercraft at vessel owners sole cost and expense.

5. No Hazardous Obstructions

All berths, piers, floats and gangways shall be kept clear at all times of hazardous obstructions, including skiffs, booms, blocks or any other gear related to fishing or vessel operations.

6. Speed Restriction

A vessel navigating any portion of the Port at an excessive rate of speed shall be responsible for any damage sustained on account of such action; a rate of speed greater than five (5) nautical miles per hour shall be deemed excessive.

7. Tug Services

All tug services required by vessels entering, leaving or shifting within the Port must be performed by tugs permitted and authorized by the Director to do so. No person shall provide tug services within the Port without a permit issued by the Director.

8. Navigation Regulations for Tows

a. Outbound tows over 65-feet in length shall be bunched and made-up until clear of the Port Restricted Area; and inbound tows over 65-feet in length shall be bunched and made-up before entering the Port Restricted Area.

b. It shall be unlawful for any person operating any tow-boat (or vessel of any kind) that tows a vessel, barge, scow, log, timber or refuse of any kind within the limits of the Port with a tow line out from the towing vessel that is longer than necessary.

9. Lights at Night

a. All vessels, barges, cranes and other equipment, while anchored, moored or installed at the Port, must show lights in accordance with applicable federal, state and municipal laws, rules and regulations. No person shall:

(i) Neglect or refuse, during the night between sunset and sunrise, to adequately light and keep lighted and properly watched all gangways, manropes and other appliances erected for the purpose of allowing access to such vessel from shore.

(ii) Display running lights on any vessel, barge or watercraft lying at a wharf between sunset and sunrise.

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(iii) Fail to adequately light all openings in the vessel's side, hoisting gear and cargo handling conveyance that may be in use during sundown and sunrise, or fail, neglect or refuse to close all openings in the vessel's side, or uprig all hoisting gear and cargo handling conveyance during the night, unless actually in use.

10. No Mooring Lines

No person may run a mooring line across any slip, without written permission by the Director.

11. Making Fast to Buoys

No person may make fast or attach a vessel to a buoy belonging to the Port, except in an emergency, without consent of the Director; such vessel shall be subject to removal (at the expense of such vessel, its agent or owner) to such other place as the Director may determine.

12. Anchorage

a. No person may anchor or moor a vessel at the entrance or within any fairway, channel, slip, basin or other Port area, without written permission of the Director. The Director may designate any area within the Port for temporary anchoring or mooring of vessels.

b. For any violation under this section, it shall be sufficient to describe the particular vessel and the registered or documented owner as the party in violation.

c. Each 24-hour period, or portion thereof, shall be a separate offense and subject to penalties for each such separate offense.

13. Obstruction to Navigation

a. No person may tie up or anchor a vessel in a navigable channel within the Port that prevents or obstructs navigation or passage of other vessels; or to sink (or permit to be sunk) any vessel or obstruction in navigable waters; or to float (or permit to be floated) timber or logs in navigable waters that obstructs, impedes or endangers navigation.

b. When a vessel is wrecked, or a vessel or object is sunk in the Port, the owner or person in charge of such sunken vessel or object shall immediately mark it with a buoy or beacon during the day, and a lighted lantern at night, and maintain such marks until the sunken vessel or object is removed or abandoned.

c. The owner or person in charge of any sunken vessel or object shall immediately commence removal thereof; failure to do so shall be considered an abandonment of such vessel or object, subject to removal by the Port at the owner's sole cost and expense. Further, neglect

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or failure by the owner or person in charge to immediately remove such vessel or object shall be unlawful and a violation of this Schedule.

14. Abandoned Vessels

a. Any hulk, wreck or vessel parts or watercraft sunk, beached or allowed to remain in an unseaworthy or dilapidated condition in the Port for more than 30-days without a watchman or person in charge, without consent of the Director, shall be abandoned property. In that event, the Port may (after publication as determined by the Port) cause such property to be sold, destroyed or disposed of in any way it deems expedient or convenient; if sold, title shall vest in the buyer who must immediately take steps to remove such property. Sale proceeds shall be property of the District.

b. If an owner places a notice on the vessel in plain view, listing name, address and claim of ownership (or agent or representative in California) and files a copy of the notice with the Director at least 5-days prior to sale or disposal, the Director may allow such owner up to 30-days' to remove or cause the property to be removed; if not so done within such 30-days, the Director may immediately sell, destroy or otherwise dispose of such property

c. If the vessel has a registration or documentation number on it, written notice or removal shall be sent to the registered owner at least 5-days prior to such removal or sale.

15. Sunken Wrecks

a. If navigation in the Port is obstructed or endangered by any sunken vessel, obstruction or object, and has existed for longer than 30-days, or if abandonment of such obstruction can be established in less time, such vessel, obstruction or object shall be removed, sold or otherwise disposed of by the Port, in its sole discretion, without liability for any damage to the owner.

b. If a vessel, obstruction or object is in danger of sinking or grounding, and/or seriously interfering with or endangering navigation, the Director shall have the right to take immediate possession, remove or destroy it and clear the navigable waters to prevent unnecessary injury; it shall be unlawful for any person to interfere with or prevent such removal or destruction; provided, however, that the Director may give notice in writing to the owner or person in charge of any such obstruction, requiring such owner or person to immediately remove it.

c. The expense of removing any vessel, obstruction or object as stated above shall be for the owner thereof; if such owner fails or refuses to reimburse the Port for such expense within 30- days of written notice, the Port may sell such vessel, obstruction or object that may not have been destroyed in removal, and the proceeds of such sale shall be used therefore.

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16. Change re Mooring

If any vessel is moored or fastened to any wharf or bulkhead, or to any other vessel in the Port, in an unsafe or dangerous manner, the Director may order and direct that such vessel be changed or moved to prevent such danger; the owner, master, or any other person having charge of such vessel, shall comply with such orders or directions issued by the Director.

17. Vessel Repairs

No service provider or mechanic may repair or provide maintenance services to a vessel berthed at Port facilities without first securing an approved “Vessel Repair Permit” from the Director and agreeing to abide by all terms and conditions therein. Repairs to vessels moored at Port facilities are prohibited, except those performed in compliance with this Schedule or minor incidental repairs while loading or discharging cargo.

18. Commercial Fishing Vessels

a. A commercial fishing vessel shall mean a vessel that (i) is documented or licensed by the U.S. Department of Commerce, U.S. Coast Guard or California Department of Fish and Game, as a commercial fishing vessel; (ii) is self- propelled; (iii) was designed and is primarily used for catching fish or which has been converted into a vessel that is primarily used for catching fish, and subsequently sells or delivers fish to a cannery, processing plant or wholesale fish market; and (iv) during the preceding twelve 12-month period has complied with one of the following:

(i) Fish and Game receipts, verifiable by the California Department of Fish and Game, that such vessel was used to catch 10-metric tons of fish; or

(ii) Documentation that such vessel was used to catch fish with a commercial value of at least \$10,000 if the vessel is less than 30-feet in length or at least \$50,000, if the vessel is greater than 30-feet in length.

19. Idle Vessels

a. If a vessel is found fast to a designated fish wharf and is not being unloaded or loaded, it shall be subject to charges and penalties as provided herein, without further evidence or proof.

b. Any vessel that refuses or fails to haul away from the wharf and vacate such berth after having finished discharging or loading, shall be subject to and assessed dockage at three times the rates provided in this Schedule; and, in addition thereto, for each day or portion thereof, that such vessel remains at such wharf, it shall be in violation of this Schedule.

c. All charges made in connection with moving and impounding vessels, as provided for herein, shall become due and payable within 30-days of invoice date.

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SECTION VIII

FREE TIME, WHARF DEMURRAGE & STORAGE

Definitions

- a. “Wharf demurrage” is the charge, calculated in accordance with wharf demurrage rates set out in this Schedule, assessed against merchandise that remains on a wharf or wharf premises after free time allowed.
- b. “Wharf storage” is the charge, calculated in accordance with wharf storage rates set out in this Schedule, assessed against merchandise that remains on a wharf or wharf premises and has been accepted for storage.
- c. “Inbound merchandise” is merchandise that has been discharged from a vessel, and may be containerized or non-containerized.
- d. “Outbound merchandise” is merchandise that is being or has been assembled and is awaiting loading on board a vessel.
- e. “Free Time” is the specified number of days during which merchandise may occupy space assigned to it, without being assessed wharf demurrage.

A. FREE TIME

1. Commencement

- a. Inbound merchandise, non-containerized: Free Time shall commence at midnight after the vessel from which merchandise was discharged finishes discharging or leaves wharf, whichever occurs first; provided, that when a vessel moves to another wharf to complete discharging because of lack of space at first wharf, such vessel shall not be considered as having left the first wharf.
- b. Inbound merchandise, containerized: Free Time shall commence for each container at 12:00 a.m. after the container is discharged from a vessel.
- c. Outbound merchandise: Free Time shall commence at midnight after merchandise is placed on wharf or wharf premises; provided, however, that days during loading or discharging operations of vessel shall not be counted as wharf demurrage or wharf storage days if merchandise is being loaded on or discharged from such vessel with dispatch.

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2. Allowed Time

Excluding Saturdays, Sundays and Legal holidays, Free Time shall be allowed on inbound and outbound shipments, as follows:

Non-containerized:

<u>Trade</u>	<u>Inbound</u>	<u>Outbound</u>
Coastwide	5 Days	5 Days
Intercoastal	5 Days	10 Days
Foreign and Offshore	5 Days	10 Days

Containerized:

<u>Trade</u>	<u>Inbound</u>	<u>Outbound</u>
Coastwide	5 Days	5 Days
Intercoastal	4 Days	6 Days
Foreign and Offshore	4 Days	6 Days

3. Shortened or Extended Time

a. Only when necessary shall Free Time be fully utilized or taken; if the Director determines that the interests of commerce and navigation so require, such Free Time may be shortened to remove merchandise, regardless of Free Time period.

b. Merchandise that is transshipped, involving a long and short Free Time period, shall be allowed the longer Free Time period, but in no case shall such merchandise be allowed the aggregate of the inbound and outbound period.

c. If a vessel with an announced arrival date does not arrive within the Free Time period allowed due to weather, accident, breakdown or other emergency, Free Time allowed on merchandise awaiting such vessel and on which wharf demurrage has not begun to accrue prior to the announced arrival date of such vessel shall be extended by no more than ten-days. Thereafter, wharf demurrage shall be assessed against such merchandise until accepted for wharf storage.

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d. On written request, subject to terminal space availability, the Director may extend Free Time for up to 20-days (Saturdays, Sundays and Legal holidays excluded) to receive cargo for export; such extension of Free Time will apply to single cargoes of not less than 200 revenue tons consigned to a specifically named vessel.

e. On written request, subject to terminal space availability, the Director may extend Free Time for up to 10-days (Saturdays, Sundays and Legal holidays excluded) for delivery of non-container import cargo; such extension of Free Time will apply to specified named cargoes of not less than 500 revenue tons unloaded from a specifically named vessel.

f. Services performed over and above those set out on an ocean Bill of Lading at the request of the owner of merchandise during Free Time period shall be for account of the cargo.

g. On request of the U.S. Government, additional Free Time may be granted on written approval of the Director, over and above the initial ten-day free-time period, not to exceed ten-days (Saturdays, Sundays and Legal holidays excluded); this provision shall apply only to commodities shipped for the account of the U.S. Government.

h. If the Director determines in the interest of commerce, navigation or public safety, Free Time may be shortened to remove any merchandise from terminal facilities at sole expense of the owner or consignee, regardless of Free Time.

i. The Director may extend, by written approval, allowable Free Time on any merchandise if terminal operations or movement of merchandise are interrupted by war, earthquake, flood, fire, riot, pandemic, or any unusual occurrence.

4. Disposition of Cargo after Expiration

Cargo may remain on a wharf after expiration of Free Time, subject to the provisions of this section, to remain where situated, piled or re-piled, or moved to another location on the same or another wharf; or it may be removed to public or private warehouses, with expense and risk of loss and damage for account of cargo, its owner, shipper, consignee or carrier.

5. Non-Liability for Loss or Damage

a. The Port assumes no responsibility whatsoever and shall not be liable for any cargo accepted for storage, care, handling, insurance (or any loss related thereto) unless such cargo is receipted for, on behalf of or authorized by a representative of the Port.

b. The Port shall not be responsible or liable for any loss or damage to any cargo or other property stored, handled, used, kept or placed on any wharf or property owned or controlled by the Port due to pilferage, rodents, insects, natural shrinkage, decay, seepage, leakage, heating,

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evaporation, fire, earthquakes, rain, floods, or the elements, war, riots, strikes, lockouts, or any other acts beyond the control of the Port, or from discharge from sprinkler systems or collapse of a wharf or other structure, unless due to the negligence of the Port.

6. Strike Conditions

a. Cargo that is not removed from the Port for 5-days or more due to general waterfront strike, lockout or work stoppage of labor engaged in handling cargo will be subject to:

(i) Cargo on Free Time: strikebound cargo will be continued on Free Time until maximum Free Time allowed under this Schedule has expired; on expiration of Free Time, storage charges will be assessed under paragraph (ii) below.

(ii) Cargo on Demurrage, Storage or Space Occupancy: subject to daily storage or space occupancy rates, whichever results in lowest charge, during each month in which the strike is in effect, the Director reserves the right to authorize storage rates for strike- bound cargo without prior request.

(iii) Charges Applicable After Strike Ends: strikebound cargo remaining on hand on 10th day following end of the strike will be subject to demurrage, unless prior authorization has been granted by the Director for daily storage or space occupancy.

7. Assembled Cargo

The Director may grant, subject to terminal space availability and receiving shipper's or consignee's request, up to 20-days added Free Time for assembling cargo lots (Saturdays, Sundays and Legal holidays excluded); assembled cargo lots must aggregate 200 revenue tons or more re export or import shipment for loading or unloading from specific named vessel.

Note: Extension of time to assembled cargo applies only to Port charges contained in this Schedule. Equipment owned or leased by ocean carrier(s) is subject to demurrage (or detention) charges and Free Time provisions provided for in individual ocean carrier tariffs.

B. WHARF DEMURRAGE

1. Application

On expiration of Free Time, wharf demurrage rates set out in this Schedule will be assessed against all merchandise remaining on terminal or wharf premises. The owner, carrier, agent or consignee of such merchandise may, however, make application in writing to use the wharf storage provisions or the space occupancy provisions (all applications are subject to approval in writing and at discretion of the Director).

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2. Rates

Wharf demurrage shall be assessed against all merchandise remaining on the wharf or wharf premises after expiration of Free Time allowed at wharf demurrage rates set out herein; rates apply in cents per ton of 1,000 kilograms or 1 cubic meter or other unit on the same basis as wharfage, except as otherwise shown (including Saturdays, Sundays and Legal holidays).

<u>COMMODITY</u>	CHARGE PER DAY FOR THE FIRST 5 DAYS OR FRACTION <u>THEREOF</u>	CHARGE PER DAY FOR EACH ADDITIONAL 5 DAYS OR FRACTION <u>THEREOF</u>
Merchandise, N.O.S.	233	466
Lumber, per 1,000 feet B.M. or fraction thereof, minimum 1,000 ft. B.M.	233	466
Vehicles, motor, self-propelling: Automobiles (each), pleasure, passenger, commercial, and freight, including chassis freight trailers or semitrailers not boxed or crated, on own wheels, per ton.	540	1090
Container, full or empty, each:		
20 ft. or less	922	1843
Over 20 ft.	1843	3686

3. Transfer of Ownership

Wharf demurrage, storage, receiving and delivery charges are for account of the cargo; any transfer of ownership after such cargo is received on the terminal will not entitle cargo to additional Free Time due to any transfer of ownership therein.

4. Failure to Pay

Merchandise remaining on a wharf after expiration of allowed Free Time, if all accrued charges thereon are not paid on demand, shall be subject to possession by the Director, who shall have the right to remove and store at the risk and expense of the merchandise and owner thereof, and

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may sell such merchandise at public auction, with or without notice; proceeds of sale shall be applied to accrued charges for account of owner. If proceeds from sale are not sufficient to satisfy accrued charges, the owner, shipper and/or consignee shall be liable for payment of any unsatisfied balance.

5. Rail Demurrage or Detention

a. Parties responsible for ordering and/or scheduling railcars shall be responsible for payment of rail demurrage caused by or arising from such order and/or scheduling; such parties shall indemnify and hold harmless the Port for any rail demurrage and related costs and expenses, including attorney's fees and court costs.

b. The responsible parties shall notify the Port no less than 24-hours prior to receiving into or moving railcars out of any Port terminal.

C. STORAGE

1. Application

a. On expiration of Free Time, wharf storage and demurrage charges will be assessed, unless cargo owner is granted prior written consent by the Director (re inside or outside storage), subject to the following:

(i) Charges assessed against cargo are due and payable on the first of each month and any balance is payable on removal of cargo from the terminal.

(ii) For purposes of enforcing collection of wharf storage charges assessed against cargo or merchandise, the Port shall have a lien until such charges have been paid in full.

(iii) Wharf storage may be granted when space is available and said storage will not interfere with the prompt loading or discharging of vessels.

(iv) Previously granted wharf storage may be canceled on 7-days written notice, if such storage would interfere with the prompt loading or unloading of vessels or would result in unwarranted congestion on the docks, wharves or piers.

2. Rates

Rates are in cents per calendar day or fraction thereof, (including Saturdays, Sundays and Legal holidays), per ton of 1,000 kilos or 1 cubic meter, whichever shall yield the greater revenue, except as otherwise provided for within this Schedule; wharf storage shall commence from the time merchandise is accepted for storage.

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The following rates shall apply:

<u>COMMODITY</u>	<u>RATE</u>
Cargo, N.O.S., when stored in covered areas:	88
Cargo, N.O.S., when stored on open wharf or platform:	49
Lumber, when stored in uncovered areas, per 1,000 feet B.M.:	43
Vehicles: Automobiles (passenger, freight or military) including commercial vehicles, chassis, trucks and trailers on wheels: per vehicle per day or fraction thereof:	88
Container, full or empty, each:	
20 ft. or less	109
Over 20 ft.	213

3. Space Occupancy

a. Space Occupancy is available on written approval by Director, as follows:

(i) Port space occupancy forms shall describe area granted on space-available basis (Port reserves the right to designate such areas).

(ii) Published rate in excess of 60-days continuous occupancy requires Director approval.

(iii) Minimum period of 30-days, regardless of time of entry of cargo, payable in advance; rates shall continue to apply unless written notice of cancellation received by Port prior to 1st day of the month.

(iv) May be terminated by Port if in its opinion space is not utilized for express movement of water borne cargo, or not utilized in efficient manner (e.g. through high-piling or consolidation), on 30-days written notice.

(v) Cargo must be stored, stacked, palletized or high piled in accordance with normal operational and safety procedures; hazardous high-piling requiring re-stacking, re- palletizing or

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cargo movement due to blocked doors or aisle space (in violation of Fire Department or Coast Guard Regulations) shall be for account of applicant.

(vi) Must submit report to Port every 90-days on in-out volume; if reports show less than 50% cargo received in space (over 180-days) has moved out in same period, permit may be terminated.

(vii) Cargo not removed from area under space occupancy on termination will automatically be assessed applicable wharf demurrage charges.

4. Space Assignment Area – within Assignee Premises

For space assignment rate (as opposed to demurrage and wharf storage rate), the Director may grant a space assignment area within premises held by an assignee under another agreement with the Port relating to operation of the premises, or for operation of a container freight station (CFS), if space is available. Space assignments granted for such purposes shall be subject to terms and conditions of any agreement covering such space assignment.

5. Space Assignment – Outside Assignee Premises

a. The Director may grant a space assignment for areas outside premises held by an assignee under another agreement with the Port relating to operation of the premises, including cargo related purposes, storage of terminal related equipment or chassis, or for operation of a container freight station (CFS), if assignee so requests in writing from the Director.

b. The request shall state why existing premises held by assignee are insufficient and how long assignee expects to need the space assignment.

c. All charges due pursuant to this section shall be paid in full and are not subject to the compensation provisions of other agreements assignee may have with the Port.

6. Space Occupancy Rates

Reserved for future use.

7. Temporary Area Assignments

Reserved for future use.

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SECTION IX

CARGO HANDLING PERMITS & MOBILE HARBOR CRANES

Definitions

- a. “Handler” means any person, entity or corporation engaged in the business of handling cargo in the Port area of the Port of Hueneme, whether in the capacity of stevedore, handler, car loader or vessel operator or agent.
- b. A “Cargo Handling Permit” is granted by the Port to a handler to operate in the Port area.
- c. “Handling Permit Fees” are fees for cargo handling permit of \$266 per year or fraction thereof, payable in advance and annually on the first day of July thereafter.
- d. “Handling” is physically moving cargo between point of rest and any place in the Port area.
- e. The “Term of the Permit” is from date of approval until termination or revocation, subject to the terms of this Section.

A.CARGO HANDLING PERMIT

1. Required Permit

- a. No person may engage in the business of handling cargo in the Port area without a cargo-handling permit, except as follows:

Exception 1: When a truck operator or railroad company performs services re loading or unloading freight and absorbs the cost of such service into the rate for transportation and makes no extra charge for such loading or unloading.

Exception 2: If, in the sole discretion of the Port, the public interest or existing conditions warrant temporary suspension of the requirement that handlers obtain a permit.

Exception 3: When a waterfront parcel lessee handles cargo under the use provisions of the lease over such parcel, or a lessee of an interior parcel handles cargo as described under the use provisions of the lease for lessee’s account.

2. Rates & Charges

- a. A cargo-handling permit may only be issued on written application.
- b. The handler must at all times keep on file with the Port a schedule with rates and/or charges, itemized as to operations and commodities; if any party files a claim with the Port that

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such rate and/or charges are unreasonable, the handler shall show cause why they should not be revised or modified.

c. Any rates or charges in excess of those in the schedule or refusal to abide by a Port order to revise or modify them shall be cause for revocation, suspension or termination of such permit.

d. Cargo-handling permits are revocable by the Director at any time at his/her sole discretion.

B. MOBILE HARBOR CRANE

Reserved for future use.

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SECTION X

CONTAINER WEIGHT VERIFICATION

Definitions

a. “Container” shall have the same meaning as the term “container” in the International Convention for Safe Containers, and means an article of transport equipment:

- (i) of permanent character and strong enough to be suitable for repeated use;
- (ii) specially designed to facilitate transport of goods, by one or more modes of transport, without intermediate reloading;
- (iii) designed to be secured and/or readily handled, with corner fittings; and
- (iv) of such size that the area enclosed by four outer bottom corners is either:
 - at least 14 m² (150 sq. ft.); or
 - at least 7 m² (75 sq. ft.) if it is fitted with top corner fittings.

b. “Shipper” means a legal entity or person named on the bill of lading, sea waybill or equivalent multimodal transport document (e.g. through bill of lading) as shipper and/or who (or in whose name or on whose behalf) a contract of carriage has been concluded with a shipping company.

c. “Verified gross mass” means the total gross mass of a packed container as obtained by one of the methods described below.

1. Background

To ensure the safety of a vessel, safety of workers aboard vessels and on shore, safety of cargo and overall safety at sea, the International Convention for the Safety of Life at Sea, as amended (SOLAS), requires as per Chapter VI, Part A, Regulation 2 that packed containers’ gross mass are verified prior to stowage aboard a vessel (also referred to as a ship).

The shipper is responsible for verifying the gross mass of a container carrying cargo; the shipper is also responsible for ensuring such “verified gross mass” is communicated in the shipping documents sufficiently in advance to be used by the vessel’s master or representative, and the terminal representative in the preparation of the stowage plan.

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2. No Port Responsibility to Weigh Containers

The Port will not provide weighing services, nor shall it be responsible for verification of the gross mass of a container carrying cargo; however, it may (but is not obligated to) refer interested parties to a third-party vendor for weighing in which case the shipper shall contact and pay for services directly to such third party vendor.

3. Weighing Requirements

a. Before a packed container can be loaded onto a vessel, its weight must be determined through weighing: it is a violation of SOLAS to load a packed container aboard a vessel to which SOLAS applies without a proper weight verification (there is no exception to this requirement).

b. Under SOLAS, there are two permissible methods for weighing: **Method 1**, which requires weighing the container after it has been packed; and **Method 2**, which requires weighing all the cargo and contents of the container and adding those weights to the container's tare weight as indicated on the door end of the container.

c. Estimating weight is not permitted: the shipper (or by arrangement of the shipper, a third party) has the responsibility to weigh the packed container or its contents; under either Method 1 or 2, the weighing equipment used must meet national certification and calibration requirements (further, the party packing the container cannot use the weight somebody else has provided, except under one specific set of defined circumstances).

d. A carrier may rely on a shipper's signed weight verification to be accurate: the carrier does not need to be a "verifier" of the shipper's weight verification, nor does SOLAS require a carrier to verify that a shipper providing a verified weight according to Method 2 has used a method which has been certified and approved by a competent authority of the jurisdiction in which the packing and sealing of the container was completed; however, for the shipper's weight verification to be compliant with SOLAS requirements, it must be "signed," meaning a specific person representing the shipper is named and identified as having verified the accuracy of the weight calculation on behalf of the shipper.

e. Since the Port shall under no circumstances be responsible for weighing containers and/or providing a verified weight for containers, if the shipper does not have a signed weight verification for a packed container, such shipper shall be responsible for obtaining a verified container weight prior to arrival at the Port; otherwise, the packed container will not be loaded onto any vessel nor shall the container weight be used in any vessel stow plan.

f. A vessel stow plan shall use the verified weight for any packed container loaded onboard a vessel at the Port.

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4. Verification by Shipper

The shipper shall confirm and verify that any and all information stated in the form (including the verified gross mass), relating to a packed container and submitted to the Port and/or third-party, is accurate and specific to the particular shipment and that such shipment has been verified for gross mass weight, in accordance with SOLAS.

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SECTION XI

MISCELLANEOUS RATES & CHARGES

1. Use of Spur Tracks

Charges for use of the spur tracks in the Port or Joint Use area will be assessed as follows:

- a. When spur tracks are used by either a Port lessee or a shipper of ocean freight for loading and unloading materials on which wharfage will be collected, a charge of \$6.86 per car shall be assessed for each day, or fraction thereof, after expiration of 3-days following its arrival, including Saturdays, Sundays and Legal holidays.
- b. When spur tracks are used under other conditions, a charge of \$6.86 per rail car per day, or fraction thereof, shall be assessed for each day, or fraction thereof, for first 3-days, commencing on arrival and increasing to \$13.70 per day on day 4 and thereafter.

Note: For (a) and (b) above, the first day begins at midnight following arrival. The District assumes no responsibility for loss or damage to articles of merchandise so handled, nor shall the District in any way be responsible for freight charges, switching or demurrage.

2. Fresh Water Service

a. Those receiving fresh water by the City of Port Hueneme Water Utilities Department will be assessed charges in accordance with the Utility rate structure, which are subject to change without notification by the City. Water delivered through Port pipelines to vessels or for services in connection therewith will be assessed a service charge of 15% of the water costs.

b. Other charges for fresh water delivered between the hours of 7:30 a.m. and 4:00 p.m. to vessels at wharves shall be as follows:

- (i) Minimum administrative charge for water/day: \$34.26
- (ii) Rental charge for each 50-foot section of water hose, when furnished: \$9.59
- (iii) Lost connection: \$68.50
- (iv) Lost nozzle: \$68.50
- (v) Lost/damaged water hose: \$137.01
- (vi) Clean, flush & roll up hose: \$68.50
- (vii) Damaged coupling: \$68.50

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c. In addition to general penalties provided in this Schedule, any violation under this Section X shall be subject to a penalty of \$59.93 for each offense; provided, however, that nothing herein contained shall prevent any person from attaching a hose or otherwise using water from any outlet to prevent or fight a fire.

d. Vessels receiving fresh water are responsible for providing hoses and making and breaking hose connections at the vessel and wharf.

e. It shall be unlawful for any person to use a water hose or meter or take or attempt to take water from any vessel service water outlet or hydrant, without written permission from the Director and paying for (or agreeing to pay) such service; nothing herein shall prevent a person from attaching a hose or using water from an outlet to prevent or fight a fire.

f. The Director reserves the right to refuse or limit water supply to vessels due to drought or other water supply restrictions.

3. Electrical Services and Shore Power

a. Electrical current supplied by Southern California Edison (SCE) may be subject to change, without Port notification. The SCE tariff governing shore power charges may also change without notification.

b. Minimum charge for use of the shore power system shall be \$1,318.73, plus a service charge per plug-in as per below paragraph d.

c. When electrical current is furnished to vessels for shore power at the Port, fees will be billed directly to such vessel or vessel operator. When more than one vessel has shore power during a billing period, the charge will be prorated as a percentage of total charges based on individual consumption. The meter reading at the shore power sub-station interconnection point with SCE (account meter) shall be the basis for determining total vessel power usage.

d. When shore power is furnished to vessels at a wharf through Port facilities, a service charge of \$822.23 per plug-in, in addition to the cost of such electrical current, will be incurred.

e. This Schedule shall not prevent or limit the Port from passing on to any vessel, vessel operator or entity using or benefiting from shore power electric current, all costs regarding or related to such electrical current to reduce air emissions at the Port, in addition to actual electrical current charge.

f. Users of shore power shall also pay third-party charges related to shore power system devices installed by the Port, at the exact rate incurred.

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g. It shall be unlawful to connect to or use any electrical current supplied at a Port pier or wharf without written permission from the Director, and without having paid or agreeing to pay any and all charges related thereto as set forth in this schedule.

4. Refrigerated Containers

Service outlets and electricity, per container, per day or fraction thereof shall be \$54.80.

Note: Such rate shall not include connecting, disconnecting or monitoring refrigerated containers. The District will use reasonable care to provide adequate and continuous electrical service, but shall not be responsible for any curtailment or failure of electrical power, or damages that result therefrom.

5. Redelivery of Merchandise

a. Merchandise received on wharf premises from a land carrier that is then redelivered to a land carrier for shipment off wharf premises shall be assessed a redelivery charge, in addition to any other charge including wharfage, wharf demurrage and storage. The Director may waive such redelivery charge if:

(i) Use of Port facilities for merchandise subject to a redelivery charge does not restrict the Port's capacity to handle and store cargo shipped by vessel in or out of the Port, or

(ii) Surplus merchandise originally intended for waterborne carriage is redelivered to a land carrier for shipment off wharf premises.

b. When waivers are granted, the redelivered merchandise will remain subject to all other charges e.g., wharfage, wharf demurrage or storage where applicable. Redelivery rates shall be based on cents per ton of 1,000 kilos, or 1 cubic meter, and assessed on whichever produces the greater revenue.

6. Security Services

a. A Facility Security Plan has been established for cargo operations at the Port to fulfill requirements under 33 CFR Part 105; all vessels using a berth shall follow the provisions of such Plan.

b. Commercial users and tenants shall be assessed a charge for cost of additional security services furnished by the Port to meet federal regulation requirements, plus a service charge of 15% of the cost of such services.

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7. Environmental Surcharge – Dry Bulk Cargo

A surcharge of \$0.161 per metric ton shall apply to all non-bagged dry bulk cargoes shipped through the Port. On completion of cargo operations, this surcharge shall be assessed to stevedore firms, based on total tonnage loaded or unloaded (to compensate the Port for environmental compliance programs at the marine terminals).

8. Trash Bins

Cargo handlers, vessel operators or agents must provide their own trash and recycle bins of suitable size for removal of scrap dunnage, shoring materials, pallets, debris, damaged cargo, sweepings, etc. from their vessel and dock operations.

9. Waste Oil

No waste oil may be left on Port property in any amount or means without the express written permission of the Director.

10. Weigh Scale

A weigh scale is not available for public use on the Port. Users requiring weighing services should contact the Harbormaster department who can refer them to available commercial services.

11. Vessel's Stores and Supplies

Vessel's stores and supplies, per pallet: \$8.69. In the absence of documented weights of vessel stores and supplies, wharfage charges will be based upon a pallet count, each pallet considered to be 1,000 kilos and in the absence of pallet count minimum charge will apply.

12. Minimum charge

The minimum charge to be assessed on any individual billing under the provisions of the Port of Hueneme's schedule shall be eighty dollars and ninety-three cents (\$89.91)

13. Emissions Control Bonnet System

Reserved for future use.

14. Navigation Safety

A surcharge of \$36.05 per vessel call requiring pilotage will be assessed to support enhancements to navigational safety in the port to include instrumentation, use of simulations for assessments, and pilotage continuing education programs.

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15. Post Cargo Operation Clean-up

All port operators must clean up their vessel and cargo laydown areas during and or immediately following their operation(s). Failure to clean the affected area(s) will result in the Port of Hueneme taking measures to clean the area(s) and will bill back the responsibility for the fees associated with the clean-up including a 20% administration fee. These fees may vary based on the nature of the clean-up. Items such as dunnage, rope, line, chaffing gear, and other items must be disposed of in approved rubbish bins.

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SECTION XII

CLEAN PORT PROGRAM

A. ENVIRONMENTAL POLICY

1. Authority

Oxnard Harbor District Policy #106

Adopted by Board of Harbor Commissioners: August 13th 2012

Effective Date: August 13th, 2012

2. Purpose

To ensure compliance with environmental statutes and adopt an environmental framework, with clear principles and actionable goals.

3. Policy

The Port's environmental policy provides that it shall fully comply and adhere to the California Environmental Quality Act (CEQA), as well as applicable local, state and federal regulations. The District is committed to managing resources and conducting its business in such a way as to be environmentally and fiscally responsible, and manage the environmental impact of port operations on the local community consistent with CEQA, as well as applicable local, state and federal regulations, through implementation of pollution prevention measures and by partnering with vendors and customers with shared environmental goals.

4. Guiding Principles

The environmental framework was approved by the Board on October 24th, 2011, to (a) optimize commerce in an environmentally responsible manner; (b) encourage and foster environmental stewardship and protection of natural resources; and (c) engage, educate and collaborate with the local community, port customers and tenants, and the Ventura Naval Base.

5. Policy Goals

To identify and implement sustainable practices in marine terminal and industrial operations and management, educate and inform the local community, port customers and tenants, and Ventura Naval Base about port operations and environmental programs.

6. Program Focus

- a. Clean Air Program
- b. Clean Water Program

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- c. Soil/Sediment Programs
- d. Sustainability Programs
- e. Community Engagement Programs
- f. Marine Resources, Fisheries and Wildlife Program
- g. Geographic Information Systems (GIS)
- h. Energy Program

7. Environmental Reporting

Every entity operating equipment including but not limited to cranes, forklifts, vans, trucks, cargo handling equipment, harbor craft, work boats, generators, tractors, on Port shall report to the Port's Operations Department, the following information annually by January 15th:

- Equipment inventory of all on Port equipment including:
 - Equipment make, model, and year
 - Fuel consumption and/or operating hours, for previous calendar year
 - Typical operational use including shift and schedule of use for previous calendar year.
 - Planned changes to the operator's equipment fleet at the Port for the upcoming calendar year, including addition of new equipment or removal of equipment from Port.

B. SHORE-SIDE POWER

1. What is California "At-Berth Regulation?"

In Dec 2007, the California Air Resources Board (ARB) approved the "Airborne Toxic Control Measure for Auxiliary Diesel Engines Operated on Ocean-Going Vessels At-Berth in a California Port" Regulation, commonly referred to as the "At-Berth Regulation". The purpose of such Regulation is to reduce emissions from diesel auxiliary engines on container ships, passenger ships, and refrigerated-cargo ships while berthing at a California Port.

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The At-Berth Regulation defines a “California Port” as the Ports of Los Angeles, Long Beach, Oakland, San Diego, San Francisco and Hueneme, and provides that vessel fleet operators visiting these ports with two-options to reduce at-berth emissions from auxiliary engines:

- a. turn off auxiliary engines and connect vessel to some other source of power, most likely grid-based shore power, or
- b. use alternative control technology that achieve equivalent emission reductions.

For more details, see <https://www.arb.ca.gov/ports/shorepower/shorepower.htm>. For the final regulations, see <https://www.arb.ca.gov/ports/shorepower/finalregulation.pdf>.

2. What are California “At-Berth Regulation” Requirements?

The Ocean-Going Vessel At-Berth Regulation was approved on December 2008 with compliance requirements that went into effect in 2014. Compliance requirements for vessels include visit requirements and emission or power reduction requirements both of which were phased in over time to the current 80% reduction requirement. Note: compliance standards are increased at the Port of Hueneme by 10% due to standards set in place by Southern California Air Quality Management District (SCAQMD). Compliance standards are currently at 90% and will increase to 100% as of January 1st, 2022.

3. Does my company need to comply with the Regulation?

Generally, all container, passenger and refrigerated vessels must comply; however, some exemptions may apply. Contact ARB for more information.

4. Shore Power at the Port of Hueneme

The Port has invested almost \$15 million to prepare terminals for shore- side power regulations. The Port’s berths have shore-side power capabilities, with roughly 156-vessel calls per year (and growing).

Please refer to attached map for berth locations, which reflects the Port’s modernized Berths 1 and 2 that are capable of handling vessels in excess of 600 feet.

5. Does the Port require Form or Give Advance Notice before Plugging in?

Yes, coordination with the Port’s Operations Team is required prior to a vessel plugging in to shore power. Beginning in January of 2023, the CARB At Berth Regulation mandates coordination between vessels, Ports and terminals regarding emissions control from every vessel and every call for all qualifying vessel categories and berths. This coordination includes completion of various check-lists which require notifications and record keeping.

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Map of the Port.

