



MATANUSKA-SUSITNA BOROUGH

**PORT FACILITY RULES AND
REGULATIONS**

**Under the Authority of
TARIFF / SCHEDULE NO. 3**

For

PORT MACKENZIE AND ITS ASSOCIATED FACILITIES

In Accordance with the Rules for Marine Terminal Operators in
conformance with the Federal Maritime Commission

**Note: All previous Rules and Regulations
written, printed or oral,
Heretofore adopted, are hereby rescinded.**

**NAMING SUPPLEMENTAL RULES AND REGULATIONS
FOR
Operations and Personnel**

**AT
PORT MACKENZIE FACILITIES**

Located at

Latitude 61.27 N, Longitude 149.92 W

EFFECTIVE April 18, 2022

Appendix A

REVISIONS

Document	Date	Section/Pages	Revised By
Original Document	April 18, 2022	All	OR 22-042 Repealed all previous
Revision 1:			
Revision 2:			
Revision 3:			
Revision 4:			
Revision 5:			
Revision 6:			
Revision 7:			
Revision 8:			
Revision 9:			
Revision 10:			
Revision 11:			
Revision 12:			
Revision 13:			
Revision 14:			
Revision 15:			

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RULE 1: INTRODUCTION

1.01 SCOPE AND AUTHORITY - The rules, regulations, and/or conditions set forth in this document shall include all facilities owned or managed by the Matanuska-Susitna Borough (hereafter, “Mat-Su Borough” or “MSB”) in the Port MacKenzie Port District (MSB 18.02.020), including the Port MacKenzie Marine Terminal. The MSB, through the respective Port Operations Manager or designee, has established these port facility Rules and Regulations in addition to the provisions of the tariff which shall apply to all terminal users and with the same authority and in the same manner as the tariff.

1.02 IMPLIED CONTRACT - Persons entering upon the specified port facilities shall constitute an agreement by such persons to comply with all Rules and Regulations of the port facilities as published.

1.03 APPLICABILITY - The rules, regulations, and conditions set forth in this document shall apply to all vessels, agents, owners, masters, operators, truckers, contractors, suppliers, all other users and including natural persons, artificial persons, corporations, partnerships, organizations, associations, sovereigns, governments, nations, states, municipalities, their agents, and instruments.

1.04 PERSONAL RISK - Persons entering the port facilities shall do so at their own risk.

1.05 CONTACTS - PORT MACKENZIE
Matanuska-Susitna Borough
350 E. Dahlia Avenue, Palmer, AK, 99645
Dave Griffin – Port Operations Manager
Office: (907) 861-7799, Cell: (907) 354-7414
Email: david.griffin@matsugov.us

1.06 HOURS OF OPERATION - Port MacKenzie operates 24 hours a day, 7 days a week, 365 days a year. The Administrative Offices are open from 8 AM – 5 PM local time Monday through Friday, excluding holidays. The MSB reserves the right to close port facilities at its discretion for its convenience.

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1.07 HOLIDAYS- For the purposes of this document, the holidays listed below are observed by the MSB, or any day celebrated in lieu thereof.

New Year's Day	January 1*
Presidents Day	Third Monday in February
Seward's Day	Last Monday in March
Memorial Day	Last Monday in May
Independence Day	July 4*
Labor Day	First Monday in September
Veterans Day	November 11*
Thanksgiving Day	Fourth Thursday in November
The Day after Thanksgiving	Fourth Friday in November
Christmas Day	December 25*

*When a holiday falls on a Saturday, the preceding Friday shall be considered a holiday. When a holiday falls on a Sunday, the following Monday will be considered a holiday.

1.08 RIGHT OF FINAL DECISION - In the event of a dispute regarding any of the terms and conditions as stated in the terminal tariff, these Rules and Regulations, supplemental rules and regulations, or supplemental contracts, the decision of the Port Operations Manager shall be final.

1.09 ADDITIONAL COMPLIANCE - Users of the Port MacKenzie Marine Terminal as specified herein are subject to federal, state, and municipal regulations as applicable.

1.10 REGULATED TERMINAL - Users are advised that the Port MacKenzie Marine Terminal is subject to the federal security regulations under 33 CFR Part 105, Maritime Securities Facilities and such other applicable laws of the United States, State of Alaska, and local municipalities.

1.11 LICENSE REQUIREMENT- No party or contractor may conduct business within the Port District without a license issued by the Port Operations Manager.

1.12 PUBLIC THOROUGHFARES - The Port and its associated properties have restricted access.

1.13 SOLICITATION - Solicitation of any type within the Port District is prohibited.

1.14 ACCESS TO TERMINAL - Access to the port facilities is restricted to those parties licensed and engaged in the business of the port or have business on the port as approved by the Port Operations Manager. The Port Operations Manager shall, at all times, have the right to refuse access to the port or any portion thereof by any person or vessel or to remove any vessel, person, or cargo at any time from any dock or port facility.

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1.15 CONTROL OF PERSONNEL ON TERMINAL - Personnel are subject to the Rules and Regulations of the Port and may be removed or barred entry by security personnel or municipal code enforcement at the direction of the Port Operations Manager.

1.16 UNAUTHORIZED PERSONS - No unauthorized persons are permitted in the Port at any time. Unauthorized persons are subject to confinement by security and arrest by local code enforcement.

RULE 2: ABBREVIATIONS AND DEFINITIONS

2.01 ABBREVIATIONS

@	At	PM	After noon, local time
%	Per Cent	S.F.	Square Feet
AK	State of Alaska	Sq.	Square
AM	Before noon, local time	ST	Short Ton-2,000 pounds
BBL	Barrel	S.T.	Straight Time
BDL	Bundle	SU	Set Up
BDU	Bone Dry Unit	Ro-Ro	Roll On-Roll Off
BF	Board Feet	T	Ton
CFS	Cargo Freight Station	USD	U.S. Dollars
COR	Certificate of Registry	Viz.	Specifically or Namely
Cu.Ft.	Cubic Feet	Wt.	Wei
CWT	Hundredweight-100lbs.		
CY	Container Yard		
EA	Each		
FMC	Federal Maritime Commission		
FSO	Facility Security Officer		
FSP	Facility Security Plan		
Ft	Feet		
K	One Thousand		
KD	Knocked Down		
KG	Kilograms		
KHW	Kilowatt Hour		
Lbs.	Pounds		
LT	Long Ton-2,240 pounds		
M	Thousand		
MBF	Thousand Board Feet		
Meas.	Measurement		
MT	Metric Ton-2,205 pounds		
NA	Not Applicable		
N.C.	No Charge		
NOS	Not Otherwise Specified		
O.T.	Overtime		
Pkg.	Package		

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2.02 DEFINITIONS

Unless provided otherwise in this Tariff, applicable definitions set forth in 46 CFR part 525.1(c) shall control.

1. BARREL - equivalent to 42 US gallons of fresh water.
2. BERTH - Shall mean the area of water alongside a pier where a vessel is docked.
3. CARGO - Merchandise to be loaded on or discharged from a vessel, truck, container or railcar.
4. CARGO OWNER – The party or corporation, including shippers, agents, or their designees, that is/are responsible for the management of cargo handled at the Terminal.
5. CURRENCY - For the purposes of rates and charges as outlined in this Tariff, all rates shall mean US Dollars.
6. DEMURRAGE - This is the charge assessed against cargo which remains on the pier after expiration of the free time allowed.
7. DUNNAGE - pieces of wood, matting, synthetic material or similar material used to secure cargo aboard a vessel or used for handling and storing cargo ashore.
8. DOCK - Shall mean all docks, floats, slips, wharves, ramps, piers, bulkheads, dolphins, and sea walls owned or operated by the MSB.
9. DOCKAGE - Charges assessed against the vessel for the service of providing space alongside of a wharf, pier, within a slip or adjacent seawall structure for the docking or berthing of watercraft, or the mooring thereof, or other watercraft so berthed.
10. FACILITY SECURITY OFFICER (FSO) - The designated individual, or their designee, responsible for the requirements of the Facility Security Plan under 33 CFR Part 105.
11. FACILITY SECURITY PLAN (FSP) - The plan for terminal security under the requirements of 33 CFR Part 105, Maritime Security: Facilities.
12. FREE TIME - This is the time period during which cargo may occupy space assigned to it on the Terminal without being subject to demurrage or storage charges, including cargo allowed to remain on the Terminal or property free of charge immediately prior to the loading of the vessel, or immediately subsequent to its discharge from a vessel until such time the cargo is removed from the terminal or associated facilities.

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13. FREIGHT – Shall mean cargo (see “cargo”), or other materials delivered to a vessel as supplies for that vessel.
14. HANDLING - Shall mean the physical movement of cargo or persons as managed by personnel with or without mechanical means.
15. HANDLING CHARGE - Handling Charge is the charge assessed in performing loading or discharge of cargo between vessel’s cargo handling equipment, or Terminal’s cargo handling equipment, and place of rest on dock, truck, vessel, or other conveyance.
16. HAZARDOUS CARGO - Shall mean any liquid or solid material as defined under 49 CFR Parts 171-179, or as designated by the US EPA and/or the Department of Environmental Protection as hazardous waste, including waste oils, solvents and other substances requiring special protections, handling and disposal.
17. HOT WORK - Hot work means work involving electric or gas welding, cutting, brazing, or similar flame or spark-producing operations.
18. LICENSE - Shall mean a document issued by the Port Operations Manager granting permission to the licensee to conduct business on the property managed by the MSB.
19. LAYBERTHING - A vessel moored at the pier in an inactive status and not engaged in operations, cargo handling or active use. Special provisions may apply.
20. LIVESTOCK - Shall mean any live animal, such as cows, horses, sheep, goats, pigs, canines, caged birds, and other creatures handled as cargo, excluding seafood.
21. LONGSHOREMAN - Shall mean any person engaged in the handling of cargo.
22. MANIFEST - Shall mean any formal list of cargo loaded onto or discharged from, or persons arriving on or embarking on, a vessel, including crew.
23. MSB – Shall mean the Matanuska-Susitna Borough or its duly authorized representative, including, but not limited to, the Port Operations Manager
24. OVERALL - Shall mean the greatest distance between two points either above or below the water.
25. OVERSIDE CARGO HANDLING - shall mean shipments handled over the rail or deck edge of a vessel (overside) of a vessel or vessels alongside dock where freight or cargo is transferred directly between vessels berthed at wharf, but not using facilities of wharf in its transfer, or freight received by vessel or discharged into the water, to barges, boats, or other vessels, while vessel is berthed at wharf.

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26. PACKAGE - A container other than a standard steel intermodal shipping container such as a barrel (other than barrel of liquid) for dry material, fish product container, palletized and wrapped material, or other type container used for the handling of dry commodities.
27. PALLETIZED FREIGHT - Freight attached to a pallet which may be wrapped or attached by other means for individual handling.
28. PER DIEM - Shall mean a period of one day equivalent to 24 hours.
29. PERSON - Vessels, agents, owners, masters, and operators, including but not limited to, natural persons, artificial persons, corporations, partnerships, organizations, and associations, and to sovereigns, governments, nations, states, municipalities and agents and/or their instruments thereof.
30. PIER - The fixed structure along the water's edge to which is a vessel may be tied up and moored.
31. PERISHABLE CARGO - Shall mean such agricultural or seafood products required to be stored and transported in temperature-controlled environments.
32. PORT – Port shall mean all lands designated in the Point MacKenzie Port District (MSB 18.02.020) including the dock, submerged lands, tidelands, and upland sections.
33. PORT OPERATIONS MANAGER - Under this Tariff shall mean the senior manager, or his/her designee, who shall be the local representative responsible for the management of the designated marine terminal facility and port properties.
34. PROCESSED – Shall mean that cargo has been significantly altered to increase its monetary value or physically changed in such a way that its primary use has been changed.
35. REEFER - Shall mean refrigerated cargo or the temperature-controlled unit it is contained within.
36. RO-RO RAMP -The floating or fixed ramps at the facilities used for the transferring of vehicles to and from vessels.
37. SEAFOOD – Shall mean any species of fish, shellfish, or other aquatic animal harvested from any body of water.
38. SLIP - A berth for smaller vessels.
39. STEVEDORE - Shall mean any management company or entity engaged in the management of the handling of cargo and/or passengers, on behalf of the vessel

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operator at marine facilities.

40. STRIKE STORAGE - Charge assessed against cargo remaining on the pier at the commencement of a strike or other labor action, which prevents receipt or delivery of cargo. The time period for this charge begins upon expiration of free time and ends upon removal or clearance of the cargo from the Pier.
41. TENANT - Any party that leases property for exclusive or non-exclusive use at a marine facility.
42. TERMINAL - Terminal shall include all land, docks, piers, slips, wharves, ramps, bulkheads, dolphins, sea walls, buildings, warehouses, structures, ramps, roadways, cargo-handling equipment, and other infrastructure associated with the marine facilities under the management and control of the MSB within the Port District.
43. TERMINAL OPERATOR – Shall mean the MSB or an entity holding an authorized Terminal Operator Permit to handle cargo operations at the Terminal, and approved to do so by the Port Operations Manager.
44. TERMINAL OPERATOR PERMIT – A permit issued by the Port Operations Manager to a qualified entity for operating at the Marine Terminal in the Port.
45. TERMINAL STORAGE - The service of providing warehouse or other terminal facilities for the storage of inbound or outbound cargo after the expiration of free time and demurrage, including wharf storage, shipside storage, closed or covered storage, open or ground storage, bonded storage and refrigerated storage.
46. TON - Measure of weight as follows:
 - a. Short Ton as expressed in this Tariff shall mean 2,000 pounds US.
 - b. Long Ton as expressed in this Tariff shall mean 2,240 pounds US.
 - c. Metric Ton as expressed in this Tariff shall mean 2,205 pounds US.
47. USER – Any party undertaking operations on Port property, including transportation providers, terminal operators, stevedores, longshoremen, cargo owners, or other entities responsible for operations on Port property.
48. VEHICLE - Shall mean any car, truck, or other mobile unit, either self-propelled or not self-propelled by nature of design or inoperative, including cars, trucks, wheeled equipment, cranes, construction and heavy equipment and mobile weapons.
49. VESSEL - Vessel shall mean any floating craft, self-propelled or non-self-propelled, including commercial vessels, ships, and boats; fishing boats; recreational boats; barges; skiffs; or similar craft; as well as public vessels and craft.
50. VESSEL OPERATOR – Shall mean the operator, owner or designee of Vessel.

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51. WHARF - Shall mean the cargo handling area located on the terminal.
52. WHARFAGE - Wharfage is the charge assessed against freight passing or conveyed over, onto or under wharves or between vessels or overside vessels when berthed at wharf or moored in slip adjacent to wharf; it is the charge for use of wharf and does not include charge for any other service.
53. WHARF DEMURRAGE - See demurrage.
54. WHARF STORAGE - Charge assessed against cargo remaining on a pier or wharf after the expiration of free time, or for providing warehousing or other uses of terminal facilities for the storage of inbound, outbound, import or export cargo, with the permission of the Port Operations Manager.

RULE 3: OPERATIONAL REQUIREMENTS

3.01 DAMAGE TO FACILITIES - Vessel Operators and all other users are held liable for any damage to facilities resulting from their use. Vessel Operators will be held responsible for damage done to the dock when landing, laying alongside or when leaving the dock. The Port Operations Manager reserves the right to repair, contract or cause to be repaired, any and all damages to docks, wharves, buildings, utilities and equipment caused by Vessels, their owners and/or agents, Stevedores or other parties and hold them responsible for payment.

3.02 OVERWEIGHT CARGO - Users are held liable for all claims, losses, costs or expenses by reason of property damage, personal injury or death which may occur, directly or indirectly as the result of overweight or improperly stowed cargo, without regard as to whether such omissions be intentional or accidental.

3.03 HAZARDOUS MATERIAL STORAGE AND WASTE –

- a. No dangerous or hazardous waste materials may be stored on the Terminal by any persons without permission of the Port Operations Manager.
- b. All such materials, liquid or solid, must be promptly removed from the premises at the completion of loading, unloading, or maintenance operations at the expense of the persons responsible for such materials.
- c. All persons at the Port shall comply with all relevant provisions of Federal, State, Municipal, and MSB laws and regulations in the disposition of hazardous waste materials.

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- d. Said disposition shall be in such a manner that the MSB shall have no liability under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA 1980) for the removal or disposal of such materials

3.04 VEHICLE PARKING - No persons shall be allowed to park automobiles on the Terminal or pier without express permission from the Port Operations Manager. When such permission is granted, parking shall be entirely at the risk of the owner and/or operator, and the MSB shall not be held liable for any loss or damage resulting from such parking. The Port Operations Manager shall designate those areas on the Terminal or other Port property where parking is permitted, and may issue, or cause to be issued, parking permits for vehicles. Vehicles not parked in designated or permitted areas may be towed at the owner's expense.

3.05 VEHICLE OPERATIONS - All persons operating a vehicle on the terminal must wear seatbelts. Vehicle speed may not exceed 15 miles per hour on the terminal unless otherwise posted. Vehicles may not be left idling when unattended.

3.06 SMOKING - There is NO Smoking allowed in any of the buildings in the Port. No smoking shall be allowed on piers or aprons, except in approved areas or locations specifically designated for that purpose. Persons violating this rule may be barred, at the discretion of the Port Operations Manager, from further use of any port facilities or adjacent area, and in addition, shall be subject to prosecution under the applicable Federal, State and Municipal laws.

3.07 HOT WORK - There is no burning or welding on the pier or on vessels alongside of the pier unless written permission of the Port Operations Manager is granted, a plan is submitted to and approved by the Port Operations Manager, and the following conditions are met:

- a. The user wishing to perform the hot work complies with all federal, state, and municipal laws, ordinances, and regulations governing the performance of hot work, including those set forth in 33 CFR 126;
- b. The user wishing to perform the hot work notifies the Captain of the Port (COTP) of where the user wishes to perform the work, the distance of that area from any dangerous cargoes, and the work plan the user has generated;
- c. All flammable vapors, liquids, and/or solids have been completely removed from any container, pipe, or transfer pipe to be worked on;
- d. Any tanks to be worked on that are typically used for the storage of flammable or combustible substances are tested and certified gas-free;

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- e. No gas-freeing operations, related to bulk cargo operations involving flammable or combustible materials, are occurring within 100 feet (30.5 meters) of the planned work area;
- f. No fueling is occurring within 100 feet (30.5 meters) of the planned work area;
- g. No hazardous materials are within 50 feet (15.25 meters) of the planned work area;
- h. Any hot work on the boundary of a compartment (e.g. a bulkhead, wall, or deck) has a fire watch stationed in the adjoining compartment (in addition to fire watch(es) required by NFPA 51B);
- i. Personnel on fire watch have no other duties other than to watch for the presence of fire and prevent the development of hazardous conditions;
- j. All safety precautions in relation to purging, inerting, and/or venting related to hot work on containers are followed; and
- k. Should a fire or other hazard occur, all cutting, welding, or other hot work operations and equipment are shut down immediately.

3.08. EQUIPMENT - Cranes and other equipment to be used for vessel loading, unloading, or cargo handling on the Terminal, or for the movement of cargo stored within port facilities, shall be operated by authorized personnel only, shall be properly load-rated for such use, and shall be operated in a manner to prevent damage to property or harm to personnel. Vessel Operators shall be responsible for making arrangements for the availability of such equipment as required for cargo loading and unloading and for notification of the Port Operations Manager of such arrangements.

3.09 REQUIRED STORAGE CLEARANCES - When storing cargo at the Port, the following clearances shall be maintained:

- a. At least two (2) feet of clear and open space shall be maintained free of rubbish, dunnage, or other obstructions between cargo, freight, merchandise, bulkheads, partitions, doors, windows, bollards, cleats, or other material piles and fire lanes.
- b. There shall be maintained at least four (4) feet of clearance and open operating space on all sides of fire hydrants, fire alarm boxes, standpipes, fire hoses, sprinkler valves, fire doors, deck hatches, or first aid appliances.
- c. When first-aid fire appliances, alarm boxes, other safety equipment or deck hatches are located in a space surrounded by cargo, freight, merchandise, or other materials, there shall be maintained a straight, free, and open space at

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least three (3) feet in width running therefrom to the center aisle. This space shall be kept clear of rubbish, dunnage, and other obstruction.

- d. A main aisle of at least twenty (20) feet in width shall be maintained on the Terminal to allow fire trucks or other emergency vehicles to have access throughout the Terminal and onto the pier.
- e. Cross aisles, at least five (5) feet wide and straight shall be maintained at intervals not exceeding seventy-five (75) feet, and extending to the side of any Port facility.
- f. Free and unobstructed operation of all automatic operating fire gates.
- g. Free unobstructed and direct access to all buildings and fire hydrants by the Fire Department.
- h. Flammable or combustible cargo, freight, merchandise or other material, not including bulk cargo, shall not be tiered higher than twelve (12) feet. All cargo, freight, or other materials stored in port buildings, shall be so tiered as to maintain a clearance between the upper level of the top tier and trusses, beams, girders, or other structural members of not less than 36", and between such upper level and sprinkler heads a clearance of at least 12" shall be maintained.
- i. No cargo shall be placed or stacked on any portion of the facility not approved by the Port Operations Manager, nor will persons be allowed pedestrian access to any restricted areas of the Terminal unless properly isolated under the Terminal's Facility Security Plan (FSP).

3.10 SNOW REMOVAL AND DISPOSAL - All snow removal must be done in accordance with local municipal codes. State law prohibits the disposal of snow or ice in the waterway.

3.11 SNOW REMOVAL FROM VEHICLES - All snow and ice must be removed from the tops of cargo, containers, rail cars, and truck bodies before entering or leaving the terminal.

3.12 REPORTING OF TERMINAL ACTIVITY - All information on cargo handled at the Terminal that is required by the Port Operations Manager must be reported to the Port Operations Manager in a timely manner as stipulated under licenses granted to users of the Terminal. Failure to do so will result in a fine and/or the suspension of or revoking of licenses to conduct business on the Terminal.

3.13 PIER LOADING – A pier loading permit is required for cargo that may require additional equipment or specialized handling as stipulated in the tariff.

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RULE 4: COMMUNICATIONS

4.01 COMMUNICATIONS BEFORE MOORING – Vessels wishing to moor at the Terminal must make application to the MSB as stated in the tariff. All vessels mooring at the Terminal must provide confirmation of berthing to the Port Operations Manager at least 12 hours in advance of arrival. All berthing must be approved by the Port Operations Manager.

4.02 COMMUNICATIONS ALONGSIDE - All vessels moored at the Terminal must have the ability to accept and make phone calls and/or communicate by radio. The means and contact information must be provided to the Port Operations Manager upon docking.

4.03 EMERGENCY COMMUNICATIONS - In case of emergency, including fire, explosion, or similar incident, and in case of injury, the vessel operator shall call 911 and then notify the Port Operations Manager.

RULE 5: MOORING AT BERTHS

5.01 MOORING LINES - Vessel moored at the terminal must:

- a. Be properly manned at all times, however, should a barge without adequate protective quarters be berthed at the terminal, such manning may be located on a towing vessel immediately adjacent to the barge;
- b. Have on board sufficient personnel to move the vessel in case of emergency.
- c. Have on board, at all times (24/7), manning sufficient to adjust mooring lines in order to adapt to changing tidal conditions, due to the tidal extremes in excess of 40 feet in Cook Inlet; and
- d. Meet international and Federal Security regulations and other rules including properly-licensed and documented personnel.

5.02 MOORING ALONGSIDE - Vessels moored alongside shall be positioned at the direction of the Port Operations Manager. Vessels must have a confirmed berthing agreement issued by the terminal.

5.03 WINCHES - Constant tension winches when used shall be properly set to maintain the vessel alongside in a proper manner at all times.

5.04 TUGS - In the event of severe weather, the vessel shall be required to utilize the assistance of a tug(s) to prevent casualty. The Port Operations Manager reserves the right to order one or more tugs if, in his/her opinion, the use of assist tug(s) is appropriate. In such case, the vessel operator shall be responsible for the cost of the assist tug(s).

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5.05 WEATHER AND TRAFFIC - Vessel personnel shall monitor, at all times, weather conditions and traffic to ensure there is no risk to the vessel while moored at the Terminal. The Port Operations Manager reserves the right to shut down operations between the vessel and the Terminal if, in his/her opinion, a danger to personnel or property exists.

5.06 MAINTENANCE - Any user wishing to conduct equipment or vessel maintenance must notify the Port Operations Manager. Permits are required for hot work.

5.07 DISCHARGE OF SEWAGE, GRAY-WATER, BILGE WATER, OIL, OTHER LIQUIDS INTO HARBORS - The discharge of untreated sewage, gray-water, bilge water, oil, slops or other liquids perceived as a pollution threat into the waters of the Port is prohibited.

5.08 STACK EMISSIONS - Visible and noxious stack emissions by vessels while moored at the Terminal is prohibited.

5.09 TRASH - The discharge of trash into the waters of the Port or onto any of the property of the MSB is prohibited. Trash removal must be contracted to a licensed vendor approved by the Port Operations Manager.

5.10 DISCHARGE OF LIQUID WASTE INTO TANK TRUCKS - The vessel operator shall take all precautions to ensure that any liquid waste discharged into tank trucks ashore is done in such a manner to conform with US non-pollution requirements and in a manner to prevent spills into the waters of the Port or on Terminal property. Only licensed vendors may be used for such waste discharge. Any spills must be reported to the terminal immediately and, if in the waters of harbor, to the US Coast Guard.

5.11 GANGWAYS - Gangways between vessel and shore shall be properly secured and tended at all times. Where appropriate, safety nets may be required by the Port Operations Manager.

5.12 LINEHANDLING - Only licensed vendors may handle lines at the terminal.

5.13 LIGHTING - Vessels moored alongside the Terminal dock shall be properly lit at all times of dusk, darkness, and limited visibility.

5.14 RAT GUARDS - Rat guards shall be properly fitted and maintained to prevent invasive species from entering the Port's facilities.

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RULE 6: SECURITY

6.01 SECURITY CONFERENCE - All vessels subject to the provisions of 33 CFR Part 105 are required to complete a Declaration of Security with the Facility Security Officer upon docking and prior to commencing cargo handling.

6.02 COMMUNICATIONS – All users shall maintain proper communications with port security at all times. Users are required to report any violations of safety or security regulations and/or suspicious activity immediately upon discovery. All persons handling security requirements at the Port must be able to speak English.

6.03 CREW IDENTIFICATION - All crew members joining or departing vessels, as well as those on shore leave, must have proper identification when on the terminal.

6.04 PASSENGER PASSES - The master of each vessel shall be responsible for the issuance of passenger passes for all persons who enter the terminal and are considered passengers or persons in addition to the crew.

6.05 SCREENING - All persons entering the Terminal are subject to screening as deemed appropriate by the Port Operations Manager. All vehicles are subject to search when entering or leaving the terminal.

6.06 IDENTIFICATION BADGES - All persons conducting business on the terminal or upon entry shall have their Transportation Worker Identification Credential (TWIC) displayed on their outer clothing or readily available for inspection. For visitors see infra 6.08.

6.07 CARGO, PASSENGER AND CREW MANIFESTS - The master of each vessel shall supply a complete manifest of cargo; persons arriving on vessels, including passengers; crew; and persons in addition to the crew to the Port Operations Manager in advance of the vessel's arrival.

6.08 TWIC - All persons at the terminal are subject to 33 CFR Part 105 regulations, and are required to have a valid TWIC or be escorted by a person with a valid TWIC.

6.09 PRIVATE VEHICLE ACCESS - Private vehicles are not permitted on Terminal dock areas or aprons without express permission of the Port Operations Manager.

6.10 ACCESS BY OTHER THAN VESSEL PERSONNEL - No persons, aside from vessel crew, may access vessels at the Terminal without advance notification and permission of the Port Operations Manager.

6.11 MULTIPLE BERTHING DOS - For vessels that frequently call upon the Terminal, a Declaration of Security for each interface is not required if the vessel and MSB enter

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into a written agreement stating the responsibility for each during the vessel/terminal interface. These agreements may be included in the Vessel Security Plan and the Facility Security Plan, and must be renewed every 90 days.

6.12 ESCORT REQUIRED – Persons seeking access to restricted areas must have approval from the Port Operations Manager and must have proper credentials for access to restricted areas or be escorted by persons with such credentials.

RULE 7: BUNKERING, FUELING, LIQUID BULK PETROLEUM TRANSFER

7.01 COMPLIANCE – Bunkering, fueling, and liquid bulk petroleum transfer operations at the Terminal shall be done only with the permission of the Port Operations Manager and in accordance with US Coast Guard regulations; 33 CFR Parts 155 & 156; 46 CFR Sections 12, 15, & 35; State environmental protection regulations; and MSB Code provisions, including Chapter 1.10.125 (Adoption of Uniform Fire Code). Such operations shall be conducted in a manner to prevent spills into the waters of the State of Alaska and/or on Port property. Only licensed vendors or operators may conduct such transfers.

7.02 SHIP/SHORE SAFETY CHECK LIST - Prior to the transfer of bunkers or fuel, the vessel operator and Port Operations Manager shall complete a pre-transfer safety check off list in accordance with federal regulations.

7.03 FIREFIGHTING EQUIPMENT - All vessels shall have firefighting equipment ready for use during bunkering. All personnel involved in bunkering, fueling, and/or liquid bulk transfer operations must be trained in firefighting. Each transfer operation shall have a designated and qualified Person-in-Charge (PIC).

7.04 NOTICES - All vessels, while engaged in bunkering or fueling, shall display a sign stating the following: WARNING, NO VISITORS, NO SMOKING, NO OPEN LIGHTS.

7.05 ACCESS TO VESSEL DURING FUELING - Access to vessels while fueling shall be restricted to crew and essential personnel.

7.06 FLAGS AND LIGHTS - All vessels, while bunkering or fueling, shall display a red flag during the day and a red light during darkness.

7.07 EMERGENCY SHUTDOWN - An emergency shutdown procedure shall be established by persons handling bunkering, fueling, and/or liquid bulk transfer operations. Such procedure shall be established and tested prior to the transfer of fuel.

7.08 COMMUNICATIONS - All personnel involved in fueling or bunkering operations shall remain in close communications at all times.

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7.09 SPILLS - Any spills must be reported to the Port Operations Manager immediately and, if in the waters of the harbor, to the US Coast Guard. Any spills on Port property will be cleaned up immediately at the expense of the user responsible.

7.10 HEATING/CLEARING OF LINES – Vessel operators are responsible for providing steam or other heating means to ensure the proper flow of petroleum products requiring heat. Vessel operators are responsible for clearing all petroleum products from lines located at the Port after transfer operations are completed. Should the MSB provide any heating or clearing services, fees may apply per the tariff.

RULE 8: SAFETY

8.01 COMPLIANCE - All personnel entering the Port shall comply with federal safety requirements as established by the Occupational Safety and Health Administration (OSHA) for marine facilities.

8.02 PERSONAL SAFETY EQUIPMENT – All persons on the Terminal, including those not employed by the MSB or its licensed contractors, shall wear highly-visible safety vests or outer clothing, and shall utilize such other safety equipment such as hard hats, protective clothing and shoes, safety eyewear, hearing protection, gloves, chemical resistant boots, and/or other equipment as appropriate. All persons working near the edges of docks, piers, and berths shall also wear floatation equipment while working in those areas.

8.03 MEDICAL EMERGENCIES - In the event of a medical emergency or accident, any persons observing the emergency must call 911, ensure the area is safe to render aid, and render aid. The Port Operations Manager must be notified of all such medical emergencies or accidents as soon as possible.

8.04 SAFETY INSPECTIONS - The Port Operations Manager reserves the right to conduct announced or unannounced inspections to ensure compliance with these regulations. Operations may be halted, or personnel directed out of the Port, at the discretion of the Port Operations Manager for non-compliance.

8.05 VEHICLE WARNING LIGHTS/ALARMS - All vehicles engaged in operations on the Terminal shall display a flashing amber light and shall be equipped with back up alarms. Vehicles engaged in the plowing of snow, or when transiting to and from work sites on the Terminal, shall display a flashing amber light.

RULE 9: MISCELLANEOUS REGULATIONS

9.01 DUNNAGE AND PALLETS - All dunnage entering the Port utilized for import or export to or from international locations shall be certified infestation-free and marked accordingly with an ISPM 15 Mark or equivalent. No dunnage or pallets may be left at the terminal without permission of the Port Operations Manager. Broken material or

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material slated for disposal must be removed immediately. The Port Operations Manager reserves the right to have any waste removed at the expense of the user(s) responsible.

9.02 UNLAWFUL ACTS - Unlawful acts committed by persons on the Port of any type shall be referred to local law enforcement for action.

9.03 CONDUCT - All persons on the Terminal shall conduct themselves in an orderly and professional manner. The use of discriminatory language is strictly prohibited. The Port Operations Manager reserves the right to have persons removed or barred from the Port for non-compliance.

9.04 MILITARY VESSEL CREW SECURITY - Military vessels calling on the Terminal will provide personnel to assist terminal security with the management of persons entering or leaving the Terminal. A complete list of officers and crew must be provided to the Port Operations Manager upon arrival.

9.05 WEAPONS, AMMUNITION AND EXPLOSIVES - No weapons of any type are permitted in the Port except for those carried by persons in law enforcement in the execution of their duties. Ammunition and explosives are prohibited from the Port without proper permits, handling procedures defined, and permission of the Port Operations Manager.

9.06 PERSONS INTOXICATED - No person who appear to be visibility intoxicated shall be permitted in the Port. Persons in the Port who are intoxicated shall be removed immediately.

9.07 DRUGS AND ILLEGAL SUBSTANCES - The use or possession of illegal drugs or other substances in the Port is prohibited. Persons found using or in possession of such substances shall be turned over to law enforcement immediately.

9.08 LIFEBOAT SUSPENSION AND LANDING SKIFFS - The suspension of lifeboats for purposes of vessel maintenance is prohibited. Vessels may only use landing skiffs for maintenance on vessels with the permission of the Port Operations Manager.

9.09 RADIOACTIVE MATERIAL - The handling of radioactive material in any form is prohibited at the terminal.

9.10 COMPRESSED GAS - Compressed gasses must be properly stored on the Terminal in designated areas as established by the Port Operations Manager.

9.11 HANDICAPPED ACCESS - Handicapped access to vessels berthed at the Terminal is not provided. All buildings in the Port are handicapped-accessible in conformance with the Americans with Disabilities Act.

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9.12 CONFINEMENT OF PASSENGERS AND CREW - Passengers and crew required to be confined on vessels at the direction of federal agencies shall be at the vessel's expense. Port facilities are not provided for such purposes. Supplemental security personnel employed for such confinements are not permitted to be armed unless law enforcement personnel are used.

9.13 PUBLIC TOURS OF VESSELS - Public tours of vessels are not permitted unless by previous arrangement and permission of the Port Operations Manager and in conformance with security requirements.

9.14 LAYBERTHING - Vessel operators that are responsible for vessels layberthed at the Terminal in inactive status shall inspect such vessels regularly as specified by the Port Operations Manager. Such inspections and condition of vessels are to be reported to the Port Operations Manager. The Port Operations Manager shall have the right to enter a vessel to inspect its condition at any time. Vessels must be properly moored at all times at the direction of the Port Operations Manager. All vessels must be maintained in a safe and secure condition. Vessels not in compliance will be directed to be removed from the Terminal or removed at the owner's expense.

END OF TERMINAL RULES AND REGULATIONS