

PORT OF LAKE CHARLES
TARIFF NO. 013

FIRST REVISED TITLE PAGE

LAKE CHARLES HARBOR AND TERMINAL DISTRICT
"PORT OF LAKE CHARLES"
(A Political Subdivision of the State of Louisiana)

P. O. BOX 3753 – LAKE CHARLES, LA 70602
STREET ADDRESS: 150 MARINE STREET (70601)

TARIFF NO. 013
(CANCELS TARIFF NO. 012)

(Revised and Republished as authorized by the
Board of Commissioners and effective as of January 1, 2011)

RATES, RULES, AND REGULATIONS

ISSUED BY
BOARD OF COMMISSIONERS
LAKE CHARLES HARBOR AND TERMINAL DISTRICT

***This Tariff may be supplemented and amended from time
to time without notice.***

Phone (337) 439-3661
Facsimile (337) 493-3523
Email: marketing@portlc.com
Website: <http://www.portlc.com>

**PORT OF LAKE CHARLES
TARIFF NO. 013**

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ORIGINAL PAGE 1

SECTION ONE
GULF SEAPORTS MARINE TERMINAL CONFERENCE

GULF SEAPORTS MARINE TERMINAL CONFERENCE
Federal Maritime Commission Agreement 224-200163
Approved December 2, 1988

Participating Members

- (1) Board of Commissioners of the Port of New Orleans
- (2) Board of Commissioners of Lake Charles Harbor and Terminal District
- (3) Greater Baton Rouge Port Commission
- (4) Orange County Navigation and Port District of Orange, Texas
- (5) Mississippi State Port Authority at Gulfport
- (6) Port of Beaumont Navigation District of Jefferson County, Texas
- (7) Port of Houston Authority of Harris County, Texas
- (8) Board of Trustees of the Galveston Wharves
- (9) Alabama State Docks Department, Port of Mobile
- (10) South Louisiana Port Commission, LaPlace, Louisiana
- (11) Board of Navigation and Canal Commissioners of the Brownsville
Navigation District of Cameron County, Texas
- (12) Board of Commissioners of the Port of Port Arthur Navigation District of
Jefferson County, Texas
- (13) Board of Commissioners of the Tampa Port Authority of Hillsborough County, Florida
- (14) Port of Pensacola, Pensacola, FL
- (15) Panama City Port Authority
- (16) Brazos River Harbor Navigation District of Brazoria County, Texas
- (17) Port of Corpus Christi Authority
- (18) Board of Commissioners of the Jackson County Port Authority (Port of Pascagoula)
- (19) Manatee Port Authority, Palmetto, Florida
- (20) St. Bernard Port, Harbor and Terminal District, Chalmette, LA
- (21) Port of West St. Mary, Franklin, LA

NOTICE: The Gulf Seaports Marine Terminal Conference agreement permits the participating members to discuss and agree upon port terminal rates, charges, rules, and regulations. Any such rates, charges, rules, and regulations adopted pursuant to said agreement, shall be published in the respective tariffs of said members and so identified by proper symbol and explanation.

SHIPPERS' REQUESTS AND COMPLAINTS: Shippers, or other users of the facilities and services of the members of said Conference, desiring to present requests or complaints with respect to any such rates, charges, rules, and regulations adopted pursuant to said Conference agreement, should submit the same, in writing to the Chairman of the Conference, at the address below, giving full particulars, including all relevant facts, conditions, and circumstances pertaining to the request or complaint. Should further information be required by the Conference for full consideration of the request or complaint, the Conference Chairman will so advise. The said Chairman will notify such shipper or complainant of the docketing of the matter and of the date and time of the proposed meeting and if said shipper and complainant desires to be heard, he or she shall make request upon the Chairman in advance of the meeting.

Allen Moeller, Conference Chairman
P. O. Box 70
Pascagoula, MS 39568

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ORIGINAL PAGE 2

SECTION TWO
DEFINITIONS

| <u>ITEM (SYMBOL)</u> | SUBJECT: |
|--------------------------|---|
| 100 | <p>DOCKAGE:</p> <p>A charge assessed against a vessel for berthing at a wharf, pier, bulkhead structure, bank, or moored to another vessel so berthed.</p> |
| 102 | <p>AGENT OR VESSEL AGENT:</p> <p>The vessel agent is the agent for the vessel owner or the vessel cargo and as such, all Port charges will be submitted to the vessel agent who shall be responsible to the Port for prompt payment.</p> |
| 103 | <p>BERTH:</p> <p>The water area at the edge of a wharf, including mooring facilities, used by a vessel while docked.</p> |
| 105 | <p>WHARFAGE:</p> <p>A charge assessed against all cargo, inbound or outbound passing or conveyed over, onto, through (pipeline), or under wharves and the transit sheds built thereon or between vessels (to or from barge, lighter, or water) when berthed at a wharf or when moored in a slip adjacent to a wharf including mid-stream operations.</p> |
| 110 | <p>STORAGE:</p> <p>A charge assessed on cargo which remains in transit sheds, warehouses or on other Port facilities or properties after free time for the accumulation of inbound or outbound cargo has expired.</p> |
| 111 | <p>HANDLING:</p> <p>The service of physically moving cargo between point of rest and another place on property owned, leased or controlled by the Port, other than the end of ship's tackle.</p> |
| 112 | <p>LOADING AND UNLOADING:</p> <p>The service of loading or unloading cargo between any place on the terminal, railroad cars, trucks lighters or barges or any other means of conveyance to or from the terminal facility.</p> |

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**SECTION TWO
DEFINITIONS**

| <u>ITEM (SYMBOL)</u> | SUBJECT: |
|--------------------------|---|
| 115 | <p>FREE TIME:</p> <p>The specified period of time during which cargo may occupy space assigned to it on all Port owned or leased or controlled property free of storage charges immediately prior to the loading or subsequent to the discharge of such cargo on or off a vessel.</p> |
| 120 | <p>DAY:</p> <p>A period of twenty-four (24) consecutive hours or fraction thereof on any calendar day or days used in the computation of charges.</p> |
| 121 | <p>LAY DAYS</p> <p>The definition of a lay day is a non-cargo working day.</p> |
| 125 | <p>WHARVES, PUBLIC:</p> <p>Wharves and facilities owned or operated by "the District" to which the shipping public has access on equal terms.</p> |
| 130 | <p>WHARVES, PRIVATE:</p> <p>Wharves not operated by "the District" and restricted to handling business of the operators.</p> |
| 135 | <p>EXECUTIVE DIRECTOR:</p> <p>The Executive Director of the Lake Charles Harbor and Terminal District so designated and tasked by (LA Enrolled Act No. 149) LA R.S. 34:204.1.</p> |
| 136 | <p>LAKE CHARLES HARBOR AND TERMINAL DISTRICT (LCH&TD):</p> <p>Also, may be referred to as "the District", "Port of Lake Charles", or the "Port."</p> |
| 140 | <p>BOARD OF COMMISSIONERS OF THE LAKE CHARLES HARBOR AND TERMINAL DISTRICT:</p> <p>The governing authority of the Lake Charles Harbor and Terminal District is referred to as the "Board."</p> |

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ORIGINAL PAGE 4

**SECTION TWO
DEFINITIONS**

| <u>ITEM (SYMBOL)</u> | SUBJECT: |
|--------------------------|--|
| 145 | <p>EXPLANATION OF SYMBOLS AND ABBREVIATIONS:</p> <p>(C) Denotes Change in Wording (A) Denotes Increase in Charges (R) Denotes Decrease in Charges (*) Denotes New Provision (**) Denotes Deletion of a Provision (***) Corrections Made Due to Error (E) Explanation MBM 1,000 board feet. One MBM equals 2,265 C.M. MC Measurement Cargo; Freight on which transportation charges are calculated on the basis of volume measurement (40 CUBIC FEET). ST Short Ton (2,000 lbs.) NOS Not Otherwise Specified. MT Metric Ton 2,204.6 pounds or 1,000 kilograms. M Meter 39.37 inches (approximately).</p> |
| 150 | <p>METHOD OF CANCELING ITEMS OR PAGES:</p> <p>As the tariff is amended, from time to time, the most current "Board" approved version will be published on "the District's" website at www.portlc.com .</p> |
| 155 | <p>OVERTIME HOLIDAYS FOR FREIGHT HANDLERS AND LONGSHOREMAN LABOR:</p> <p>All Saturdays and Sundays are overtime days. Overtime Holidays are:</p> <p>New Year's Day, Martin Luther King, Jr. Day, Memorial Day (Observed), Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.</p> <p>Holidays falling on Sunday will be observed the following Monday. No Work shall be performed on Labor Day and Christmas Day.</p> |
| 160 | <p>PORT LABOR HOLIDAYS:</p> <p>As applied within this Tariff, the term "holidays" include the following named days:</p> <p>New Year's Day, Martin Luther King's Birthday Day, Mardi Gras, Good Friday, Independence Day, Labor Day, Veteran's Day (November 11), Thanksgiving Day, Christmas Day, General Election Day (Every 2 years on even numbered years) and other holidays as declared by the Governor of the State of Louisiana.</p> <p>Holidays falling on Saturday will be observed on the preceding Friday. Holidays falling on Sunday will be observed the following Monday. No Work shall be performed on Labor Day and Christmas Day.</p> |

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FIRST REVISED PAGE 5

SECTION TWO
DEFINITIONS

| <u>ITEM (SYMBOL)</u> | SUBJECT: |
|--------------------------|---|
| 165 | <p>PUBLIC AREAS:</p> <p>Those areas within the City Docks which have not been exclusively leased by “the District” to another entity.</p> |
| 166 (*) | <p>OTHER DISTRICT PROPERTIES:</p> <p>PLC Tract No. 100 - 222.37 acres - City Docks 150 Marine Street, Lake Charles, LA 70601</p> <p>PLC Tract No. 125 - 14.5 acres – Sallier & Marine Streets (former Micelle Corporation) 1611 W. Sallier Street, Lake Charles, LA 70601</p> <p>PLC Tract No. 150 - 500 acres – Prien Lake & Nelson – (“Pinnacle” site)</p> <p>PLC Tract No. 175 - 365 acres – Industrial Park East 1101 James Sudduth Parkway, Lake Charles, LA 70601</p> <p>PLC Tract No. 200 - 11.3 acres – BT-7 (Fournet Street) 501 Fournet Street, Lake Charles, LA 70601</p> <p>PLC Tract No. 225 - 57.90 acres – Westlake 1130 Miller Avenue, Westlake, LA 70669</p> <p>PLC Tract No. 250 - 2.41 acres - Warehouses – Westlake 114 Kile Street, Westlake, LA 70669</p> <p>PLC Tract No. 275 - 7.71 acres – Westlake (BT-4 – Port Aggregates site) 220 Westlake Avenue, Westlake, LA 70669</p> <p>PLC Tract No. 300 - .75 acres – Westlake (Isle of Capri site)</p> <p>PLC Tract No. 325 - 257.60 acres - BT-1 – Sulphur 3501 Bayou D’Inde Road, Sulphur, LA 70663</p> <p>PLC Tract No. 350 - 70.06 acres – Sulphur (former Pujo/Reily Heirs)</p> <p>PLC Tract No. 375 - 230.94 acres – Lincoln Road</p> <p>PLC Tract No. 400 - 75 acres – Lincoln Road</p> <p>PLC Tract No. 425 - 20 acres – Joe Ledoux Road</p> |

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ORIGINAL PAGE 5A

**SECTION TWO
DEFINITIONS**

| <u>ITEM (SYMBOL)</u> | <u>SUBJECT:</u> |
|--------------------------|---|
| 166 (*) | OTHER DISTRICT PROPERTIES CONTINUED: PLC Tract No. 450 - 15.77 acres - Airhart Canal property PLC Tract No. 475 - 1157.68 acres - Industrial Canal property (consider less cut out for turning basin) PLC Tract No. 480 - 194.67 acres – Lincoln/Big Lake Roads – (Shaw/Global Modular project) 3191 W. Lincoln Road, Lake Charles, LA 70605 PLC Tract No. 500 - 580 acres – (former Gene Dark) PLC Tract No. 525 - 215 acres – (former David Reinauer/Deep Sea, LLC) (Dynergy/Sempra/Cameron LNG site) PLC Tract No. 550 - 576.41 acres (near Corps Disposal Areas 9 & 10) PLC Tract No. 575 - 120.79 acres (former Bergstedt property & Derise) PLC Tract No. 600 - 47.70 acres - 2 small tracts- Choupique Island (near Corps Disposal Areas 12B and 13) PLC Tract No. 625 - 15.52 acres - Sam's Club (Austin Heirs property) 2025 Sam's Way, Lake Charles, LA 70601 PLC Tract No. 650 - 3.63 acres (4 lots Sallier Street) 1611 W. Sallier Street, Lake Charles, LA 70601 PLC Tract No. 675 - 1.05 acres (former Benoit Cemetery) PLC Tract No. 700 - 66.7 acres – Choupique Island (former Bel Mineral) PLC Tract No. 725 - 16.963 acres – North of I-210 (former PNK property) PLC Tract No. 750 - 47.40 acres – (Duhon Heirs / St. Luke Simpson) PLC Tract No. 775 - 55.45 acres – (Karen Rogers) 8619 Bud Stell Road, Lake Charles, LA 70605 PLC Tract No. 800 - 477.823 acres – (Technip) 8000 Global Drive, Carlyss, LA 70665 |

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**SECTION TWO
DEFINITIONS**

| ITEM (SYMBOL) | SUBJECT: |
|--------------------------|-----------------|
| 170 | DELETED |
| 171 | DELETED |
| 172 | DELETED |
| 173 | DELETED |
| 174 | DELETED |

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(***)THIRD REVISED PAGE 6

**SECTION THREE
RULES AND REGULATIONS**

| <u>ITEM (SYMBOL)</u> | SUBJECT: |
|--------------------------|---|
| 175 | <p>INTERPRETATION OF TARIFF:</p> <p>The interpretation of this tariff shall be the responsibility of the Board of Commissioners of the Lake Charles Harbor and Terminal District or their designee and exception to such interpretation shall be resolved in accordance with Louisiana law.</p> |
| 180 | <p>TARIFF CHANGES:</p> <p>All rates, rules, and regulations, as set forth in this tariff, are subject to change without notice except as required by law.</p> |
| 185 | <p>AUDIT OF MANIFEST:</p> <p>The Port reserves the right to audit all manifests and to use such audits as a basis for calculating charges due the Port. Manifest will be presented to the Port upon request and any and all discrepancies found are subject to re-invoicing by the Port.</p> |
| 190 | <p>MOVING VESSELS TO PROTECT PROPERTY OR FACILITATE COMMERCE AND NAVIGATION:</p> <p>Every vessel must, at all times, have on board at least one person in charge with authority to take such action in any emergency as may be demanded, and in the event it becomes necessary, in order to facilitate commerce or navigation, or for the protection of other vessels or property, that any vessel be moved, or the position thereof changed, the Executive Director or designee is hereby authorized and directed to order and enforce the removal of such vessel, at its own expense, to such place as may be directed; and it shall be prohibited for the master, owner, or agent of such vessel to fail, neglect, or refuse to obey any such order.</p> <p>Upon the failure or refusal of the person in charge of such vessel to change the position thereof, as directed by the Executive Director or designee, it shall be the District's duty, to cause to be boarded such vessel with such assistance as may be necessary and to change the position thereof at the expense of such vessel.</p> |
| 192 (C) | <p>RAILCAR SWITCHING:</p> <p>All railcar movement into any of the Port's terminals or industrial properties and a request is made by a stevedore, tenant, vendor, importer, exporter, or their agents, for a movement within that or about the facility will be quoted and covered under Port Rail, Inc.'s Tariff No. 1. Requests for movements and other communications should be made directly to Port Rail, Inc., 150 Marine Street, Box 1, Lake Charles, LA 70601, Phone No. 844-876-RAIL, and website at portrailc.com.</p> |

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**SECTION THREE
RULES AND REGULATIONS**

| <u>ITEM (SYMBOL)</u> | SUBJECT: |
|--------------------------|---|
| 193 (C) | <p>RAILCAR SPOTTING PROCEDURES AND DEMURRAGE:</p> <p>All railcar spotting procedures and demurrage are covered in Freight Tariff Port Rail, Inc. PRI 0100. Requests for movements and other communications should be made directly to Port Rail, Inc., 150 Marine Street, Box 1, Lake Charles, LA 70601, Phone No. 844-876-RAIL, and website at portrailc.com.</p> |
| 194 (C) | <p>RAILCAR STORAGE ON PORT TRACKAGE</p> <p>All railcar storage on Port trackage are covered in Freight Tariff Port Rail, Inc. PRI 0100. Requests for movements and other communications should be made directly to Port Rail, Inc., 150 Marine Street, Box 1, Lake Charles, LA 70601, Phone No. 844-876-RAIL, and website at portrailc.com.</p> |
| 195 | <p>DUMPING OF OIL OR REFUSE:</p> <p>It shall be prohibited to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged or deposited, either from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter or other substance of any kind or description whatever into the navigable waters of the Calcasieu River Ship Channel, Bayous or Tributaries under the jurisdiction of the Port of Lake Charles; and it shall be prohibited to deposit, or cause, suffer, or procure to be deposited material of any kind in any place, or on the bank of any navigable water, where the same might be washed into such navigable water, either by ordinary or high tides, or by storm or floods or otherwise, whereby navigation within the jurisdiction of the Port of Lake Charles shall or may be impeded or obstructed; provided, that nothing herein contained shall extend to, apply to, or prohibit operations in connection with the improvement of the Port, or the construction of public works considered necessary and proper by the Port; and provided, further, that nothing herein contained shall extend to, apply to, or prohibit the depositing of any material above-mentioned in such navigable waters within such limits as may be defined, and under such conditions as may be prescribed by the proper Engineer Officer of the United States Department of Defense.</p> <p>It shall be prohibited for any person to pump, discharge, or deposit, or to cause or permit to be pumped, discharged or to pass or to allow to escape in or into the waters of the Port of Lake Charles any oil, spirits, or inflammable liquid, or any coal tar, or refuse or residuary product of coal, or any petroleum, asphalt, bitumen, or other carbonaceous material or substance of any product or compound thereof, or any bilge water containing any of said materials or substances.</p> |

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**SECTION THREE
RULES AND REGULATIONS**

| <u>ITEM (SYMBOL)</u> | <u>SUBJECT:</u> |
|--------------------------|--|
| 200 | <p>STORAGE OF EXPLOSIVES, GASOLINE, AND OTHER PETROLEUM PRODUCTS ON WHARVES:</p> <p>The storing of gasoline, distillate of any liquid petroleum products, other than lubricating oil, or any automobile, truck, or mechanical appliances, in the sheds, warehouses, or upon the wharves or aprons, is prohibited. In the case of automobiles for shipment, all gasoline must be thoroughly drained from tanks and batteries disconnected before cars will be permitted to remain on the wharf, or in transit sheds. Trucks will be permitted on the wharf and in the transit sheds only for the purpose of lifting or discharging freight and must at all times be in charge of a competent operator. Gasoline or explosives will be permitted to remain on the wharf for a vessel under certain conditions, but shall not be permitted to be received on the wharf for a vessel overnight, nor shall the same be placed in close proximity to cotton, flour, rice, or other cargo subject to damage from same. Parking overnight of automobiles, trucks, or mechanical appliances in the sheds, warehouses, or other structures, including wharves is prohibited.</p> <p>Any violation of this tariff item will cause the Port to remove item or items at total cost incurred at owner's expense plus a twenty-five (25%) administrative fee.</p> |
| 201 | <p>TRAFFIC:</p> <p>All operators of motor vehicles while on Port premises are subject to and shall comply with the traffic codes of the State of Louisiana which will be enforced at all times.</p> |
| 202 | <p>PARKING:</p> <p>All employees, customers, associates, vendors, contractors, lessees, laborers, stevedores, and their agents will park their vehicles in a manner that does not interfere with Port operations or jeopardize worker safety. The Port reserves the right to direct vehicles to designated parking areas and issue citations or have violator's vehicles towed from the Port premises at owner's expense.</p> |
| 203 (C) | <p>SAFETY:</p> <p>All employees, customers, associates, vendors, contractors, lessees, laborers, stevedores, and their agents will, at all times, while on Port premises, follow all applicable state, federal, and local regulations and or statutes. Regulations including but not limited to OSHA 29 CFR 1917, OSHA 29 CFR 1910 and OSHA 29 CFR 1926. Additionally, the minimum safety apparel required while on Port premises are the following: hardhat, safety glasses, steel-toe-boots, and a high-visibility vest.</p> |
| 205 | <p>SMOKING:</p> <p>No person shall smoke or have an open flame in or around any buildings, structures, transit sheds, warehouses and terminal aprons or vessel berths.</p> |

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**SECTION THREE
RULES AND REGULATIONS**

| <u>ITEM (SYMBOL)</u> | SUBJECT: |
|--------------------------|--|
| 206 | <p>GLASS CONTAINERS:</p> <p>Glass containers are prohibited on all Port premises.</p> |
| 207 | <p>ALCOHOLIC BEVERAGES ON PORT PREMISES:</p> <p>Possessing, serving, or imbibing of alcoholic beverages at any time, by any persons, on Port premises is prohibited. However, with certain exceptions, and with the permission of the Executive Director or his designee, this item may be waived.</p> |
| 208 | <p>DRUG-FREE WORKPLACE POLICY:</p> <p>The Lake Charles Harbor and Terminal District will not tolerate any illegal substance or illegal drug possession, drug paraphernalia, abuse, or use which imperils the health and wellbeing of its employees, customers, associates, vendors, contractors, and constituents or which threatens services to the public.</p> <p>The District's employees, customers, associates, vendors, contractors, and constituents have the right to a drug and alcohol free environment.</p> <p>The District is committed to maintaining a safe and healthy workplace. To support this policy, the District will vigorously comply with the requirements of the Federal Drug-Free Workplace Act of 1988.</p> <p>Any illegal drug, substance or immediate precursor as described in Schedule I through V of Louisiana Revised Statute 40:964 or Section 202 of the Controlled Substances Act (21 U.S.C. 812) are prohibited on the premises of property owned and operated by the Lake Charles Harbor and Terminal District.</p> |
| 210 | <p>DANGEROUS WEAPONS:</p> <p>The carrying of dangerous weapons or the possession of any dangerous weapons on the premises of the Lake Charles Harbor and Terminal District by any person is prohibited. The District's Harbor Police and other law enforcement officials, who are authorized by law to carry or possess dangerous weapons, and by those persons specifically authorized in writing by the Executive Director or designee to carry dangerous weapons is permitted. For this section, dangerous weapons including but not limited to any gas, liquid, or other substance or instrumentality, which, in the manner used, is calculated or likely to produce death or great bodily harm or as otherwise defined under Title 14 of the Louisiana Revised Statutes.</p> |

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**SECTION THREE
RULES AND REGULATIONS**

| <u>ITEM (SYMBOL)</u> | SUBJECT: |
|--------------------------|--|
| 211 | <p>CAMERAS AND PHOTOGRAPHS:</p> <p>The Port of Lake Charles is a restricted area. Cameras, video equipment and use of cameras in cell phones are strictly forbidden. Exceptions to this item can only be granted by the Executive Director or his designee. The press and media personnel must be escorted by Port personnel at all times.</p> |
| 212 | <p>CONSENT TO SEARCHES</p> <p>Any person, vehicle or vessel entering the properties or facilities of the Lake Charles Harbor and Terminal District (Port of Lake Charles) for any purpose, including but not limited to all employees, contractors, subcontractors, suppliers, vendors, service providers, tenants, stevedores, longshoremen, vessel agents, line handlers, freight forwarders, consent, by entering on or utilizing the properties or facilities of the Lake Charles Harbor and Terminal District (Port of Lake Charles), to the search or inspection of their person, vehicle, office, structure, leased area or vessel by the harbor police, either on a random basis and with or without probable cause or reasonable suspicion regarding the suspected violation of any provision of this tariff or violation of any applicable law, rule or regulation or to carry out the enforcement of the provisions of this tariff or any applicable law, rule or regulation.</p> |
| 215 | <p>RESPONSIBILITY FOR LOSS OR DAMAGE:</p> <p>Notwithstanding any law to the contrary, specifically, but not limited to Louisiana Civil Code, Article 2926-2963 and the maximum extents permitted by law, the Port will not be responsible for the damage or loss of any freight being loaded or unloaded at the public wharves and will not be responsible for any delay to same, nor for damage to freight on its wharves or sheds by fire, leakage, or discharge of water from sprinkler fire protection system, collapse of building, rats, mice, moths, weevils, frost, or the elements nor will it be answerable for any delay, loss, or damage arising from combination of strikes or any persons in their own employ or in services of others nor for any consequences arising there from. Specifically, no relationship of deposit or bailment shall exist between the Lake Charles Harbor and Terminal District and the owner or any person connected with goods or freight located on or at public wharves or warehouses or in any premise owned by the Lake Charles Harbor and Terminal District and; therefore, the Lake Charles Harbor and Terminal District shall not be responsible for any loss or damage of whatever nature to goods or freight, provided, however, the above provision will not apply if said loss or damage is caused by the fault and/or negligence of the Lake Charles Harbor and Terminal District and/or its employees. It is further provided, however, that steamship companies having freight on the wharves will be permitted to make their own arrangements for watchman service. All limits of liability are as shown in Item 240.</p> |

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**SECTION THREE
RULES AND REGULATIONS**

| <u>ITEM (SYMBOL)</u> | <u>SUBJECT:</u> |
|--------------------------|---|
| 217 (C) | <p>CARE, CUSTODY, AND CONTROL OF CARGO: REMOVAL OF DAMAGED BAGGED CARGO</p> <p>The District does not take or assume the care, custody, and control of any cargo delivered to any facility, transit shed, or other property of the District. The care, custody, and control of any cargo received at any transit shed, facility, or other property of the District shall be assessed by the party unloading or receiving such cargo.</p> |
| 218 (*) | <p>REMOVAL OF DAMAGED PRODUCTS</p> <p>Due to the threat of rodent or vector infestation, damaged bagged grain or grain product cargo delivered, received, or loaded into any facility, transit shed, or other property of the District shall be removed from such property of the District within five (5) days. In the event such damaged bagged cargo is not timely removed, the District will dispose of such damaged cargo as it deems appropriate and the District shall not be responsible to anyone for any loss relating to such disposal. The District, at its discretion, will collect charges from the party unloading or receiving such cargo, for the actual cost of such disposal plus a twenty-five (25%) administrative fee.</p> |
| 220 | <p>DAMAGE TO DISTRICT'S PROPERTY:</p> <p>It shall be prohibited for any person to destroy, damage, disturb, deface, any buoy, float, life preserver, sign, notice, or any other public property of the District. Every person and every vessel responsible for any damage to any District public property or any kind or character shall be liable for and charged with the cost and expense of the replacement or repair of the property so damaged or destroyed. In the event any damage, personal injury, or unforeseen circumstance that has the potential to cause damage arises, it is the responsibility of all parties involved to report the damaged or potentially damaged property to an appropriate designee of the District. In the event any damage is done to a wharf or wharf premises by any person or vessels, the designated agent of the Executive Director or designee must forthwith report, in writing to the Executive Director, the extent of the damage, together with the name of the person or vessel causing such damage, the date and hour, if possible, and the name and addresses persons witnessing such accident. The expense of repairing said damage will be charged against the person or vessel responsible therefore, and in addition thereto any person causing any damage shall be liable to the conditions described in Item 340.</p> |
| 225 | <p>FIRE APPARATUS:</p> <p>No person shall obstruct or interfere with the free and easy access to fire apparatus. Except in case of fire, no person shall remove or in any manner disturb any extinguisher, fire hose, fire hydrant, or any other firefighting appliance installed in or upon the Port's premises. Automobiles, trucks, or mechanical appliances found blocking or obstructing access will be towed at owner's expense.</p> |

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**SECTION THREE
RULES AND REGULATIONS**

| <u>ITEM (SYMBOL)</u> | <u>SUBJECT:</u> |
|--------------------------|---|
| 230 | <p>EXPLOSIVES, FLAMMABLES, AND OTHER DANGEROUS ARTICLES:</p> <p>Persons desiring to handle explosives, flammables, or other dangerous articles on Port premises, over the public wharves or elsewhere, must communicate in writing and in advance of their arrival on Port premises, with the Executive Director or designee, furnishing full particulars of the shipment. Shipments will be accepted only after a full compliance by shippers or delivering carrier with the rules and regulations of federal, state, and local regulatory agencies governing the transportation of said articles.</p> <p>When a shipment is of a highly flammable or explosive nature, wharfage or handling facilities will not be provided except under special agreement. No cargoes will be handled without the Executive Director or designee receiving and approving a Material Data Safety Sheet (MSDS) prior to arrival of cargo. It is the shipper's responsibility to supply to the District all pertinent international shipping required data on said shipments prior to delivery to the District's facility.</p> <p>Port charges of EXPLOSIVES, FLAMMABLES, and OTHER DANGEROUS ARTICLES as well as environmentally sensitive cargoes will be quoted outside of Port's tariff prior to all shipments. The Port reserves the right to decline handling such cargoes described in this item.</p> |
| 235 | <p>APPLICATION FOR BERTH AND RESPONSIBILITY FOR CHARGES LOSS OR DAMAGE:</p> <p>Vessels, tugs, barges, their owners, or agents, desiring a berth at any public wharf, shall make written application to the Port's operations department, (Berth Application forms are provided for on the Port's website at www.portlc.com). Such application shall be made as far in advance as possible, but not less than 48 hours, to the Executive Director or designee. Failure to provide all information on the Berth Application shall be reason to deny the application.</p> <p>As a part of its application for berth, or immediately upon its arrival, the vessel, its owners or agents, shall advise the Port of the protection and indemnity association (P & I Club) which affords the vessel indemnity coverage as well as the name and telephone number of the local legal representative thereof, knowledgeable with regard to such coverage.</p> <p>Any damage caused by the vessel to the wharf or any installation or equipment which is the property of the Port, whether it be through incompetence or carelessness on the part of the pilot or officer of the ship carrying out operations or for any other reason, shall be the responsibility of the master and of the owners of the vessel causing the damage. The Port shall be able to detain the ship until it has received a satisfactory guarantee for the amount of the damage caused or a reasonable estimate thereof.</p> |

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**SECTION THREE
RULES AND REGULATIONS**

| <u>ITEM (SYMBOL)</u> | SUBJECT: |
|--------------------------|--|
| 235 | APPLICATION FOR BERTH AND RESPONSIBILITY FOR CHARGES LOSS OR DAMAGE: (CONTINUED) |

Vessels, tugs, barges, their owners, or agents that fail to file a Berth Application will not be granted a berth. If the vessel, tug, or barge ties-up to the Port's wharf, pier or dock and it is discovered that a Berth Application was not applied for, the vessel, tug, barge, their owner or agent can be ordered off and the vessel, tug, or barge will be assessed full dockage.

Vessels, tugs, barges, their owners, or agents desiring a berth at any public wharf will be subject to all rules and regulations under 33 CFR Parts 101 through 106, Chapter I, Subchapter H – Maritime Security/Homeland Security.

Copy of the Berth Application can be found at the Port's website at www.portlc.com under Item 403.

Vessels are only authorized to berth at those berths stipulated in the berth assignment. Applications for berths will be construed by the Port to mean that all charges as shown in this tariff, or by supplement thereto, or issued in letter form by the Port will promptly be paid upon presentation of the Port's invoice that all vessels and other users of Port facilities shall comply with all rules and regulations. It shall not be incumbent upon the Port to have invoices for port charges signed by masters of vessels following request by a recognized steamship agent for berthing space.

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| 236 | BERTHS, ASSIGNING OF, VACATING OF, AND RULES TO GOVERN: |
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The Executive Director or his designee shall have the sole, complete and final authority with regard to berth availability, vessel assignment, vessel shifting, the vacating of berths or facilities and any and all related operational issues or decisions relating to the use by vessels of Port berths or facilities that may arise from time to time with regard to the assigning, vacating, occupying or use of any berth or other Port facility and rules relating thereto and, further, the Port or any officer or any employee shall not be responsible to any vessel for any demurrage, damages for delay or loss of use or other similar claims resulting from the actions or inactions of the Executive Director or his designee.

The Executive Director or designee reserves the right to assign berths to all vessels for inward or outward cargo, and in order to expedite the movement of vessels as well as cargo over the public wharves or piers, the assigning of vessels to such berths, the shifting of vessels in berth, as well as the vessels' turn in berth, shall be left solely to the discretion and option of the Executive Director or designee.

In order to expedite the handling of vessels when there are more vessels assigned to specific berths than can be accommodated, or when in the judgment of the Executive Director such a congested condition appears imminent, vessels already in berth may

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**SECTION THREE
RULES AND REGULATIONS**

| <u>ITEM (SYMBOL)</u> | <u>SUBJECT:</u> |
|--------------------------|--|
| 236 | <p>BERTHS, ASSIGNING OF, VACATING OF, AND RULES TO GOVERN: (CONTINUED)</p> <p>be required, as determined by the Executive Director, to work the amount of overtime to the extent deemed necessary by the Executive Director or designee, at the sole expense of the vessel's owner, operator, or agent.</p> <p>When vessels call at any assigned berth and in the opinion of the Executive Director or designee sufficient congestion exists in the Port, that impedes the normal flow of cargo through the Port, the vessel so assigned to lift cargo will do so on overtime at the vessel owner's expense to the extent deemed necessary by the Executive Director or designee.</p> <p>Vessels shall also be required to work at the maximum capacity deemed expedient and necessary in the judgment of the Executive Director or designee, and shall work the necessary type and amount of equipment and personnel as ordered by the Port. The Executive Director or designee reserves the right to assign berths to all vessels for inward or outward cargo, and in order to expedite the movement of vessels as well as cargo over the public wharves or piers, the assigning of vessels to such berths, the shifting of vessels in berth, as well as the vessels' turn in berth, shall be left solely to the discretion and option of the Executive Director or designee.</p> <p>Vessels occupying a berth, not working and refusing to work maximum capacity must, if directed by the Executive Director in his discretion, vacate the berth (at vessel's expense) if another vessel requests the berth. The vessel requesting the berth must work maximum capacity.</p> |
| 240 | <p>LIMITS OF LIABILITY:</p> <p>No provisions contained in this tariff shall limit or relieve the Port from liability for its own negligence, nor require any person(s), vessel(s), or lessee(s) to indemnify or hold harmless the Port from liability for its own negligence. See Item 620.</p> |
| 245 | <p>PROCEDURES FOR NOTIFYING THE PORT OF PENDING VESSEL ARRIVAL:</p> <p>The Port reserves the right to take vessels in or out of vessels arrival rotation for the Port's convenience. The Port will advise the agents involved of the vessel's rotation.</p> <ol style="list-style-type: none">1. The Port will accept written berth applications for vessel or barge arrivals from a registered Port shipping agent with the name of the vessel/barge and quantity and type of commodity to be loaded or unloaded from such vessel or barge. The Port will not accept applications for vessels or barges which indicate lay days more than sixty (60) days beyond the date of application and/or which do not have the actual vessel name (TBN's are not acceptable.) Vessel substitutions will be allowed only if lay days remain the same. |

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**SECTION THREE
RULES AND REGULATIONS**

| <u>ITEM (SYMBOL)</u> | <u>SUBJECT:</u> |
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| 245 | <p>PROCEDURES FOR NOTIFYING PORT OF PENDING VESSEL ARRIVAL: (CONTINUED)</p> <ol style="list-style-type: none">2. Subsequent applications by agents with coincidental or overlapping days may be accepted by the Port, subject to prior applications having precedence.3. The Port will confirm, in writing to agents, its acceptance of the vessel's written applications and the lay days granted for such applications. If there are conditions to this acceptance (e.g. No. 2 above), these conditions will be noted on the Port's confirmation.4. Lay Berth Status: When a vessel arrives prior to the days outlined on its vessel application and the berth is available for docking but not available to start loading, the vessel owner or agent may apply in writing to the Port for lay berth status. Lay berth status dockage rate will be seventy-five (75) percent of the published dockage rates in this tariff. At the discretion of the Executive Director or his designee, lay days may or may not be granted.5. During the week prior to arrival, written updates (via email) are required to be sent to the Port's Traffic Office by the vessel, vessel owner, barge owner, shipper, or shipping agent prior to vessel or barge arrival at the following interval: <p style="text-align:center">ONE WEEK 96 HOURS 48 HOURS 24 HOURS</p><p>Prior to the final week before arrival, written updates are required midway between the date of application and the vessel ETA. Additional written updates will be required midway between the date of the last update and the vessel's ETA (via email) until the above intervals apply. ETA updates for barges prior to the final week before arrival should be sent to the Port's Traffic Office as received. During the final week, the above schedule will apply.</p><p>Additionally, any time a change in ETA is known, the Agent must report the changed ETA to the Port.</p>6. If a vessel or barge is in compliance with Sections 1-5 above, and if the vessel or barge arrives earlier than or within its agreed lay days and passes its cleanliness inspection, and if cargo is available for loading, and if no force majeure conditions exist at the time of vessel or barge arrival, the Port will make every effort to commence loading or unloading upon its arrival or in the case of any early arrival. |

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| <u>ITEM (SYMBOL)</u> | <u>SUBJECT:</u> |
|--------------------------|--|
| 245 | <p>PROCEDURES FOR NOTIFYING PORT OF PENDING VESSEL ARRIVAL: (CONTINUED)</p> <p>7. A vessel or barge arriving later than the agreed upon lay days will be assigned a berth position. In no event will it be allowed to delay the loading or unloading of a subsequent vessel or barge that has complied with Sections 1-6 above.</p> <p>9. The Port will make every effort to properly administer the above scheduling procedures, however, it is recognized that operating issues beyond the control of the Port may interfere with the loading/unloading schedule. If these issues occur and require a change in operations, the Port reserves the right to change the vessel or barge loading/unloading rotation and any financial hardship this may cause the vessel will be for the owner's account.</p> <p>Should such changes be necessary, the Port will advise any or all affected parties and will seek the most equitable solution regarding any changes to be made.</p> |
| 255 | <p>INSURANCE:</p> <p>The charges provided for herein do not include any expense for first party insurance coverage of any character covering property not owned by the Lake Charles Harbor and Terminal District, nor will such insurance be placed into effect by this Port under its policies.</p> |
| 260 (C) | <p>PAYMENT OF BILLS AND DELINQUENT LIST:</p> <p>All invoices issued by the Lake Charles Harbor and Terminal District are due and payable upon presentation to vessels, their owners, or agents, or any firms, persons, or corporations using facilities under the operation of the District. The District reserves the right to estimate and collect, in advance, all charges which may accrue against vessels, their owners, or agents, or other users of the facilities, or against cargo loaded or discharged by such vessels or other users of the facilities, whose credit has not been properly established with the District, or who have been, on at least two (2) previous occasions, on the delinquent list. Use of the facilities may be denied unless such advance payment or deposits are made.</p> <p>Should there be any question with regard to the validity of any invoice issued by the District, or the accuracy thereof, such matters must be in writing and addressed to the Director of Administration and Finance, Lake Charles Harbor and Terminal District, P.O. Box 3753, Lake Charles, LA 70602, received twenty (20) days after the invoice is presented for payment. Errors will be rectified by adjustment or amendment to the invoice based on information received and facts determined by the Executive Director or designee. Any invoice not so questioned within the twenty (20) day period will be considered valid and final.</p> |

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**SECTION THREE
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| ITEM (SYMBOL) | SUBJECT: |
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| 260 | <p>PAYMENT OF BILLS AND DELINQUENT LIST: (CONTINUED)</p> <p>Any invoice issued by the District which is unpaid thirty (30) days after the date the invoice is issued shall be deemed to be delinquent.</p> <p>As to any invoices which are or become delinquent on or after thirty (30) day from the effective date of this amendment, an interest charge of twelve (12) percent per annum of the amount of the invoice shall be due and owing from the date of delinquency until paid. Such interest charge shall be calculated on a per annum basis of three hundred sixty five (365) days.</p> <p>Additionally, should it be necessary for the District to file suit to collect any delinquent invoice or to enforce any provision of this tariff, the party obligated herein to pay such invoice under this section or the party against whom enforcement of the tariff is sought, consents to such suit being filed in the Fourteenth Judicial District Court, Parish of Calcasieu, State of Louisiana, or the Lake Charles City Court, Ward 3, Parish of Calcasieu, State of Louisiana, and further the party not prevailing shall be obligated to pay reasonable attorney fees incurred by the prevailing party.</p> |
| 265 | <p>LINES REQUIRED AT WHARF:</p> <p>It shall be prohibited for any person to make fast any vessel to any public wharf or mooring facility except with such lines and in such manner which meet accepted good marine practice. The Executive Director or his designee has the right to order any vessel re-secured to any public wharf or mooring facility which does not meet accepted good marine practices at the owner's expense.</p> |
| 270 | <p>TO USE ONLY MOORING FACILITIES PROVIDED:</p> <p>It shall be prohibited for any person to make fast any line, rope, or mooring to any wharf, landing, shed, or to any pile or poles supporting same, or to any dolphin or fender pile, except to the mooring piles, mooring bits, or rings provided for such purpose. All mooring and unmooring evolutions shall be accomplished using good marine practice.</p> |
| 275 | <p>USE OF DOLPHINS OR WHARVES IN TURNING:</p> <p>It shall be prohibited for any vessel, or any person in charge of any vessel, to use any dolphin or mooring bits of any wharf (or structure) to brake or swing such vessel at any wharf with any part of such vessel against the wharf.</p> |
| 280 | <p>USING LINES TO CHECK SPEED:</p> <p>It shall be prohibited for any vessel, or any person in charge of any vessel, to make fast or cause to be made fast, any lines to any mooring cluster, bollard, mooring bit, or cleat, or any part of the public wharf structure, for the purpose of checking speed of vessels.</p> |

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| <u>ITEM</u> <u>(SYMBOL)</u> | SUBJECT: |
| 285 | LOAD LIMITS: |

Load limits in this item are the maximum allowed "dead load" in transit sheds and on docks of the Port. Special lifts may be accommodated with an engineered lift plan which must be approved in advance by the Port. All users are required to adhere to these limits and are liable for their failure to do so.

All cargoes that approach these maximums must be approved in advance by the Executive Director or designee before being placed in transit sheds or upon wharves.

TRANSIT SHEDS

WHARVES

| | | | |
|----------------------|-----------------------|--------------------|-----------------------|
| No. 1,2,3,4,5, and 6 | 500 lbs. per sq. ft. | No. 1,2,3 | 1000 lbs. per sq. ft. |
| No. 7 | 800 lbs. per sq. ft. | No. 4,5,6 | 550 lbs. per sq. ft. |
| No. 8 (open berth) | 1000 lbs. per sq. ft. | No. 7 | 1200 lbs. per sq. ft. |
| No. 9 | 550 lbs. per sq. ft. | No. 8 (open berth) | 1000 lbs. per sq. ft. |
| No. 9A | 1200 lbs. per sq. ft. | No. 9 | 550 lbs. per sq. ft. |
| No. 15, 15B | 1100 lbs. per sq. ft. | No. 9A | 2000 lbs. per sq. ft. |
| | | No. 15, 15B | 1100 lbs. per sq. ft. |

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| 290 | CHUTES REQUIRED: |
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It shall be prohibited for any person to handle or transfer any ballast, stone, bricks, sand, rubbish, or other matter, or material that will sink, from any wharf to any vessel, unless a canvas or other chute contrivance is used in such a manner as will effectually prevent any part of such substance from falling into the water.

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| 295 | WHARF OBSTRUCTIONS: |
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Stevedore's tools, appliances, equipment, vehicles, or any other material including but not limited to unused or discarded dunnage materials and broken pallets or object which is not part of a cargo must be removed from wharves and wharf premises upon sailing of a vessel. If any such obstruction is not promptly removed as required herein, failure to comply with this item shall result in the application of penalties provided for in Item 330 and Item 340 of this tariff. After one notice to the stevedore company to clean and remove obstructions, the Port reserves the right to clean and remove obstructions for vessel operations at the stevedore expense plus a twenty-five (25%) administrative fee for cleaning and removal of obstructions.

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| 300 | PRIVATE WHARVES: |
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Owners of private wharves will be permitted to handle only such business as may belong to them or originate with them over their wharves. They are not permitted to compete in the wharfage business against the public wharves.

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**SECTION THREE
RULES AND REGULATIONS**

| <u>ITEM (SYMBOL)</u> | SUBJECT: |
|--------------------------|---|
| 305 | <p>RAT GUARDS:</p> <p>All vessels, upon docking at general cargo docks and bulk grain facility No. 2, shall immediately provide and install rat guards on all lines between the vessel and the dock. Rat guards must remain in place until vessels are ready to cast off their lines.</p> <p>Failure to comply with this item shall result in the application of penalties provided for in Item 340 of this tariff.</p> |
| 310 | <p>CARGO STATEMENTS OTHER THAN PUBLIC WHARVES:</p> <p>The owner, agent, operator, or master of any vessel loading or discharging cargo at any private wharf within the limits of the Lake Charles Harbor and Terminal District shall furnish to the Port, within ten (10) days after sailing of each vessel, a certified statement showing the weight and character all cargo discharged from or delivered to the said vessel, including points of origin on inward cargo and points of destination on outward cargo.</p> |
| 315 | <p>REPORTS REQUIRED FROM TOWING COMPANIES AND OTHERS:</p> <p>The owner, agent, or operator of any watercraft engaged in the towing or transportation of any commodities that tie-up, make fast, or hold against any wharf, pier, or property owned, and/or under the control of the Port is subject to all rates, rules, and regulations covered by this tariff, including but not limited to berth applications and docking charges. Failure to comply will subject the owner, agent, or operator concerned to the conditions prescribed in Item 340 of this tariff.</p> <p>All watercraft engaged in towing or transportation utilizing the District's facilities must have a current Tug Boat Permit issued by the District on file in the Port's Administrative Office. A copy of the Tug Boat Permit is located in Item 381 of this Tariff.</p> |
| 320 | <p>COMPLAINTS:</p> <p>All protests or complaints of any character whatsoever must be addressed to the Executive Director or designee, in writing.</p> |
| 324 | <p>PORT DIRECTIVES:</p> <p>The Executive Director may issue Port Directives that impact operations and activities within the District or within or upon the Calcasieu River and Pass Channel as the Executive Director deems necessary and prudent, together with the fixing of terms and conditions where appropriate and take such enforcement action that is deemed appropriate, including, but not limited to, enforcement under Items 325 and 340 of Tariff 013 and subsequent Port Tariffs.</p> |

**PORT OF LAKE CHARLES
TARIFF NO. 013**

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**SECTION THREE
RULES AND REGULATIONS**

| <u>ITEM (SYMBOL)</u> | <u>SUBJECT:</u> |
|--------------------------|---|
| 325 | <p>ENFORCEMENT OF LAW, RULES, AND REGULATIONS:</p> <p>Except in those cases where the duty is specifically imposed upon some other officer or employee of the Lake Charles Harbor and Terminal District, it shall be the duty of the Executive Director or designee to enforce applicable law, rules, and regulations, including but not limited to the provisions of this tariff. The District adopts criminal provisions of Title 14, Louisiana Revised Statutes and traffic or motor vehicle provisions of Title 32, Louisiana Revised Statutes except for such provisions which have no application to the District.</p> <p>Enforcement policies and procedures shall include appropriate due process. Enforcement protests, complaints, and appeals shall be initiated in accordance with Item 320 of this tariff.</p> <p>The Chief of the District's Harbor Police Department is the designee for enforcing criminal, traffic, and motor vehicle law, rules, and regulations. Warnings and/or fines are enforcement tools commonly exercised. The enforcement tool of exclusion or entry prohibition is reserved for serious offenses, the likely repetition of which would adversely affect safety and security on District premises. Exclusion will generally be permanent.</p> <p>Temporary exclusion may, however, be warranted to honor tenant or customer requests, with appropriate cause, or to ensure payment of fines. Violations of exclusion notices will be treated as criminal trespass.</p> <p>Submission of appeals to exclusion orders will be followed by an informal non-judicial administrative hearing by a Board consisting of the Executive Director and at least two (2) other members, one (1) of whom should be a representative of the employer of persons initiating an appeal. Appeals to traffic citations will be heard by the District's Safety Board.</p> |
| 330 | <p>DUNNAGE:</p> <p>No dunnage will be furnished by the Port. The Port reserves the right to require the use of dunnage under cargo and equipment that is likely to cause damage to the floors, dock aprons, wharves, and lay down yards. Vessel owners, or their agents, and stevedoring companies may secure permission to store a reasonable amount of dunnage in the sheds, convenient to their assignments, upon application in writing to the Executive Director or his designee. Should it be necessary to change position of dunnage for the purpose of conserving space, the owner will arrange to perform this service at his expense when notified to do so by the Executive Director or designee. The term dunnage in this item also includes, but is not limited to, unused dunnage, discarded dunnage, stevedore cargo boards, sticker material, packing material and grocery pallets.</p> |

**PORT OF LAKE CHARLES
TARIFF NO. 013**

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**SECTION THREE
RULES AND REGULATIONS**

| <u>ITEM (SYMBOL)</u> | SUBJECT: |
|--------------------------|--|
| 330 | <p>DUNNAGE: (CONTINUED)</p> <p>Further, all unused dunnage or discarded dunnage materials must be removed from the wharves or other Port property by the stevedoring company upon completion of the loading or unloading of a vessel. The stevedore will have fifteen (15) days to remove unused or discarded dunnage, stevedore cargo boards, sticker material and grocery pallets and any other materials the Executive Director or his designee deem necessary. After fifteen (15) days from the date of notice from the Port to the stevedore to remove dunnage, the Port will remove and dispose of said materials as it sees fit at the expense of the stevedore plus a twenty-five (25%) administrative fee. Failure to comply will result in the implementation of Item 295 of this tariff.</p> |
| 335 | <p>REQUEST FOR STATEMENT OF TONNAGE:</p> <p>All vessels, their owners, or agents, or any other persons, firms or corporations shall, upon request of the Executive Director or designee, furnish without delay, statement showing weight and measurements of commodities covering any shipments or cargo in transit sheds, wharves, or occupying space on any property under the control of the Port.</p> |
| 340 | <p>CONTRACTUAL DAMAGES:</p> <p>Any person, vessel, firm, or corporation, or agent or employee, or stevedore thereof, who shall make use of any wharf, landing, or other services provided by the Port or who shall traverse any waters within the territorial jurisdiction of the Port, thereby contracts with the Port to pay to the Port the proper toll, charge, or fee thereof as fixed by this tariff and further, contracts with the Port to follow and comply with all rules and regulations as set forth in the Port's tariff. Any failure to pay such toll, charge, or fee or any failure to comply with any of the rules and regulations set forth in the tariff, shall constitute a breach of contract between the Port and such person, vessel, firm, or corporation, and shall automatically place such person, vessel, firm or corporation in default of its obligations under the Port's tariff. Any person, vessel, firm, or corporation who is in default of its contract with the Port, as set forth above, shall be liable to the Port for liquidated damages in the amount of \$2,500.00 per day for each day that said person, vessel, firm, or corporation is in default of any obligations set forth under the tariff.</p> |
| 345 | <p>MOORING, UNMOORING, AND SHIFTING:</p> <p>Arrangements for mooring, unmooring, and shifting vessels are to be made with private companies who are permitted by the Lake Charles Harbor and Terminal District to perform such service.</p> |

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TARIFF NO. 013**

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**SECTION THREE
RULES AND REGULATIONS**

| <u>ITEM (SYMBOL)</u> | SUBJECT: |
|--------------------------|--|
| 345 | <p>MOORING, UNMOORING, AND SHIFTING: (CONTINUED)</p> <p>Line Handlers desiring to provide vessel mooring services at the public wharves must file an application with the Lake Charles Harbor and Terminal District and be approved by the Executive Director or his designee (conditions and application form can be found on the Port website at www.portlc.com. Line Handlers must supply a completed application form and supporting documents, including required insurance and other information of the applicant, as the Executive Director or designee deems appropriate. The Executive Director or his designee has the authority to grant final approval.</p> |
| 350 | <p>COMMODITIES SUBJECT TO WHARFAGE:</p> <p>All commodities delivered to or received from vessels which are anchored in the river, or occupying berths at the public wharves, or mooring places, or are moored outside of other vessels occupying berths at public wharves, are subject to wharfage.</p> <p>Cargo placed on public wharves or in transit sheds thereon shall be considered to have earned wharfage when so placed and wharfage will be assessed to the cargo whether or not it is actually loaded on vessels or other means of transportation.</p> <p>All commodities (with the exception as noted in Item 355) passing over or under the public wharves to or from vessels shall be subject to wharfage.</p> |
| 355 | <p>CARGOES EXEMPTED:</p> <p>The following cargoes will be exempted from the payment of wharfage:</p> <ol style="list-style-type: none">(1) Ship's stores and fuel intended for vessel's own use.(2) Cargo discharged upon public wharves from vessels and immediately transshipped to other vessels shall not be subject to the payment of a second wharfage provided such cargo does not leave the public wharves.(3) Cargoes exempted in long-term written contractual agreements providing for total costs handling.(4) Water purchased from the Lake Charles Harbor and Terminal District. |

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TARIFF NO. 013**

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**SECTION THREE
RULES AND REGULATIONS**

| <u>ITEM (SYMBOL)</u> | <u>SUBJECT:</u> |
|--------------------------|--|
| 360 | <p>COLLECTION OF WHARFAGE:</p> <p>The amount due from wharfage assessed on commodities must be guaranteed by the vessel, its owners, or agents, and the use of public wharf facilities or anchorage grounds by the vessel, its owners, or agents, shall be deemed an acceptance and acknowledgement of this guarantee.</p> <p>Wharfage charges on cargo not loaded aboard a vessel shall be paid by the shipper or party owning such cargo.</p> <p>Within ten (10) days after the completion of discharge of inward cargo and within ten (10) days after the sailing and/or loading of vessels with outward cargo, the owners or agents of such vessels shall remit to the Port all wharfage charges due.</p> <p>At the option of the Port, wharfage is collectible before the sailing of the vessel or removal of the cargo.</p> |
| 365 | <p>RIGHT TO DOCK:</p> <p>The Port reserves the right to refuse to allow vessels the use of the public wharves or mooring clusters.</p> |
| 370 | <p>DOCKAGE AT OTHER THAN PUBLIC WHARVES:</p> <p>The Port reserves the right to assess as set out in Item 650 (Dockage) against any vessel when tying up at private wharves or mooring facilities; also to assess wharfage charges as set out in Items 410-615 under Section Four of this tariff and Items 725-745 of this tariff against any commodity received from and/or discharged to the water over which the Executive Director has jurisdiction.</p> |
| 375 | <p>TWIC ESCORT SERVICE</p> <p>All commercial cargo vehicles requiring an escort to fulfill the TWIC requirements for entry into and exit from Port facilities will be provided an escort only by an employee of the Port at a charge of \$50 per hour for the first hour and \$25 per hour for any additional hours needed. Payment will be made in a manner authorized by the Executive Director.</p> |
| 380 (C) | <p>STEVEDORING PERMITS:</p> <p>Stevedoring companies desiring to operate over the public wharves must file an application along with a payment of \$7,500 for a new initial stevedoring permit (nonrefundable) as outlined under Item 675, Section Five, Miscellaneous Charges, addressed to the Lake Charles Harbor and Terminal District, attention Executive Director, and such application is subject to review and approval by the Port's Board of Commissioners. Once approved, a stevedoring permit shall be in effect for five (5) years unless duly suspended or cancelled by the Executive Director. Each subsequent year of the permit.</p> |

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TARIFF NO. 013**

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**SECTION THREE
RULES AND REGULATIONS**

| <u>ITEM (SYMBOL)</u> | <u>SUBJECT:</u> |
|--------------------------|---|
| 380 (C) | <p>STEVEDORING PERMITS: (CONTINUED)</p> <p>perimtee shall submit an annual fee of \$3,500 (nonrefundable) as outlined under Item 675, Section Five, Miscellaneous Charges, addressed to the Lake Charles Harbor and Terminal District, attention Executive Director. Permits in effect as of the date of this amendment shall be effective for five (5) years and shall be subject to the \$3,500 annual fee. All stevedoring permits issued, are subject to the following conditions:</p> <ol style="list-style-type: none">1. The Executive Director or designee shall be advised in writing as to party in charge of operations of the applicant's stevedoring company, its 24 hour telephone number, and the address of its office.2. The stevedoring company agrees to maintain its equipment, materials, and supplies (Gear Locker) within the areas assigned to them and covered by a ground lease with the Port and will not permit their equipment, materials, and supplies to remain on the docks or within unassigned areas when the company is not working. See Item 295.3. The stevedoring company agrees to provide its own portable trash disposal units and portable toilets needed to accommodate its operations and shall be responsible to have trash connected to its operations removed from Port property at the stevedore's expense. This item also includes, but is not limited to, unused dunnage and discarded dunnage, stevedore cargo boards, sticker material and grocery pallets. The stevedore will have ten (10) days to remove unused dunnage and discarded dunnage, stevedore cargo boards, sticker material and grocery pallets and any other materials the Executive Director or his designee deem necessary. After ten (10) days from the date of notice to remove said materials, the Port will remove and dispose of said materials as it sees fit at the expense of the stevedore plus a twenty-five (25%) percent administrative fee. The stevedoring company shall not dispose of trash or materials in the portable units under lease to the Port.4. It shall be the full responsibility of the stevedoring company to ensure that its employees, vendors, sub-contractors and agents follow the safety rules, Facility Security Plan, and the rules and regulations of the Port (included but not limited to the Port's Tariff No. 013 or any subsequent tariff in effect), as pertaining to stevedoring operations; abide by the Port's traffic regulations; and to maintain the cleanliness of Port facilities within which stevedoring companies operate. Upon issuance of license, stevedore will provide Port with a copy of its current safety manual. During the term of the permit, any changes or updates to a safety manual shall be immediately sent to the Port. A maintenance charge (Item 675 of Port's Tariff No. 013) shall be assessed against all cargo handled by stevedoring companies through City Docks ship berths. If extraordinary Port services are required to ensure cleanliness and sanitary conditions, stevedoring companies will be billed for actual documented Port costs including an administrative fee of twenty-five (25) percent of the Port's cost. Stevedoring companies shall also follow the Port's instructions for handling and removal of dunnage. See Item 330. |

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**SECTION THREE
RULES AND REGULATIONS**

**ITEM
(SYMBOL)**

SUBJECT:

380
(C)

STEVEDORING PERMITS: (CONTINUED)

5. The stevedoring company recognizes and agrees that their use of the Port's facilities is a limited privilege which carries the responsibility and liability of repairing and/or replacing all facilities and/or equipment owned or leased by the Port and which are damaged and/or destroyed by the stevedoring company's employees or agents. The stevedoring company also has the responsibility of reporting such damage and/or destruction immediately after an incident. In order to help protect warehoused cargo from rain-damage, the stevedoring company shall promptly close warehouse doors during inclement weather and at close of work. Item 220 also applies. Failure to do so will result in Port personnel closing all doors and stevedore will be invoiced for services rendered including an administrative fee of twenty-five (25%) percent of the Port's cost.
6. In accordance with Item 217 of the Port's tariff, the stevedoring company shall be deemed to have the care, custody, and control of any cargo handled or received by such stevedoring company at any transit shed, facility, or other property of the District and the stevedoring company shall indemnify and hold harmless the District, to the maximum extent permitted by law, as to any claim or loss arising out of or associated with such care, custody, and control. On a daily basis, the stevedore company shall provide the Port's operations department an accurate and complete inventory of cargo under its care, custody and control, this includes but is not limited to cargo received, loaded or unloaded and delivered. When applying for a new stevedore permit, and each year thereafter, applicants must provide the Port with previous year tonnage handled and anticipated tonnage for each subsequent year of the permit, along with the renewal fees.
7. Each year, the stevedoring company shall furnish to the Port, Certificates of Insurance as provided for in the application. The Port reserves the right to establish minimum adequate coverage limits.

The stevedoring company shall furnish the Port the following type of coverage and minimum limits of liability per occurrence. Insurance must remain in place and current at all times.

| | |
|---|-------------|
| COMMERCIAL GENERAL LIABILITY | \$5,000,000 |
| COMMERCIAL AUTO LIABILITY | \$5,000,000 |
| STEVEDORE'S LEGAL LIABILITY | \$5,000,000 |
| WAREHOUSEMAN'S LEGAL LIABILITY | \$5,000,000 |
| EMPLOYER'S LIABILITY | \$5,000,000 |
| WORKERS COMPENSATION AND USL&H (as required by state law) | |
| Any other insurance as required by state law | |

PORT OF LAKE CHARLES
TARIFF NO. 013

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SECTION THREE
RULES AND REGULATIONS

| ITEM (SYMBOL) | SUBJECT: |
|------------------|---|
| 380 (C) | <p data-bbox="326 369 878 394">STEVEDORING PERMITS: (CONTINUED)</p> <p data-bbox="418 436 1507 596">THE PORT OF LAKE CHARLES MUST BE NAMED AS “AN ADDITIONAL NAMED INSURED”, AND BE GRANTED “A WAIVER OF SUBROGATION” IN FAVOR OF THE PORT OF LAKE CHARLES. The Port, at its discretion, may request other information and amendments to the required insurance certificates.</p> <p data-bbox="326 638 1507 798">8. The stevedore company shall furnish to the Port an irrevocable letter of credit in favor of the Port of Lake Charles in the amount of \$25,000 within thirty (30) days of acceptance by the Port’s Board of Commissioners. Such letters of credit must be effective for the duration of the permit or renewed each year and submitted to the District.</p> <p data-bbox="326 840 1507 1104">9. Any stevedoring company found not complying with these conditions willfully or through negligence shall be placed on reasonable notice to rectify the situation. Failure to do so within a reasonable time frame specified by the Executive Director or his designee, from such notice will result in their permit to operate within the Port’s facilities being suspended or canceled by the Executive Director. No refund of any part of the payment (stevedoring fee), made with the permit application, will be made upon cancellation and the stevedoring company shall remain responsible for any obligations or liability created by the stevedoring company.</p> <p data-bbox="326 1146 1507 1272">10. On a daily basis (not later than 10:00 a.m.), the stevedore must provide the Port’s traffic department with written documentation of the previous day’s reports for receipt, load-out and discharge of cargoes handled (“daily reports”). These reports must include, but are not limited to the following:</p> <p data-bbox="488 1314 1507 1377">Daily labor reports containing all classes of labor ordered and received by operation and start time.</p> <p data-bbox="488 1419 1507 1482">Daily reports detailing the loading and or discharging with number of rejections, torn, damaged, etc.</p> <p data-bbox="488 1524 1507 1587">A copy of the signed mates receipt will be forwarded to the Port’s traffic department within 24 hours after completion of the vessel.</p> <p data-bbox="488 1629 1507 1692">A report showing the cargo summary of rejections, torn, damaged, etc... when the vessel has completed loading or discharging.</p> <p data-bbox="488 1734 1507 1768">A manifest prior to unloading and an annotated manifest on vessel cargo unloaded.</p> |

**PORT OF LAKE CHARLES
TARIFF NO. 013**

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**SECTION THREE
RULES AND REGULATIONS**

| ITEM (SYMBOL) | SUBJECT: |
|------------------|--|
| 380 (C) | <p>STEVEDORING PERMITS: (CONTINUED)</p> <ol style="list-style-type: none">11. Any and all damages occurring to any of the Port's facilities must be reported to the Port's operation department and to the Harbor Police Department immediately via email to hpdops@portlc.com.12. The Lake Charles Harbor and Terminal District encourages the stevedore company applying for a license to use local labor and the payment of competitive wages and benefits in order to maintain the standard of living of employees of the stevedore company. The District also encourages the use of local service providers whenever possible.13. A copy of the applicant's Certificate of Authority from the State of Louisiana, Secretary of State which evidences applicant's authority and approval to conduct business within the State of Louisiana.14. Other considerations for granting a stevedore license includes, but is not limited to the following criteria:<ul style="list-style-type: none">✓ New business opportunities (not existing/current business at the Port).✓ Detailed equipment list company owns and proposed to be placed at Port's facility.✓ Business plan to grow business at Port.✓ Letters of recommendation from other port authorities which the stevedore is currently doing business with.✓ A labor study, evaluated by the Executive Director each year, addressing sufficient labor to support the addition of a new stevedore.✓ Other information the Executive Director may request.15. It is understood and agreed to by all stevedore companies making application for stevedore permits with the District and those granted stevedore permits by the District for work at the District's City Docks facility that such stevedore work shall be undertaken only in the public areas of City Docks and not areas exclusively leased to another entity unless the permit holder is part of an exclusive cargo handling agreement with the entity controlling the exclusively leased area of the District or the stevedore permit holder is a party to an exclusive cargo handling agreement with the District. Specifically, no applicant for a stevedoring permit or a permitted stevedore company shall handle any bagged agricultural cargoes, including PL-480 cargo and all commercial bagged cargo, except by exclusive special contract with the District. |

PORT OF LAKE CHARLES
TARIFF NO. 013

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SECTION THREE
RULES AND REGULATIONS

| <u>ITEM (SYMBOL)</u> | SUBJECT: |
|--------------------------|----------------------------------|
| 380 (C) | STEVEDORING PERMITS: (CONTINUED) |

16. A minimum of fifty-thousand (50,000) short tons consisting of 2,000 pounds per ton of waterborne generated cargo must be worked by the permit holder each year. The minimum ton commitment is fulfilled by tons moving across public docks and/or facilities operated by the Lake Charles Harbor and Terminal District. Failure to meet the minimum tonnage requirement will be a major factor in the consideration of any renewal of an application. The company actually performing the work will be the only company credited with tonnage as required for renewal. Tons will be accounted for only once unless involved in a separate commercial transaction.
17. Any stevedoring company who receives a permit shall maintain a local office within 15 miles of City Docks which must be staffed on a full time basis. Failure to maintain a staffed, local office will result in cancellation of the permit.
18. The Executive Director, or his designee, may request any updated or additional information from any permittee at any time during the five (5) year permit period. Failure to timely submit any requested information may result in suspension or cancellation of the permit.

These conditions are made a part of the stevedoring permit issued and attached thereto.

Terms and Conditions Accepted:
Stevedoring Company

By: _____ DATE _____
 Officer

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TARIFF NO. 013**

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**SECTION THREE
RULES AND REGULATIONS**

| <u>ITEM (SYMBOL)</u> | <u>SUBJECT:</u> |
|--------------------------|--|
| 381 | <p>ANNUAL TUG BOAT COMPANY PERMITS:</p> <p>Tug Boat companies desiring to provide tug services to vessels utilizing the public wharves must file an application along with a check for \$1200.00 as outlined under Item 676, Section Five, Miscellaneous Charges, with the Executive Director or designee, and said application is subject to approval by the Executive Director. All Tug Boat Company new permits issued are subject to the following conditions:</p> <ol style="list-style-type: none">1. The Executive Director or designee shall be advised in writing as to party in charge of operations, the telephone number, and the address of the office.2. The Tug Boat Company agrees to maintain its tugs and equipment in good condition and shall at all times comply with all provisions of this Tariff.3. The Tug Boat Company agrees to provide its own trash disposal and it shall comply with all provisions of this tariff and particularly, with Item 195, and all applicable laws, rules, and regulations.4. It shall be the full responsibility of the Tug Boat Company to ensure that its employees follow the safety rules, Facility Security Plan, and other applicable regulations of the Port which are posted in the Port's tariff and accessible at www.portlc.com.5. Subject to reasonable direction and control of the Port, Tug Boat companies may from time to time temporarily use the docks and other facilities of the Port to lay berth tugs while awaiting serving of vessels utilizing Port docks or facilities. Prior to utilizing any facilities of the Port or Port-owned property, a Tug Boat company shall notify the Port's Harbor Police.6. The Tug Boat company recognizes and agrees that their use of the Port's facilities is a limited privilege which carries the responsibility and liability of repairing and/or replacing all facilities and/or equipment owned or leased by the Port and which are damaged and/or destroyed by the Tug Boat company's employees. The Tug Boat Company also has the responsibility of reporting such damage and/or destruction immediately after an incident.7. The Tug Boat company shall furnish to the Port, Certificates of Insurance on their Workmen's Compensation and Employer's Liability; Automobile Bodily Injury and Property Damage; Fire and Lightning, Extended Coverage and Vandalism and Malicious Mischief; Comprehensive General Liability and Umbrella; U. S. Longshoremen and Harbor Worker's Act. The Port reserves the right to establish minimum adequate coverage limits. |

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TARIFF NO. 013**

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SECTION THREE
RULES AND REGULATIONS

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| ITEM (SYMBOL) | SUBJECT: |
| 381 | ANNUAL TUG BOAT COMPANY PERMITS: (CONTINUED) |

8. Any Tug Boat company found not complying with these conditions willfully or through negligence shall be placed on notice to rectify the situation. Failure to do so will result in their permit to provide services to vessels utilizing Port-owned properties, docks, or facilities being canceled thirty (30) days from the date of notice issued by the Executive Director or designee. No refund of any part of the payment, made with the permit application, will be made upon cancellation.
9. A valid permit holder will be allowed to move oil and diesel products for its consumption only without Port supervision during normal Port working hours.
10. A copy of all business licenses held by the applicant; including evidence of authority and approval to conduct business within the State of Louisiana.

The Port must be notified of pending movements prior to docking.

These conditions are made a part of the Tug Boat Company Permit issued and attached thereto.

Terms and Conditions Accepted:
Tug Boat Company

By: _____
Officer

| | |
|-----|-------------------------------|
| 382 | ANNUAL VESSEL AGENCY PERMITS: |
|-----|-------------------------------|

Vessel agents desiring to represent vessels calling at the public wharves must file an application and receive approval from the Lake Charles Harbor and Terminal District annually, (conditions and application form can be found on the Port's website at www.portlc.com). An application fee of \$500.00 must accompany the completed application form and supporting documents, including financial and other information of the applicant, as the Executive Director or designee deems appropriate. Along with the application, all applicants must present evidence of authority and approval to conduct business with the State of Louisiana and such other information deemed appropriate by the Executive Director. (This item moved and renumbered from Item No. 715).

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| 383 | ANNUAL LINE HANDLERS PERMIT PROCEDURES: |
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Line Handling companies desiring to operate at the public wharves must file an application as outlined herein. No line handlers shall conduct business within the District without first securing a permit from the District as set forth herein. Permits are granted for a period of one (1) year.

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**SECTION THREE
RULES AND REGULATIONS**

| ITEM (SYMBOL) | SUBJECT: |
|------------------|---|
| 383 | ANNUAL LINE HANDLERS PERMIT PROCEDURES: (CONTINUED) |

The District reserves unto the Executive Director or his designee the right to grant or deny any line handlers' application.

A permit application form and permit procedures may be obtained from the Port's website at www.portlc.com. An application will not be accepted and processed until the following documents are received:

- (1) A fully completed application form;
- (2) The applicant's articles of incorporation, if any;
- (3) A list, including complete names, addresses, phone numbers and email addresses, of the applicant's full-time and part-time employees, including supervisors who the applicant intends to employ at the District;
- (4) A copy of the applicant's safety and training programs, including substance abuse policies or programs; if any;
- (5) A copy of all business licenses held by the applicant; including evidence of authority and approval to conduct business within the State of Louisiana;
- (6) Insurance certificates (limits and coverage) as specified in the District's Tariff No. 013 or any subsequent tariffs. In addition to providing the required coverage limits, each applicant must also name the Port as an "additional named insured" and grant a "waiver of subrogation". A copy of the endorsement to the policies must also be provided; and
- (7) Any other information requested by the Executive Director.

The Executive Director will consider:

- (1) The applicant's past performance, including, but not limited to, its ability to provide consistent, adequate, and high quality services, its conformance with industry safety practices and environmental regulations, and its implementation of safety and training programs and substance abuse policies and programs;
- (2) The applicant's ability to provide full-time onsite personnel or other resources necessary and suitable for the services intended to be performed at the District;

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TARIFF NO. 013**

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**SECTION THREE
RULES AND REGULATIONS**

| <u>ITEM (SYMBOL)</u> | <u>SUBJECT:</u> |
|--------------------------|--|
| 383 | <p>ANNUAL LINE HANDLERS PERMIT PROCEDURES: (CONTINUED)</p> <p style="margin-left: 40px;">(3) The applicant's work experience and personnel at the District, including, but not limited to, its managers' and employees' work history, including such personnel's active involvement in seaports and length of time in the vessel agency business;</p> <p style="margin-left: 40px;">(4) Such other factors that the Executive Director deems relevant.</p> <p>After receipt and review by the Executive Director of a completed application accompanied by all requested documentation, the Executive Director shall inform the requesting party, in writing, whether the permit will be granted, denied, or held in abeyance pending the receipt of further information or documentation. In the event that further information or documentation is needed, the District shall inform the applicant of the information or documentation that is sought.</p> |
| 385 | <p>FUMIGATION REQUIREMENTS:</p> <p>Bagged agriculture products that remain in the transit sheds for a period of forty-five (45) days must be fumigated, and again at each forty-five (45) day period as long as the products remain in the transit sheds. All expense of fumigation will be for the account of the cargo owners, shippers, consignee, or to whom the cargo is in care, custody, and control while in the transit sheds.</p> <p>If the fumigation is not performed as required herein, the Lake Charles Harbor and Terminal District reserves the right to fumigate the cargoes and/or the transit sheds in which the cargoes are located and to bill the cargo owners, shippers, consignees, or whoever has care, custody, and control of the cargoes for the cost of such fumigation.</p> |
| 390 (A) | <p>ASSISTING WITH COLLECTION OF CHARGES OF THE LAKE CHARLES SEAFARERS' CENTER:</p> <p>Dues and assessments of the Lake Charles Seafarers' Center, located at the Lake Charles Harbor and Terminal District City Docks facility, represent the charges of that non-profit organization for humanitarian services and facilities available, without discrimination, to seafarers of all vessels calling on terminals within the navigable waterway system operated by the District. Dues and assessments of \$75.00 payable by operators of all crewed ships per port call will be invoiced by the Lake Charles Harbor and Terminal District for the direct pass-through to the Lake Charles Seafarers' Center.</p> |

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TARIFF NO. 013**

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**SECTION THREE
RULES AND REGULATIONS**

| <u>ITEM (SYMBOL)</u> | SUBJECT: |
|--------------------------|--|
| 395 | <p>DISPOSAL OF OIL WASTE:</p> <p>Under the provisions of Annex I of the International Convention for the Prevention of Pollution from Ships, known as MARPOL 73/78, and the regulations, Part 158 of Title 33 of the Code of Federal Regulations (33 CFR 158), all terminals and ports which receive tankers or other ocean going vessels of 400 gross tons or more must provide adequate oily waste reception facilities. If desiring to discharge oily wastes, the vessel, her owners, and agents are responsible for selecting an inspected and approved company that meets USCG requirements for receipt of oily wastes and, further, are responsible for making the necessary arrangements for discharging wastes.</p> <p>The USCG maintains a listing of approved transporters of oily wastes subject to the applicable regulations for the transfer of oil (33 CFR 154-156). Any inquiries should be directed to the Commanding Officer, USCG MSU Lake Charles 337-491-7800.</p> |
| 400 | <p>DISPOSAL OF SHIP'S GARBAGE:</p> <p>Marpol 73/78, Annex V, requires ports and terminals to provide for receiving ship originated garbage. Garbage is defined as "all kinds of victual, domestic, and operational waste, excluding fresh fish and parts thereof, generated during the normal operation of a ship and liable to be disposed of continually or periodically."</p> <p>"Medical wastes, hazardous wastes, and those wastes commingled with them that require special handling" also must be appropriately disposed.</p> <p>Annex V further requires for proper disposal of "contaminated" garbage. Agencies of the U.S. Department of Homeland Security regulate these activities.</p> <p>Vessel agents are responsible for making required arrangements for disposal of ship's garbage. A signed Berth Application for use of the Port's facilities is an acknowledgement of agent obligation. Agent is required to utilize a vendor currently holding a "Certificate of Adequacy" for a Reception Facility (COA) at the Port of Lake Charles.</p> <p>The USCG issues a "Certificate of Adequacy for Reception Facility" to the Lake Charles Harbor and Terminal District. Any inquiries should be directed to the Commanding Officer, USCG MSU Lake Charles 337-491-7800.</p> |

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TARIFF NO. 013**

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**SECTION THREE
RULES AND REGULATIONS**

| | |
|------------------|----------------------------|
| ITEM (SYMBOL) | SUBJECT: |
| 402 (C) | CERTIFICATES OF INSURANCE. |

INSURANCE REQUIREMENTS

I. Insurance Requirements:

1. The insurance coverage requirements can be waived if a “Request for Insurance Coverage Waiver” is approved by the Executive Director – see Item III below.
2. The Special Entrance Permit allows 20 days to provide the necessary insurance documentation.
3. Companies making deliveries to or pickups from Port owned locations or facilities must provide evidence of coverage equal to or exceeding the State of Louisiana statutory automobile liability limit.
4. Companies providing services (other than deliveries) to waterfront locations or facilities, or companies utilizing mobile equipment at any location or facility, or companies leasing any Port properties must; at a minimum:
 - a. execute in favor of the Lake Charles Harbor and Terminal District the indemnity and hold harmless agreement (see Item II below), and
 - b. provide certificates of insurance naming the Lake Charles Harbor & Terminal District as “an additional named insured,” granting a “waiver of subrogation” and warranting coverage for the following minimum limits:
 - General Liability - \$2,000,000 aggregate combined single limit per occurrence and in aggregate.
 - Automobile Liability - \$2,000,000 combined single limit per occurrence and in aggregate.
 - Automobile Liability - \$2,000,000 each occurrence – combined single limit per occurrence and in aggregate.
 - Workmen’s Compensation - State of Louisiana – Statutory Limits
 - Employers Liability - \$2,000,000/\$2,000,000/\$2,000,000
 - c. A copy of the endorsement to the policies must be provided.
5. The insurance coverage requirements can be increased as necessary for services deemed as being of greater risk.

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SECTION THREE
RULES AND REGULATIONS

| | |
|-------------------|--|
| ITEM (SYMBOL) | SUBJECT: |
| 402 (C) II. | CERTIFICATES OF INSURANCE: (CONTINUED) |

Indemnity and Hold Harmless Agreement:

_____ agrees to indemnify and hold harmless the Lake Charles Harbor and Terminal District from and against all losses or expenses (including costs and attorney fees) for any suit, claim, settlement, award or judgment (hereinafter referred to as "claim") because of personal injury, including death, at any time resulting there from, or loss of or damage to property, including loss of use thereof, sustained by any person or persons arising out of or in consequence of any activity accomplished or performed by _____, its agents or employees on the property of the Lake Charles Harbor and Terminal District, except to the extent the claim shall have been caused solely by the negligent act of the Lake Charles Harbor and Terminal District.

III. Request For Insurance Coverage Waiver:

To:
From:
Re: Request For Insurance Coverage Waiver
Location: _____ Phone _____
Company Name: _____
Work To Be Performed: _____

Specific Waiver Requested: _____

Justification: _____

Approved by:
District Director _____ Date _____
Port Director _____ Date _____

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TARIFF NO. 013**

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SECTION THREE
RULES AND REGULATIONS

| | |
|------------------|----------|
| ITEM (SYMBOL) | SUBJECT: |
|------------------|----------|

| | |
|-----|----------------------------------|
| 403 | BERTH APPLICATION: |
| (C) | BERTH APPLICATION AND ASSIGNMENT |

| | |
|---|-----------------------------|
| TO: TRAFFIC DEPARTMENT LAKE CHARLES HARBOR AND TERMINAL DISTRICT P. O. BOX 3753 LAKE CHARLES, LA 70602 | BERTH APPLICATION NO. _____ |
|---|-----------------------------|

We hereby apply for Berth:

Vessel: _____ Type: _____

Charterers/Owners: _____ Port of Registry: _____

Nationality: _____ GRT _____ Length: _____

P&I Club: _____

Arrival Draft: _____ Sailing Draft: _____

ETA: _____ Sailing Date: _____ Days in Port: _____

Agent: _____ Stevedore: _____

Cargo to be Loaded: _____ Total (Tons/lbs.): _____

Will Lift Cargo for the Following Ports: _____

Next Port of Call: _____ Last Port of Call: _____

Cargo to be Discharged: _____ Total (Tons/Lbs.): _____

Point of Origin: _____ Line Handler: _____

It is understood and agreed that the Lake Charles Harbor and Terminal District will not be responsible for the safety of any vessel nor injury or damage thereto, nor to the employees of any vessel their agents or assigns, nor to the property of any vessel or the property of its employees, agents, or assigns, regardless of cause or source thereof, while tied-up at the facilities. **NOTICE** is given that weather conditions such as winds, tides, storms, or other similar conditions may, beyond the control of the Port of Lake Charles, suddenly vary and change conditions at the dock or within the Calcasieu River Ship Channel. The vessel, and not the Port of Lake Charles, solely controls (1) the amount of cargo loaded onto

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TARIFF NO. 013**

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**SECTION THREE
RULES AND REGULATIONS**

| | |
|--------------------------|-----------------|
| ITEM (SYMBOL) | SUBJECT: |
|--------------------------|-----------------|

| | |
|---------|--------------------------------|
| 403 (C) | BERTH APPLICATION: (CONTINUED) |
|---------|--------------------------------|

a vessel; (2) the cargo loading plan utilized for loading/unloading; and (3) all other vessel conditions affecting how the vessel utilizes the dock and the channel.

Layberths must be vacated when given four (4) hours' notice. Vessels failing to do so become liable for charges resulting from the violation.

The applicant further agrees to abide by all rules and regulations shown in the Lake Charles Harbor and Terminal District's Tariff No. 013 or the Tariff in place at the time and date the Port of Lake Charles accepted this application and all customs of the Port.

Further, all vessels, in addition to liabilities as provided by law, shall be responsible for the full extent of any damages caused by it to the facilities of the Lake Charles Harbor and Terminal District in particular, any vessel causing damage shall be responsible for the full replacement cost (not the depreciated value) of any structure of the Lake Charles Harbor and Terminal District damaged and shall be responsible for all engineering, legal, and administrative costs incurred by the port in the making of such repairs.

Domestic, export, or import cargo booked for movement over Lake Charles Harbor and Terminal District facilities (Port of Lake Charles) is subject to rates, charges, rules and regulations published in the district's tariff no. 013 or the tariff in place at the time and date the Port of Lake Charles accepted this application, on file with the federal maritime commission. Copy of current tariff can be found at www.portlc.com.

Vessels berthing at City Docks, in preparation for or during loading from the IFG bulk terminal, are subject to the Port of Lake Charles current tariff including but not limited to all charges for dockage, security, water and any supervision services.

All vessels are required to file a detailed final statement of facts within twenty-four hours of the vessel sailing as required by Tariff item 406.

Notices or Special Instructions:

Please file all copies with Port Authority office for completion.

| | |
|-----------------------------|--|
| REQUESTED BY AND AGREED TO: | LAKE CHARLES HARBOR AND TERMINAL DISTRICT PORT OF LAKE CHARLES: |
|-----------------------------|--|

| | |
|-------|--|
| _____ | _____ |
| DATE | * Assigned BERTH NO. _____ DATE: _____ * Subject to Availability |

ISSUED: SEPTEMBER 8, 2016

EFFECTIVE: SEPTEMBER 8, 2016

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**SECTION THREE
RULES AND REGULATIONS**

| | |
|--------------------------|-----------------|
| ITEM (SYMBOL) | SUBJECT: |
|--------------------------|-----------------|

404 TRANSPORTATION WORKERS IDENTIFICATION CREDENTIAL (TWIC):

As mandated by the Maritime Transportation Security Act of 2002 (the "Act"), the District and all persons entering or utilizing facilities of the District must comply with the Act, its rules, regulations and required Transportation Workers Identification Credential (TWIC). Strict compliance with the Act, its rules and regulations (as amended and supplemented from time to time) is required. Specifically, compliance with 33 CFR 101.514, 49 CFR 1572 and the United States Coast Guard Navigation and Vessel Inspection Circular (NVIC) 03-07 (as amended and supplemented from time to time) is required. The District has adopted policies and procedures to implement the Act, its rules and regulations and such policies and procedures (as amended and supplemented from time to time by the District), which are available on the District's web site, are adopted by reference and required to be followed by all persons entering or using District facilities. All persons, vessels and any user of District facilities failing to comply with the provisions of this tariff item, the Act, its rules and regulations and District policies relating to the Act are subject to fine and other enforcement provisions provided for by this tariff and by law. Vessels and their agents shall be responsible and liable for any such fines or enforcement relating to the actions or inactions of vessels in that regard, including, but not limited to, seamen not in possession of a valid Transportation Worker Identification Credential (TWIC) and found unescorted by a TWIC holder in a restricted area of the District.

406 REQUESTED DRAFT OF VESSEL AND DAILY STATEMENT OF FACTS REQUIRED BY
(*) VESSEL:

All vessels arriving and sailing at any public wharves or mooring facilities must include the Arrival Draft of the Vessel and the Sailing Draft of the Vessel on the Berth Application and Assignment. See Item No. 403.

All vessels operating at any public wharves or mooring facilities must, within twenty-four (24) hours of sailing file a complete and detailed final Statement of Facts with the District's Operations Department. A complete final Statement of Facts shall include the Vessel Name, Berth, Date, Time, daily cargo being loaded or unloaded, Master's signature, daily times and descriptions of weather events affecting vessel operations, sailing draft, and other similar daily events or conditions that affected each day any aspects of vessel operation or vessel related activities while the vessel was utilizing any public wharves or mooring facilities. The above described Statement of Facts can be emailed to porttraffic@portlc.com or otherwise provided to the Director of Operations for the District.

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TARIFF NO. 013

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SECTION FOUR
RATES AND CHARGES

| ITEM (SYMBOL) | SUBJECT: | <u>Wharfage</u> | <u>Unloading</u> | <u>Loading</u> |
|------------------|---|-----------------|------------------|----------------|
| 405 (C) | <p>LOADING, UNLOADING, AND WHARFAGE CHARGES:</p> <p>Refer to Items 610 through 615 for special rates and charges concerning particular situations.</p> <p>All charges shown in this tariff for wharfage are in cents per short ton (2000 lbs.) or (40 cubic feet) and apply to all shipments at actual weight or measurement ton whichever produces the greater revenue. Volume shipments will be subject to special arrangements made, in advance, with the Port. Published rates are subject to volume incentive negotiations.</p> <p>By authority of law of the State of Louisiana and the regulations of the Lake Charles Harbor and Terminal District, these are the established rates which are subject to change from time to time, and that can be assessed within the area of the Lake Charles Harbor and Terminal District.</p> | | | |

**PORT OF LAKE CHARLES
TARIFF NO. 013**

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SECTION FOUR
RATES AND CHARGES

ITEM SUBJECT:
(SYMBOL)

Handling and wharfage charges are in cents per short ton (2000 lbs.) or measurement ton (40 cubic feet) and apply to all shipments at actual weight or measure whichever produces the greater revenue to the Port. Volume shipments will be subject to special arrangements made, in advance, with the Terminal. Published rates are maximum rates and are subject to volume incentive negotiations.

| ITEM (SYMBOL) | SUBJECT: | <u>Wharfage</u> | <u>Unloading</u> | <u>Loading</u> |
|------------------|--|--|---|---|
| 408 (*) | UNLOADING AND LOADING FEES – LICENSED STEVEDORE All fees for Unloading and Loading are supplied by the licensed stevedore companies listed on the Port's website at www.portlc.com . | | | |
| 409 | MAINTENANCE FEES: All cargo is subject to a maintenance charge of thirty-two (32¢) cents per revenue ton which shall be assessed against all cargo handled by stevedoring companies through City Docks ship berths. If extraordinary Port services are required to ensure cleanliness and sanitary conditions, stevedoring companies will be billed for actual documented Port costs plus a 25% Port administration fee. See Items 380 and 675. | | | |
| 410 (C) | ALL COMMODITIES, NOT OTHERWISE SPECIFIED: (A) In bags or sacks 100 lbs. or more (B) In boxes or cases 48 lbs. or more (C) In boxes or cases less than 48 lbs. (D) Other than A, B, C (E) Bagged commodities consigned to U.S.D.A., received by U.S.D.A and loaded by vessel for the account of U.S.D.A. under the provision of Title II, Public Law 480 (except rice, Item 575) In bags weighing less than 100 lbs. In bags weighing 100 lbs. or more. In boxes, crates, or bales weighing 48 lbs or more | 228 228 228 228 96 96 96 | DELETED DELETED DELETED DELETED DELETED DELETED DELETED | DELETED DELETED DELETED DELETED DELETED DELETED DELETED |
| 415 (C) | ALL COMMODITIES PALLETIZED OR UNITIZED: Weighing 1,000 lbs. to 4,000 lbs. suitable for single forklift handling except as otherwise provided | 174 | DELETED | DELETED |
| 420 (C) | ALUMINUM INGOTS, PIGS, OR SLABS: Banded together in a manner to enable handling by forklift trucks, maximum dimensions 40" X 40", not exceeding 40" in height, gross weight not less than 2000 lbs. | 118 | DELETED | DELETED |
| 450 (C) | BARITES, DRILLING MUD: Barite, bulk or in super sacks | 107 | DELETED | DELETED |
| 455 (C) | BEANS, PEAS, OR LENTILS: In bags weighing 50 lbs. or more | 174 | DELETED | DELETED |

ISSUED: DECEMBER 18, 2014

EFFECTIVE: January 1, 2015

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**SECTION FOUR
RATES AND CHARGES**

| ITEM (SYMBOL) | SUBJECT: | <u>Wharfage</u> | <u>Unloading</u> | <u>Loading</u> |
|------------------------|---|---|---|---|
| 470 (C) | COAL, PETROLEUM COKE: Coal, in bulk: | 118 | DELETED DELETED | DELETED DELETED |
| 475 (C) | BULK COMMODITIES, DRY: NOS | 174 | DELETED | DELETED |
| 478 (*) | HYDRATED LIME DRY IN BULK | 234 SHORT TON ONLY | | |
| 495 (C) | FIBERBOARD VIZ: Linerboard, medium density fiberboard and engineered lumber | 107 | DELETED | DELETED |
| 505 (C) | GRAIN AND GRAIN PRODUCTS: In bags, weighing less than 100 lbs. Weighing 100 lbs. or more In cases or packages: Weighing less than 110 lbs. (See Item No. 410(E), for USDA products) | 96 96 96 | DELETED DELETED DELETED | DELETED DELETED DELETED |
| 510 (C) | IRON AND STEEL ARTICLES, ALSO BILLETS, BLOOMS, INGOTS, PIG IRON, SLABS, RAILS, RAILWAY TRUCKS, IRON, OR STEEL: STEEL COILS: weighing over 20,000 lbs each | 152 100 | DELETED DELETED | DELETED DELETED |
| 520 (C) | LUMBER, FOREST PRODUCTS, NOS, VIZ: Treated or untreated Lumber, in bundles, unitized in a manner to contain from 500 to 1,000 board feet measure and weighing from 1,000 to 4,000 lbs. per bundle, unloaded from: Bulkhead flatcars Flatbed trucks Forest Products, NOS Logs and Pulpwood Mahogany Poles and Pilings: On flatcars Other than flatcars Shingles Switch Ties: Treated or untreated Timber (6" x 6" or over) | 118 118 118 118 118 118 118 118 118 118 118 118 118 | DELETED DELETED DELETED DELETED DELETED DELETED DELETED DELETED DELETED DELETED DELETED DELETED DELETED | DELETED DELETED DELETED DELETED DELETED DELETED DELETED DELETED DELETED DELETED DELETED DELETED DELETED |

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TARIFF NO. 013**

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SECTION FOUR
RATES AND CHARGES

| ITEM (SYMBOL) | SUBJECT: | <u>Wharfage</u> | <u>Unloading</u> | <u>Loading</u> |
|------------------|--|-----------------|------------------|----------------|
| 520 | LUMBER, FOREST PRODUCTS, NOS, VIZ: (CONTINUED) | | | |
| | Veneer or plywood, including built-up woods, in packages, 1000 to 4,000 lbs. banded or strapped, suitable for forklift handling: | | | |
| | On flatbed truck or flat railcars: | | | |
| | 0 - 400 Tons | 118 | DELETED | DELETED |
| | 401 - 750 Tons | 118 | DELETED | DELETED |
| | 751 - 3500 Tons | 118 | DELETED | DELETED |
| | 3,501 Tons or more | 118 | DELETED | DELETED |
| | Other than flatbed truck or flat railcars | | | |
| | five (5) car minimum | 110 | DELETED | DELETED |
| 525 (A) | MACHINERY AND EQUIPMENT NOS: | 260 | DELETED | DELETED |
| 530 (A) | METALS AND METAL PRODUCTS: Including pipe, pipe fittings and hardware, structure steel, NOS: | 260 | DELETED | DELETED |
| 540 | DELETED | | | |
| 555 | PAPER AND PAPER ARTICLES, NOS: | | | |
| | | 118 | DELETED | DELETED |
| | Paper Products, woodpulp in bales | 118 | DELETED | DELETED |
| | Paper Products, linerboard in rolls 36" to 60" in diameter: | | | |
| | | 118 | DELETED | DELETED |
| | Paper Products newsprint, printing or wrapping in rolls 36" to 60" in diameter: | | | |
| | | 118 | DELETED | DELETED |
| 560 | PETROLEUM COKE, CALCINED | | | |
| | Petroleum Coke, calcined, in bulk | 118 | DELETED | DELETED |
| | Petroleum Coke, Raw (green), in bulk | 118 | DELETED | DELETED |
| 565 | PLASTICS AND RESINS: Baled, Bagged or in Drums | 118 | RATES ON REQUEST | |
| 570 | PROJECT CARGO: Wharfage rate to be negotiated | (TBN) | | |

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TARIFF NO. 013**

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SECTION FOUR
RATES AND CHARGES

| ITEM (SYMBOL) | SUBJECT: | <u>Wharfage</u> | <u>Unloading</u> | <u>Loading</u> |
|------------------|---|-----------------|------------------|----------------|
| 575 | RICE: | | | |
| (C) | In cases or packages: | | | |
| | Weighing 50 lbs. or more per package | 96 | DELETED | DELETED |
| | Weighing 90 lbs. to 110 lbs. | 96 | DELETED | DELETED |
| | Railcars: | | | |
| | In sacks weighing 50 lbs. to 90 lbs. | 96 | DELETED | DELETED |
| | In sacks weighing 90 lbs. to 110 lbs. | 96 | DELETED | DELETED |
| | Flatbed Trucks: with no sides not palletized | | | |
| | In sacks, weighing 50 lbs. to 90 lbs. | 96 | DELETED | DELETED |
| | In sacks weighing 90 lbs. to 110 lbs. | 96 | DELETED | DELETED |
| | Flatbed Trucks: with sides, not palletized | | | |
| | In sacks weighing 50 lbs. to 90 lbs. | 96 | DELETED | DELETED |
| | In sacks weighing 90 lbs. to 110 lbs. | 96 | DELETED | DELETED |
| | In sacks, minimum 3,000 lbs. per pallet, 14 pallets per flatbed <i>truck capable</i> of being unloaded by forklift, minimum 24 trucks per day, between the hours of 0800-1200/1300-1700 hours Monday through Friday. Overtime hours Monday through Friday are 1701 hours to 0759 hours. Pallets furnished by unloading stevedores. All costs for rehandling pallets will be assessed against shipper. | | | |
| | Weighing 50 lbs. to 90 lbs. | 96 | DELETED | DELETED |
| | Weighing 90 lbs. to 110 lbs. | 96 | DELETED | DELETED |
| | Rice, in bags consigned to U.S.D.A, received for U.S.D.A., and loaded by vessel for the account of U.S.D.A., under <i>the provisions of Title II, Public Law 480:</i> | | | |
| | In Railcars: | | | |
| | Weighing 50 lbs. to 90 lbs. | 96 | DELETED | DELETED |
| | Weighing 90 lbs. to 110 lbs. | 96 | DELETED | DELETED |
| | In Flatbed Trucks not palletized: | | | |
| | Weighing 48 lbs. to 55 lbs. | 96 | DELETED | DELETED |
| | Weighing 100 lbs. or more | 96 | DELETED | DELETED |

| | | | | |
|------------|-----------------------|----|--|--|
| 576 (*) | RUTILE/TITANIUM SLAG: | 70 | | |
|------------|-----------------------|----|--|--|

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TARIFF NO. 013**

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SECTION FOUR
RATES AND CHARGES

| ITEM (SYMBOL) | SUBJECT: |
|------------------|--|
| 615 (C) | <p>HANDLING CHARGES BULK MATERIAL: (CONTINUED)</p> <p>(3) Wharfage will be charged as shown in Items 410 through 615 Series.</p> <p>(4) Should loading operations be delayed prior to stipulated starting time or stopped during loading for any reason not attributable to the Port, such non-production time shall be paid by the shipper.</p> <p>(5) Bulk Material must flow at 250 short tons or more per hour to qualify for these rates. Additional charges will be made on materials which do not meet minimum flow requirements.</p> <p>(6) Cargoes placed on pads or in silos will be subject to a storage charge of seven (7) cents per short ton per day.</p> |

Special handling rates may be quoted by the Executive Director or designee for volume and other movements.

PART TWO:

Calcine Coke

Calcined Petroleum Coke will be handled at Bulk Terminal No. 1, as provided below, handling and wharfage fees included.

During normal working hours (Straight time):

| | |
|---|------------------|
| Container loading | \$28.50 per S.T. |
| Railcars will be unloaded and placed in storage for a charge of | \$4.15 per S.T. |
| Trucks will be unloaded for a charge of | \$3.45 per S.T. |
| Railcars will be loaded for a charge of | \$4.15 per S.T. |
| Trucks will be loaded for a charge of | \$4.15 per S.T. |
| Barges loading/unloading | \$4.53 per S.T. |
| Vessel loading/unloading | \$4.53 per S.T. |

Items not specifically identified will be negotiated between the parties.

All calcined coke stored in Port owned facilities at Bulk Terminal No. 1 will be stored at a charge of seven (7) cents per short ton per day. Storage begins the day unloaded or the effective date of this item and ends with first day of loading. In addition, owner of cargo will be liable for damage to Port facilities resulting from storage and/or handling of coke, normal wear and tear excepted.

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TARIFF NO. 013**

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SECTION FOUR
RATES AND CHARGES

| ITEM (SYMBOL) | SUBJECT: | | | | |
|---|---|--|----------------|---|-----------------|
| 615 (C) | <p>All parties agree and recognize that due to the make-up and nature of Coke, shrinkage or loss in volume or weight of the Coke may occur from evaporation, wind blown particles of the Coke, normal physical loss of the Coke during mechanical operations or other similar reasons beyond the reasonable control of the Port (hereinafter referred to as "Shrinkage". The Port shall not be responsible for a loss to the Coke related to Shrinkage.</p> <table border="0" style="width: 100%;"><tr><td style="width: 60%;">Labor for uncovering and covering barges</td><td style="text-align: right;">\$525 per hour</td></tr><tr><td>Crane rental for covering/uncovering barges</td><td style="text-align: right;">\$300 per barge</td></tr></table> <p>Any additional rates will be provided in accordance with Item 635.</p> <p>STEVEDORING RATES WILL BE QUOTED ON REQUEST.</p> | Labor for uncovering and covering barges | \$525 per hour | Crane rental for covering/uncovering barges | \$300 per barge |
| Labor for uncovering and covering barges | \$525 per hour | | | | |
| Crane rental for covering/uncovering barges | \$300 per barge | | | | |

| | |
|-----|---|
| 616 | <p>TRANSFER CHARGES</p> <p>All liquid bulk cargo transferred directly between vessels, except consumables used by vessel, will be subject to a charge of \$2.35 per short ton in addition to all other applicable charges. The owner of the cargo, the vessel, the vessel's agent, and the reloading stevedore are jointly and severally liable for all charges.</p> |
|-----|---|

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TARIFF NO. 013**

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SECTION FIVE
MISCELLANEOUS CHARGES

| ITEM (SYMBOL) | SUBJECT: |
|------------------|---|
| 620 | <p>HOLD HARMLESS AGREEMENT:</p> <p>(A) Any person or firm whose product is handled and/or stored by the Lake Charles Harbor and Terminal District in or on any of the facilities or premises owned and/or operated by the Lake Charles Harbor and Terminal District agrees that it shall occupy the Port's premises at its own risk and shall indemnify the Port against any events, loss, cost, damage, claim, action, or liability paid, suffered, or incurred as a result of any use of the Port's premises or as a result of such handling or storing of its product by its agents, servants, employees, customers, visitors, or licensees of any kind, including without limitation, use or occupancy of the Port's premises or of the carelessness, negligence, or improper conduct of the Port or Company, its agents, servants, employees, customers, visitors or licensees.</p> <p>(B) The company covenants and agrees, at its expense, to pay and to indemnify and save the Port, the Board of Commissioners and each member, officer, employee thereof, and its Executive Director or designee, individually, harmless of, from and against any and all claims, damages, demands, expenses, and liabilities (of any character or nature whatsoever regardless of by whom imposed), and losses of every conceivable kind, character, and nature whatsoever (including, but not limited to, claims for loss or damage to any property or injury to or death of any person) asserted by or on behalf of any person, firm, corporation or governmental authority arising out of, resulting from, or in any way connected with the work to be done, handling and/or storing of the Company's commodity. The Company also covenants and agrees, at its expense, to pay, and to indemnify and save the Port, the Board of Commissioners and each member, officer, and employee thereof, and its Executive Director or designee and all costs, reasonable counsel fees, expenses, and liabilities incurred in any action or proceeding brought by reason of any such claim or demand. In the event that any action or proceeding is brought against any of the aforesaid parties by reason of any such claim or demand, the Company shall, upon notice from the Port, resist and defend such action or proceeding on behalf of the Port. The Company also covenants and agrees, at its expense, to pay and to indemnify the Port, the Board of Commissioners, and each member, officer and employee thereof, and its Executive Director or designee, individually, from and against, all costs, expenses, and charges in connection with the performance of its obligations hereunder or in the enforcement of the provision hereof, including, without limitation, reasonable counsel fees.</p> <p>(C) No provisions in this tariff shall limit or relieve the Port from liability for its own negligence, nor require any persons, vessels or lessees to indemnify or hold harmless the Port Authority from liability for its own negligence.</p> |
| 625 | <p>HANDLING LIQUID BULK MATERIALS</p> <p>(A) Liquid bulk handling services are performed under contract with the lease of the liquid facilities.</p> <p>(B) Handling rates will be quoted for shipment of all liquid bulk commodities, including crude and refined petroleum, petroleum products and petrochemicals.</p> |

**PORT OF LAKE CHARLES
TARIFF NO. 013**

ELEVENTH REVISED PAGE 45

SECTION FIVE
MISCELLANEOUS CHARGES

| ITEM (SYMBOL) | SUBJECT: |
|------------------|--|
| 630 | <p>LOADING/UNLOADING OF STORED CARGOES:</p> <p>All commodities shipped which do not meet the standards and/or specifications necessary for safe and secure storage and are deemed unfit and unsuitable for safe storage by the Executive Director or designee are subject to rejection.</p> |
| 635 | <p>WORK OTHER THAN LOADING AND UNLOADING CARGO:</p> <p>When cargo work is performed for which there is no charge stipulated elsewhere herein, such work will be performed at a rate based on the cost of labor, equipment, and materials plus twenty-five (25) percent.</p> |
| 640 | <p>HANDLING DAMAGED CARGO:</p> <p>When the stipulation of the Damaged Cargo Rules of the Deep Sea and Coastwise Longshore and Cotton agreement or the Warehouse Workers Local No. 1349 Agreement, are invoked and the stevedoring company handling said cargo is required to pay the double time charges set out in the rules, said additional charge will be assessed against the handling of that particular damaged cargo.</p> |
| 645 (C) | <p>CARGO IDENTIFICATION:</p> <p>All shipments must be assigned a Port identification number prior to arrival at the Port.</p> |
| 650 (A) | <p>DOCKAGE:</p> <p>All vessels docking at a Port facility will be charged a port dockage fee as set forth in this item. Dockage will be assessed on the Length Overall (LOA) of vessels (except as otherwise stated) on the basis of 24-hour days (from midnight to midnight), including Saturdays, Sundays, and holidays: A full day will be charged against any fraction of a day a vessel is at the dock.</p> |

A. SHIPS AND OCEAN-GOING BARGES:

| | RATE PER FOOT | | RATE PER METER |
|----------------------------|-----------------|----------------------|-----------------|
| <u>LOA IN FEET PER DAY</u> | | <u>LOA IN METERS</u> | <u>PER DAY</u> |
| 0-199 | \$ 3.21 | 0. – 60.6 | \$ 10.53 |
| 200-399 | \$ 4.22 | 60.7 – 121.6 | \$ 13.94 |
| 400-499 | \$ 5.74 | 121.7 – 152.1 | \$ 18.83 |
| 500-599 | \$ 7.71 | 152.2 – 182.5 | \$ 25.30 |
| 600-699 | \$ 8.95 | 182.6 – 213.0 | \$ 29.39 |
| 700-799 | \$ 11.36 | 213.1 – 243.5 | \$ 37.30 |
| 800-899 | \$ 13.68 | 243.6 – 274.3 | \$ 44.41 |
| 900 & over | \$ 16.37 | 274.4 – OVER | \$ 53.76 |

**PORT OF LAKE CHARLES
TARIFF NO. 013**

NINTH REVISED PAGE 46

SECTION FIVE
MISCELLANEOUS CHARGES

| ITEM (SYMBOL) | SUBJECT: | | | | | | | | | | | | | | | |
|--------------------|--|----------------------|-----------------------------|----------------------|---------|-----------|----------|-----------|-----------|-------------|-----------|-----------|--------------|------------|-----------|--------------|
| 650 (A) | DOCKAGE: (CONTINUED) | | | | | | | | | | | | | | | |
| | <p>B. INLAND BARGES, TUG BOATS, SMALL CRAFT:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;"><u>LOA IN FEET</u></th> <th style="text-align: left; border-bottom: 1px solid black;"><u>RATE PER 24-HOUR DAY</u></th> <th style="text-align: left; border-bottom: 1px solid black;"><u>LOA IN METERS</u></th> </tr> </thead> <tbody> <tr> <td style="padding-left: 20px;">0 – 199</td> <td style="text-align: center; color: red;">\$ 184.11</td> <td style="padding-left: 20px;">0 – 60.9</td> </tr> <tr> <td style="padding-left: 20px;">200 – 299</td> <td style="text-align: center; color: red;">\$ 334.78</td> <td style="padding-left: 20px;">61.0 – 91.3</td> </tr> <tr> <td style="padding-left: 20px;">300 – 399</td> <td style="text-align: center; color: red;">\$ 409.84</td> <td style="padding-left: 20px;">91.4 – 129.8</td> </tr> <tr> <td style="padding-left: 20px;">400 – Over</td> <td style="text-align: center; color: red;">\$ 510.31</td> <td style="padding-left: 20px;">129.9 – Over</td> </tr> </tbody> </table> <p style="margin-left: 40px;">Tugboats awaiting loading or unloading of barges are not assessed dockage.</p> <p>C. Upon request, bulk vessels docked at general cargo berths awaiting berthing at Berth 10 (Bulk Terminal No. 2) or Berth 14 (Bulk Terminal No. 1) will be assessed seventy-five (75) percent of the normal dockage rate.</p> <p>D. The Executive Director or designee may, at his option, enter into special dockage agreements for berth assignments for lay berthing.</p> | <u>LOA IN FEET</u> | <u>RATE PER 24-HOUR DAY</u> | <u>LOA IN METERS</u> | 0 – 199 | \$ 184.11 | 0 – 60.9 | 200 – 299 | \$ 334.78 | 61.0 – 91.3 | 300 – 399 | \$ 409.84 | 91.4 – 129.8 | 400 – Over | \$ 510.31 | 129.9 – Over |
| <u>LOA IN FEET</u> | <u>RATE PER 24-HOUR DAY</u> | <u>LOA IN METERS</u> | | | | | | | | | | | | | | |
| 0 – 199 | \$ 184.11 | 0 – 60.9 | | | | | | | | | | | | | | |
| 200 – 299 | \$ 334.78 | 61.0 – 91.3 | | | | | | | | | | | | | | |
| 300 – 399 | \$ 409.84 | 91.4 – 129.8 | | | | | | | | | | | | | | |
| 400 – Over | \$ 510.31 | 129.9 – Over | | | | | | | | | | | | | | |

655 FREE TIME AND STORAGE CHARGES:

The Port will permit thirty (30) days free time for the accumulation of general cargo in its transit sheds. After expiration of free time, a storage rate of forty-five (45) cents per revenue ton per day will be assessed.

The Port will permit thirty (30) days free time for the accumulation of general cargo in its outside storage areas. After expiration of free time, storage rate of twenty-three (23) cents per revenue ton per day or fraction thereof will be assessed.

NOTE: Free time for the accumulation of USDA commodities and commercial rice bags in the transit sheds shall be forty-five (45) days. After expiration of free time, storage charges will be assessed per ton, per day or fraction thereof starting on day forty-six (46) days at a rate of forty-five (45) cents.

Additional free time may be considered, at the sole discretion of the Executive Director or designee, subject to the availability of space, when applied for in writing before the expiration of the free time authorized in this item.

Bagged cargo received into warehouses by the Port is subject to Port storage charges. Storage charges will apply up to and until bagged cargo is loaded into an ocean container for export; or in the case of general cargo and bagged cargo not being loaded into an ocean container, storage charges apply up to and until the first day vessel loading operations commence.

The Port does not engage in the business of warehousing or storage of cargo in its transit sheds or on its wharves.

**PORT OF LAKE CHARLES
TARIFF NO. 013**

ORIGINAL PAGE 47

SECTION FIVE
MISCELLANEOUS CHARGES

| <u>ITEM (SYMBOL)</u> | SUBJECT: |
|--------------------------|---|
| 655 | <p>FREE TIME AND STORAGE CHARGES: (CONTINUED)</p> <p>Cargo which remains in transit sheds beyond authorized free time will be removed, at the discretion of the Port, without notice and at the expense and risk of the owner or shipper, to other locations, including, but not limited to, open storage, off-dock warehouses or public warehouses.</p> <p>The cost of such removal must be paid when invoiced and the Port will retain legal possession of all such cargo so removed until all charges are paid. The Port will dispose of such cargo, after a reasonable length of time decided by the Executive Director or his designee, by sale at public auction for the purpose of satisfying any unpaid charges pertaining thereto.</p> |
| 657 | <p>CONTAINER STORAGE:</p> <p>The District's Director of Operations or designee will assign Port space for storage of containers. Any request for such storage must be conveyed to the District prior to arrival of containers. Each unit will be subject to a container storage charge of \$3.21 per unit per day commencing on the first day of placement. The storage charge due to the District does not apply to containers placed in District-leased designated container locations.</p> |
| 660 | <p>CARGO TRANSFERS – DOCK RECEIPTS:</p> <p>Cargo received by the Port, which is transferred from one shipper to another, requires a signed dock receipt by both shippers approving the transfer of cargo. The original shipper is liable for the payment of all charges through the date of transfer. The shipper accepting the transferred cargo is liable for all payments thereafter.</p> |
| 665 | <p>CARGO TRANSSHIPMENTS:</p> <p>All cargo (NOTE 1) received by the Port for export, which is subsequently removed from docks and transshipped to another port for loading on a vessel, will be assessed a transshipment charge of \$2.14 per short ton in addition to all other applicable charges. The owner of the cargo, the vessel, the vessel's agent, and the reloading stevedore, are jointly and severally liable for all charges.</p> <p>Prior authority must be received from the Port before cargo is removed from the Port.</p> <p>NOTE 1: Does not include bulk cargo stuffed into containers.</p> |

**PORT OF LAKE CHARLES
TARIFF NO. 013**

FIFTH REVISED PAGE 48

SECTION FIVE
MISCELLANEOUS CHARGES

| ITEM (SYMBOL) | SUBJECT: |
|-------------------|---|
| 670 | <p>WATER:</p> <p>VESSELS: A charge of four-hundred thirty (430) cents per 1,000 gallons will be assessed to customers for the furnishing of water plus a service charge of \$75.00 straight time and \$100.00 overtime for the furnishing of equipment and labor for the connection of water lines to vessels. Vessels and/or agents shall be responsible for the safe return of water hoses and connections used to supply vessels with water.</p> <p>A minimum charge of \$100.00 for water will be assessed. The cost of labor and equipment shall apply as defined above.</p> <p>LAND BASED LESSEE'S: For land based activities of Lessee's or adjacent operators that are connected to the District's water distribution system the following rates shall apply based on meter readings:</p> <p style="text-align:right">0-10,000 gallons = \$35 per month flat rate Over 10,000 gallons = \$3.25 per 1000 gallons per month</p> |
| 675 | <p>STEVEDORE FEES:</p> <p>A charge of \$3,500.00 per year will be assessed against permitted stevedoring company operating over the public wharves. Stevedoring companies applying for a stevedore license for the first time will be assessed a one-time application fee of \$7,500 as outlined in Item 380 of this tariff or subsequent Port tariff.</p> <p>A maintenance charge of thirty-two (32) cents per ton shall be assessed against all cargo handled by stevedoring companies through City Docks ship berths. If extraordinary Port services are required to ensure cleanliness and sanitary conditions, stevedoring companies will be billed for actual documented Port costs plus a twenty-five (25%) percent administrative fee. See Item 380.</p> |
| 676 | <p>TUG BOAT FEES:</p> <p>A charge of \$1,200.00 per year will be assessed against each Tug Boat company providing tug services for vessels utilizing the Port's docks, properties, or facilities. The charge shall be payable. The application fee of \$1,200.00 must accompany the completed application form and supporting documents, including financial and other information of the applicant, as the Executive Director or designee deems appropriate. Along with the application, all applicants must present evidence of authority and approval to conduct business with the State of Louisiana and such other information deemed appropriate by the Executive Director.</p> |
| 680 (C) (A) | <p>CARGO HANDLING:</p> <p>Prior to arriving, all cargo must be assigned a Port Identification Number. Loading and unloading of cargo to and from rail cars and trucks to public areas will be performed by a Port licensed stevedore.</p> |

**PORT OF LAKE CHARLES
TARIFF NO. 013**

THIRD REVISED PAGE 49

SECTION FIVE
MISCELLANEOUS CHARGES

| | | | | | | | | | |
|--------------------------------------|---|----------------------|--|--------------------------------------|-----------------------|-------------------------------|-----------------|-----------------------------------|------------------------|
| <u>ITEM (SYMBOL)</u> | <u>SUBJECT:</u> | | | | | | | | |
| 680 | CARGO HANDLING: (CONTINUED) | | | | | | | | |
| | <p>A Port licensed stevedore shall pay the Port \$1.50 per short ton for bagged cargoes received via truck or rail. This charge shall not be construed as an unloading charge as outlined in Section Four, Rates and Charges of this tariff.</p> <p>All arrangements for loading and unloading services will be arranged directly between shippers and receivers and the loading and unloading licensed stevedore.</p> | | | | | | | | |
| 685 | DELETED ITEM | | | | | | | | |
| 690 (A) | PALLET USE: | | | | | | | | |
| | <p>A Port licensed stevedore may assess a charge of up to \$10.00 per short ton of cargo against any stevedore loading the vessel for use of pallets.</p> <p>—</p> | | | | | | | | |
| 695 | SUPERVISION REQUIREMENTS: | | | | | | | | |
| | <p>Supervision by Port personnel is required for the following operations:</p> <ol style="list-style-type: none">1. Loading and Unloading hazardous or dangerous cargoes and environmentally sensitive cargoes.2. Vessels purging and conditioning (using flare). Note: Permission must be granted by the Executive Director or his designee prior to vessel operations. <p>Satisfactory arrangements for this supervision must be made in advance by the vessel's agent. This supervision will be furnished at a cost plus twenty-five (25) percent to cover administrative overhead. A minimum billing of two (2) hour call-out will be assessed at a rate of \$50.00 per hour straight time.</p> <table border="0" style="margin-left: 40px;"><tr><td style="padding-right: 20px;">Straight Time Hours:</td><td>0800 hrs. – 1200 hrs. 1300 hrs. – 1700 hrs.</td></tr><tr><td>Overtime hours Monday through Friday</td><td>1701 hrs. – 0759 hrs.</td></tr><tr><td>All hours Saturday and Sunday</td><td>Time and a half</td></tr><tr><td>All hours Holidays (See Item 160)</td><td>Double time and a half</td></tr></table> <p>The charges for this service will be made against the vessel's agent.</p> | Straight Time Hours: | 0800 hrs. – 1200 hrs. 1300 hrs. – 1700 hrs. | Overtime hours Monday through Friday | 1701 hrs. – 0759 hrs. | All hours Saturday and Sunday | Time and a half | All hours Holidays (See Item 160) | Double time and a half |
| Straight Time Hours: | 0800 hrs. – 1200 hrs. 1300 hrs. – 1700 hrs. | | | | | | | | |
| Overtime hours Monday through Friday | 1701 hrs. – 0759 hrs. | | | | | | | | |
| All hours Saturday and Sunday | Time and a half | | | | | | | | |
| All hours Holidays (See Item 160) | Double time and a half | | | | | | | | |
| 715 | (THIS ITEM HAS BEEN RE NUMBERED and MOVED FROM Item #715 to Item #382 in this tariff) | | | | | | | | |

**PORT OF LAKE CHARLES
TARIFF NO. 013**

NINTH REVISED PAGE 50

SECTION FIVE
MISCELLANEOUS CHARGES

| | |
|------------------|-----------------------------|
| ITEM (SYMBOL) | SUBJECT: |
| 720 | GATE CHARGE FOR CONTAINERS: |

Lake Charles Harbor and Terminal District will assess a fee of \$20.00 per container for units moving to or through Port facilities. Container gate charges will be invoiced upon arrival at the Port's terminal.

| | |
|-----------------|----------------|
| ITEM 721 (A) | SECURITY FEES: |
|-----------------|----------------|

All vessels calling at a Port facility will be charged a security fee of 10.11% percent of total dockage assessed per port call.

Security fees on cargo shall be assessed in cents per short ton (2000 lbs.) and apply to all shipments at actual weight or measurement ton (40 cubic feet) whichever produces the greater revenue shall be assessed as follows:

| | |
|-------------|-----------------------------|
| Breakbulk | \$0.21 cents per short ton |
| Bulk | \$0.048 cents per short ton |
| Liquid bulk | \$0.048 cents per short ton |
| Containers | \$4.47 per box (unit) |
| Vehicles | \$1.00 per vehicle |
| Passengers | \$1.00 per passenger |

**PORT OF LAKE CHARLES
TARIFF NO. 013**

FIRST REVISED PAGE 51

**SECTION SIX
BULK GRAIN
RATES AND CHARGES**

| ITEM | SUBJECT: |
|-----------------|----------|
| <u>(SYMBOL)</u> | |
| 725 | DELETED |
| (**) | |

**PORT OF LAKE CHARLES
TARIFF NO. 013**

FIRST REVISED PAGE 52

**SECTION SIX
BULK GRAIN
RATES AND CHARGES**

| ITEM (SYMBOL) | SUBJECT: |
|------------------|----------|
| 730 (**) | DELETED |

PORT OF LAKE CHARLES
TARIFF NO. 013

FIRST REVISED PAGE 53

SECTION SIX
BULK GRAIN
RATES AND CHARGES

| ITEM (SYMBOL) | SUBJECT: |
|------------------|----------|
| 730 (**) | DELETED |
| 740 (**) | DELETED |
| 745 | DELETED |
| 746 | DELETED |

**PORT OF LAKE CHARLES
TARIFF NO. 013**

THIRD REVISED PAGE 54

SECTION SEVEN
BULK GRAIN
RULES AND REGULATIONS

| ITEM (SYMBOL) | SUBJECT: |
|------------------|---|
| 750 (**) | DELETED |
| 755 (C) | EXPORT GRAIN TERMINAL (PRIVATELY OWNED AND OPERATED BY IFG PORT HOLDINGS: The export grain terminal is located on property owned by the Port but leased to IFG Port Holdings, LLC, which is responsible for operating the facility. Request to use the terminal and all other communications should be made directly to IFG Port Holdings, LLC at 150 Marine Street, Box 11, Lake Charles, LA 70601, Telephone 337-494-4333. |
| 760 (**) | DELETED |
| 765 (**) | DELETED |

PORT OF LAKE CHARLES
TARIFF NO. 013

FIRST REVISED PAGE 55

SECTION SEVEN
BULK GRAIN
RULES AND REGULATIONS

| ITEM (SYMBOL) | SUBJECT: |
|------------------|----------|
| 770 (**) | DELETED |
| 775 (**) | DELETED |

**PORT OF LAKE CHARLES
TARIFF NO. 013**

FIRST REVISED PAGE 56

**SECTION SEVEN
BULK GRAIN
RULES AND REGULATIONS**

| ITEM (SYMBOL) | SUBJECT: |
|------------------|----------|
| 775 (**) | DELTED |
| 780 (**) | DELETED |
| 785 (**) | DELTED |

**PORT OF LAKE CHARLES
TARIFF NO. 013**

FIRST REVISED PAGE 57

**SECTION SEVEN
BULK GRAIN
RULES AND REGULATIONS**

| ITEM (SYMBOL) | SUBJECT: |
|------------------|----------|
| 790 | DELETED |
| 795 (**) | DELETED |
| 800 (**) | DELETED |
| 805 (**) | DELETED |

**PORT OF LAKE CHARLES
TARIFF NO. 013**

FIRST REVISED PAGE 58

**SECTION SEVEN
BULK GRAIN
RULES AND REGULATIONS**

| <u>ITEM</u> <u>(SYMBOL)</u> | <u>SUBJECT:</u> |
|--------------------------------|-----------------|
| 805 (**) | DELETED |
| 810 (**) | DELETED |
| 815 | DELETED |
| 820 | DELETED |

PORT OF LAKE CHARLES
TARIFF NO. 013

FIRST REVISED PAGE 59

SECTION EIGHT
BULK GRAIN
RENTAL AND USE OF ELEVATOR EQUIPMENT
AND SPECIAL PROVISIONS

| ITEM (SYMBOL) | SUBJECT: |
|------------------|----------|
| 825 (**) | DELETED |
| 830 (**) | DELETED |

**PORT OF LAKE CHARLES
TARIFF NO. 013**

THIRD REVISED PAGE 60

SECTION EIGHT
BULK GRAIN
RENTAL AND USE OF ELEVATOR EQUIPMENT
AND SPECIAL PROVISIONS

| ITEM (SYMBOL) | SUBJECT: |
|------------------|---|
| 831 (C) | <p>USE OF ELEVATOR AND BULK TERMINAL NO. 2</p> <p>Effective immediately, the District no longer operates the Lake Charles Harbor and Terminal District Public Elevator or Bulk Terminal No. 2 as a public grain terminal. The Elevator and Bulk Terminal No. 2 have been leased to IFG Port Holdings, LLC, a private company. The rates posted in the District's Tariff No. 013 are no longer applicable. For the use of the Elevator and Bulk Terminal No. 2, and a schedule of rates and terms and conditions and all other communications should be made to IFG Port Holdings, LLC at 150 Marine Street, Box 11, Lake Charles, LA 70601, Telephone 337-494-4333.</p> |
| 835 (**) | DELETED |

**PORT OF LAKE CHARLES
TARIFF NO. 013**

ORIGINAL PAGE 61

SECTION NINE
PORT DIRECTIVES

DIRECTIVE SUBJECT:
(SYMBOL)

2007-001 TYPE OF ACTIVITY IN THE CALCASIEU SHIP CHANNEL THAT REQUIRES PRIOR APPROVAL BY THE EXECUTIVE DIRECTOR:

Port Directive: In accordance with law and the Tariff, specifically Item 324, and in order to minimize the dangers to Channel operations posed by these and other inherently risky operations, the Port issues the following regulation:

No activity which involves submerging a vessel or structure within the Channel or close enough to the Channel where a casualty could impact normal Channel operations is permitted without the prior written permission of the Executive Director of the Lake Charles Harbor and Terminal District and upon such terms and conditions as the Executive Director may specify.

No activity which involves the salvage of a vessel that has experienced a casualty outside the Channel shall take place within the Channel or close enough to the Channel where a further casualty could impact normal Channel operations is permitted without the prior written permission of the Executive Director of the Lake Charles Harbor and Terminal District and upon such terms and conditions as the Executive Director may specify.

No activity involving an unseaworthy vessel shall take place within the Channel or close enough to the Channel where a casualty could impact normal Channel operations is permitted without the prior written permission of the Executive Director of the Lake Charles Harbor and Terminal District and upon such terms and conditions as the Executive Director may specify.

No activity of any vessel that could reasonably be assumed to potentially have a negative impact on the Channel, except normal and ordinary transits of seaworthy vessels, shall take place within the Channel or close enough to the Channel where a casualty could impact normal Channel operations is permitted without the prior written permission of the Executive Director of the Lake Charles Harbor and Terminal District and upon such terms and conditions as the Executive Director may specify.

Requests for permission to engage in the activities outline herein must be made in writing to the Director of Navigation and Security for the Port.

The Executive Director will grant or deny permission to engage in the activities outline herein in consultation with the Director of Navigation and Security for the Port.

Nothing herein shall apply to a vessel in distress where the application of this directive may reasonably be assumed to cause, or increase, a threat to life or the catastrophic loss of property, provided no other alternatives to preventing the loss of life or the catastrophic loss of property are readily available.

ISSUED: DECEMBER 17, 2010

EFFECTIVE: January 1, 2011

PORT OF LAKE CHARLES
TARIFF NO. 013

ORIGINAL PAGE 62

SECTION NINE
PORT DIRECTIVES

| DIRECTIVE (SYMBOL) | SUBJECT: |
|-----------------------|--|
| 2007-001 | TYPE OF ACTIVITY IN THE CALCASIEU SHIP CHANNEL THAT REQUIRES PRIOR APPROVAL BY THE EXECUTIVE DIRECTOR: (CONTINUED) |

Enforcement: The Executive Director is authorized to issue and enforce this directive in accordance with Items 324, 325 and 340 of the Tariff.

Done and signed this 26 day of February in the year 2007.

Current Executive Director
Executive Director