



PORT MACKENZIE
 VESSEL DOCKAGE/BERTHING APPLICATION
 for
GENERAL CARGO TRANSFER OR NON-CARGO
BERTHING
 (See notes and Conditions)
 (Please type or print)



A Port MacKenzie Terminal Operator Permit Holder (TOP) or Non-Cargo Applicant must complete the Berthing Application items applicable to the type of activity being performed. Requests will not be accepted if not complete and signed. Pursuant to the Conditions of Berthing and the current Port MacKenzie Terminal Tariff, the Applicant, as owner or as an authorized agent hereby seeks the arrangement of a berthing facility on behalf of the below named vessel. The Applicant further attests to the accuracy of the information provided and will be the party responsible for payment of all port charges assessed to the vessel.

Applicant: _____ Authorized Rep: _____
 (General TOP Holder or Non-TOP Holder) (Authorized Signature)

Name: _____ On: _____
 (Authorized Individual/Title) (Date)

Vessel Owner: _____

Vessel: _____ Operated by: _____
 (Name) (Company)

Vessel Origin: _____ Vessel Destination: _____

ETA: _____ ETD: _____ Vessel LOA: _____

NOTES AND CONDITIONS

No vessel will be permitted to berth at a wharf or terminal facility of Port MacKenzie for more than six hours without having first made application for a berth assignment and without such an assignment having been granted by the Port. This application is subject to the Regulations, Rules, and terms of the current Port MacKenzie Terminal Tariff and to the timely filing of the acceptance of Financial Responsibility provided and incorporated herewith to this Vessel Berthing Application. This Application also requires 100 percent of all estimated fees in advance of docking. A Terminal Operator Permit must be obtained for any transfer of cargo and/or passengers. If Port MacKenzie adjusts the estimate of Port charges, the Applicant shall attach a copy of the Port's adjustment advisory and shall prepay 100 percent of the adjusted Port charges.

NON-CARGO VESSEL BERTHING APPLICANT

The non-Cargo Berthing Applicant and vessel owners, operators, or agents not engaged in cargo activities requesting a Vessel Berthing Application shall provide proof of:

- A. Bodily injury liability insurance in an amount not less than \$500,000 for any one person and not less than \$1,000,000 for any one accident or occurrence.
- B. Standard Worker's Compensation, Social Security, Unemployment, Employer's Liability Insurance, and Longshore and Harbor Worker's Compensation Insurance as may be required by state or federal law. Property damage liability, which shall include any and all property whether or not in the care, custody, or control of the Applicant, in an amount of not less than \$2,000,000 for any one accident. The Vessel Berthing Applicant (Non Terminal Operator Permit Holder) shall name the Matanuska-Susitna Borough as additional insured under said policy.

VESSEL/DOCKAGE BERTHING APPLICATION

(Please Type or print)

SECTION A. GENERAL CARGO ACTIVITIES (Must be completed by Terminal Operation Permit Holder Only)

Discharge: _____ Cargo: _____ Recipient of Cargo: _____
(Type of Cargo) (Quantity) (Terminal Operator Permit Holder)

Loading: _____ Cargo: _____ Supplier of Cargo: _____
(Type of Cargo) (Quantity) (Terminal Operator Permit Holder)

NOTE: Separate submission of this document is required by each Applicant when the cargo is a split between more than one Applicant.

Estimate Port Charges below:

- A. Dockage \$ _____
- B. General Cargo Wharfage \$ _____
- C. Other Wharfage \$ _____
- D. Uplands Storage \$ _____
- E. Other (attach specific details) \$ _____

SECTION B. NON-CARGO ACTIVITIES (Must be completed by non-cargo activity vessel applicant)

Non-cargo Applicant not engaged in cargo activities requesting application for assignment of berth must submit an application 14 days in advance or as far in advance of the arrival of the vessel as possible. The application must be completed in its entirety and must specify arrival dates and departure dates. The non-cargo vessel operator must provide the detailed nature of the in port activities to be conducted during the vessel call at Port MacKenzie.

Estimate Port Charges below:

- A. Dockage \$ _____
- B. Other (attach specific details) \$ _____

ACCEPTANCE OF FINANCIAL RESPONSIBILTY FOR PAYMENT

In connection with the Vessel Berthing Application dated _____, 20____, the undersigned hereby accepts responsibility on its own behalf, for payment of the Port charges assessed in accordance with the Port MacKenzie Terminal Tariff and the attached Conditions of Berthing.

(Name of Company) By: _____
(Authorized Signature/Title)

Date: _____ SSAN: _____

FOR PORT USE ONLY

Application Received – Time/Date: _____ Approved – Time/Date: _____

Berth Assigned: _____ Assigned/Approved by: _____
(Port Director)

Date: _____

CONDITIONS OF BERTHING

In accordance with the rules of the Federal Maritime Commission, and subject to the provisions of the Port MacKenzie Tariff, including but not limited to Tariff Subsection 360, all applications for vessel berthing shall be made in the form specified by the Port, and shall require the timely filing of the financial responsibility information called for by the Vessel Dockage/Berthing Application, completed in accordance with, and otherwise governed by, the additional terms and conditions set forth below:

Unless waived pursuant to the following paragraph, terms of payment for all application Port charges shall be cash in advance. A cash deposit or acceptable security in an amount equal to 100 percent of the estimated applicable charges will be required to be posted with the Port six days prior to the vessel's scheduled arrival, or at such time as may be authorized or directed by the Port, but in all cases in advance of actual services rendered. In any case in which a cash deposit has been posted, any excess thereof, after satisfaction of all applicable port charges, shall be promptly refunded by the Port to the party posting same.

The Port may waive the requirement of cash in advance as to all or any of its anticipated port charges when the party responsible for such charges has identified themselves to the satisfaction of the Port, and:

1. That party responsible has established credit worthiness acceptable to the Port; or
2. Adequate security, acceptable to the Port, in an amount equal to 100 percent of the applicable estimated charges, has been posted; or
3. The berthing applicant/Terminal Operator Permit Holder requesting the berth, or another entity, in each case acceptable to the Port as credit worthy, has personally accepted financial responsibility for the applicable charges.

The Terminal Operator Permit Holder or the Berthing Applicant requesting a berth shall, as a part of the berthing process, provide all information called for by the Vessel Berthing Application respecting the vessel, its estimated arrival and departure, amount(s) and type(s) of cargo to be loaded/discharged. The submission of this form, signed by the Applicant/Terminal Operator Permit Holder, shall constitute the Applicant attestation as to the accuracy of the information therein. The Berthing Applicant shall be held personally liable to the Port for any financial loss suffered by the Port as a result of the applicant's failure to so report accurately.

Applicant shall submit all shipping documentation, bills of lading, manifests, and waybills at least 24 hours before arrival at the dock. If the vessel is to arrive on a Saturday, Sunday, or holiday, Applicant shall submit this documentation by 1:30 PM of the last business day before docking and unloading.

Berth assignments are non-transferable, conditional permits, revocable without notice, which may be issued at the sole discretion of Port MacKenzie to the owners, agents, or operators of vessels for the use of a specific berth by a specific vessel for a specific time period.

Berth assignments made the Port are subject to alteration and revocation under the following conditions:

1. Vessel may be ordered to vacate when the Port, at its sole discretion, determines the berth is required for a vessel desiring to load or discharge cargo.
2. Any vessels experiencing delays for any reason in cargo loading or discharging operations may be ordered to vacate the berth at the sole discretion of the Port.
3. Whenever the Port determines that a congested condition exists, any vessel on berth may be required to work around the clock. Should there be a refusal to comply, the Port may order the vessel to vacate the berth.

4. All costs of additional or overtime labor, or equipment, pilotage, tug-hire, linesmen, or costs of any other description arising from the requirement of the Port under these rules shall be for the vessel's account.

Should the Berthing Applicant/Terminal Operator Permit Holder, subsequent to submission of its Berthing Application, receive information which materially differs from the information previously provided, and which information the applicant reasonably believes is not equally known to the Port, it shall immediately notify the Port Director and promptly amend the Vessel Dockage/Berthing Application with the Port.

All estimates of port charges are subject to approval and/or adjustment by the Port.

After receipt of a completed Vessel Dockage/Berthing Application, the Port will advise the berthing applicant as to (1) the Port's approval of adjusted estimate of port charges, and (2) whether posting of cash or security is required for any charges and the amount thereof.

In addition to the terms for berth reservation and establishment of financial responsibility as set forth herein, requests for berth reservation and assignments of berth shall otherwise be in accordance with all local rules and regulations established by the Port.

The Port retains the right in its sole discretion to determine whether a responsible Applicant is credit worthy, and to waive the cash in advance requirement. The Port may establish guidelines for determining whether a responsible Applicant is credit worthy. Compliance with these guidelines does not create a right to waiver of the cash in advance requirement.

For safety or other reasons, the Port in some circumstances may grant a vessel a temporary berth before the Applicant has paid all applicable charges or complied with all applicable tariff provisions or Conditions of Berthing. In such circumstances, the vessel may discharge/load its cargo only if (1) the Port Director determines that a regular berth is available, and (2) the berthing applicant pays all applicable charges and complies with all applicable tariff provisions and Conditions of Berthing. If no regular berth is available for the vessel berthing, or the Applicant does not pay all applicable charges and comply with applicable provisions, the vessel may not discharge/load its cargo and shall sail on the next tide. The vessel shall be assessed appropriate fees as set forth in the tariff.