

Cargo - Port Facilities Rates & Tariffs

FMC Tariff No. 2

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SECTION IV - VESSEL CHARGES/CARGO CHARGES

HARBOR FEE

400

Issued - August 27, 1997

Effective - October 1, 1997

All vessels engaged in foreign, coastwise or intercoastal trade, arriving in the port limits, shall be assessed a harbor fee based upon the registered length of the vessel, to defray the expense of the administration and maintenance of the port and harbor, including the operation of tug(s) to aid vessels in distress and extinguishing fires, and policing the river and riverfront. LASH and SEABEE barges are exempt only when the barge carrying vessel (mother vessel) is assessed the harbor fee.

Fee Per Vessel

- Under 250 feet \$115.00
- 250 feet and over \$450.00

SUPPLEMENTAL HARBOR FEE

402

Issued - August 27, 1997

Effective - October 1, 1997

All vessels engaged in foreign, coastwise or intercoastal trade that handle or transfer cargo in midstream or when anchored at or moored to mooring facilities, including barge fleet mooring facilities, shall be assessed, in addition to the above regular harbor fees, a supplemental harbor fee of \$.30 per ton, or fraction, based on the weight of the cargo so handled or transferred. This supplemental harbor fee shall not be applicable when vessels are docked at regular cargo handling wharves. For the purposes of Item 402, "wharves" shall not include mooring or barge fleet mooring facilities.

Vessels desiring to handle or transfer such cargo in midstream must notify and coordinate such handling with the terminal assignment department of this Board, the U.S. Coast Guard, the Crescent River Pilots Association and/or the New Orleans-Baton Rouge Steamship Pilots Association and obtain any approvals or permits as may be required by law.

VESSELS EXEMPT FROM ALL HARBOR FEES

404

Issued - September 28, 1989

Effective - November 1, 1989

- (1) Vessels, other than LASH and SEABEE barges, passing through the port and not receiving or discharging cargo, and vessels calling at the port for the sole purpose of receiving ship supplies, other than bunker fuel, or for the sole purpose of changing pilots, and remaining less than 12 hours within the limits of the port.
- (2) Government vessels not engaged in carrying cargo, troops or supplies.
- (3) Private, non-commercial pleasure craft.

FREE TIME FOR ASSEMBLING OUTWARD CARGO

406

Issued - September 28, 1989

Effective - November 1, 1989

A vessel shall be allowed the use of assigned wharf space for a free time period of 30 calendar days, for the purpose of assembling outward cargo prior to arrival at her assigned outward berth.

Exceptions

(1) Cargo may be assembled at assigned open ground space for a free time period of 45 days. Upon expiration of the free time period, the adjusted demurrage charge assessed against said cargo is \$.06 per ton for each five-day period, or fraction.

(2) Commercial cargoes aggregating not less than 5,000 net tons by one shipper for outward movement aboard a single vessel may be assembled at assigned wharf space for a free time period of 45 days. Upon expiration of the free time period, the adjusted demurrage charge assessed against said cargo is \$.08 per ton for each five-day period, or fraction.

(3) Commodities in bulk, may be received, sacked and assembled at assigned wharf space for a free time period of 90 days. Upon expiration of the free time period, the adjusted demurrage charge assessed against said cargo is \$.08 per ton for each five-day period, or fraction. In computing the above applicable free time, the number of tons loaded aboard the lifting vessel shall be deemed to comprise the lots first received upon said wharf.

(4) Cargo may be assembled at a public wharf prior to the date assigned the lifting vessel for receiving outward cargo. The length of time for assembly and the granting of permission is based upon the Superintendent's sole judgment as to whether using the public wharves would impede the movement of commerce. Vessels desiring to receive cargo prior to her assigned receiving date shall submit a written application to the Superintendent.

Lifting vessels of transshipped cargo desiring to be granted permission for said cargo to remain on the wharves following expiration of free time allowed the inbound vessel until the lifting vessel's assigned assembly date shall submit a written application to the Superintendent. The application shall be submitted prior to or within a reasonable time after the lifting vessel's assigned receiving date and a failure to submit the application shall result in charges against the inbound vessel as provided in Item 444.

The granting of any application under Exception (4) shall subject all cargo received prior to a vessel's assigned receiving date to a pre-free time adjusted demurrage rate of \$.06 per ton, or fraction, per day, or fraction.

(5) Woodpulp, pulp board, or kraft liner board, in rolls or other packages aggregating not less than 1,000 net tons for outward movement by one shipper, may be assembled at an assigned wharf for a free time period of 60 calendar days. Upon expiration of the free time period, adjusted demurrage at second and third period rates contained in Item 408 shall be assessed against said cargo.

(6) For project cargoes aggregating not less than 2,500 net tons by one shipper for outward movement aboard a single vessel, the adjusted demurrage rate and the free time period for assembly of such cargo may be

negotiated separately with individual shippers.

(7) Cargoes destined for Israeli Electric Company, Hedara "B" Phase Two Rutenburg Project may be assembled at assigned wharf space for a free time period of 60 days.

Note 1 - The adjusted demurrage charges under Exceptions (1), (2) and (3) shall cease upon arrival of the vessel scheduled to lift the cargo.

Note 2 - The free time provided under Exceptions (1), (2) and (3) shall be subject to the availability of space.

Note 3 - Application for the rates contained in Exceptions (1), (2), (3), (6) and (7) shall be made in writing to the Marine Terminal Superintendent within five working days of arrival of the cargo in port, and subject to the availability of space the Marine Terminal Superintendent may, in his sole discretion, grant such application.

Payment of Adjusted Demurrage

The vessel, her owners, charterers, and agents shall be responsible for the payment of all adjusted demurrage charges.

OUTBOUND DEMURRAGE

408

Issued - February 17, 1993

Effective - June 1, 1993

A vessel failing to arrive at and occupy her assigned outward berth within the free time

allowed in Item 406 shall be assessed the following outbound demurrage charges, based on the cargo received and assembled for outward movement:

- \$.15 per ton (or fraction) per day (or fraction) for the first seven days,
- \$.40 per ton (or fraction) per day (or fraction) for the next seven,
- \$1.00 per ton (or fraction) per day (or fraction) for each day thereafter.

Demurrage charges shall cease at 0001 on the day of arrival of the vessel at her outward berth.

The vessel, her owners, charterers, and agents shall be responsible for the payment of all outbound demurrage charges.

At the option of the Marine Terminal Superintendent, the cargo may be sent to warehouse storage for account of whom it may concern.

Exceptions

(1) Vessels assembling cargoes under Exceptions (1) through (6) of Item 406 shall not be assessed the outbound demurrage charge of Item 408.

(2) Vessels assembling government relief cargo where the United States is ultimately responsible for transportation and terminal costs shall not be assessed the aforesaid outbound demurrage charge. Upon expiration of the 30 days free time, the adjusted demurrage charge assessed against said cargo shall be \$.08 per ton for each five-day period or fraction. The charge shall cease upon arrival of the vessel scheduled to lift the cargo.

EXTENSION OF RECEIVING DATE FOR ASSEMBLING OUTWARD CARGO

410

Issued - February 17, 1993

Effective - June 1, 1993

A request to extend the receiving date ("First Date") specified on the Application for Berth for assembling outward cargo shall be made in writing to the Marine Terminal Superintendent before 0001 of the receiving date. If time does not permit the transmission of a written request before 0001 of the receiving date, the request may be made by telephone but it must be immediately confirmed in writing. The approval of the request for the extension shall be at the full discretion of the Marine Terminal Superintendent. Only one such extension shall be granted.

SUBSTITUTION OF VESSELS

412

Issued - February 17, 1993

Effective - June 1, 1993

When circumstances arise which, in the opinion of the Marine Terminal Superintendent, are considered beyond the control of the vessel owner or agent and prevent lifting her outward cargo, another vessel may be substituted to lift the cargo provided that the substitute vessel assumes the receiving date of the original vessel and pays all applicable charges. This substitution shall not be made after the original vessel begins to load her outward cargo. Once a vessel begins to load her outward cargo, any cargo not lifted shall be classified as shut-out cargo, subject to Items 446 and 448.

DOCKAGE CHARGES FOR VESSELS ENGAGED IN FOREIGN, COASTWISE OR INTERCOASTAL TRADE

414

Issued - July 1, 2004

Effective - September 1, 2004

Regular Dockage Rate

Vessels that are assigned berths for the handling of passengers, exclusively, or, for the unloading and/or loading of inward and/or out-ward cargoes or vessels moored to vessels assigned such berths shall be assessed dockage charges. Beginning on arrival of a vessel at her berth, the dockage charges in Column 1 of Item 418 of this tariff shall be assessed continuously for each consecutive day of 24 hours, or fraction, and said charges will end on the day the vessel completes all cargo operations and releases her berth, except where a vessel is in an idle status as described in Exception (2)(a) below. Vessels requesting a change in status resulting in a higher dockage rate shall be assessed such rate effective 0001 hours of the date of the change. The effective date of the change in dockage rates for vessels requesting a change in status resulting in lower rates shall be 0001 hours of the day following the change.

Exceptions

(1) Inner Harbor-Navigation Canal - Vessels assigned public berths for the handling of cargo on the Inner Harbor-Navigation Canal shall be assessed dockage charges in Column 3 of Item 418 of the tariff.

(2) Special Dockage Rates

a) Special Purposes - Vessels assigned public berths, for the purposes shown below, shall be assessed special dockage charges in Column 4 of Item 418 of this tariff:

- Vessels fitting out for grain;

- Vessels receiving supplies;
- Vessels fumigating;
- Vessels, other than military vessels, on exhibition or display to the public;
- Idle status, not to exceed five days. A vessel in an idle status, defined as not out of service, not in repair, and temporarily ceasing loading/unloading, may be subject to removal by the Board at the risk and expense of the vessel, her owner, charterer and agent.

b) Repair Status - A vessel in a repair status shall be assessed dockage at the following rates:

- Days 1 through 7 and Days 46 through 52.....100% of Column 4, Item 418
- Days 8 through 14 and Days 53 through 59.....80% of Column 4, Item 418
- 15 through 45 and Days 60 and over.....60% of Column 4, Item 418

c) Lay-Up Status - A vessel in a lay-up status, defined as out of service and not in repair status, shall be assessed dockage at the following rate:

- Days 1 through 7.....100% of Column 4, Item 418
- Days 8 through 14.....80% of Column 4, Item 418
- Days 15 through 45.....60% of Column 4, Item 418
- Days 46 and over.....33-1/3% of Column 4, Item 418

Note 1 - A vessel assessed the aforesaid rates of Exception (2) or the rate noted in Exception (3) of this Item shall not receive or discharge cargo or passengers.

Note 2 - Whenever a public berth assigned under Exception (2) of this Item is also the assigned outward berth, the vessel shall be assessed the "regular dockage rate" provided in this Item commencing 0001 of the day the vessel begins to load her outward cargo or on the first day after the free time expires, whichever first occurs.

d) Grain Vessels - Vessels awaiting a berth assignment at a grain elevator on the Mississippi River shall be assessed a dockage fee of \$550.00 per day, for a period not to exceed 72 hours, without regard to the length of the vessel, subject to the following conditions:

- vessels shall present evidence that they are gas-free prior to berthing,
- the provisions of Item 420 (Part Day Dockage Charges) shall apply,
- vessels shall perform no repairs or other services, but may receive ship supplies and undergo inspection, and
- vessels shall enjoy no berthing priority.

e) Special Purposes and Repairs at Powder Street Wharf - Vessels under 300 feet overall length assigned available berths at the Powder Street Wharf solely for the purposes described in Exceptions (2)(a) or (b) of this Item shall be assessed a dockage rate of \$.025 per gross ton of vessel, per seven-day period, or fraction. Vessels in excess of 300 feet overall shall be assessed dockage at the rate provided in Column 4, Item 418.

(3) Vessels Over 325 Feet Handling 500 Tons or Less - Vessels have a length of o over 325 feet and handling at public, or at both public and

outward, shall be assessed dockage charges on the basis of 75 percent of the total applicable dockage charges.

(4) Government Vessels and Pleasure Craft - At the discretion of the Marine Terminal Superintendent, government vessels not engaged in commerce and pleasure craft may moor to public wharves when available free of charge.

(5) Special Dockage Rate - Barge Cargoes - Terminal Lessees - Vessels assigned public berths for the purpose of conducting cargo operations involving the loading and /or discharge of either bulk or breakbulk commodities to vessels from barges or from vessels to barges where the cargo operations by a lessee are performed at a berth assigned under the terms of its lease shall be assessed dockage at the rate of \$0.26 per gross registered ton of the vessel. Cargo may not be loaded from or discharged to the assigned facility while the vessel is accorded this rate, except with the prior written consent of the Board. The Board's consent shall be subject to such conditions as the President & Chief Executive Officer may require. Item 325 shall apply in lieu of all other tariff charges, except in those instances where prior written consent has been granted as provided herein.

In the event that, on completion of cargo operations conducted in accordance with this provision, the vessel elects to conduct further cargo operations or remain at the berth, a change in status will be required and shall be handled in accordance with the applicable provisions of the Tariff.

The term "gross registered tonnage" (GRT), with respect to vessels engaged in foreign, coastwise or intercoastal trade, shall mean the tons appearing in the Certificate of Registry as the official gross tonnage of the vessel. Such gross tonnage appearing in Lloyd's Register will be acceptable as evidence thereof. Where additional gross tonnages are assigned to certain vessels in association with a tonnage mark on the vessel's sides, or otherwise, the highest of all listings of gross tonnages shall be applicable in determining gross tonnage for the purpose of assessment of charges under this Tariff.

**SHEDDAGE AND/OR MARGINAL TRACK USAGE CHARGE FOR VESSELS
ENGAGED IN FOREIGN, COASTWISE OR INTERCOASTAL TRADE**

416

Issued - December 7, 2007

Effective - January 1, 2008

Item Deleted

INCENTIVE DOCKAGE RATES

417

Issued - October 2, 1998

Effective - October 5, 1998

A special dockage rate equal to 75 percent of the normal applicable dockage rate shown in Item 418 shall be assessed against vessels utilizing assigned berths for loading and/or unloading of cargo and which satisfy the requirements set forth herein.

- Vessel owners or their agents shall notify the Board in writing of their interest in and intention to avail themselves of this provision.
- The special dockage rate shall apply to all vessels owned, operated or chartered by a shipping line, but only after 49 of the line's vessels have loaded or discharged cargo at a public facility of this Board within 12 months following the date of notification as set forth above.
- The special rate shall apply to dockage charges incurred during the said 12-month period.

Credits equal to the discounts earned shall be applied against dockage charges assessed after the 49-vessel, 12-month minimum has been reached. Credits shall be applied to dockage charges assessed beginning with the 50th vessel, but not later than the end of the 12-month period following the one in which they were earned, and in no event shall cash payments be made.

SCHEDULE OF DOCKAGE RATES

418

Issued - December 7, 2007

Effective - January 1, 2008

Where reference is made hereto by Items 414, and 310, and other provisions of this tariff, the following schedule of dockage rates per foot of vessel length shall apply on a 24- hour per day basis, or fraction thereof, and sheddage/marginal track rates of COLUMN 2 shall apply for the entire period of the berth assignment:

VESSEL LENGTH OVER-ALL	COLUMN 1 Regular Dockage	COLUMN 2 Sheddage / Marginal Track	COLUMN 3 Canal Dockage	COLUMN 4 Special Dockage
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LOA in FEET

0 - 199	\$1.44	Column Deleted	\$0.73	\$0.61
200 - 299	1.61		1.20	0.69
300 - 349	2.00		1.63	0.86
350 - 399	2.00		1.74	0.86
400 - 449	2.72		2.33	1.16
450 - 499	3.12		2.48	1.32
500 - 549	4.02		2.87	1.68
550 - 599	4.57		3.43	1.90
600 - 699	5.61		4.17	2.34
700 - 799	6.88		5.39	2.92
800 - 899	7.04		5.97	2.96
900 - Over	7.60		6.63	3.19

Charges assessed, pursuant to this provision, will be determined by multiplying the vessel length overall by the applicable rate.

COMPUTATION OF DOCKAGE

420

Issued - March 1, 1997

Effective - April 1, 1997

Part Day Dockage Charges

Vessels shall be assessed one full day's dockage for the first day regardless of the number of hours berthed. After the first day's charges, vessels shall be assessed 50 percent of full day dockage charges for under 12 hours and 100 percent for over 12 hours.

Alternative Basis for Computing Dockage Charges

In the event a vessel, after discharging her inward cargo, and/or lifting part of her outward cargo, departs for other United States Gulf ports, and returns to this port to lift the remaining outward cargo left behind, classified as shut-out cargo (see Items 446 and 448), or additional outward cargo received subsequent to her departure, dockage charges may be computed as if there were two separate and distinct vessels involved, if the total dockage charges resulting thereby are lower than the regular dockage rate computed on the basis of the continuous and uninterrupted running time, provided in Item 414.

When the charges are assessed under this alternative basis, such vessel shall be required to submit separate applications for berths to cover both such arrivals or voyages. In such case, the date originally assigned to the vessel to receive cargo shall be deemed to be the receiving date of the vessel for determining the charges for her second or return voyage, except that in the event such vessel receives additional cargo after departing this port for another United States Gulf port, then a new receiving date shall be assigned to her, beginning on the day such additional cargo is so received.

DOCKAGE CHARGES FOR INLAND WATERCRAFT

422

Issued - December 7, 2007

Effective - January 1, 2008

Inland watercraft shall be assessed dockage charges, based upon the registered length, at the following rates per vessel, per day, or fraction.

75 feet and under.....\$16.00	Over 175 ft to 200 ft.....\$47.75
Over 75 ft to 100 ft.....\$23.75	Over 200 ft to 250 ft.....\$79.75
Over 100 ft to 175 ft.....\$31.75	Over 250 ft.....\$95.25

Exceptions

(1) Tugs or towboats landing tows will be exempt from dockage charges provided they do not remain at the wharves longer than is necessary to land the tows.

(2) Harbor excursion boats over 250 tons, shall be assessed dockage of \$98.00 per day for consecutive daily usage of wharves, and \$105.00 per day for intermittent usage. Harbor excursion boats, 250 tons and under, shall be assessed \$32.00 per day.

DOCKAGE CHARGES FOR INLAND WATERCRAFT - PASSENGER

423

Issued - May 12, 1999

Effective - July 1, 1999

Inland watercraft which carry passengers for compensation and which provide overnight accommodations shall be assessed dockage charges, based on the registered length, at the following rates:

- Day 1 \$.80 per linear foot
- Day 2 125% of the Day 1 rate
- Day 3 and over 150% of the Day 1 rate

SHEDDAGE AND/OR MARGINAL TRACK USAGE CHARGE FOR INLAND WATERCRAFT

424

Issued - December 7, 2007

Effective - January 1, 2008

Item Deleted

PAYMENT OF DOCKAGE CHARGES

426

Issued - December 07, 2007

Effective - January 1, 2008

Dockage charges assessed against a vessel, pursuant to any provision of this tariff, shall be payable by the said vessel, her owners, charterers and agents.

ANNUAL LICENSE CHARGES FOR HARBOR TUGS AND AUXILIARY SERVICE CRAFT

428

Issued - December 7, 2007

Effective - January 1, 2008

Harbor tugs and auxiliary service craft, including heavy lift derrick barges, operating wholly within the port and harbor, at their option, maybe granted an annual license which will permit such vessels to use the public wharves free of dockage, sheddage and/or marginal track usage charges, at the following annual license fees:

- Vessels under 250 tons - Per vessel.....\$500.00
- Vessels 250 tons and over - Per vessel.....\$1500.00
- Fleet of barges and tugs operated under single ownership - Per annum.....\$5,000.00

Vessels which are granted an annual license shall nevertheless obtain permission from the Marine Terminal Superintendent in advance of berthing at any of the Board's wharves or facilities, at any time. Requests may be made by telephone. Such vessels shall promptly vacate such berths upon order of the Marine Terminal Superintendent.

Note: All vessels handling cargo into or out of the port limits shall pay all applicable tariff charges.

ASSIGNMENT FEE (Covered or Uncovered) (Direct Loading/Discharge)

430

Issued - February 26, 1999

Effective - April 1, 1999

An Assignment Fee as provided in Item 301 shall be assessed on all cargo or freight, whether of foreign or domestic origin, including mail:

- (1) which is placed onto, transferred over or under wharves for handling to or from vessels; or
- (2) which is delivered to or received from vessels by other watercraft:
 - a) when said vessels are occupying berths or moored outside other vessel(s) occupying a berth;
 - b) when said vessels are anchored or partially anchored or moored in any portion of the Inner Harbor-Navigation Canal.

The Assignment Fee (Covered or Uncovered) is solely the charge assessed for the use of the wharf and does not include charges for any other service.

Note 1 - When cargo is placed on the public wharves for outbound movement and is not subsequently loaded aboard a vessel, but is removed from the wharves, the applicable assignment fee shall be assessed.

Note 2 - "Cargo" shall include liquid cargoes handled through Board-owned

pipelines.

Exceptions - The Assignment Fee shall not apply to:

- (1) Ship's stores and fuel intended for a vessel's own use.
- (2) Restowed cargo discharged and subsequently reloaded aboard the same vessel.

DOCKAGE CHARGES FOR PASSENGER VESSELS WITH PASSENGERS ON BOARD AFTER 24 HOURS 431

Issued - July 1, 2004

Effective - September 1, 2004

Passenger Vessels engaged in foreign, coastwise or intercoastal trade or inland watercraft passenger vessels assigned public berths for periods in excess of 24 hours with passengers on board shall be assessed the following charges per day or fraction thereof beginning on Day 2.

Ocean Going Passenger Vessels - \$8.00 per passenger plus dockage as set forth in Section 418 per day.

Inland Watercraft - Passenger - \$2.50 per passenger plus dockage as set forth in Section 423 per day.

Passenger counts shall be determined utilizing the vessel's actual passenger manifest.

Beginning on Day 3 the charges provided herein for ocean going vessels or inland watercraft shall be calculated using either the vessel passenger manifest or 50% of the actual passenger capacity, which ever results in the grater charge.

SPECIAL CHARGE TRANSSHIPPED CARGO 433

Issued - February 26, 1999

Effective - April 1, 1999

A special charge of \$8.80 per dray or car plus \$2.05 per ton shall be assessed on transshipped cargo which is inbound cargo discharged by a vessel at other than a facility owned, operated or administered by this Board and moved to a public facility of this Board for delivery or distribution.

PASSENGER WHARFAGE CHARGES 438

Issued - July 1, 2004

Effective - September 1, 2004

(1) Vessels Engaged in Foreign, Coastwise or Intercoastal Trade - Each passengers carried for compensation by vessels engaged in foreign, coastwise or intercoastal trade shall be assessed the following passenger wharfage charge:

a) Each passenger embarking on a round-trip voyage originating from New Orleans.....
\$4.00

b) Each passenger debarking on a round-trip voyage originating from New Orleans.....
\$4.00

c) Each passenger embarking debarking an not on a round-trip voyage originating from New Orleans.....
\$8.00

d) Each passenger in transit (port call).....
\$5.00

(2) Inland Watercraft - Passengers carried for compensation by inland watercraft, operating overnight into and out of the port limits, shall be assessed one passenger wharfage Charge of 1.73 (Effective January 1, 2005) \$2.50 for each one-way or round-trip passage ticket.

Exceptions

(1) No passenger wharfage charges shall apply to passengers under 12 years of age.

(2) Passengers carried for compensation on vessels that are primarily cargo carriers and which do not utilize one of the Board's designated passenger terminals for processing of passengers shall be assessed the following passenger wharfage rates:

(a) Each passenger embarking with a one-way or round trip passenger ticket; or each passenger debarking with a one-way passenger ticket; or each passenger in transit . . . \$2.00.

COLLECTION AND PAYMENT OF ASSIGNMENT FEES OR PASSENGER WHARFAGE

Issued - February 26, 1999

Effective - April 1, 1999

The Assignment Fee as set forth in Item 301 is due by the owners of the commodities occupying covered or uncovered space on unleased Board facilities or of commodities which are loaded or discharged at a Board facility. Passenger wharfage is due by the passengers carried on vessels for compensation. The collection and payment of same must be guaranteed by the vessels, their owners, charterers and agents, and the use of a public wharf or wharves shall be deemed an acceptance and acknowledgment of this guarantee.

The compensation to the vessel for the collection of charges shall not apply to those fees assessed pursuant to Item 301 ("Assignment Fee Non-Leased Facility") or Item 438 ("Passenger Wharfage Charges").

Within ten (10) working days after the completion of all vessel operations, the vessel shall render to the Board certified manifests in either printed or electronic form, bills of lading or documentation approved in advance by the President-Chief Executive Officer, showing the weight and description of all

cargo discharged or loaded by said vessel in the Port of New Orleans, together with such other information prescribed in forms furnished by the Board for the purposes of computation and assessment of its tariff charges and maintaining Port records. Manifests in electronic form shall comply with the United States Customs Automated Commercial System or the Board of Commissioners of the Port of New Orleans CRESCENT.

Cargo fees and charges shall be assessed on the basis of manifest weights, except as otherwise provided.

Within ten (10) working days following the departure of a vessel carrying passengers for hire, such vessel shall submit to the Board certified manifests listing all such passengers so embarking and debarking.

A penalty of \$100 per day, not to exceed \$1,000, shall be assessed against said vessels, their owners, charterers, and agents should they fail to render the cargo documentation in the form and within the period provided herein.

FREE TIME FOR INBOUND CARGO

442

Issued - February 26, 1999

Effective - April 1, 1999

The free time allowed on cargo discharged from a vessel onto public wharves shall be 30 calendar days. Free time will begin at 0001 hours of the first day following final discharge of vessel and will terminate at 2400 of the last free day.

Exception

When cargo cannot be removed within the free time provided solely because of the railroad's inability to furnish cars reasonably satisfactory for the carriage of the cargo, extension of free time may be granted provided:

- (1) The final order for the placement of the rail car at the public facility was actually filed with the New Orleans Public Belt Railroad within seven days after completion of discharge of the vessel; and
- (2) Application for such extension of free time is submitted in writing to the Marine Terminal Superintendent within seven days from the date of the expiration of the free time period.

INBOUND DEMURRAGE CHARGES

444

Issued - February 17, 1993

Effective - June 1, 1993

Charge assessed against cargo

Any portion of cargo discharged from a vessel remaining on the public wharves after the expiration of free time shall immediately incur the following inbound demurrage charges:

- (1) \$.15 per ton (or fraction) per day (or fraction) for the first seven days;
- (2) \$.40 per ton (or fraction) per day (or fraction) for the next seven days;
- (3) \$1.00 per ton (or fraction) per day (or fraction) for each day thereafter until cargo is removed from wharf.

The vessels discharging the cargo, her owners, charterers and agents, are responsible for the payment of the demurrage charges before the cargo is removed from the public wharves. Board shall pay to said vessel a collection fee of three percent of the total demurrage charges incurred.

At the option of the Marine Terminal Superintendent, the cargo may be sent to warehouse storage for account of whom it may concern.

REMOVAL OF SHUT-OUT CARGO

446

Issued - February 17, 1993

Effective - June 1, 1993

Should a vessel, occupying a berth upon which its agents do not hold First Call on Berth Privilege, shut-out any cargo, the same must be removed from the wharf within 48 hours after the departure of the vessel from the wharf.

SHUT-OUT CARGO DEMURRAGE CHARGES

448

Issued - February 17, 1993

Effective - June 1, 1993

The demurrage charges for shut-out cargo are \$.14 per ton for each five-day period, or fraction, based on the tons of cargo shut-out by the vessel. The vessel shutting out cargo, her owners, charterers and agents shall be responsible for the payment of said charges. The charges shall commence the day after the vessel shutting out the cargo departs from her assigned berth and will cease on the date the lifting vessel begins receiving her additional cargo, or on commencement of her regular dockage charges. If total shut-out demurrage charges do not exceed \$10.00, they shall be waived.

Within five days following the departure of the vessel shutting out cargo, the VESSEL shall render to the Board a statement, properly certified, showing the weight and description of all such cargo shut-out by the vessel and such other information prescribed in Board forms for the purposes of computation and public records.

Exception

Vessels shutting out cargo of 200 tons or less shall be exempt from the shut-out demurrage charge provided said cargo is not shut-out a second time, the cargo does not remain on the wharves for more than 30 days after the departure of the ship for which it was first received, and the cargo does not involve expense to the Board or interfere with the efficient operation of the Board's property.

On the thirty-first day after the departure of vessels shutting out cargo, the shut-out demurrage charge shall be assessed.

WATERBORNE GAMING VESSELS

451

Issued - January 31, 1996

Effective - February 1, 1996

Passenger Wharfage Charge - Each waterborne gaming vessel licensed under the 1991 Louisiana Riverboat Economic Development and Gaming Control Act, La. R.S. 4:501 et seq., which utilizes a Board facility for boarding passengers shall be assessed a passenger wharfage charge of \$2.50 per passenger. Such charge shall be for the account of the waterborne gaming vessel, and such charge shall be for each passenger for each excursion.

For purposes of this tariff, "passenger" means each natural person present on a waterborne gaming vessel who has no part in the waterborne gaming vessel's operations, and "excursion" means each period of time when a waterborne gaming vessel is cruising from its berth plus forty-five (45) minutes before such cruise while passengers are boarding plus forty-five (45) minutes after such cruise while passengers are disembarking, or if no cruise occurs during a three-hour period, then "excursion" means that period of three hours. For purposes of this tariff, a passenger who remains on a waterborne gaming vessel for multiple excursions shall be counted for each excursion (or part thereof).

Minimum Charge - In addition to the passenger wharfage charges, each waterborne gaming vessel shall pay to Board on an annual basis no later than ten (10) business days after the end of each calendar year the amount (the "Minimum Charge"), if any, necessary to insure that the Board shall receive \$2.5 million for the previous year from passenger wharfage charge collections (after crediting the cumulative passenger wharfage charges actually collected for that year).

Payment of Charges - Each waterborne gaming vessel shall pay to the Board on a monthly basis, no later than ten (10) business days after the end of each calendar month, the accumulated passenger wharfage charges calculated in accordance with the above, together with a report in a form acceptable to Board reflecting the number of passengers who boarded the vessel for the previous month (and including a separate count of passengers who remain on board for multiple excursions for each boarding).

Books, Records and Information -

(A) For purposes of calculating passenger wharfage charges, waterborne gaming vessels shall keep and maintain account books and records conforming to good accounting practices (including the establishment of an audit procedure acceptable to the Board) and submit to Board within ten (10) business days from the last day of each month a report in a form acceptable to Board calculating net gaming revenue and showing the number of passengers who boarded the vessel for the previous month (and including a separate count of passengers who remain on board for multiple excursions for each boarding). Each waterborne gaming vessel shall keep full and accurate records at its offices in the metropolitan New Orleans area, showing the detailed calculation of net gaming revenue and the number of passengers boarding the vessel each month (and including a separate count of passengers who remain on board for multiple excursions for each boarding). Each waterborne gaming vessel shall retain such records in the metropolitan New Orleans area for at least five (5) years. On forty-eight (48) hours' advance notice, Board shall have the right through its internal or outside auditors or the Legislative Auditor at all reasonable times to inspect or audit each waterborne gaming vessel's books and records in order to ascertain the correctness of the amounts due to the Board under this tariff. If the Board has retained outside auditors for this purpose and if there is any discrepancy exceeding one percent in the amount due as reported to the Board initially by a waterborne gaming vessel and the amount due as subsequently discovered by the Board's auditors, then the waterborne gaming vessel shall pay to Board on demand the cost of the audit. Board shall promptly repay to a waterborne gaming vessel any overpayment which may have been made by the vessel, and each waterborne gaming vessel shall on demand pay to Board any deficiency as the case may be.

(B) Each waterborne gaming vessel hereby gives its full consent to the Board to view and inspect all corporate and financial documents pertaining to the vessel submitted for financial purposes only to the Louisiana Riverboat Gaming Commission, the Riverboat Gaming Division of the Office of the State Police or any other governmental agency relating to waterborne gaming vessels or their gaming business, and each waterborne gaming vessel agrees to execute or have executed any consent forms or other documents which will aid Board in inspecting such information. Board shall protect any and all documents which may come into its possession that are considered confidential records pursuant to applicable gaming regulations, and Board shall not release such documents unless required to do so by law.

(C) Contemporaneously with its delivery to the State Police (or its successor), each waterborne gaming vessel shall provide to the Board a copy of each monthly, quarterly and annual report and each auditor's report of the vessel's net gaming proceeds and passenger counts from all authorized games and cruise periods.

Public Service Fee - Each waterborne gaming vessel which utilizes a Board facility for boarding passengers shall be assessed a Public Service Fee. The Public Service Fee shall be equal to one-fifteenth (1/15) of the costs of personnel, equipment, supplies, utilities and material for the public safety functions (hereafter "Public Safety Costs"). Public Safety Costs shall include:

1. Salaries, wages, benefits and other expenses incurred for employment of harbor police, for the crew of the Board's fire and utility boats and tugs, and for contract public safety personnel and services; and
2. Other expenses incurred for the operations of the harbor police and the operations of the Board's fire and utility boats and tugs, including without limitation the costs of fuel, utilities, communications services and equipment, uniforms and services and the costs of material and equipment (including maintenance, repair, replacements and depreciation) for such operations.

Within one month of the end of each calendar quarter, the Board shall provide to each waterborne gaming vessel a statement of its Public Safety Costs. Each waterborne gaming vessel shall pay in arrears the Public Service Fee based on the Public Safety Costs no later than ten (10) business days after the receipt of such statement from the Board. The Public Service Fee shall be invoiced and paid quarterly calculated during the first three quarters of the Board's fiscal year on an annualized basis with reference to the Board's budget for its then current fiscal year. The Board's statement for the last calendar quarter of each Board fiscal year shall contain an adjustment to reflect any variance, upward or downward, between the actual and budgeted Public Safety Costs for the completed fiscal year.

Payment of Late Charges - All charges pursuant to this tariff shall be payable as provided herein. Interest of .0333 percent per day, or approximately 12 percent per year, shall be assessed from the date originally due until paid.