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**NOME PORT COMMISSION
WORK SESSION & REGULAR MEETING AGENDA
THURSDAY, FEBRUARY 15, 2018 @ 5:30/7:00 PM
COUNCIL CHAMBERS IN CITY HALL**

WORK SESSION – 5:30 PM:

Port Tariff Rules & Regulations – Review & Discussion

REGULAR MEETING – 7:00PM:

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- 18-01-18 Rescheduled Meeting

IV. CITIZEN’S COMMENTS

V. COMMUNICATIONS

- 17-12-17 USCG MSIB – 16711 Commercial Gold Dredge Safety Regs 2018
- 18-02-02 Corps Alaska District Press Release – New Nome Port Study
- 18-02-12 Letter to Commission from Mining Operators re: 2018 Regs
- ADAC Flyer re: Arctic Domain Awareness Workshop – 26/27 March 2018
- NSHC Flyer re: Free Hearth Health Screenings – 22 Feb 2018
- NSHC Flyer re: Emergency Responder Nigh of Honor – 23 Feb 2018

VI. CITY MANAGER REPORT

- 18-02-09 Manager Report

VII. HARBORMASTER REPORT

- Update on Winter Maintenance

VIII. PORT DIRECTOR REPORT/PROJECTS UPDATE

- 18-02-08 Port Director/Projects Status Report
 - SB92 – Derelict Vessels Act (Legislation)

IX. OLD BUSINESS

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X. NEW BUSINESS

- Port of Nome Tariff No. 13 – Revisions for Consideration

XI. CITIZEN’S COMMENTS

XII. COMMISSIONER COMMENTS

XIII. NEXT REGULAR MEETING

- March 15, 2018 - 5:30 pm

XIV. ADJOURNMENT



PORT OF NOME TARIFF RULES AND REGULATIONS

TARIFF NO. 134 DRAFT

ADOPTED: TARIFF NO. 134

Ordinance No: O-17-03-01

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TABLE OF CONTENTS

	<u>PAGE</u>
CHAPTER 1 <u>GENERAL PROVISIONS</u>	4
01.010 Legal Effect	4
01.020 Port Use Constitutes Tariff Acceptance	4
01.030 Notice	4
01.040 Hold Harmless and Indemnification.....	4
01.050 Facility Use and Bonding	5
01.055 Snake River Area	5
01.060 Compliance with Law	6
01.070 Housekeeping and Safety.....	7
01.075 Care in the Performance of Operations	8
01.080 Used Oil Handling	8
01.090 Facility Security and Access	9
01.100 Maneuvering and Navigation	9
01.110 Closed Season.....	10
CHAPTER 2 <u>BERTHING</u>	10
02.010 Permission Required	10
02.020 Preferential Berthing	11
02.030 Alteration or Revocation of Berthing Assignments	11
02.040 Reassignment or Return to Berth.....	11
02.050 Orders of Alteration, Revocation or Reassignment of Berthing	11
02.060 Securing Vessels.....	11
02.070 Floating Dock	12
02.080 Vessel Condition	12
02.085 Repairs and Maintenance	12
02.090 Barge Ramp Use	13
CHAPTER 3 <u>CARGO HANDLING</u>	13
03.010 Permission Required	13
03.020 Manifests and Cargo Information	14
03.030 Port Equipment and Services	14
03.040 Right to Refuse Cargo	15
03.050 Petroleum Products and Hazardous Substance	15
03.060 Risk of Damage	17
03.070 Removal or Transfer of Cargo	17
CHAPTER 4 <u>TERMINAL STORAGE</u>	17
04.010 Permission Required.....	17
04.020 Termination of Storage	18
04.030 Fixtures and Improvements.....	18

TABLE OF CONTENTS

CHAPTER 5 <u>SCHEDULE OF CHARGES AND TERMS OF PAYMENT</u>	18
05.010 Dockage Rates.....	18
05.020 Wharfage Rates	20
05.030 Terminal Storage Rates.....	21
05.035 Amenities & Other Charges.....	21
05.040 Free Time	22
05.050 Negotiable Rates	22
05.060 Terms of Payment	22
05.070 Interest Accrued	23
05.080 Additional Legal Remedies	23
CHAPTER 6 <u>DEFINITIONS</u>	23
06.005 Barge Ramp.....	23
06.010 Berthing.....	23
06.020 Cargo	23
06.030 Cargo Handling Areas	23
06.040 Cargo Handling Equipment	24
06.045 Cargo Handling Permittee	24
06.047 Causeway City Dock.....	24
06.050 Company Gear and Equipment.....	24
06.060 Dockage.....	24
06.070 Dock-Side.....	24
06.080 Empty Containers	24
06.085 Free-Time.....	24
06.090 Harbormaster	24
06.092 Home-Ported Vessel	24
06.095 Idle Vessel	24
06.100 Inner Harbor.....	25
06.105 Inter-Facility Transfers.....	25
06.107 Length Over All (LOA)	25
<u>06.108 Nuisance Property</u>	<u>25</u>
06.110 Over-Side Cargo or Fuel	25
06.120 Over Stow.....	25
06.130 Port Director.....	25
06.140 Port of Nome	25
06.150 Port of Nome Facilities.....	25
06.155 Production Film Crews	25
06.160 Rafting	25
06.165 Roadstead	25
06.170 Ship's Gear or Stores.....	25
06.173 Small Boat Harbor.....	26
06.175 Snake River Area	26
06.178 Support Vessel	26
06.179 Third Party	26
06.180 Through Cargo	26
06.190 Vessel.....	26
06.195 Wharfage	26
06.200 Working Stow	26
APPENDIX A - RULES AND REGULATIONS.....	A1
APPENDIX B - PORT FACILITY LAYOUT MAP.....	B1

CHAPTER 1

GENERAL PROVISIONS

01.010 Legal Effect:

(a) These tariff regulations, published online at www.nomealaska.org, constitute notice to all persons and entities that these rules, regulations, rates and charges apply to all traffic and activities at the Port of Nome without further specific notice or quotation or other arrangement.

(b) In addition to this Port and Harbor Tariff, the public, shippers, consignees and carriers using the Port of Nome should consult and be aware that the City of Nome Code of Ordinances, including, but not limited to, Chapter 10 (Health, Safety & Welfare), Chapter 15 (Public Utilities & Services), and Chapter 13 (Ports & Harbors) all as amended apply and govern where not specifically provided otherwise in this tariff. Also, the City reserves the right to adopt specific tariffs governing particular marine-related facilities operated by the Port of Nome.

(c) The rules, regulations, rates and charges described in this tariff shall be effective immediately upon being published electronically. For the convenience of port users this tariff is posted on the Internet at www.nomealaska.org.

01.020 Port Use Constitutes Tariff Acceptance:

USERS ARE HEREBY ADVISED THAT ANY AND ALL USES OF THE PORT OF NOME CONSTITUTE ACCEPTANCE OF ALL RESPONSIBILITY, LIABILITY AND WAIVERS CONTAINED IN THESE TARIFF REGULATIONS. Any person, entity or vessel enjoying the beneficial use of the premises, facilities, equipment or services of the Port of Nome is deemed to have thereby accepted all of the terms, conditions, rates, liabilities and indemnifications of these tariff regulations, and is deemed to have thereby agreed to all limitations and waivers contained in these tariff regulations.

01.030 Notice:

All legal notices, inquiries, requests for information and applications to the Port of Nome shall be addressed and delivered to:

**PORT DIRECTOR
CITY OF NOME
P.O. BOX 281
102 DIVISION ST.
NOME, AK 99762
port@nomealaska.org**

01.040 Hold Harmless and Indemnification:

Each and every vessel, permittee, carrier, shipper, agent and other user of the Port of Nome hereby agrees to hold harmless and to indemnify the City of Nome, its employees and agents from and against any and all claims, liabilities and damages, including actual attorney fees, arising from or caused by an act or omission of the same port user, its employees, agents or assigns.

Rates in this Tariff do NOT include insurance of any kind. All companies and persons engaged in the business of trucking, storing, and/or shipping, fuel, general cargo, gravel, and equipment, providing haulout services, vessel repairs and/or any type of labor services anywhere on Port of Nome property shall have on file with the Port a current certificate of liability insurance in the amount of \$1,000,000.00 (one Million dollars) naming the Port as a certificate holder and additionally insured before they are allowed to work within the facility, and listing all equipment and vehicles owned by the company or person that are being used at the port facility and are covered by the policy. Companies, persons, and operators required to file a certificate under this paragraph are also subject to restrictions in Section 01.050(d) and (e) of this Tariff. It is the responsibility of the insured to provide renewal certificates to the Port Director prior to the policy expiration.

01.050 Facility Use and Bonding:

(a) Each and every permittee, carrier, shipper, agent or other port user covenants and agrees to maintain in good condition and safeguard all structures and improvements in the Port of Nome. The Port Director may at any time order any port user to additionally post a bond and/or create a cash escrow account protecting the Port of Nome from and against any and all liability and damage caused by or resulting from an act or omission of that port user and/or to ensure collection of incurred fees or charges.

(b) All permittees, carriers, shippers, agents, or other users of the Port of Nome hereby covenant and agree to repair and restore any and all damage that the port user may cause to the submerged lands, causeway, breakwaters revetment, marine headers, floating docks, ramps or other facilities of the Port of Nome, reasonable wear and tear excepted.

(c) Each vessel owner/operator must maintain a local and emergency contact name and phone number on file with the Harbormaster's office at all times. It is the vessel owner's responsibility to update this information as needed and to notify the Port Director if the vessel may be left unattended. All unattended vessels are required to have a caretaker who is responsible for monitoring the vessel. Each caretaker must have current contact information on file with the Harbormaster's office. Anytime a vessel is transferred or conveyed to a new owner, both the seller and buyer shall contact the Harbormaster's office within three (3) business days of the transaction and provide all information necessary on the transfer.

(d) All users with vessels over 20 feet in length must provide proof of liability insurance. Vessels using the Belmont Beach and Snake River exclusively for the purposes of sport and/or subsistence fishing and hunting are exempt from this insurance requirement. Vessels using the Small Boat Harbor exclusively for the purposes of sport and/or subsistence fishing and hunting prior to June 15th or after October 15th are also exempt from the insurance requirement. This exemption does not apply to any vessels on charter or operating for hire. The Port Director has sole authority to determine whether a vessel is exempt under this subsection.

(e) Any entity required to have a current insurance certificate on file with the Port who fails to provide a current certificate after a written or oral request from the Port Director, shall be considered a trespasser on Port property and subject to one or more of the following actions: 1) summary eviction; 2) issuance of a stop work order by the Port Director, his or her designee, or any Public Safety officer; 3) daily fines of \$300 for each day of operation without the required certificate; 4) future denial of use of the Port of Nome; and/or 5) additional fees and penalties as set out in this Tariff.

01.055 Snake River area:

(a) Vessels drawing less than 20 inches of water, including support vessels, may only moor in the Snake River area, and may not dock anywhere else in the Harbor unless specifically allowed by the Port Director or Harbormaster.

(b) Support vessels may not remain attached to main vessels, or dock in the Small Boat Harbor unless approved by the Port Director for safety or weather reasons. All users must keep mooring areas alongside their vessels clear of obstructions to allow for other vessels to raft during periods of overcrowding.

(c) Any vessel, regardless of size, may apply to the Harbormaster for a Snake River permit, which shall be issued in his or her discretion, subject to availability and compliance with use restrictions. The Port Director and Harbormaster may also require or permit vessels to use the Snake River area at his or her discretion.

(d) All provisions of this tariff, the rules and regulations, and other Port policies apply equally to vessels and users of the Snake River area.

(e) Users should exercise due care when anchoring along the bank or in the mudflats. All moorage is undertaken at the user's own risk. The Port is not responsible for any damage to persons or property on Port property, including the Snake River area, the Belmont Beach launch, and all other facilities.

(f) Vessels must be properly anchored and secured. Vessel owners should monitor or check their vessels frequently in order to ensure compliance with this section, especially during high wind and surge.

(g) No sewage or waste may be disposed of anywhere in the Snake River.

01.060 Compliance with Law:

(a) All persons entering or using the Port of Nome agree to comply with all rules, regulations, ordinances, statutes and laws applicable to the activities and circumstances.

(b) Open containers and/or consumption of alcohol will not be permitted on any parts of the Port of Nome premises. Persons found in violation of this rule will be asked to leave the premises immediately, will be reported to the local and State authorities, and may be denied future access to and the use of the Port and its facilities. Consumption of alcohol onboard a vessel that is underway will be reported to the United States Coast Guard for necessary action.

(c) Any person whose conduct while on Port of Nome property is in violation of law or this tariff may be refused further access to the Port in addition to any other fine or penalty imposed by law. Any vessel located within the Port of Nome upon which any conduct occurs that is in violation of the law or this tariff, may be refused future access to the Port. Any person who refuses or repeatedly refuses to obey a direct order of the Harbormaster or Port Director may be subject to fine under Section 01.060(d) of this tariff and **permanently** denied access to the facility. The Port Director shall have full discretion to take the appropriate action to enforce the rules contained in this tariff and other municipal, state, and federal laws, up to and including permanent denial of access to the Port and Port facilities and/or impounding and disposing of the vessel.

(d) Any person or vessel or vessel owner or operator who violates any provision of this tariff or the rules and regulations of the Port of Nome shall be subject to a civil fine in an amount of \$500 for the first violation, \$750 for the second violation, and \$950 for subsequent violation, plus any surcharge required to be imposed by AS 12.55.039. In cases of continuing violations, each day during which a violation continues shall be considered a separate offense.

(e) The amount of fines assessed shall be added to any invoice for services issued by the Port Director. If an invoice would not otherwise be issued, a fine may be imposed by civil action.

(f) A person who disputes whether a fine has been properly added to an invoice shall have the right to request in writing an informal administrative hearing with the Port Director within thirty (30) business days of the date of receipt of the invoice. The Port Director shall schedule the informal administrative hearing within thirty (30) business days of receipt of the request for the hearing, and shall issue a written decision regarding the matters discussed at the hearing no later than ten (10) business days after the day of the hearing. Any person aggrieved by said written decision may appeal the matter to the Nome City Council no later than thirty (30) business days after receipt of said written decision. The Mayor shall outline reasonable procedures for appeals to the Nome City Council. The decision of the Nome City Council shall be final and may be appealed to the Superior Court for the State of Alaska, Second Judicial District.

(g) Any vessel that has incurred an unpaid account or fine, or that is owned or operated by a person who has incurred an unpaid account or fine may, in the sole discretion of the Port Director, be denied use of the Port until such time as the fine has been paid in full. Any user who facilitates or assists a person with an unpaid fine in using Port facilities when the person is banned from using Port facilities, or in an effort to avoid such a ban or fine from being imposed, enforced, or collected, may likewise be denied use of the Port for up to ten (10) days or until the fine is paid, at the sole discretion of the Port Director.

(h) The Port Director, Harbormaster, their designees, and employees shall at all times have the right to refuse the use of any port or harbor facility by any person, equipment materials or vessel, or to remove any vessel or, person or cargo at any time from any port, or harbor facility. This right shall be reserved at all times to the Port of Nome without responsibility for demurrage, loss or damage when:

- (1) previous arrangements for berthing, space, receiving or unloading have not been made with the Port Director; or
- (2) the vessel is deemed unstable, a fire hazard, or threat to the environment and may pose risk to life or property; or
- (3) the value of the vessel, in the opinion of the Port Director, is less than the probable service and other charges accruing or likely to accrue for its use of the city dock or terminal, or harbor facility; or
- (4) during periods of congestion or in cases of emergency, in the judgment of the Port Director, the circumstances are likely to prevent the city docks or terminal, or harbor facilities, or any portion of them from providing customary services to the public.

For vessels that may be hazardous or become a menace to other vessels, their occupants, or city facilities, the Port Director may require an operator or owner of a vessel to furnish evidence that there is currently in effect liability insurance in an amount satisfactory to the City by filing a certificate of insurance or other satisfactory evidence signed by an agent or officer of the insurance company and stating the effectiveness and expiration date thereof. Upon demand of such proof of coverage, the operator or owner shall be subject to the penalties set forth in Section 01.050(e) of this tariff.

(i) The Port Director shall at all times have the right to impound a vessel for failure to pay required fees or obey other provisions of this tariff.

(1) The Port Director and/or Harbormaster is authorized to impound any vessel in or on the Harbor, terminal, or dock facilities if the vessel is in violation of any provisions of this tariff; or any vessel whose owner or operator has not paid any fee or charge due to the City for the vessel by the due date of such fee or charge and such fee or charge is **thirty (30) calendar days past due**; or any vessel which is unsafe and whose owner or operator has failed to remove it after notice. The Harbormaster may impound a vessel by immobilizing it or removing or having it removed from the water and placed in City or commercial storage with all expenses and risk of haul-out and storage to be borne by the owner of such vessel.

(2) The owner or operator of any vessel impounded by the City shall be subject to and liable for all costs incurred by the City by reason of impounding or removal, as well as all costs associated with collecting unpaid fees or charges, including all reasonable and actual attorney's fees.

(3) In addition to the rights described in this section, the Port Director and/or Harbormaster may immobilize, impound, or seize any personal property located on Port property, including machinery, containers, trailers, gear, tools, and equipment of any kind, in order to secure payment of unpaid fees, accounts, or fines. If the personal property is not redeemed by complete payment of the account, it may be sold as surplus property and the proceeds applied to the delinquent account.

(j) Any vessel that is deemed delinquent, derelict, or abandoned as defined in NCO 12.30.010 and which is located within the boundaries of the Port of Nome may be impounded and disposed of in accordance with the procedures outlined in NCO 12.30.010 - .080.

(k) Any equipment or cargo that is deemed delinquent, derelict or abandoned within the boundaries of the Port of Nome shall cause a written notice to be sent to the owner of record via certified mail. If no response is received within thirty (30) business days, the cargo and/or equipment shall become the property of the Port of Nome and may be disposed of immediately. All costs associated with the handling of such items will be billed to the owner on a time-and-materials basis.

01.070 Housekeeping and Safety:

(a) All persons entering or using Port of Nome property are required to maintain the same in an orderly and clean manner. If any user of Port of Nome property does not leave areas of the Port used by the user in an orderly and clean condition, the Port Director shall order the work necessary to return the area to an orderly and clean condition and the user shall be responsible for all charges for said work. Users shall be

responsible for all charges associated with cleanup, including disposal of hazardous or non-hazardous materials and storage of non-disposable items and materials. Such items and materials will be kept at the user's expense for no more than sixty (60) business days and then disposed of in a manner deemed appropriate by the Port Director, with costs of disposal also chargeable to the user. Users may be allowed to obtain a dockside vessel work area immediately adjacent to their vessel for a limited period of time, at the discretion of the Port Director. Dock face walkways must be kept clear at all times for safe access.

(b) No smoking shall be allowed on any Port of Nome premises where posted. Safety and warning signs shall be observed and adhered to at all times by all persons within the Port of Nome.

(c) Per NCO 10.30.020, unattended animals are prohibited. No animal may run loose within the Port and Harbor facilities. All vessels arriving into Nome with animals onboard must contact the local Animal Control Officer for a visual assessment of the animal and current vaccination records, prior to the animal being allowed to leave the vessel. Non-aggressive animals, in compliance with this section and NCO Chapter 10.30 will be permitted on the dock or a vessel, but must remain properly restrained or leashed at all times while in the port area. Violators will be reported to the Nome Police Department, and loose animals captured and impounded by ~~an enforcement~~the Animal Control Officer.

(d) All persons utilizing underwater divers for repair and/or maintenance anywhere inside the Port of Nome and/or Small Boat Harbor, are required to notify the Harbormaster's office of the scheduled dive activity and display the "Diver Down Flag" on the vessel mast for the entire duration of the dive. The Harbormaster's office must be notified once the operation is complete and all divers are out of the water.

(e) At the Port Director's discretion, the Port Director shall at all times have the right to immediately remove any hazardous vessel, or any vessel containing hazardous cargo, or one containing cargo, which by its nature, is liable to damage other vessels, or other cargo, or harbor or port facilities. The vessel may be removed from its location to any other location and all expenses and risk of loss or damage shall be charged to the account of the owner, shipper, vessel or consignee.

(f) No person shall cause or allow to occur any nuisance property in or on Port of Nome Facilities. The Harbormaster may take immediate possession of and/or remove such nuisance property.

(1) Such property shall be subject to impound if not removed, or written permission from the Harbormaster for such placement or storage is not received, within 24 hours of placement on port property. Written notice shall be placed on the property to the extent practicable.

(2) In the event property impounded under this section remains impounded for 30 days and impound charges and fees remain unpaid, the Harbormaster may sell the property at public auction to the highest and best bidder. Such sale shall be conducted pursuant to a procedure generally similar to that set forth in Nome Code of Ordinances Chapter 2.12 for sale of abandoned property, and, in addition to the notice requirements of Chapter 2.12, shall post notice in the Harbormaster's office as well as one other conspicuous place in the port; provided that if impounded property is reasonably believed by the Harbormaster to have a market value of less than \$250, the Harbormaster shall make reasonable effort to give notice of the impoundment to the owner and post notices in the Harbormaster's office and at least one other conspicuous place in the port, if not redeemed within 30 days, the Harbormaster destroy, retain for a public purpose, donate, or sell the property as he or she deems fit.

01.075 CARE IN THE PERFORMANCE OF OPERATIONS:

(a) Third party employees shall exercise care in the performance of their operations in order to prevent injury to, or death of, any person and damage to, or destruction, or loss of property, whether of the Port, of the third party, of the vessel being loaded/unloaded, or of another party.

(b) When cargo/freight is in an elevated position, such as suspended from a crane hook, a safety line should be attached to the load and handled by a Safety Watch person to prevent spillage, or unplanned descent, which has the capability to produce injury, or death. In all cases, the Safety Watch should ensure that individuals are prevented from walking under a raised load and remain clear of cargo/freight operations.

(c) Safety helmets (hard hats) and safety vests are required when working cargo, gravel and equipment on, or at, Port of Nome facilities. The use of steel-toed shoes/boots is strongly recommended.

(d) Any third party operating at the Port of Nome shall take all necessary safety and fire precautions, and comply with recognized commercial and marine safety practices, procedures, and regulations.

01.080 Used Oil Handling:

(a) Used oil in increments of five (5) gallons or less from small vessels (less than 75 feet) will be accepted free of charge when disposed of properly by Port users in the specified containment bin located in the Small Boat Harbor facility. Used sorbents and filters are collected in a tote near the containment bin in reasonable quantities for incineration. Please contact the Harbormaster's office regarding larger quantities.

(b) Used oil from any source other than small vessels or in quantities greater than five (5) gallons will be accepted by the port for a fee (designated in Section 05.035 of this tariff). Port users shall contact the Port Director to arrange for a place where such used oil will be accepted.

(c) Any unpermitted disposal or abandoning of used oil in the Port of Nome will subject the person disposing of or abandoning the used oil, the vessel from which the used oil originated, and the owner of the vessel from which the used oil originated, to the fine established by this tariff. Glycol, solvents or any other non-petroleum based product disposal shall not be permitted. Users are hereby notified that surveillance cameras may be operating at any time, and shall be used to determine whether a user has improperly or unlawfully disposed of or abandoned prohibited materials.

01.090 Facility Security and Access:

(a) All persons within the Port of Nome must comply with any security signage and barricades defining restricted or secured areas and controlled access points. Specific regulations regarding the handling of cargo and fuel and access within these areas are outlined in the Port of Nome's USCG approved Facility Security Plan. As of February 12, 2009, all personnel needing access to restricted or secure areas within the facility during regulated operations will be required to present their Transportation Worker's Identification Credentials (TWIC) and have a valid reason for entry. **Cargo and fuel shore-side operators will operate under the Port's Security Plan and be responsible for controlling access to the restricted and secure areas during their respective operations.** No unauthorized personnel (including customers of shore-side operators) will be allowed in the restricted and secure areas, unless specifically authorized by the Port Director or Harbormaster. Failing to comply with any of these requirements may result in the imposition of the fines set forth in Section 1.060 of this tariff, and removal of the operator from the Port's Security Plan. Operators removed from the Port's Security Plan shall not operate at the facility until a stand-alone company security plan, approved by the USCG, is submitted to the Port. Regulated cargo and fuel vessels will maintain security watch whenever remaining dockside without actively conducting any cargo operations. The Port of Nome will provide access control to these areas during all passenger and foreign-flagged vessel operations.

(b) All foreign-flagged and/or passengers vessels requiring active port security under MTSA will be charged one security fee for each 12 hour period of security (shift), providing the over-time labor hours do not exceed 6 total hours during the 12 hour shift. For security shifts exceeding 6 hours of over-time, labor hours will be billed per the rate and type identified in Chapter 5, Section 05.035(a)8 of this tariff. All shift hours classified as ~~Double or~~ Holiday Time will be billed per the rates in Section 05.035 (a) 8 of this tariff.

(c) All film, video and/or photography production companies are required to complete a license application, pay the application fee, and receive an approved license prior to any production operations commencing on Port facilities. This licensing requirement applies to commercial entities only, and not private photographs or video.

01.100 Maneuvering and Navigation:

(a) All vessels traveling in and out of the Nome Port and Harbor will be required to have at least one fully operational marine VHF radio on board at all times, and must ~~stand-by-monitor~~ VHF Marine channel 16 when maneuvering within the navigation channel into or out of the port or harbor entrances. All vessel operators, regardless of size, must adhere to standard rules of navigation at all times, and grant the right of

way to larger vessels that are underway in an approach or departure. Vessels larger than 75 feet in length are required to give security calls before entering or departing the navigation channel.

(b) The narrow 500' wide breakwater entrance and large waves, strong winds and currents challenge safe transits to and from the Port of Nome. The Port of Nome has accordingly prescribed navigation safety parameters to enhance maritime safety. All vessels seeking access to port facilities shall comply with the written navigation safety directives as provided by the Harbormaster.

(c) All vessels operating within the Small Boat Harbor and navigation channel shall do so in a safe manner so as not to cause a wake, wash or wave action which will cause damage or endanger any other vessels or occupants. Vessels shall travel at a speed no faster than 5 mph while in the Small Boat Harbor or portion of the navigation channel that extends from the Inner Harbor to the southern limits of the armored slopes of the Small Boat Harbor entrance. Violators of this section will be subject to fines as defined in Section 01.060(d) of this tariff.

(d) Fish nets that extend across or below the water's surface may not be used or deployed in or around any portion of the facility between the entrance to the Port at the breakwaters, through the entire outer and inner harbor, and extending to 300 feet above the Snake River Bridge.

(e) The Port of Nome currently hosts an active National Oceanic and Atmospheric Administration (NOAA) tidal station, located at the Causeway City Dock. Station information can be found through a link on the Port & Harbor page of the City of Nome website at www.nomealaska.org.

01.110 Closed Season:

(a) The Port of Nome facilities are considered closed during the iced-in period of each year, typically between mid-November and late-May/early-June. Activities within the Port may not be carried out during the closed season without prior authorization by the Port Director. The Port Director shall have sole discretion to determine whether the user requesting access shall be allowed to use the Port under such circumstances. Users should submit cost estimates and work plans when seeking approval to conduct operations during the closed season. The Port Director shall evaluate any request to use the Port during the iced-in months according to the cost and burden the facilities may reasonably be expected to incur by approving the request, in comparison with its overall value to the community, the Port and City of Nome.

(b) If the operation is approved, all reasonable charges incurred by the Port of Nome over and above the typical summer season expenses for a similar operation will be the responsibility of the user. The rate may be negotiated or based on actual incurred costs, as determined by the Port Director. Any damage to the Port of Nome during these winter operations will also be the responsibility of the user and/or company conducting the operation.

CHAPTER 2

BERTHING

02.010 Permission Required:

(a) Prior to any non-home-ported/transient vessel mooring, anchoring, or berthing within the Port of Nome, they shall first receive approval for a berth assignment from the Port Director. Written berthing applications must be submitted for all vessels requiring use of the Causeway facility and all cargo vessels requiring use of the Small Boat Harbor, at least 7 days in advance of the requested day of use. When a vessel requesting use of the Causeway facility require the stand-by of emergency services or security services, such as vessels loading or unloading hazardous materials and passenger vessels, written requests for the specific services shall be submitted no less than five days in advance of the requested date of use. Vessels arriving at the Port of Nome without prior notification will be granted dockside access only after all scheduled traffic has completed operations or an open berth is available and sufficient time exists for operations to be completed prior to the arrival of the next scheduled vessel.

(b) All berthing assignments approved by the Port Director shall be granted on a first-in-time basis of receipt of berthing requests, provided however that preferential berthing requests shall be granted in accordance with the procedures described in Section 02.020 of this tariff below, and emergency berthing may

be granted at any time at the discretion of the Port Director.

(c) Docking permits are available but not required for vessels using the Small Boat Harbor (inner harbor) facility only, provided the Port of Nome is given notification of vessel's initial arrival or launch, and a docking permit defining a particular period (weekly, monthly or seasonal) is issued by the Port of Nome for the vessel. It is the responsibility of the vessel owner/operator to obtain renewals for expired docking permits. Users choosing not to obtain a docking permit will pay dockage at the full daily rate identified under Section 05.010, with all tariff rules and stipulations in effect.

(d) All docking permit holders must sign and file with the Harbormaster's office a Dock Use Agreement stipulating compliance with harbor rules, including the use requirements set forth in Section 01.050 of this tariff, and file the required paperwork and/or fee under the applicable provisions of Section 01.050(d) of this tariff. Users who cannot provide proof of coverage are subject to additional fees and may be denied use of the Port.

(e) All berthing and docking permits assigned shall apply to a specific vessel at a specific location (or area) for a specific period of time, and are non-transferable, non-refundable, conditional permits, revocable without notice or claim, except as otherwise provided in these tariff regulations.

02.020 Preferential Berthing:

(a) The Port Director shall review and consider all written requests for preferential berthing, for specific dates and times, received by the Port of Nome based on the date received. Preferential berthing permits shall be based on a 24-hour period constituting one day.

(b) If two or more applicants apply for preferential berthing for the same time and location, the Port Director shall convene an informal telephonic or personal conference with representatives of all conflicting applicants, and shall attempt to obtain a good faith accommodation that minimizes costs or damages to all of the conflicting applicants. If the Port Director is unsuccessful in obtaining a consensus accommodation among conflicting applicants, then the Port Director shall arrange and execute a fair and impartial drawing of lots to determine which conflicting applicant shall receive the preferential berthing reservation.

(c) No holdover rights are derived from the award of preferential berthing. A vessel delayed in arrival to its reserved, preferential berthing, or a vessel choosing to hold over beyond the term of its preferential berthing, shall be accommodated only during the period of its original preferential berthing reservation, and shall be treated as any other application on a first-in-time basis for any holdover berthing time. Delays resulting from inclement weather will be handled on a case-by-case basis as determined by the Port Director or Harbormaster.

02.030 Alteration or Revocation of Berthing Assignments:

The Port Director may, at his or her sole discretion, alter or revoke any and all berthing assignments whenever he or she determines that such an alteration or revocation is necessary to prevent illegal activities, to prevent damage to the Port of Nome, to avoid undue delay in port operations, to avoid unsafe congestion in the port, to avoid grossly excessive operational costs to the Port of Nome or to other users of the Port of Nome, to prevent further accumulation of charges on an already outstanding account, or to accommodate emergencies, the public health, safety and welfare.

02.040 Reassignment or Return to Berth:

Whenever the revocation of a berthing assignment is not caused by culpable acts or omissions of any person associated with the permittee of the berthed vessel, the Port Director shall make all reasonable effort to assign another berth to the vessel if a satisfactory alternative is available. Whenever the revocation of a berthing assignment is not caused by culpable acts or omissions of any person associated with the permittee of the berthed vessel, the Port Director shall make all reasonable effort to return the vessel to the original berth as soon as possible, provided however that no decision to return the vessel to its original berth shall result in interference with other berthing reservations existing at the time of the revocation.

02.050 Orders of Alteration, Revocation or Reassignment of Berthing:

The Port Director may require or cause any vessel's berthing assignment to be changed or

reassigned to facilitate access and efficiency in the Port, or if the Port Director determines that doing so is in the best interest of the public health, safety, or welfare. Any and all orders from the Port Director demanding the alteration, revocation or reassignment of berthing arrangements for a vessel shall be delivered to the vessel orally or in writing, or to the permittee if the vessel is not in the Port of Nome. The vessel shall comply fully with the Order no later than four (4) hours after the time of receipt of the Order, provided, however, that the Port Director can require compliance within a shorter time if an emergency so requires.

02.060 Securing Vessels:

(a) All vessels berthing in the Port of Nome shall be moored, anchored and secured in a safe manner according to generally accepted practices of seamanship. All vessels lying at a wharf, pier, causeway, revetment, dock, floats, other improvements or alongside another vessel shall be secured with head and stern lines to mooring bitts, bollards or cleats. **Any securing of lines to scupper holes, tires, chains or ladders is not permitted.** All methods of securing a vessel and all rigging of a vessel in the Port of Nome shall be subject to inspection and approval by the Port Director at any time. Orders of the Port Director to change or improve vessel security or rigging shall be executed by the permittee immediately. Each vessel owner or operator is responsible for checking and re-securing all lines, anchors, and rigging in use by his or her vessel during all weather conditions.

(b) The Port Director may require vessels to raft on the floats and sheet pile docks during periods of heavy traffic and/or bad weather. If so ordered, all vessels shall comply immediately. Volunteer rafting of like-owned or buddy vessels are encouraged. No vessel, owner, agent, etc. has the right to refuse outside berthing if it has been authorized by the Port Director or their designee. Vessels tied to the outside of a vessel already tied to any part of the dock facilities (rafting), will adhere to the same Tariff Rules and Regulations as any vessel tied to the dock, and is subject to the same charges as if moored directly to the dock. When rafted vessels are moved to allow for departure of another vessel, the remaining vessel will be securely re-tied in the manner described above. Users are required to maximize the use of all sheet pile and floating dock space by mooring as close to neighboring vessels as is safe under the circumstances.

(c) Every vessel secured to a structure, or lying alongside another vessel berthed at the Causeway facility within the Port of Nome shall, from sunset to sunrise, be equipped with stable access secured in a manner subject to inspection and approval by the Port Director at any time. Every gangway shall be brightly illuminated between sunset and sunrise, and shall be monitored by the vessel watch. Any vessel over 75 feet in length moored, and all vessels at anchor within the Port of Nome shall be sufficiently illuminated between sunset and sunrise so as to not compromise navigational safety.

(d) All vessels moored in the Port of Nome shall always and continuously, **without fail**, maintain on board the vessel such crew members as are necessary to care for the vessel and to move the vessel immediately on emergency order of the Port Director. Skiffs and other small craft in the Small Boat Harbor and Snake River may be exempt from this requirement if the Port Director approves of an alternative method of ensuring that a vessel can be contacted and the vessel relocated without delay in the event of an emergency.

(e) Failure to comply with these regulations may result in the imposition of the fines set forth in Section 1.060 of this tariff against the person violating this provision, the owner and operator of the improperly secured vessel, and the improperly secured vessel, all of whom shall be jointly and severally responsible for payment of all fines assessed. In addition to the fine assessed, the vessel, vessel owner, and vessel operator may be denied use of Port facilities.

02.070 Floating Dock:

The floating docks are provided for vessels that are 40 feet and under in length. All moorage on the floating docks is on a first-come-first- served basis, as space permits. Rafting is required during periods of heavy traffic and/or bad weather, provided that this does not cause a safety or navigation hazard. When rafted vessels are moved, they will be securely re-tied. The floating docks and ramp areas shall not be used for storage of any kind and shall be kept entirely clear and tidy of all gear, supplies and debris by its users. Storage is available on the uplands near the floats on arrangement with the Harbormaster's office.

02.080 Vessel Condition:

All vessels moored in the Small Boat Harbor and Snake River must be in a functional status, unless actively conducting repairs dockside with the consent of the Port Director. At least once in each 30-calendar-day period during the ice-free season, all vessels must leave the Small Boat Harbor under their own power, travel at least half (½) mile outside the Port, and return under their own power. Any vessel that does not or cannot do so will be deemed "inoperable." Any vessel deemed inoperable for a period exceeding 15 calendar days, may seek authorization for one (1) extension of no more than 15 calendar days to allow repairs to continue dockside. After 30 calendar days of being inoperable, the vessel must be removed from the harbor until such time as it is deemed functional again and authorized to be moored within the facility.

02.085 Repairs and Maintenance:

When work is performed on tugs, boats, barges, or other types of maritime craft while they are in temporary storage or moored at the dock, the area where the work is being performed must be cleaned up and reasonably consolidated at the end of each working day. Failure to clean up after the work is performed could result in the owner/operator being assessed a clean-up fee plus being denied future storage and moorage privileges. Tarpaulins, or some form of heavy-duty material must be placed under the section of the hull being scraped, or worked on, so as to preclude any of the residue being left on the land where the craft is located. Owners/operators shall be responsible for disposal of any debris, or residue, and for restoring the ground base to original condition when work is completed. Users performing maintenance and repairs with wheeled equipment that can be moved immediately upon order of the Harbormaster are authorized to occupy port property at no charge for a maximum of one week to conduct the work. Upon conclusion of that week, the Harbormaster may approve up to one additional week at his or her discretion, provided there is sufficient justification.

02.090 Barge Ramp Use:

Use of the Barge Ramp in the Small Boat Harbor must be scheduled to prevent vessel conflicts. Vessels under twenty-five (25) feet will be exempt from this requirement, provided that the operation requiring use of the ramp occurs in less than **twenty (20) minutes**. Vessel trailers are subject to inspection by the Port Director and required to be adequately constructed to support the length and weight of the vessel. Launching operations must likewise be conducted in a safe and reasonable manner. Operations deemed unsafe by port staff will cease immediately until alternative methods or equipment are obtained. Users are responsible for any damage resulting from use, and are required to clean up ramp after vessel launch or haulout.

CHAPTER 3 **CARGO HANDLING**

03.010 Permission Required:

(a) All movement and placement of cargo within the defined cargo handling areas in the Port of Nome shall occur only in compliance with the prior approval of the Port Director. No person may place or deposit cargo or other property at any location within the cargo handling areas in the Port of Nome without first obtaining this approval from the Port Director. Cargo and other property shall be off-loaded from or loaded to vessels only at specific locations as designated by the Port Director. The Port Director may establish a time by which cargo must be removed from the port cargo handling area. Failure to comply with this regulation may result in the imposition of the fines set forth in Section 1.060 of this tariff against the person violating this provision, the owner and operator of the vessel, and the vessel, all of whom shall be jointly and severally responsible for the payment of all fines assessed. In addition to the fines assessed, the vessel, vessel owner and vessel operator may be denied use of Port facilities.

(b) Fire lanes and a strip of land extending twenty (20) feet uplands from all revetments shall remain clear of any resting cargo and vehicles at all times unless special arrangements are made with the Port Director. The Port Director may allow for the temporary placement of cargo in otherwise prohibited areas for purposes of loading/unloading or authorized and active repairs. Unauthorized cargo and vehicles will be removed by the Port of Nome and all associated charges will be the responsibility of the person that deposited the unauthorized cargo, including any fines imposed pursuant to Section 1.060 of this tariff.

(c) The dock-side staging of rock, sand and/or gravel products must be made by special arrangement with the Port Director at least seventy-two (72) hours prior to the vessel's arrival. The exact staging location shall be determined by the Port Director. Specific written directives for loading/unloading all

rock, sand and gravel materials are available at the Harbormaster's office and at www.nomealaska.org. Every contractor should review the directives prior to the start of each season. Staging areas and dock facilities must be returned to their original condition by the port user within twenty (24) hours of the vessel's departure unless gravel exports continue over a prolonged period, in which case the gravel staging areas shall be returned to their original condition by a date approved in advance in writing by the Port Director. Any damage to facility or significant material loss overboard must be reported to the Port Director immediately. Continued overboard material loss that goes unreported will subject contractors to fines as outlined in Section 01.060(d) of this tariff, and the expense of retrieving overboard materials. Repeat offenses may result in the contractor being denied use of port facilities.

(d) Over-side cargo being discharged or loaded between vessels when one vessel is berthed at a Port of Nome facility shall be charged ~~exactly one-half (1/2) the typical~~according to the wharfage rates identified in Section 05.020(a) for that cargo. Manifest requirements and all other rules of cargo handling shall apply in these circumstances.

(e) All cargo containers, their contents, flats and loose stow are the full responsibility of the carrier or consignee while stored anywhere on Port property. No cargo security will be provided by the Port of Nome. All cargo, flats and loose stow MUST be removed from the face of the Causeway docks during storms to prevent damage and potential loss. It is the responsibility of the carrier or consignee to monitor the weather when using the Causeway docks, and remove any cargo or equipment prior to each storm event or at the direction of Port staff.

(f) All hazardous cargo shall be handled on a first-on, first-off basis when being loaded to or unloaded from a vessel moored at the Port of Nome. Hazardous cargo shall not be left unattended unless authorized by the Port Director.

03.020 Manifests and Cargo Information:

(a) Any approved cargo handling permittee shall furnish to the Port Director a complete copy of the manifest of the vessel, including names of consignees or consignor, a detailed description of all cargo to be loaded or discharged, the weights or measurements of all cargo to be loaded or discharged at the Port of Nome, Dangerous Cargo Manifests (DCM) as required by the USCG, and such other information as the Port Director may require. The manifest must also designate the basis, weight or measurement on which the ocean cargo was assessed. **Manifests shall be provided prior to actual unloading of a vessel and within forty-eight (48) hours after loading a vessel**, except on special arrangement with the Port Director. Failure to supply this information may result in the imposition of the fines set forth in Section 1.060 of this tariff against the person violating this provision, the owner and operator of the vessel, and the vessel, all of whom shall be jointly and severally responsible for the payment of all fines assessed. In addition to the fines assessed, the vessel, vessel owner and vessel operator, may be denied use of Port facilities.

(b) The Port Director may, at his or her discretion, accept certified freight lists, mates' receipts, or copies of "boat notes" in lieu of the vessel's manifest, provided the alternative sources of information contain all of the information required for the issuance of a cargo handling permit and for the levy of wharfage charges.

(c) All charges associated with a vessel's port call will be charged on one invoice, unless a different billing arrangement has been previously approved in writing by the Port Director. All manifested commodities (cargo, fuel, equipment and gravel) will be billed to the carrier transporting the commodity, unless a different billing arrangement has been previously approved in writing by the Port Director. Charges will not be split between a vessel and any other person, unless deemed warranted by the Port Director.

03.030 Port Equipment and Services:

(a) The Port of Nome does not, at this time, provide stevedoring, handling, checking or other port services with the exception of monitoring inbound petroleum transfers at the Causeway City Dock header and the dispensing of potable water. Labor costs for header crew during petroleum transfers will be assessed per Section 05.035(a)(8) of this tariff. The Port of Nome may authorize an approved cargo handling permittee to monitor outbound petroleum transfers, provided all personnel participating in the transfer are first deemed qualified by the Harbormaster. Any approved cargo handling permittee shall be responsible for arranging

privately any and all port services except petroleum transfers and potable water dispensing. Arrangements for conducting petroleum transfers must be made through the Port Director at least seventy-two (72) hours prior to the vessel's arrival. Failure to meet this requirement may subject the user to delays in product transfer. In the event that the user is unprepared to commence transfer after stating readiness, or delays occur that are directly related to the product carrier or recipient, the stand by rate established in Section 05.035(a)(8) of this tariff for per man per hour will be charged by the Port of Nome for port personnel until operations resume. A minimum rate of 750 GPM (gallons per minute) or 45,000 GPH (gallons per hour) must be maintained for each inbound and outbound fuel transfer or labor costs for City personnel will be charged to tank farm operator conducting transfer. A list of specific directives for conducting transfers is available at the Harbormaster's office or at www.nomealaska.org. All tank farm operators and fuel suppliers should review the directives prior to the start of each season.

(b) All cargo handling equipment shall be properly maintained and operators of cargo handling equipment shall be properly trained, supervised and directed by the cargo handling permittee, and the same permittee shall be fully and primarily responsible and liable to the Port of Nome at all times for any and all claims, losses or damages incurred or suffered by the Port of Nome as a result of acts or omissions in conjunction with or caused by the operators or operation of cargo handling equipment. Any damages to any Port of Nome facility must be reported to the Port Director immediately.

(c) Whenever the Port Director determines that the counting or checking of cargo against appropriate documents by the cargo handling permittee is inadequate to safeguard the accurate levy of wharfage, or the health, safety, economic interests or public welfare of the Port of Nome, the Port Director may retain at the expense of the cargo handling permittee alternative services as the case may require for counting, checking, measuring, grading, scaling, surveying, weighing, marking, segregating, sampling, or supplying accurate, necessary information.

(d) High Mast Lights must be used any time cargo, fuel, equipment and gravel operations occur on the City and Westgold Docks during periods of darkness. Vessel operators who intend to operate during dark hours must notify the Harbormaster or his/her designee **prior** to the vessel's arrival. Only port staff is allowed to operate the lighting controls unless the Harbormaster has specifically authorized a particular user to do so.

03.040 Right to Refuse Cargo:

(a) The Port of Nome reserves the right to refuse to permit the loading, off-loading or placement of any cargo on Port of Nome premises whenever the Port Director finds at his or her discretion:

- 1) That the shipper, consignee, carrier or cargo handling permittee has failed to make adequate arrangements for receiving, handling, storage or movement of cargo;
- 2) That the cargo contains illegal, perishable and deteriorating, hazardous or otherwise offensive substances;
- 3) That the cargo creates an attractive nuisance or a public nuisance;
- 4) That the cargo value is less than the probable unpaid dockage, wharfage and terminal charges; or,
- 5) That the cargo is not secured in packages or containers suitable for the nature of materials, or suitable for withstanding ordinary handling incidental to transportation from the Port of Nome; or,
- 6) That the shipper, consignee, carrier or cargo handling permittee has delinquent unpaid charges with the Port of Nome.

03.050 Petroleum Products and Hazardous Substances:

(a) Acids, gasolines, fuel oil, volatile fuels, distillates, liquid petroleum products, explosives and hazardous substances ("Petroleum Products and Hazardous Substances") shall be unloaded from or loaded

to vessels only at those locations within the Port of Nome designated as suitable for such purposes by the Port Director. The Port Director may from time to time impose safety conditions and such other operating procedures as are necessary for the transfer of any such materials anywhere inside the Port Facility. All Petroleum Products and Hazardous Substances shall be identified on the Dangerous Cargo Manifest (DCM) (required with submittal of overall cargo manifests in Section 03.020(a) of this tariff) and clearly marked on vessel cargo manifests, including property reporting requirements.

(b) Each user of the Port of Nome transferring Petroleum or Hazardous Substances to or from a vessel, other than for use and/or consumption on the vessel, shall have available and be capable of implementing an Oil Discharge Prevention and Contingency Plan (ODPCP) approved by the Alaska Department of Conservation (ADEC), Environmental Protection Agency (EPA) and United States Coast Guard (USCG) capable of fully containing damages that might otherwise be caused by an explosion, fire, contamination or pollution. No ODPCP relying solely on equipment or expertise outside the immediate Nome area at the time of the cargo handling shall be acceptable.

(c) Any person possessing or keeping Petroleum or Hazardous Substances anywhere in the Port of Nome shall do so in full compliance with the terms and conditions of all applicable Federal, State and local laws and regulations, including, the requirements of the agencies responsible for the administration of such laws and regulations including the Maritime Transportation Security Agency (MTSA), the USCG and the ADEC. Additionally, any person possessing or keeping Petroleum or Hazardous Substances anywhere in the Port of Nome shall do so in full compliance with the terms and conditions of this tariff, Port rules, Port regulations, and standard regulatory safety conditions controlling the use, storage, and disposal of such materials.

(d) A weekly permit is required prior to initiating any hotwork (welding, cutting), sandblasting, or painting, whether on a vessel or dockside. A text or telephone call notification to the Harbormaster or his designee is required prior to commencing any such work in order to facilitate the safe and orderly operations of the port. Permit application forms are available at the Port office during regular office hours. Outside regular office hours, users must first obtain verbal authorization by contacting the Harbormaster via VHF radio or other means, which authorization shall be logged by the Harbormaster, followed by the completion of the permit application on the next regular business day at the Port office. Users who do not obtain advance approval will be subject to the imposition of fines set forth in Section 01.060(d). Any "hotwork" conducted on Port of Nome facilities must be done in compliance with USCG 33CFR126.30.

(e) Failure to notify the Port of Nome of the possession on a vessel or transferring to or from a vessel of Petroleum or Hazardous Substances in quantities greater than what is reasonably necessary for use and/or consumption on the vessel may result in the immediate confiscation and removal of the Petroleum or Hazardous Substances by the Port of Nome at user's expense, the imposition of the fines set forth in Section 1.060 of this tariff against the person violating this provision, the owner and operator of the vessel containing the improper cargo, and any vessel containing the improper cargo, all of whom shall be jointly and severally responsible for payment of all fines assessed. In addition to the fine assessed, the vessel, vessel owner, and vessel operator may be denied use of Port facilities.

(f) A vessel engaged in the business of supplying Petroleum or Hazardous Substances may haul or lie alongside a vessel or port facility only at locations specifically designated as suitable for the loading or unloading of such cargo, and only for so long as is required to load or discharge the same cargo products unless alternative arrangements are made with the Port Director. All users handling materials described in subsection (a) will comply with the hazardous cargo handling requirements outlined in the Port of Nome's USCG approved Facility Security Plan. Any release of Petroleum or Hazardous Substances into the waters or property of the Port of Nome facility shall be reported to the Harbormaster and federal/state agencies listed below without delay. Clean-up efforts must commence immediately. Should the responsible party not begin clean-up efforts within a timeframe deemed reasonable by the Harbormaster, port personnel will provide such services, with all materials and labor costs charged to the responsible party.

- Port & Harbor Office 907-443-6619
- Harbormaster 907-304-1906
- National Response Center 800-424-8802

- U.S. Coast Guard – Sector Anchorage 907-271-6700
- Alaska Dept. of Environmental Conservation 907-451-2121

(g) Nothing in these tariff regulations, or discretionary instructions or orders from the Port Director, shall be construed to reduce the standard of care required by the laws and regulations of any governmental entity for the safe and proper handling of Petroleum or Hazardous Substances. In each and every instance, the requirements and regulations of the Port of Nome shall be additional and supplemental to any and all rules, regulations, ordinances, statutes and laws of all other governmental entities.

(h) A red flag shall be displayed as a danger signal at the fore top mast head of the vessel while Petroleum or Hazardous Substances are being transferred in either direction between the vessel and the Port of Nome, or between vessels. Adequate signage shall be displayed as a danger signal in plain view on all hazardous cargo in staging, transshipment or laying at rest in the Port of Nome.

(i) The standby of emergency services is required during the loading or unloading of “Designated Dangerous Cargo” as defined by 33 C.F.R. 126.09 as amended, and/or any other materials the transport of which requires a permit pursuant to 33 C.F.R. 126.17, 49 C.F.R. 176.100 and/or 49 C.F.R. 176.415. Standby emergency services will also be provided upon request by the shipper. The shipper shall pay for the standby of emergency services at the rate set in Section 5 of this tariff. A minimum of five (5) business days’ notice must be provided to the Port Director of the specific date and time the stand by services are needed. Any violation of this 5-business-day notice requirement will be subject to the imposition of fines set forth in Section 01.060(d).

03.060 Risk of Damage:

The approval for cargo handling shall not be construed as the assumption of any responsibility by the Port of Nome for any loss or damage caused by or resulting from the receipt, delivery, handling, movement or loading of cargo, or any damage caused to cargo by third parties or by vessels berthed at the Port of Nome.

03.070 Removal or Transfer of Cargo:

(a) Petroleum or Hazardous Substances, volatile, toxic, explosive or otherwise dangerous cargo may in an emergency be transferred and removed by the Port Director from its staged location to a safe location within or away from the Port of Nome with all expenses and risk of loss or damage chargeable to the permittee, owner, carrier, shipper, consignee or other claimant as their interests or responsibility may appear.

(b) Cargo remaining in any staging area after the expiration of free time, and cargo shut out at the clearance of a berthed vessel, may be piled or re-piled to make space, transferred to other locations or receptacles within or away from the Port of Nome, or removed to public or private warehouses by the Port of Nome, with all expenses and risk of loss or damage attributed to the account of the permittee, owner, carrier, shipper, consignee or claimant as their interest and responsibility may appear unless special arrangements have been made with the Port Director. Any and all storage fees and all costs of removal and subsequent handling and storage shall be charged to the account of the owner of the cargo. All cargo considered abandoned under Section 01.060(k) of this tariff, shall become the property of the Port of Nome and may be disposed of immediately.

CHAPTER 4

TERMINAL STORAGE

04.010 Permission Required:

(a) The Port of Nome has designated certain lands and facilities for the storage of cargo prior to short-term staging dockside for purposes of loading aboard any vessel, and following the expiration of short-term free time for off-loaded cargo at the dockside staging area.

(b) No cargo, vessel, equipment or other property shall be deposited or stored at any location within the Port of Nome without consent of the Port Director, or acquisition of a specified location. No structure or improvement may be placed on the premises of the Port of Nome without the prior written consent of the Port Director. No hazardous substances or explosive material components may be stored at any location on Port

of Nome property without the prior written consent of the Port Director. The Port Director has complete discretion to refuse any request for storage of hazardous or explosive materials.

(c) The Port Director will designate the location of open storage for cargo or a vessel on a daily, weekly, monthly, or annual basis. Users of the open storage areas for any duration of time are required to sign a Storage Use Permit (SUP) from the Port of Nome before placing cargo or a vessel in open storage. The recipient of a SUP shall comply with the rules and responsibilities outlined in the SUP. Cargo or vessels placed in the open storage area without a SUP may be removed from the Port of Nome at the expense of the person who placed the cargo or vessel and result in the imposition of the fines set forth in Section 01.060 of this tariff against the person violating this provision. In addition to the fine assessed, persons placing cargo or vessels in open storage without the necessary SUP may be denied use of Port facilities.

(d) Persons storing vessels on Port of Nome property shall use commercial grade boat stands with safety chains for all vessel types except flat bottom vessels or skiffs less than 20 feet. Twin screw engine vessels are to have boat stands under the bow for storage purposes. All vessel storage must be approved in advance by the Port Director. Permittees will be responsible for all aspects associated with the movement of vessels to and from storage and for ensuring the stability of the vessel when dry-docked. The Port of Nome accepts no responsibility for the placement and/or movement of these vessels. Vessels not properly stored, or that shift from inadequate storage methods, must promptly be repositioned and stabilized by the owner. Vessels remaining in an unsafe stored condition will be repositioned by a private contractor hired by the Port of Nome, with all costs chargeable to the vessel owner. In addition, violators of this section will be subject to the fines set forth in Section 01.060 of this tariff.

(e) All persons are prohibited from using vessels, containers and/or structures, or vehicles on Port of Nome property as residential units. This includes vessels in storage on port property – no liveboards on hard ground. Violations of this provision shall be subject to fines as set forth in Section 01.060 of this tariff. Repeat violations of this provision may cause the termination of storage and removal of all user's containers, cargo or equipment at user's expense.

04.020 Termination of Storage:

The Port of Nome reserves the right to terminate storage of any and all cargo or equipment at any time following reasonable notice to the terminal storage permittee. If cargo is not removed from the Port of Nome following reasonable notice, the Port Director may cause the cargo to be removed or otherwise disposed at the expense of the terminal storage user.

04.030 Fixtures and Improvements:

(a) The Port Director may negotiate in the public interest prudent terms and conditions for a permit allowing the construction or improvement of terminal storage areas for a period of time not to exceed five years, provided however that no such agreement shall favor one or more users among competitors, and no such agreement shall result in discouraging competition among shippers, carriers, terminal companies or consignees.

(b) A permit including the construction or improvement of terminal storage areas shall not be construed as the conveyance of any interest in real property by the Port of Nome. All structures and improvements to the real property shall remain the property of the Port of Nome upon termination of the terminal storage permit or property lease unless the Port Director orders the permittee to remove the structure or improvement.

(c) Any agreement for the lease of real property, or for the retention of ownership of improvements by the permittee, or for the issuance of a terminal storage permit or agreement for a period in excess of five years, shall be construed as a lease of real property subject to all City of Nome ordinances governing the conveyance of an interest in real property.

CHAPTER 5

SCHEDULE OF CHARGES AND TERMS OF PAYMENT

05.010 Dockage Rates:

(a) All vessels berthing at the Port of Nome shall pay dockage as follows:

1) Any vessel permitted to anchor within the Port of Nome municipal boundaries, that is loading or unloading cargo or passengers by lighters, shall pay dockage at the daily rate assessed upon the size of the anchored vessel(s), commencing when the first lighter of the operation places the first line upon any Port of Nome facility and continuing until the last lighter is free from any Port of Nome facility. Lightering vessels will not be charged dockage during this transfer of cargo or passengers, except when the vessel that is being lightered from is docked at the Causeway facility, whether or not that vessel is actively engaged in loading or unloading.

2) A vessel permitted to beach or run aground in the tidelands or at the mean high tide line away from any Port of Nome dock or landing shall pay dockage at the daily rate assessed upon the size of that vessel or, the port may determine that any vessel beached or grounded more than thirty (30) calendar days in succession can be rescheduled as an idle vessel for purposes of dockage charges. Beached or grounded vessels will not be permitted to remain throughout the winter at the high tide line anywhere within the Port of Nome.

3) Daily dockage rates for any vessel berthed at the Port of Nome facility shall be based on a 24-hour period constituting one day and will be paid in accordance with the size of the vessel as follows:

(A) Vessels up to 200 ft in length.....	\$1.2 54 /ft. per day
(B) Vessels over 200 ft in length.....	\$1.8 52 /ft. per day
(C) Vessels anchored within the breakwaters (outer harbor)....	\$0.6 54 /ft. per day

(D) Vessels operating out of the inner harbor during the months of June through October shall have the option to apply for a docking permit and pay at the current rate (for that size vessel) as follows:

	<u>WEEKLY*</u>	<u>MONTHLY*</u>	<u>SEASONAL*</u>
Vessels 32 ft and under	\$90.96	\$272.87	\$7 9088.00 29
Vessels over 32 ft to 52 ft	40%	25%	15%
Vessels over 52 ft to 72 ft	55%	35%	25%
Vessels over 72 ft to 92 ft	65%	45%	35%
Vessels over 92 ft	75%	55%	45%

*Percentages of daily dockage rate calculated on length of permit

4) The fee for any vessel docking in the Snake River area is one-half (1/2) of the rate applicable to the vessel under the schedule set forth in Section 05.010 (a) 3. Users must apply to the Harbormaster for a Snake River area docking permit. Snake River permit holders must comply with the Port of Nome Moorage Policy and all other rules and regulations, including all applicable provisions of this tariff. Sport fishermen and subsistence users of the Snake River area are exempt from the dockage fee.

(b) Home-ported vessels dry-docked within the Port of Nome that remain idle throughout the applicable period shall pay a flat rate identified below for the winter-season (November through May) or summer-season (June through October).

	<u>Winter</u>	<u>Summer</u>
Vessels 32 ft and under	\$ 525.00	\$ 420.00
Vessels over 32 ft to 42 ft	\$ 787.50	\$ 630.00
Vessels over 42 ft to 52 ft	\$1,050.00	\$ 840.00
Vessels over 52 ft to 62ft	\$1,575.00	\$1,260.00
Vessels over 62 ft to 72 ft	\$2,100.00	\$1,680.00
Vessels over 72 ft to 92 ft	\$2,940.00	\$2,310.00
Vessels over 92 ft	\$4,725.00	\$3,465.00

(c) **No vessels** will be permitted to freeze in at the water line within the Small Boat Harbor or Port of Nome Facilities during the winter months of November through May, except with prior written approval from the Port Director, based upon specific design requirements.

(d) **No vessels** will be permitted to dry dock or to be stored on the Causeway docks or along the Causeway road at any time during the year, without the expressed written consent of the Port Director.

(e) Vessels using the Belmont Beach or Snake River area for the purposes of sport and/or subsistence fishing and hunting are exempt from docking fees. This exemption does not apply to improved docking facilities within the Port and Harbor.

(f) Vessels requiring shore-side assistance from the Port of Nome to secure the vessel shall be charged one line handling fee per visit. Line handling procedures shall be established by the Harbormaster and adhered to at all times. Any variation in these procedures will be implemented or approved by the Harbormaster as needed based on the individual requirements of the vessel. Notification must be made to the Port Director at least seventy-two (72) hours prior to vessel arrival that vessel is requiring assistance to moor. Specific arrival and departure times shall be provided to the Port Director at least twelve (12) hours prior to each docking. If changes or delays to scheduled arrival and departure times occur within the 12-hour notice window, a stand-by time per man, per hour for port personnel will be assessed by the Port of Nome, unless notice is provided to the Harbormaster at least two (2) hours prior to the vessel's arrival or departure. Line handling services performed beyond regular operating hours will be charged per man hour at the applicable rate defined in Section 05.035(a) 8 of this tariff. Regular operating hours are 8:00 am to 5:00 pm, Monday through Friday, excluding holidays.

(g) Vessels moving between different Port of Nome facility docks shall be assessed dockage based on the combined elapsed time at all locations.

(h) A single vessel when actively engaged as a tug boat, assisting and made fast outboard a vessel and working cargo, shall be accorded free dockage. A tug boat leaving its tended vessel shall have waived its right to free dockage and will be charged accordingly upon mooring to any other Port of Nome facilities, except during which time the vessel relocates to an open berth to receive fuel or water with the approval of the Port Director. All tug and barge vessels that arrive and remain in the "push" configuration, will be charged for the combined length of both tug and barge when alongside any dock or wharf structure. Barges moored on the "hip" of the barge will be assessed for the LOA (Length-Over-All) of the barge.

(i) Vessels drawing less than twenty (20) inches of water, including support vessels, may only moor in the Snake River area, and may not moor anywhere else in the Inner Harbor (unless authorized by the Port Director). The dockage rate set forth in Section 05.010(a) (4) of this tariff applies to all vessels utilizing the Snake River area unless the use is limited to vessel launching or haulout. Vessels using the area for launching and haulout purposes only are not required to pay the moorage fee. Improperly moored vessels, or vessels drawing less than twenty (20) inches of water docked in the Small Boat Harbor without permission, will be relocated at the owner's expense and assessed the appropriate fee. Repeat offenders will be fined in accordance with Section 01.060(d) of this tariff.

(j) All vessel trailers stored on Port property during the ice-free season will be stored in a location and manner as defined by the Port Director and assessed charges as set forth in Section 05.035(a) of this tariff. Parking stickers will be issued by the Harbormaster's office at the per foot rate defined in Section 05.035(a) 9 of this tariff, and must be displayed on the tongue showing the current calendar year. Trailers without stickers that are left unattended for more than seven (7) calendar days will be impounded and hauled to the City monofill at the owner's expense. Payment for original parking fees, storage and moving costs will be required to retrieve trailers.

(k) The Port of Nome search and rescue vessel "The Guardian" is available for emergency and non-emergency response at rates defined in Section 05.035(a) 10 of this tariff. In order to qualify for the lesser non-emergency rate, vessels requesting assistance must specify that the situation is a non-emergency. Failure to specify will result in assessment of the higher rate.

05.020 Wharfage Rates:

(a) A wharfage charge for all cargo loaded or off-loaded between any vessel and the Port of Nome shall be paid as follows:

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| 1) Bulk liquid products - | |
| Inbound only..... | \$0.035 per gal |
| Outbound only..... | \$0.02 53 per gal |
| Over-side only..... | \$0.01 52 per gal |
| Inter-facility transfer..... | \$0.035 per gal |
| 2) Dry commodities, scientific equipment, ISO Tanks and company gear -
(excluding rock, sand, gravel, project cargo and ship's gear) | |
| Inbound/outbound..... | \$11.55 per ton |
| Over-side cargo..... | \$ 5. 780 per ton |
| Over-stow cargo (outbound)..... | \$ 5. 780 per ton* |
| Inter-facility transfer..... | \$ 8. 7066 per ton |
| 3) Rock, sand and gravel – | |
| 2,000 tons or under per barge load.. | \$2.55 per ton |
| Over 2,000 tons per barge load..... | \$1.9 54 per ton |
| Over 40,000 tons per project..... | \$1.6 54 per ton |

(*Over-stow rate is based on qualifying cargo in which full wharfage is being paid for inbound movement, and is destined to points beyond Nome.)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 4) Project cargo in excess of 2,000 tons
in one shipment for one consignee to
be consumed in one project | 75% of published rate |
| 5) Empty containers, bottles or tanks, that are non-revenue cargo,
being shipped in or out for re-fill of product only | No Charge |
| 6) Ship's gear, ship's stores, and shore-side cargo handling
equipment (as defined) | No Charge |

05.030 Terminal Storage Rates:

(a) A terminal storage fee for all cargo and equipment stored at the Port of Nome shall be paid as follows:

- | | |
|-------------------------------------------------------------------------------------------|--------------------------|
| 1) For open storage on uplands east and west of the
Snake River (except Causeway)..... | \$ 0.06 sq. ft. per week |
| 2) For open storage on Causeway road or docks..... | \$ 0.08 sq. ft. per week |
| <u>3) Secured storage (palletized or exceeds 50#).....</u> | <u>\$18.00 per day</u> |

05.035 Amenities & Other Charges:

(a) A charge for these amenities will be assessed as follows:

- | | |
|-------------------------------------------------------------|---------------------------------------|
| 1) Line Handling (Ships over 300') | \$1, 03400.0084 per visit* |
| <u>Line Handling (Ships under 300').....</u> | <u>\$ 700.00 per visit*</u> |
| (Initial tie-up and throw-off) | |
| 2) Dump Truck/Refuse (Ships over 300') | |
| (a) Unregulated Refuse..... | \$42 54.0046 per load* |
| 3) Potable Water - | |
| First 1000 gallons..... | \$18 54.0094 Flat Fee* |
| 1,001 – 9,999 gallons..... | \$ 0.06 per gallon |
| 10,000 gallons and above..... | \$ 0.04 per gallon |
| 4) Garbage Dumpster Fee..... | \$ 4 52.0045 per visit |
| 5) Security Fee (Foreign Flagged and/or Passenger Vessels.. | \$1,820.000 per 12 hour |

Shift*

6) Used Oil.....	\$2,30064.0086 per 55 gal. drum* (or any portion thereof)
7) Emergency Services Stand By - (First hour).....	\$1,820.00 hour
Each additional hour	\$1,2152.0075 per hour
8) Personnel Labor Rates (1 hour minimum):	
a) Regular/Straight Time,.....	\$103.27 per hour
b) Over Time.....	\$160.04 per hour
c) Double Time.....	\$213.40 per hour
d) Holiday Time.....	\$290.00 per hour
e) After Hours Call Out	\$317.24 per hour
f) Stand by	\$317.24 per hour
9) Trailer Parking Fee (ice-free season)	See rates shown in Section 05.030(a) Storage
10) Smart Ash Burner Operation – (burning used sorbents)	\$1224.28/per hour
11) Gangway or Brow Rental.....	\$1524.0059/day*
Rubber Tire Fendering	\$1524.59/day*
12) Vessel Assist – 28' Guardian	
Emergency.....	\$9109.0056 Flat Rate
Non-Emergency.....	\$2667.0084 Flat Rate
Plus Fuel/Oil... (1 hr minimum)	\$18.75 per hour
Plus Labor	See above labor rates*
18' Skiff..... (1 hr minimum)..	\$310.0032 per hour
13) Film License Application Fee.....	\$300.00 Flat Fee

*Rates for these services performed beyond regular operating hours will be charged per man hour at the applicable rate defined in Section 05.035(a) 8. Regular operating hours are 8:00 am to 5:00 pm, Monday through Friday, excluding holidays.

05.040 Free Time:

Cargo being loaded or off-loaded in accordance with the Port of Nome tariff, may occupy assigned cargo-handling space at the berthing facility free of charges for a period of time not to exceed forty-eight hours prior to the commencement of berthing and seventy-two (72) hours following discharge of the vessel from its berth unless on special arrangement with the Port Director.

05.050 Negotiable Rates:

(a) The Port of Nome reserves the right to enter into negotiated agreements for the use of specific port facilities, storage space, tanks, land or other terminal facilities at rates determined by the Port Commission or Port Director.

(b) The Port of Nome reserves the right to enter into agreements with common carriers, shippers,

and agents concerning rates and services, provided that such agreements shall be consistent with existing rules, regulations, statutes and laws of all governmental entities.

(c) If, in the opinion of the Port Director, any operation, use, or user of the Port is reasonably likely to require special handling, the Port Director shall have the right to charge the user additional fees to compensate the Port for actual and/or reasonable costs associated with the operation, use, or user. This may be a flat fee or a negotiated rate, depending on the circumstances. Cases requiring "special handling" shall include off-season and other operations that the Port Director believes will require substantially more resources or funds than average operations or users,

05.060 Terms of Payment:

(a) All dockage, wharfage, terminal storage fees and other charges assessed by the Port of Nome shall be paid at the time of use, except as provided in subsection (b) below.

(b) The Port Director may extend credit to any user of the Port of Nome who establishes a sound financial condition to the satisfaction of the Port Director. User must satisfactorily complete a credit application and provide all information necessary to determine creditworthiness. Charges assessed and levied to any such creditworthy user shall be due and payable within **thirty (30) calendar days** from the date of invoice from the Port of Nome.

(c) The creditworthy status of such a user of the Port of Nome shall terminate immediately and automatically upon failure to pay all amounts due and owing within thirty (30) calendar days of the date of invoicing. In no event shall creditworthy status attach to any user for a period of time in excess of one (1) year without additional and supplemental evidence of continuing creditworthiness that is satisfactory to the Port Director. During this time of non-creditworthiness, the user shall be required to pay all charges in full and in advance for activity conducted within the Port of Nome. Further, users in delinquent status may be denied access to the Port of Nome facilities and any cargo, gear or vessel within the Port of Nome may be held as security for payment until all unpaid charges are paid in full. At the Port Director's sole discretion and upon terms acceptable to the Port Director, including for adequate security, a user may enter into a payment agreement with the City for the purpose of satisfying debts owed for use of Port of Nome facilities, and such agreement may provide that the user shall not be considered in default or arrears if the user adheres to the terms of the agreement.

(d) No credit shall be extended to any person or entity who is delinquent in the payment of any amount due and owing to the City of Nome, the Nome Public School District, or the Nome Joint Utility System.

(e) An administration fee of 20% will be charged on all issues that require administrative services to process and handle, beyond the typical day-to-day business, such as but not limited to; known spill response incidents that require port supplies and personnel, clean up, repair or replacement of facility or infrastructure due to user neglect or damage, etc. All outstanding accounts reaching any level of collection will be assessed a 15% collection fee for balances exceeding sixty (60) calendar days beyond the payment due date, and a 20% collection fee for balances exceeding one hundred and twenty (120) calendar days. Fees will be assessed on a quarterly basis and rounded up to the nearest whole dollar. Collection fees on account balances exceeding \$1,000.00 will be capped at the applicable percentage assessed on a \$1,000.00 account balance. An NSF fee of \$35.00 will be charged on all bounced checks.

(f) Prepaid ~~storage or~~ docking permits are non-refundable. Credits for unused portions of prepaid long-term storage may be considered transferable on a case-by-case basis at the discretion of the Port Director. The Port will not assist any user in the sale of prepaid space.

05.070 Interest Accrued:

All amounts due and owing to the Port of Nome for dockage, wharfage, terminal storage fees or other charges shall accrue interest at the rate of ten and a half percent (10.5%) per annum. All costs of collection, including actual reasonable attorney and administrative fees, shall be paid by the delinquent user of the Port of Nome.

05.080 Additional Legal Remedies:

Nothing in these tariffs shall be construed as limiting or waiving any and all legal rights and legal remedies available to the Port of Nome in pursuit of collection of all amounts due and owing to the Port.

CHAPTER 6 **DEFINITIONS**

06.005 Barge Ramp:

"Barge Ramp" shall include the boat launching area off of Port Road identified as Barge Ramp in the Port of Nome aerial photograph dated August 2011 (version v. 041213) on file with the City of Nome.

06.010 Berthing:

"Berthing" is the act of anchoring, tying up, mooring, securing, idling, grounding, dry-docking, beaching or otherwise laying a water vessel to rest within the Port of Nome.

06.020 Cargo:

"Cargo" shall include all freight, merchandise, supplies, equipment, tools, fuel, and other tangible goods held for shipment or movement within the Port of Nome.

06.030 Cargo Handling Areas:

The "cargo handling areas" shall include all dedicated and usable right of ways, the Nome causeway, the full length of the Snake River revetment improvements including the barge ramp uplands and Small Boat Harbor property for a distance of fifty (50) feet back from that revetment along the uplands.

06.040 Cargo Handling Equipment:

"Cargo handling equipment" shall mean all equipment, gear and supplies transported to and/or from a vessel which is necessary for cargo handling at the Port of Nome and that: (a) is loaded or unloaded in Nome and (b) used exclusively for cargo handling at the Port of Nome. Equipment, gear and supplies that are used for cargo handling and for another purpose while offloaded in Nome are not "Cargo handling equipment".

06.045 Cargo Handling Permittee:

"Cargo Handling Permittee" is a person, firm or company that has been issued a permit to use the Port, and which is engaged in the business of handling cargo, equipment, fuel or gravel at the Port of Nome docks and facilities, whether in the capacity of a vessel or shore-side operator.

06.047 Causeway City Dock:

"Causeway City Dock" shall include the area on the southern end of the causeway identified as City Dock in the Port of Nome aerial photograph dated August 2011 (version v. 041514) on file with the City of Nome.

06.050 Company Gear and Equipment:

"Company Gear and Equipment" includes all equipment, gear and supplies transported to and/or from a vessel which is necessary for cargo handling at another shore-side facility or is being transported by a vessel to another location or vessel for such use, but not considered part of the transporting vessel's (ship's) gear or stores.

06.060 Dockage:

"Dockage" is the charge assessed to a vessel for docking at a wharf, dock, pier, float, revetment or other facility, or for mooring to a vessel so docked at a Port of Nome facility.

06.070 Dock-Side:

"Dock-Side" is the shore-side area of any part of the Port of Nome facilities in which vessels and/or crew may conduct working activities such as loading and unloading.

06.080 Empty Containers:

"Empty Containers" qualifying for free wharfage are defined as containers being loaded or unloaded

that have no contents and are owned by the carrying vessel.

06.085 Free-Time:

"Free-Time" is the specified period of time (seventy-two (72) hours) during which cargo may occupy an assigned space on port property free of charges immediately prior to the loading or subsequent to the discharge of such cargo on or off a vessel.

06.090 Harbormaster:

The "Harbormaster" is the individual charged with directly supervising and facilitating all operations of the Nome Port & Harbor, including the use of uplands, facility services, and including the assessment of charges and required compliance contained within the Port of Nome Tariff Rules & Regulations; the Port Director's designee.

06.092 Home-Ported Vessel:

A "home-ported vessel" is a seaworthy vessel laying at rest in the Port of Nome during the immediately preceding winter months of November through May, with no delinquent charges or assessments of taxes, damages, dockage, wharfage or other port charges, which operates out of the Nome Inner Harbor during the ice-free summer season.

06.095 Idle Vessel:

"Idle Vessel" is defined as a vessel in lay-up status or laying at rest on hard ground within the Port of Nome facility.

06.100 Inner Harbor:

The "inner harbor" of the Port of Nome is the Snake River and the Bourbon Creek/Dry Creek confluence also known as the turning basin or Small Boat Harbor, including the concrete barge ramp.

06.105 Inter-Facility Transfers:

The movement of cargo, equipment or fuel between facilities entirely within the Port of Nome property (excluding Cape Nome). Applies only to movements between the two facilities that are not loaded onto a vessel for shipment.

06.107 LOA or Length Over All:

The overall length of a watercraft measured from the most forward point at the stem (bow), to the after most part of the stern of the watercraft, to include the motor.

06.108 Nuisance Property:

"Nuisance property" means all property, including but not limited to machinery, equipment, gear, appliances, furniture, materials or parts, and Ship's Gear or Stores placed or stored on Port of Nome Facilities unless authorized by the Tariff or with the express permission of the harbormaster, or property that otherwise constitutes a hazard and a hindrance to safe use of the Port of Nome.

06.110 Over-Side Cargo or Fuel:

"Over-Side" refers to the act of transferring cargo or fuel directly between vessels when one vessel is docked at any Port of Nome facility and the other vessel is moored alongside.

06.120 Over Stow:

"Over Stow" is defined as any cargo placed on the Port premises from common carrier or its agent, which is to be reloaded on a vessel and destined for discharge at another port. Over Stow charges will apply so long as no value has been added to the cargo while awaiting transshipment.

06.130 Port Director:

The "Port Director" is either the City Manager or such person designated by the Nome City Council or the designee of the City Manager, consistent with existing Nome Ordinances governing the Port of Nome.

06.140 Port of Nome:

The "Port of Nome" shall include all tide and submerged lands owned, occupied, managed, leased or

administered by the City of Nome within and beyond the municipal boundaries, all parcels of real property contiguous to the mean high tide line of the Bering Sea, the Snake River and its tributaries, and all lands and navigable waters within the jurisdiction of the City of Nome.

06.150 Port of Nome Facilities:

"Port of Nome Facilities" includes all causeway docks, revetments, marine headers, industrial pad, barge ramp, harbor floats, east and west Small Boat Harbor docks, storage areas and tidelands of the outer harbor, Small Boat Harbor and Snake River. Unimproved beaches bordering the Bering Sea and unimproved submerged lands of the Bering Sea are not included as "facilities".

06.155 Production Film, Video, and/or Photography Crews:

A film, video and/or photography production crew is one or more people engaged in filming, video or digital taping, photography or recording on any medium in a commercial capacity or for profit.

06.160 Rafting:

When two or more boats tie alongside each other, specifically at a pier, wharf or dock

06.165 Roadstead:

"Roadstead" shall include the navigable channel approach into the Port of Nome outer harbor where vessels transit in preparation for maneuvers into and away from the Causeway docks or Small Boat Harbor. No vessel shall anchor or sit idle in such a manner that obstructs the passage of any vessel transiting the approach into and out of the outer harbor.

06.170 Ship's Gear or Stores:

"Ship's Gear and Ship's Stores" shall include all equipment, gear and supplies being loaded to and/or from a vessel that is directly related to that vessel's cargo handling ability or part of that vessel's crew necessities.

06.173 Small Boat Harbor:

"Small Boat Harbor" shall include that area on the eastern entrance of the Snake River identified as Small Boat Harbor in the Port of Nome aerial photograph dated August 2011 (version v.041213) on file with the City of Nome.

06.175 Snake River Area:

The "Snake River area" means the area within the property of the Port of Nome designated by the Port Director/Harbormaster for use by small crafts and support vessels, located in and along the Snake River on the western side of the Port of Nome. The area extends from the corner of the MS 410 property, near the concrete launch ramp, to the armor stone at the end of Belmont Street, and up river to the City Limit boundary.

06.178 Support Vessel:

"Support vessel" is defined as any vessel which is used exclusively to provide assistance to another vessel by, for example, ferrying gear or persons to or from the main vessel, or to allow repairs, cleaning, and other services to occur on the main vessel.

06.179 Third Party Employers:

"Third Party Employers" refers to employers of all cargo, fuel, gravel, construction employees, service organization staff, vessel employees, longshoremen, stevedores, independent contractors, and all other non-City employees.

06.180 Through Cargo:

"Through Cargo" is defined as cargo that is transported into Nome for temporary staging, while awaiting shipment to destinations beyond Nome, and billed as over stow cargo. (See 06.120 Over-Stow)

06.190 Vessel - "Vessel" or "Vessels":

Shall mean any, ship, barge, LASH barge, SEABEE barge, tug, towboat, lighter, raft or other watercraft that is designed to float. All references to "VESSEL" or "VESSELS" in this tariff shall include,

without exception, her owner, charterer, and agent.

06.195 Wharfage:

The charge assessed against any cargo placed on any shore-side property and passing over, across, under or through the Port of Nome cargo handling facilities.

06.200 Working Stow:

“Working Stow” is defined as any cargo not destined for the Port of Nome that has to be removed from a vessel and placed temporarily on the dock before being loaded to the same vessel from which it was removed and before any movement of vessel from the dock.

PORT OF NOME

RULES and REGULATIONS

The Nome Port Commission, pursuant to Section 12.10.070(b) of the Code of Ordinances of the City of Nome submits the following regulations pertaining to the operation of terminal and transportation facilities at the Nome Port. The Commission recommends that the rules and regulations be adopted by the City Council.

1.10 Title:

These regulations shall be referred to as the Rules and Regulations of the Port of Nome.

1.11 Scope:

These regulations shall apply to all use and operation of terminal and transportation facilities at the Nome Port and to the use of all real property within the Nome Port.

1.12 Enforcement:

A) These regulations shall be enforced by the Port Director or by the Nome Police Department acting at the request of the Port Director.

B) All orders of the Port Director may be either written or verbal at the discretion of the Port Director.

C) Any order of the Port Director shall be subject to review by the City Council upon written application of any person affected by the order.

2.10 Mooring:

A) No person may make fast a rope or moor to any structure other than a mooring bitt, bollard, or cleat provided for that purpose.

B) Every vessel lying at a dock shall be made fast with head and stern lines in a manner approved by the Port Director.

C) Every vessel lying at a dock shall comply with all orders of the Port Director with respect to its rigging.

D) Every vessel lying alongside a dock or another vessel berthed at a dock shall from sunset until sunrise be equipped with gangways and man-ropes as may be required by the Port Director. Every gangway used for access after dark shall be brightly illuminated and monitored by the vessel.

E) A vessel moored at a dock or to another vessel which is moored at a dock shall always have on board such seamen as are required to care for and move the vessel.

F) No person shall moor, anchor, dock or berth a vessel within the port without first having obtained permission from the Port Director.

G) The City of Nome reserves the right to refuse berthage, moorage or anchorage permits to any vessel which fails to comply with the Rules and Regulations of the Port of Nome.

3.10 Obstruction to Navigation:

A) No vessel may remain in a position which interferes with the mooring or passage of another vessel or creates a danger to persons, vessels or property after the Port Director has ordered it to move.

B) No person may obstruct a basin, channel or wharf so as to interfere with the mooring, passage or activity of a vessel. The Port Director may remove any such obstruction if the owner thereof fails to do so within 24 hours after its discovery by the Port Director.

PORT OF NOME

RULES and REGULATIONS

C) No structure, material or substance that can sink in water or obstruct navigation may be deposited in the bay or on the shore of the bay unless written permission is first obtained from the Port Director.

D) When ballast, stone, coal, bricks, scrap, dirt, rubbish or other loose material or matter that can sink in water is being unloaded from or loaded onto a vessel, a canvas chute or similar contrivance shall be used to prevent spills into the bay.

E) The owner of a vessel which sinks, is grounded or delayed so as to interfere with navigation, obstruct the port, or endanger persons or property shall post warnings on the vessel that can be seen day and night and remove the vessel as soon as possible or as directed by the Port Director.

F) No vessel may operate a searchlight or other high intensity light on a vessel not underway in the harbor in such a manner that the safety and privacy of other vessels and vehicle traffic in the harbor area are disturbed, except in an emergency.

4.10 Vessel in Dangerous Condition:

Any vessel that enters or is within the port in a condition which renders it dangerous to persons or property shall be handled according to the orders of the Port Director.

5.10 Departures:

A) The Port Director may order a vessel to depart for the protection of persons or property, to ensure efficient use of the port, or in response to the vessel's failure to remit required charges or tariffs.

B) Upon the order of the Port Director, a vessel shall immediately vacate its berth so that a preferred vessel may berth there.

6.10 Lost, Abandoned or Stolen Vessels or Property:

The Port Director may assume custody of apparently lost, abandoned or stolen vessels or property found within the port. The Port Director shall retain custody of such property until claimed by the rightful owner, the port may require reimbursement for the costs incurred prior to releasing the property or vessel. If the vessel or property is not claimed within thirty (30) days, the Port Director may dispose of the vessel or property either by private sale or a duly notified public auction. The City of Nome may recover the costs incurred by it for recovery and storage of the vessel or property, if any, from the proceeds of the sale.

7.10 Manifest:

The person in control of a vessel shall furnish the Port Director with a complete copy of the manifest showing all cargo loaded or discharged at any port facility. An inbound manifest will be furnished prior to or at the time of the vessel's arrival, and an outbound manifest furnished prior to or at the time of the vessel's departure.

8.10 Payment of Tariff Charges:

A) No vessel may leave the port before payment of all tariff charges incurred by that vessel, and such cargo as was discharged from or loaded upon that vessel has been tendered to the Port Director, or such alternative arrangements as are satisfactory to the port director have been made.

B) An owner, shipper, consignee or agent for cargo discharged from or loaded upon a vessel shall pay the tariff charges incurred with respect to that cargo. Payment shall be made before such cargo leaves the port unless alternative arrangements have been made with the Port Director prior to departure.

PORT OF NOME

RULES and REGULATIONS

C) The Port Director may do all things necessary to prevent the departure of a vessel or its cargo for which tariff charges remain unpaid and for which satisfactory arrangements for payment have not previously been made.

9.10 Motor Vehicles on Docks:

A) No motor vehicle which is dripping gasoline or other petroleum product may enter upon or cross a dock.

B) No motor vehicle operated by gasoline or other petroleum product may come on a dock except to load or unload freight or passengers or for other bona fide business authorized by the Port Director. If the gasoline in a motor vehicle is exhausted while the vehicle is on a dock, the vehicle shall be towed from the area at the expense of the owner of the vehicle.

C) If an owner or operator of a motor vehicle willfully disregards this chapter, in addition to the other civil and criminal remedies which may be imposed, the Port Director may deny dock access to that person.

D) Subsections A, B, C and D of this section may be waived for specific purposes where, at the discretion of the Port Director, such waiver would not endanger public welfare.

10.10 Loading or Discharging Explosives:

A) No explosive may be transported between a dock and vessel except with the permission of and pursuant to safety conditions imposed by the Port Director. A special permit shall be obtained from the Port Director before any explosives are placed on a dock.

B) No person may transport explosives between a vessel and a dock except between the hours of 6:00 a.m. and 6:00 p.m. unless otherwise authorized first by pre-arrangement with the Port Director. A safety watch shall be maintained at the expense of the cargo owner while explosives are being transported.

C) If the transportation of explosives cannot be completed between the hours of 6:00 a.m. and 6:00 p.m., the person in charge or control of the vessel shall cause such vessel to haul away from the dock and anchor in such part of the port as may be designated by the Port Director until such time as the activity may continue under this section.

D) A red flag shall be displayed as a danger signal at the fore topmast head of the vessel while explosives are being transported between a vessel and the dock.

11.10 Petroleum Products:

A) Acids and other liquid petroleum products may be unloaded from or loaded on vessels only at locations within the port designated as suitable for the loading or unloading of petroleum products by the Port Director.

B) A vessel berthed at a location designated as suitable for the loading or unloading of petroleum products or lying alongside another vessel so berthed may load gasoline or distillate only with the approval of the Port Director and only when the vessel is otherwise ready to depart.

C) No person may possess or keep acids, coal oil, gasoline, distillate, other liquid petroleum products or empty drums which previously contained such products on a dock except by special permit issued by the Port Director.

D) A vessel engaged in the business of supplying fuel oil may haul or lie alongside a vessel or dock at a location designated as suitable for the loading or unloading of petroleum products only for so long as is required to discharge the fuel oil.

PORT OF NOME

RULES and REGULATIONS

E) Each user of a dock shall furnish an absorbent material approved by the Port Director for absorption of waste oil. When saturated, absorbent material shall be removed immediately from the port.

12.10 Fire and Welding Restrictions:

A) Bonfire and open fires are prohibited at the port, except in open beach areas, designated as public.

B) No person may bring welding equipment or engage in welding activity on a dock without prior written authorization from the Port Director. Any person permitted to perform any hot-work or welding activity shall also acquire any and all permits required by state and federal agencies.

13.10 Repair of Vessels:

A) Repairs and maintenance work not done exclusively within the confines of a vessel shall only be made at locations within the port designated as suitable for repair and maintenance work by the Port Director.

B) Repairs to and maintenance of a vessel that can be made exclusively within the confines of a vessel may be made while the vessel is berthed at a docks or lying alongside another vessel so berthed as long as this repair and maintenance activity does not interfere with the cargo handling activities of any other vessel.

14.10 Dangerous Condition of Docks:

A) Upon receiving written notice of a dangerous condition on a dock from the Port Director, the person responsible therefore shall immediately abate that condition or post warnings and barriers around it until such time as it can be abated.

B) No person may interfere with or molest a barrier which bars or obstructs the use of a dock or structure.

15.10 Depositing Property Upon Areas Without Permission Prohibited:

A) No person may deposit cargo, merchandise, equipment, tools, or other property upon any area of the port without the permission of the Port Director.

B) Cargo, merchandise, equipment, tools or other property shall only be unloaded from or loaded on vessels at locations within the port designated as suitable for the loading or unloading of such property by the Port Director.

C) Cargo, merchandise, equipment, tools or other property shall only be deposited or stored at locations within the port designated as suitable for the deposit or storage of such property by the Port Director.

16.10 Sale or Solicitation of Goods or Services:

No person may sell or solicit the sale of goods or a service without a written permit authorized by the City Clerk's Office and approved by the Port Director. The permit may limit sale activity so as to prevent it from interfering with the safe and efficient operation of the port.

17.10 Smoking Prohibited:

No person may smoke within any port area designated by appropriate signs as a **No-Smoking** area by the Port Director.

18.10 Compliance with Law:

A) All persons using terminal and transportation facilities or owning real estate within the port shall comply with the Rules and Regulations of the Port of Nome, all ordinances and regulations of the

PORT OF NOME

RULES and REGULATIONS

City of Nome including, but not limited to, all City of Nome Coastal Management regulations and the Port of Nome Tariff; and all applicable laws and regulations of the State of Alaska and the United States governing their activity and ownership.

B) All laws and regulations of the State of Alaska and the United States applicable to the use of terminal and transportation facilities and the ownership of real property within the port are incorporated herein by reference and shall be enforceable by the Port Director in the same manner as the Rules and Regulations of the Port of Nome.

C) If any portion of these regulations is found to be in conflict with federal laws and regulations governing the equipping, operation and licensing of vessels on navigable waters of the United States, then such federal laws and regulations shall prevail, but the remaining sections of these regulations shall not be affected.

19.10 Definitions:

A) "Bay" means the tidal waters within the port.

B) "Port of Nome", "Nome Port", or "port" means all real estate identified as the Port of Nome subdivision, all tidelands which have been transferred to the City of Nome, all real property contiguous to all tidelands which have been transferred to the City of Nome, and all tidal waters within the corporate limits of the City of Nome except those areas which are within the exclusive jurisdiction of either the State of Alaska or the United States together with all improvements located thereon.

C) "Port Director" or "port director" means the director of the port or his designee.

D) "Tariff charges" means those charges included in the current Port of Nome terminal tariff (Nome Port Facilities Tariff), as well as all rules and regulations for the operation and administration of the Port of Nome

E) "Terminal and transportation facilities", means docks, floats bulkheads, seawalls, landfills, warehouses, staging areas, pipelines and pipeline terminals, transfer spans and aprons, lifting equipment and similar structures together with the necessary equipment and facilities required to accommodate waterborne commerce and shipping located within the Port of Nome.

F) "Vessel" -"Vessel" or "Vessels" shall mean any, ship, barge, LASH barge, SEABEE barge, tug, towboat, lighter, raft or other watercraft that is designed to float. All references to "VESSEL" or "VESSELS" in this tariff shall include, without exception, her owner, charter, and agent.

G) Definitions included in Nome Ordinance 12.40.020 are hereby incorporated by reference.



Memo

To: Tom Moran – City Manager
From: Joy L. Baker – Port Director *JLB*
CC: Mayor & Nome Common Council
Nome Port Commission
Date: 2/5/2018
Re: OVER-SIDE RETAIL FUEL SALES AT THE DOCK

An issue has arisen regarding the ability for petroleum vendors to make retail fuel sales to vessels in port through an over-side product transfer, defined in the Port Tariff as:

06.110 Over-Side Cargo or Fuel:

"Over-Side" refers to the act of transferring cargo or fuel directly between vessels when one vessel is docked at any Port of Nome facility and the other vessel is moored alongside.

This method of transferring bulk fuel has been a standard practice at the port since construction of the City Dock in 1991, which allowed petroleum transport operators to load product onto lighter barges for delivery to harbor tanks or coastal villages, while a line-haul barge was actively delivering to the City Dock. In 2000, these bulk products transfers were assigned a rate (below in **bold**) in the Port of Nome Tariff:

05.020 Wharfage Rates:

(a) *A wharfage charge for all cargo loaded or off-loaded between any vessel and the Port of Nome shall be paid as follows:*

1)	<i>Bulk liquid products -</i>	
	<i>Inbound only.....</i>	<i>\$0.035 per gal</i>
	<i>Outbound only.....</i>	<i>\$0.023 per gal</i>
	<i>Over-side only.....</i>	<i>\$0.012 per gal</i>
	<i>Inter-facility transfer.....</i>	<i>\$0.035 per gal</i>

In 2017, one petroleum transport operator began using this over-side transfer method to make retail fuel sales to vessels docked inside the Port & Harbor, with product carried in from offshore tanker storage (and wharfage paid at the .012/gal rate). Historically, retail fuel sold to dockside vessels is stored in onshore tanks and delivered either by truck (with no wharfage paid), or via pipeline (with one exception described below*) and assessed the .023/gal outbound rate. All product in onshore tanks has already been assessed the .035/gal inbound rate upon arrival, so when sold to a vessel, has ultimately paid a combined rate of .058/gallon.

*The exception mentioned above reflects a single instance when a shore-based petroleum vendor fueled a USCG ship at the West Gold Dock through an over-side transfer from a barge. This was due to the City Dock being unavailable for a pipeline delivery, and the quantity being too large to be moved efficiently by truck.

There were three retail fuel transactions at the dock in 2017, with a total of 124,865 gallons loaded offshore and transferred over-side from the ATB barge to a ship. This equated to \$1,498.38 in wharfage, versus the \$7,242.17 an onshore operator (or the vessel) would have been charged.

An onshore terminal operator contends that allowing offshore tanker operators to make retail sales to vessels in port through over-side transfers is less safe than shore-to-ship fueling, pushes dollars outside the Nome economy, and is a disincentive to local terminal operators that are invested in the local community.

After initial consideration by the Port Commission, it was suggested the issue be elevated to a joint work session with the Nome Common Council, to encourage a broader discussion on long term policy regarding offshore tanker operators, and their impacts to business development at the Port. This is especially important in light of the overall increase in maritime traffic, but specifically to the number of larger vessels refueling in Nome.

Points for Consideration:

1. **Safety:** If over-side transfers within the facility are to be deemed to present unreasonable risk, a decision will also need to be made on whether to allow barge to barge bulk transfers within the facility.
 - a. Petroleum Operators hold the legal responsibility for all products on their vessel while in transit, at the dock, and during active transfers, per their onboard spill plan approved by the USCG, EPA and ADEC.
 - b. Neither the Barge Ramp nor the High Ramp is an optimal location for over-side transfers; and can be disallowed in this area within the Tariff.
2. **Rates:** If over-side transfers within the facility do not present unreasonable risk, tariff adjustments can be made to ensure that the facility's and city's interests are best served by balancing the competitive advantages of over-side transfers with importance of permanent, shore-based infrastructure, which could include ensuring that any product brought into port specifically intended for an over-side retail sale is assessed the same combined rate as product delivered to shore tanks and exported for sale.

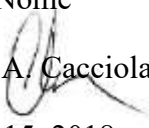
The Port strongly encourages business development at the facility and seeks to maximize its potential by attracting multi-faceted maritime companies – but clearly advocates achievement of those goals in a manner supporting of the community, local businesses and residents.

BOYD, CHANDLER & FALCONER, LLP

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Facsimile: (907) 274-3698
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MEMORANDUM

To: Port Commission
City of Nome

From: Charles A. Cacciola 

Date: January 15, 2018

Re: Proposed Amendments to Title 12 and Tariff

The proposed code and tariff amendments set forth in the accompanying resolution address concerns relating to equipment and other unauthorized personal property cluttering port facilities as well as contending with delinquent accounts. The proposed amendments are intended to be paired with greater use of existing enforcement mechanisms.

The amendment in section 1 clarifies that that City is entitled to recover attorney's fees incurred in an enforcement action and also clarifies that such cost recovery extends to any enforcement action under the code or tariff. Generally speaking, the lawbreaker, not the City, should be bear enforcement costs, a view reflected elsewhere in the code.¹

Section 01.070 (f) The amendment in section 2 allows the harbormaster to impound, and eventually sell, personal property left unattended on port facilities in violation of the tariff or without the harbormaster's permission. The amendment references NCO Chapter 2.12, which sets for the procedure for how the City deals with abandoned property. Essentially this amendment clarifies that property left unclaimed on port facilities shall be treated similarly to other unclaimed or abandoned property. Section 4 adopts a definition for which the provisions of section 2 would apply, clarifying that property that is left

¹ *E.g.*, NCO 17.10.160(d).

unattended in conformity with the tariff or with the harbor masters consent is not considered nuisance property. These provisions are independent from authority to impound property under 01.060(i) based on overdue debts. These provisions are unrelated to collections, instead focusing on the removal of nuisance property.

Section 05.060 (c) Section 3 adds a provision that establishes the Port Director's authority to enter into payment agreements for the satisfaction of port and harbor debts. Many tariff enforcement provisions call for services to be denied to a user who is not current on his account. The intent of this amendment is to establish the Director's discretion to allow users to continue to use the facilities despite such arrears so long as the user continues to pay the amounts in arrears in accordance with the agreement. As a practical matter, the port has not always denied services to delinquent account holders because of the potentially harsh consequences to the user (and, as a result, a decreased likelihood that the debt would be paid). This amendment provides a basis for such continued use. If the Commission approves this amendment, we will work with the Port Director to prepare template agreements that the Director can then adapt to each use.

In preparing this resolution, we explored other potential amendments to address account delinquency and seemingly abandoned property. Together with Ms. Baker, we determined that improved use of existing enforcement methods should be explored before adopting additional code or tariff changes. For example, under existing code provisions, violations of the tariff can be charged as minor offenses, which allows the port to take advantage of the Alaska Court System for collections purposes. The tariff also authorizes the Port Director to require a user to provide a bond or cash escrow deposit to ensure collection of incurred fees and charges. We will be working with the Port Director to determine how the Port of Nome can best use these mechanisms to ensure safe port operation and efficient collection of charges and fees.

Please let us know if you have any further questions.

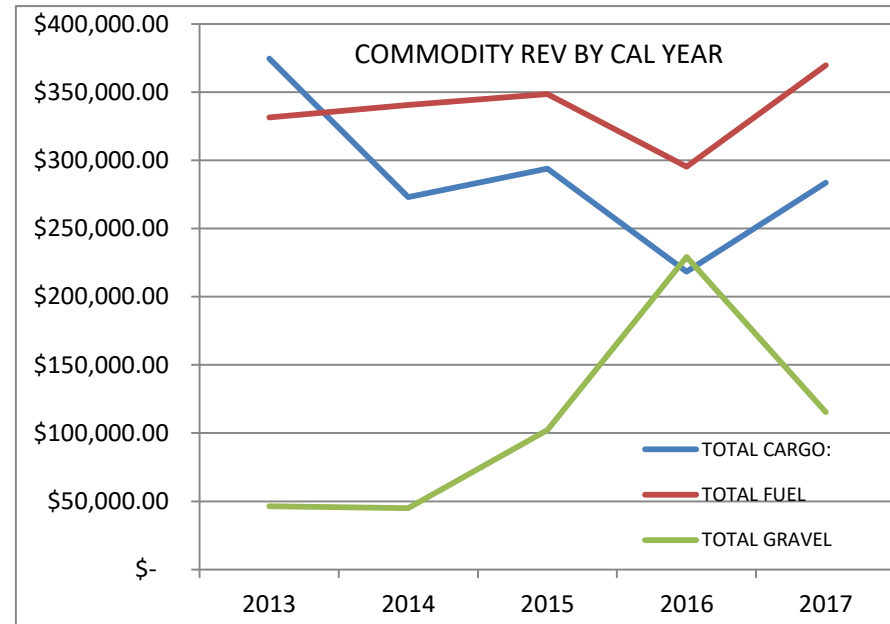
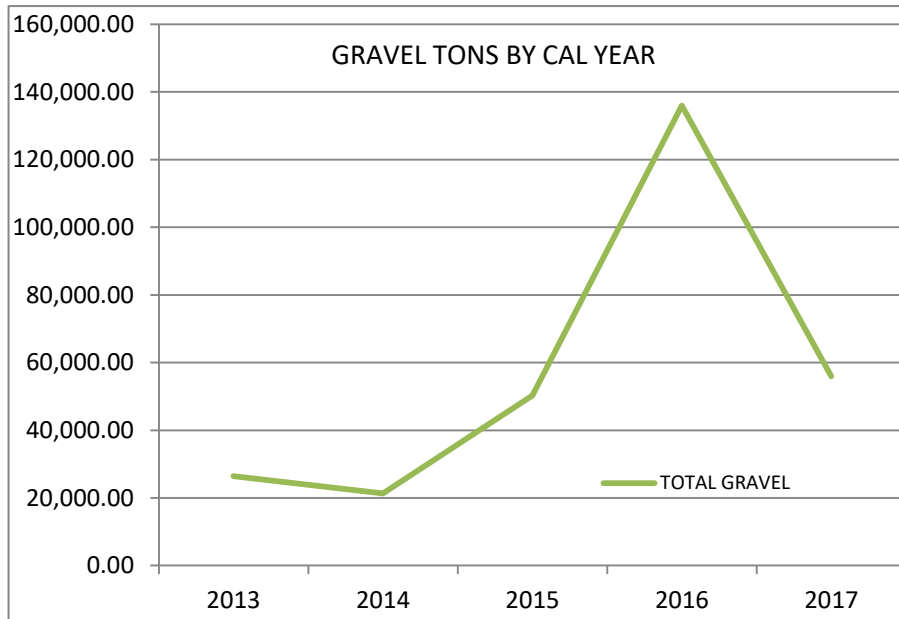
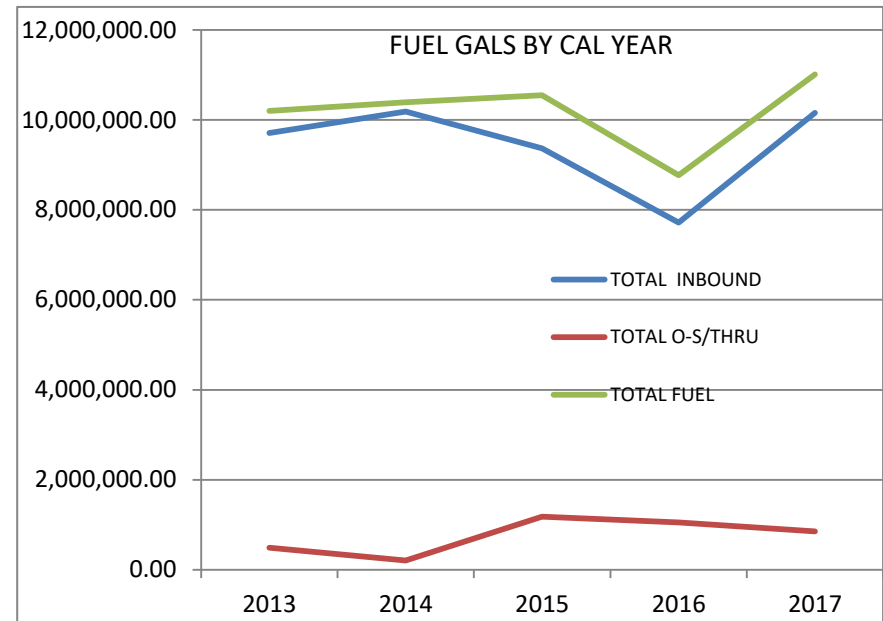
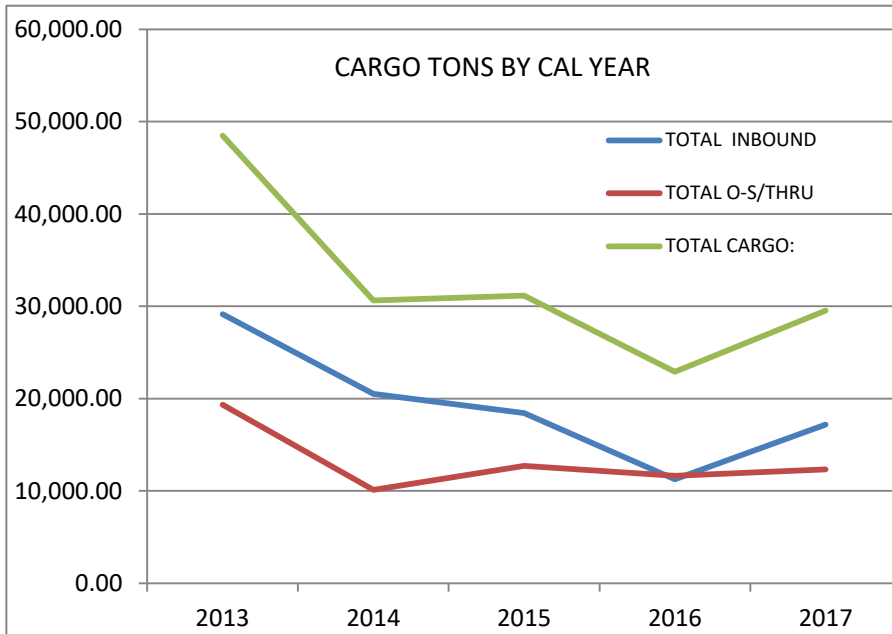
PORT OF NOME - COMMODITIES BY CALENDAR YEAR

CAL YEAR	2013		2013		2014		2014		2015		2015		2016		2016		2017		2017	
CARGO	Tons		Revenue		Tons		Revenue		Tons		Revenue		Tons		Revenue		Tons		Revenue	
INBOUND																				
Cswy	21,137.52		\$ 212,723.19		15,675.79		\$ 160,969.54		14,914.35		\$ 163,866.02		7,275.85		\$ 80,492.33		12,213.24		\$ 138,504.52	
Harbor	<u>8,010.31</u>		<u>\$ 57,686.61</u>		<u>4,845.20</u>		<u>\$ 48,929.90</u>		<u>3,510.67</u>		<u>\$ 40,276.68</u>		<u>3,985.61</u>		<u>\$ 40,024.69</u>		<u>4,972.33</u>		<u>\$ 56,434.60</u>	
TOTAL INBOUND	29,147.83		\$ 270,409.80		20,520.99		\$ 209,899.44		18,425.02		\$ 204,142.70		11,261.46		\$ 120,517.02		17,185.57		\$ 194,939.12	
OVER-SIDE/THRU																				
Cswy	9,249.90		\$ 38,393.30		3,694.23		\$ 14,586.22		4,216.39		\$ 19,913.77		1,840.08		\$ 7,996.72		3,850.58		\$ 20,428.42	
Harbor	1,158.46		\$ 5,523.74		2,859.50		\$ 15,487.96		4,149.59		\$ 23,984.20		3,679.74		\$ 18,900.75		5,050.86		\$ 29,193.99	
OUTBOUND																				
Cswy	6,455.55		\$ 36,927.65		2,475.17		\$ 21,004.63		3,462.82		\$ 35,527.61		3,882.05		\$ 44,837.68		2,268.75		\$ 25,406.08	
Harbor	<u>2,466.26</u>		<u>\$ 23,424.12</u>		<u>1,083.17</u>		<u>\$ 11,914.87</u>		<u>889.70</u>		<u>\$ 10,276.04</u>		<u>2,254.22</u>		<u>\$ 26,036.27</u>		<u>1,167.53</u>		<u>\$ 13,485.02</u>	
TOTAL O-S/THRU	19,330.17		\$ 104,268.81		10,112.07		\$ 62,993.68		12,718.50		\$ 89,701.62		11,656.09		\$ 97,771.42		12,337.72		\$ 88,513.51	
Total Cswy	36,842.97		\$ 288,044.14		21,845.19		\$ 196,560.39		22,593.56		\$ 219,307.40		12,997.98		\$ 133,326.73		18,332.57		\$ 184,339.02	
Total Harbor	11,635.03		\$ 86,634.47		8,787.87		\$ 76,332.73		8,549.96		\$ 74,536.92		9,919.57		\$ 84,961.71		11,190.72		\$ 99,113.61	
TOTAL CARGO:	48,478.00		\$ 374,678.61		30,633.06		\$ 272,893.12		31,143.52		\$ 293,844.32		22,917.55		\$ 218,288.44		29,523.29		\$ 283,452.63	
FUEL	Gallons		Revenue		Gallons		Revenue		Gallons		Revenue		Gallons		Revenue		Gallons		Revenue	
INBOUND																				
Cswy	7,548,922.36		\$ 249,114.45		8,628,335.46		\$ 284,735.10		7,664,174.56		\$ 268,246.14		6,204,889.00		\$ 217,171.14		8,420,630.00		\$ 294,722.09	
Harbor	<u>2,161,324.58</u>		<u>\$ 71,323.72</u>		<u>1,556,755.00</u>		<u>\$ 51,372.93</u>		<u>1,704,239.00</u>		<u>\$ 59,648.38</u>		<u>1,514,615.00</u>		<u>\$ 53,011.54</u>		<u>1,736,216.00</u>		<u>\$ 60,767.58</u>	
TOTAL INBOUND	9,710,246.94		\$ 320,438.17		10,185,090.46		\$ 336,108.03		9,368,413.56		\$ 327,894.52		7,719,504.00		\$ 270,182.68		10,156,846.00		\$ 355,489.67	
OVER-SIDE/THRU																				
Cswy					11,742.00		\$ 129.17		586,828.55		\$ 7,041.93		268,161.00		\$ 7,114.36		181,231.00		\$ 2,174.77	
Harbor	2,497.00		\$ 274.67														304,688.00		\$ 3,656.25	
OUTBOUND																				
Cswy	95,226.00		\$ 2,094.97		125,378.00		\$ 2,758.31		464,522.00		\$ 10,684.00		613,540.00		\$ 14,111.42		265,285.50		\$ 6,101.56	
Harbor	<u>392,397.00</u>		<u>\$ 8,632.73</u>		<u>70,126.00</u>		<u>\$ 1,542.77</u>		<u>127,129.00</u>		<u>\$ 2,923.97</u>		<u>169,206.00</u>		<u>\$ 3,891.75</u>		<u>101,816.00</u>		<u>\$ 2,341.77</u>	
TOTAL O-S/THRU	490,120.00		\$ 11,002.37		207,246.00		\$ 4,430.25		1,178,479.55		\$ 20,649.90		1,050,907.00		\$ 25,117.53		853,020.50		\$ 14,274.35	
Total Cswy	7,644,148.36		\$ 251,209.42		8,765,455.46		\$ 287,622.58		8,715,525.11		\$ 285,972.07		7,086,590.00		\$ 238,396.92		8,867,146.50		\$ 302,998.42	
Total Harbor	2,556,218.58		\$ 80,231.12		1,626,881.00		\$ 52,915.70		1,831,368.00		\$ 62,572.35		1,683,821.00		\$ 56,903.29		2,142,720.00		\$ 66,765.60	
TOTAL FUEL	10,200,366.94		\$ 331,440.54		10,392,336.46		\$ 340,538.28		10,546,893.11		\$ 348,544.42		8,770,411.00		\$ 295,300.21		11,009,866.50		\$ 369,764.02	
GRAVEL	Tons		Revenue		Tons		Revenue		Tons		Revenue		Tons		Revenue		Tons		Revenue	
OUTBOUND																				
Cswy	24,676.53		42,175.85		16,704.20		31,989.53		48,071.59		96,587.04		131,909.21		218,733.82		42,311.54		80,699.71	
Harbor	<u>1,772.79</u>		<u>4,095.14</u>		<u>4,582.57</u>		<u>13,055.68</u>		<u>2,240.78</u>		<u>5,713.99</u>		<u>4,049.21</u>		<u>10,325.49</u>		<u>13,595.12</u>		<u>34,667.57</u>	
TOTAL OUTBOUND	26,449.32		\$ 46,270.99		21,286.77		\$ 45,045.21		50,312.37		\$ 102,301.03		135,958.42		\$ 229,059.31		55,906.66		\$ 115,367.28	
Total Cswy	24,676.53		42,175.85		16,704.20		31,989.53		48,071.59		96,587.04		131,909.21		218,733.82		42,311.54		80,699.71	
Total Harbor	1,772.79		4,095.14		4,582.57		13,055.68		2,240.78		5,713.99		4,049.21		10,325.49		13,595.12		34,667.57	
TOTAL GRAVEL	26,449.32		46,270.99		21,286.77		45,045.21		50,312.37		102,301.03		135,958.42		229,059.31		55,906.66		115,367.28	

NOTE - This data DOES NOT correlate to fiscal year finance reports - compiled for Port Commission planning purposes.

*Includes Feb 2018 adjustments for AML final 2017 cargo recap

PON COMMODITIES BY CALENDAR YEAR



PON REVENUE BY CALENDAR YEAR

		2013	2014	2015	2016	2017
Causeway Facility						
80.3111.2001	Causeway Dockage	65,175.55	46,235.97	79,671.64	101,405.35	82,844.40
80.3111.2002	Causeway Wharfage - Dry	286,889.14	195,405.39	211,007.91	132,874.94	184,339.02 *
80.3111.2003	Causeway Wharfage - Fuel	251,209.42	287,622.58	285,972.07	238,396.92	292,516.00
80.3111.2004	Causeway Wharfage - Gravel	42,175.85	31,989.53	96,587.04	218,733.82	80,699.71
80.3111.2005	Causeway Storage Rental	5,610.68	19,684.31	11,486.86	11,699.30	11,944.00
80.3111.2006	Causeway Utility Sales	15,519.69	15,641.44	11,727.82	44,869.42	23,936.98
80.3111.2007	Causeway Misc Term Revenue	39,154.50	48,279.00	40,748.44	242,602.76	77,755.62
80.3111.2008	Leases, Rentals, Land, Bldgs	-	-	-	-	-
80.3111.2009	Sale of Property & Assets	-	-	-	-	-
	Subtotal:	705,734.83	644,858.22	737,201.78	990,582.51	754,035.73
Harbor Facility						
80.3211.1001	Harbor Seasonal Dock Permit	115,610.40	134,791.80	122,975.58	108,752.31	123,623.64
80.3211.2001	Harbor Dockage	36,144.90	38,933.67	48,601.59	61,163.74	92,377.07
80.3211.2002	Harbor Wharfage - Dry	86,634.47	76,332.73	74,104.09	82,940.46	100,497.09 *
80.3211.2003	Harbor Wharfage - Fuel	80,231.12	52,915.70	62,572.35	56,903.29	66,209.09
80.3211.2004	Harbor Wharfage - Gravel	4,095.14	13,055.68	5,713.99	10,325.49	34,667.57
80.3211.2005	Harbor Storage Rental	40,090.86	12,039.45	37,237.77	32,188.91	33,383.58
80.3211.2006	Harbor Utility Sales	5,220.07	5,484.07	6,494.34	6,731.85	8,317.74
80.3211.2007	Harbor Misc Term Revenue	26,813.79	2,749.24	2,925.72	1,633.99	1,820.00
80.3211.2008	Leases, Rentals, Land, Bldgs	54,777.32	78,138.60	103,021.08	78,854.88	55,409.28
	Subtotal:	449,618.07	414,440.94	463,646.51	439,494.92	516,305.06
Cape Nome Quarry						
80.3311.2002	Quarry Wharfage - Dry	1,155.00	-	-	-	-
	Subtotal:	1,155.00	-	-	-	-

PON REVENUE BY CALENDAR YEAR

Industrial Park Facility

80.3411.2005	Industrial Park Storage Rental	187,949.12	200,640.91	182,882.86	200,024.18	238,595.06
80.3411.2008	Leases, Rentals, Land, Bldgs	183,629.16	175,172.02	134,073.01	160,492.74	158,241.92
80.3411.2009	Sale of Property & Assets	347,740.50	-	-	-	-
	Subtotal:	719,318.78	375,812.93	316,955.87	360,516.92	396,836.98

Other Misc Revenue

80.3511.0001	Copies, Fax, Pubs, Film Lcns	20.25	28.00	-	14.00	327.75
80.3511.0002	Banking / NSF Check Fee	60.00	35.00	140.00	16.00	0.01
80.3511.0003	Credit Card Service Fees	-	-	-	-	0.76
80.3511.0004	Resale-Hats,Charts,Spills,Appl	1,535.80	3,536.65	5,925.50	1,767.47	2,811.26
80.3511.0005	Other Port Revenue	147.65	30,433.63	59,534.26	86,719.16	5,169.02
	Subtotal:	1,763.70	34,033.28	65,599.76	88,516.63	8,308.80

Interest Earnings

80.3611.2001	Interest Earnings Port Op	8,560.12	5,502.78	4,734.40	5,084.56	5,772.88
80.3611.2002	Interest Earnings Causeway	1,926.14	5,520.54	(2,661.23)	1,938.87	1,307.52
80.3611.2003	Investment Earnings	-	-	4,872.51	11,537.12	14,844.02
	Subtotal:	10,486.26	11,023.32	6,945.68	18,560.55	21,924.42

Contributions/Other

80.3711.0001	StAK Employer On-Behalf PERS	28,919.68	52,126.38	18,526.81	40,126.33	13,133.18
80.3711.0002	Other Contributions	-	-	-	-	50,000.00
80.3711.0003	Denali Commsn High Mast Lights	92,168.72	-	-	-	-
	Subtotal:	121,088.40	52,126.38	18,526.81	40,126.33	63,133.18

Fund Balance Appropriation

80.3899.9999	Port of Nome Use Fund Balance	-	-	-	-	-
	Port Operating Fund Total:	2,009,165.04	1,532,295.07	1,608,876.41	1,937,797.86	1,760,544.17

*Includes Feb 2018 adjustments for AML final 2017 cargo recap

Western Alaskan Ports
Tariff Comparison Worksheet

		Anchorage		Bethel		Dillingham		Dutch Harbor		Bristol Bay		Nome	
		Tariff No. 8.1	01/01/17	Tariff No. 5	06/01/17	Tariff No. 1	04/13/17	Tariff	07/01/16	Ord 2016-01	02/01/16	Tariff No. 13	03/01/17
Commodity/Service	Quantity	Rate	Amount	Rate	Amount	Rate	Amount	Rate	Amount	Rate	Amount	Rate	Amount
Gen.Cargo. Inbound	500 Tons	\$6.75/ton	\$ 3,375.00	10.94/ton	\$ 5,470.00	\$0.41/CWT *	\$ 4,100.00	\$4.60/ton	\$ 2,300.00	\$0.57/CWT*	\$ 5,700.00	\$11.55/ton	\$ 5,775.00
Bulk Fuel, Inbound	50,000 gallons	\$4.50/bbl*	\$ 5,357.14	\$0.06/gal	\$ 3,000.00	\$.036/gal	\$ 1,800.00	\$0.022/gal	\$ 1,000.00	\$0.084/gal	\$ 4,200.00	\$0.035/gal	\$ 1,750.00
Gravel, -3 inches	5,000 tons	\$1.13/ton	\$ 5,650.00	\$2.21/ton	\$ 11,050.00	\$1.50/ton *	\$ 3,636.00	Not specified	\$ -	\$1.85/yd3 *	\$ 6,726.60	\$1.94/ton	\$ 9,700.00
Rock, +3 inches	5,000 tons	Same as -3"	\$ -	\$10.94/ton*	\$ 54,700.00	Same as -3"	\$ -	Not specified	\$ -	Same as -3"	\$ -	Same as -3"	\$ -
Dockage, 24 hours	250' @ 2000 GRT	201'-300'/24 hrs*	\$ 887.00	226'-250'/24 hrs*	\$ 419.90	\$.56/GRT 24 hrs*	\$ 1,120.00	\$489.19/per 12 hrs	\$ 978.38	\$.74/ton 24 hrs*	\$ 1,480.00	\$1.82/ft 24 hrs	\$ 455.00
Line Handling	300' + vessel	Not Provided*	\$ -	Not provided*	\$ -	Not provided*	\$ -	Not Provided*	\$ -	Not Provided*	\$ -	1030.84/visit	\$ 1,030.84
Summer Moorage Fee	vessel under 32'	Not specified	\$ -	\$26/ ft*	\$ 832.00	Flat Rate	\$ 320.00	Flat Rate*	\$ 527.70	Flat Rate	\$ 250.00	Flat Rate-up to 32'	\$ 788.29
Summer Moorage Fee	55' vessel	Not specified	\$ -	\$26/ ft*	\$ 1,430.00	\$10/ft for season	\$ 550.00	\$47.38/ft season	\$ 2,605.90	Not specified	\$ -	Vessels <52' to 62'	\$ 1,575.00
Winter Season IV	55' vessel (1200 sf)	Not specified	\$ -	\$0.34/SqFt/Mo	\$ 2,856.00	\$0.34/SqFt/Mo	\$ 1,890.00	Not specified	\$ -	\$1,000/month	\$ 7,000.00	Vessels <52' to 62'	\$ 1,260.00
Fresh Water	1000 gallons	Flat Rate*	\$ 84.00	\$140 + .19/gal *	\$ 300.00	Flat Rate*	\$ 50.00	Flat Rate*	\$ 61.48	Flat Rate *	\$ 77.70	Flat rate*	\$181.91
4 Weeks Storage*	2400 square Feet	\$.118/SqFt Mthly*	\$ 283.20	\$0.34/SqFt S-Mthly*	\$ 816.00	\$45/100 SqFt/mo*	\$ 1,080.00	\$0.43/SqFt/mo	\$ 1,032.00	40'x60' lot/month*	\$ 555.45	\$0.06/SqFt wkly*	\$ 576.00
Refuse	Dumpster	Private		4 yard dumpster	\$ 137.00	1.5 yard dumpster	\$ 15.00	5 yard dumpster	\$ 101.94	Not specified		1.5 yard dumpster	\$ 42.45

Increase since previous comparison

Anchorage*

- Bulk Fuel Inbound Rate is a charge per barrel (42 gals) vs. a per gallon charge indicating a very high volume of product per transfer at a very high rate.
- Dockage 24 hour flat rate based on vessel length per tariff chart.
- Line handling Tariff specifically states this service is not provided.
- Fresh Water Rate includes hook-up and disconnect of up to 100' of water hose for first 1000 gallons. \$5.40 for each additional 1000 gallons or fraction thereof.
- Storage Tariff description is "transit cargo" storage, implying a short term expectation.

Bethel*

- Gravel/Rock Bethel is the only port that has a different rate for +3" material. Verified increased rate. Due to dock damage caused by armor rock.
- Dockage Flat rate based on vessel length per tariff chart. Rate is for 24 hours, but a 12 hour minimum is allowed. (increases by 5% in 2020)
- Line Handling Tariff specifically states this service is not provided.
- Docking Permit Winter rate in slough is \$0.10/SqFt per month
- Fresh Water Tariff charges \$140.00 hook-up fee and \$0.19/gallon up to any amount.
- Storage Rate is charged semi-monthly during the summer season and montly during the winter.

Western Alaskan Ports

Tariff Comparison Worksheet

Dillingham*

General C argo	Used tariff rate for TEU containers. Tariff also provides for an additional \$0.076/CWT for handling not included in this comparison chart.
Gravel	Changed to being rated by ton without handling charge.
Dockage	24 hour flat rate based on vessel Gross Registered Tonnage per tariff chart
Line Handling	Tariff specifically states this service is not provided.
Fresh Water	Flat rate for first 1000 gallons. Additonal \$4.00 per each additional 100 gallons.
Storage	Rate assessed monthly during working and off seasons

Dutch Harbor*

Dockage	Flat rate based on vessel length per tariff chart per 24 hour period
Docking Permit	Calculated at monthly rate x 5 months in summer season
Line Handling	Tariff specifically states this service is not provided.
Fresh Water	Rate includes hook-up and first 1000 gallons. \$7.38 for each additional 1000 gallons or fraction thereof.

Bristol Bay*

General Cargo	Used Freight NOS rate in Tariff. Tariff also includes \$0.96/CWT for handling not included in this chart.
Gravel	Rated per cubic yard (yd3). Calculated volume using estimated 2750 lbs (internet search) per yd3. No additional charge for handling.
Dockage	24 hour flat rate based on vessel Gross Registered Tonnage per tariff chart. Common Carriers allowed 24 hours per permit (2 tides).
Line Handling	Not provided by tariff personnel and must be arranged by agents with local providers.
Fresh Water	Flat rate for first 1000 gallons. \$14.70 per each additional 1000 gallons or fraction thereof.
Storage	Except for the 40'x60' lot, Tariff rates storage by CWT.

Nome*

Fresh Water	Flat rate for first 1000 gallons. \$0.06/gallon on next 1001-9999 gallons. \$0.04/gallon on 10000+.
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SUMMARY OF ALL FUNDS' REVENUES AND APPROPRIATIONS (Updated as of January 10, 2018)

		6/30/2017								12/31/2017			
		2012 -2013 Final Budget	2013 -2014 Final Budget	2014 -2015 Final Budget	2015 -2016 Final Budget	2016 - 2017 Initial Budget	2016 - 2017 Current Budget	2016 - 2017 Actual	Difference between FY2017 Current Budget and Actual	2017 - 2018 Adopted Budget	2017 -2018 YTD Actual	Difference between FY2018 Current Budget and YTD Actual	% Actual
PORT OF NOME FUND													
REVENUE													
	CAUSEWAY FACILITY	\$ 710,141.96	\$ 847,954.44	\$ 601,497.26	\$ 642,179.62	\$ 945,000.00	\$ 1,060,000.00	\$ 1,023,980.47	\$ 36,019.53	\$ 705,000.00	\$ 623,445.64	\$ 81,554.36	88.43%
	HARBOR FACILITY	\$ 550,466.69	\$ 448,900.23	\$ 463,627.43	\$ 413,361.16	\$ 492,500.00	\$ 502,500.00	\$ 461,872.83	\$ 40,627.17	\$ 459,500.00	\$ 432,986.60	\$ 26,513.40	94.23%
	CAPE NOME FACILITY	\$ -	\$ 1,155.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	INDUSTRIAL PARK FACILITY	\$ 647,561.96	\$ 389,131.69	\$ 357,637.03	\$ 318,449.63	\$ 360,000.00	\$ 360,000.00	\$ 356,519.53	\$ 3,480.47	\$ 360,000.00	\$ 351,099.33	\$ 8,900.67	97.53%
	OTHER REVENUE	\$ 1,532.04	\$ 32,487.38	\$ 43,615.60	\$ 89,195.14	\$ 80,000.00	\$ 30,020.00	\$ 28,381.22	\$ 1,638.78	\$ 55,045.00	\$ 4,477.83	\$ 50,567.17	8.13%
	INTEREST EARNINGS	\$ 11,216.99	\$ 7,609.17	\$ 7,310.93	\$ 17,126.08	\$ 10,500.00	\$ 20,500.00	\$ 21,152.12	\$ (652.12)	\$ 16,000.00	\$ 9,903.80	\$ 6,096.20	61.90%
	CONTRIBUTIONS/OTHER	\$ 578,587.68	\$ 52,126.38	\$ 157,214.39	\$ 28,730.33	\$ -	\$ -	\$ 38,133.18	\$ (38,133.18)	\$ -	\$ 25,000.00	\$ (25,000.00)	
	TOTAL REVENUE - OPERATING	\$ 2,499,507.32	\$ 1,779,364.29	\$ 1,630,902.64	\$ 1,509,041.96	\$ 1,888,000.00	\$ 1,973,020.00	\$ 1,930,039.35	\$ 42,980.65	\$ 1,595,545.00	\$ 1,446,913.20	\$ 148,631.80	90.68%
EXPENDITURE													
	CAUSEWAY FACILITY	\$ 344,647.27	\$ 775,954.90	\$ 512,721.29	\$ 519,283.97	\$ 517,404.00	\$ 538,164.40	\$ 381,395.98	\$ 156,768.42	\$ 450,420.00	\$ 150,358.33	\$ 300,061.67	33.38%
	HARBOR FACILITY	\$ 140,971.05	\$ 106,510.72	\$ 121,741.06	\$ 115,215.72	\$ 218,107.00	\$ 225,552.65	\$ 166,568.91	\$ 58,983.74	\$ 189,324.00	\$ 93,809.65	\$ 95,514.35	49.55%
	CAPE NOME	\$ 21,505.00	\$ 8,207.00	\$ 43,842.50	\$ 13,096.75	\$ 10,000.00	\$ 6,000.00	\$ 1,388.40	\$ 4,611.60	\$ 17,500.00	\$ -	\$ 17,500.00	0.00%
	INDUSTRIAL PARK	\$ 1,600,068.76	\$ 214,135.86	\$ 228,059.13	\$ 128,303.32	\$ 170,774.00	\$ 135,940.30	\$ 47,534.93	\$ 88,405.37	\$ 104,825.00	\$ 60,941.10	\$ 43,883.90	58.14%
	PORT ADMIN OFFICE	\$ 649,591.30	\$ 626,920.61	\$ 766,940.54	\$ 608,024.41	\$ 668,112.00	\$ 792,239.86	\$ 714,487.81	\$ 77,752.05	\$ 768,476.00	\$ 380,113.84	\$ 388,362.16	49.46%
	TOTAL EXPENDITURE - OPERATING	\$ 2,756,783.38	\$ 1,731,729.09	\$ 1,673,304.52	\$ 1,383,924.17	\$ 1,584,397.00	\$ 1,697,897.21	\$ 1,311,376.03	\$ 386,521.18	\$ 1,530,545.00	\$ 685,222.92	\$ 845,322.08	44.77%
	OPERATING SURPLUS/(DEFICIT) BEFORE DEPRECIATION	\$ (257,276.06)	\$ 47,635.20	\$ (42,401.88)	\$ 125,117.79	\$ 303,603.00	\$ 275,122.79	\$ 618,663.32		\$ 65,000.00	\$ 761,690.28		
	TOTAL BUDGET	\$ 2,499,507.32	\$ 1,779,364.29	\$ 1,630,902.64	\$ 1,509,041.96	\$ 1,888,000.00	\$ 1,973,020.00	\$ 1,930,039.35		\$ 1,595,545.00	\$ 1,446,913.20		
PORT CAPITAL PROJECTS FUND													
	TOTAL REVENUE	\$ 375,957.46	\$ 4,043,830.04	\$ 4,087,709.87	\$ 5,447,743.17	\$ 1,550,000.00	\$ 8,192,038.71	\$ 2,419,822.05	\$ 5,772,216.66	\$ 7,031,869.00	\$ 979,632.33	\$ 6,052,236.67	86.07%
	TOTAL EXPENDITURE	\$ 375,957.46	\$ 4,617,804.34	\$ 4,617,804.34	\$ 5,447,743.17	\$ 1,595,000.00	\$ 8,259,328.86	\$ 2,419,822.05	\$ 5,839,506.81	\$ 7,096,869.00	\$ 1,874,435.21	\$ 5,222,433.79	73.59%
	SURPLUS/(DEFICIT) - TRANSFER FROM PORT OPERATING FUND	\$ -	\$ (573,974.30)	\$ (530,094.47)	\$ -	\$ (45,000.00)	\$ (67,290.15)	\$ -		\$ (65,000.00)	\$ (894,802.88)		
	TOTAL BUDGET	\$ 375,957.46	\$ 4,617,804.34	\$ 4,617,804.34	\$ 5,447,743.17	\$ 1,595,000.00	\$ 8,259,328.86	\$ 2,419,822.05		\$ 7,096,869.00	\$ 1,874,435.21		

Notes:

2017 - 2018 YTD Actual numbers are preliminary and unaudited, and are subject to change.

FINANCE OFFICE SUMMARY AS PART OF 1/8 COUNCIL PACKET

PORT OF NOME TARIFF RATE REVENUE - INCREASE PROJECTIONS

	<u>Tariff #12</u>	<u>Tariff #13</u>		<u>Tariff #14 Proposed Rates</u>		
<u>Tariff Items</u>	<u>2016 Revenue*</u>	<u>Item Rate</u>	<u>2017 Revenue*</u>	<u>3 % Increase</u>	<u>5% Increase</u>	<u>10% Increase</u>
<i>Causeway</i>						
E-Calls	\$ -	1,820.00	\$ 1,820.00	\$ 1,874.60	\$ 1,911.00	\$ 2,002.00
E-Calls after 1st hour	\$ -	1,212.75	\$ 1,212.75			
Garbage	\$ 4,457.25	42.45	\$ 3,523.35	\$ 3,629.05	\$ 3,699.52	\$ 3,875.69
Fresh Water 10K+	\$ 17,106.80	0.04	\$ 6,077.88	\$ 6,260.22	\$ 6,381.78	\$ 6,685.67
Fresh Water 1-9K gals	\$ 14,391.78	0.06	\$ 8,696.58	\$ 8,957.48	\$ 9,131.41	\$ 9,566.24
Fresh Water Flat Rate	\$ 8,913.59	181.91	\$ 5,639.21	\$ 5,808.39	\$ 5,921.17	\$ 6,203.13
Line Handling	\$ 29,894.36	1,030.84	\$ 25,771.00	\$ 26,544.13	\$ 27,059.55	\$ 28,348.10
Security Fee	\$ 179,994.11	1,819.13	\$ 20,020.00	\$ 20,620.60	\$ 21,021.00	\$ 22,022.00
Dockage - Anchorage	\$ 4,611.60	0.61	\$ 391.62	\$ 403.37	\$ 411.20	\$ 430.78
Dockage <200'	\$ 24,854.61	1.21	\$ 11,192.50	\$ 11,528.28	\$ 11,752.13	\$ 12,311.75
Dockage >200'	\$ 72,361.38	1.82	\$ 71,260.28	\$ 73,398.09	\$ 74,823.29	\$ 78,386.31
Used Oil Waste - Disposal	\$ 9,459.44	2,364.86	\$ -	\$ -	\$ -	\$ -
Unregulated Waste	\$ 6,366.90	424.46	\$ 5,942.44	\$ 6,120.71	\$ 6,239.56	\$ 6,536.68
Other (Fuel labor/boom/misc)	\$ 26,548.12	Various	\$ 25,226.74	\$ 25,226.74	\$ 25,226.74	\$ 25,226.74
Storage - Cswy	\$ 11,699.30	0.08	\$ 11,944.00	\$ 12,302.32	\$ 12,541.20	\$ 13,138.40
Sales Tax (set by Ordinance)						
Cargo - IN	\$ 80,492.33	11.55	\$ 138,504.52	\$ 142,659.66	\$ 145,429.75	\$ 152,354.97
Cargo - THRU/OS	\$ 7,996.72	5.78	\$ 20,428.42	\$ 21,041.27	\$ 21,449.84	\$ 22,471.26
Cargo - OUT	\$ 44,837.68	11.55	\$ 25,406.08	\$ 26,168.26	\$ 26,676.38	\$ 27,946.69
Fuel - IN	\$ 217,171.14	0.04	\$ 294,772.09	\$ 303,615.25	\$ 309,510.69	\$ 324,249.30
Fuel - O/S (overside)	\$ 7,114.36	0.01	\$ 2,174.77	\$ 2,240.01	\$ 2,283.51	\$ 2,392.25
Fuel - OUT	\$ 14,111.42	0.02	\$ 6,101.56	\$ 6,284.61	\$ 6,406.64	\$ 6,711.72
Gravel <2K per Barge	\$ 2,601.43	2.55	\$ 8,716.41	\$ 8,977.90	\$ 9,152.23	\$ 9,588.05
Gravel >2K per Barge	\$ 9,534.07	1.94	\$ 53,015.05	\$ 54,605.50	\$ 55,665.80	\$ 58,316.56
Gravel >40K ton per proj.	\$ 206,598.32	1.64	\$ 18,968.25	\$ 19,537.30	\$ 19,916.66	\$ 20,865.08

PORT OF NOME TARIFF RATE REVENUE - INCREASE PROJECTIONS

	<u>Tariff #12</u>	<u>Tariff #13</u>		<u>Tariff #14 Proposed Rates</u>		
<u>Tariff Items</u>	<u>2016 Revenue*</u>	<u>Item Rate</u>	<u>2017 Revenue*</u>	<u>3 % Increase</u>	<u>5% Increase</u>	<u>10% Increase</u>
Harbor						
E-Calls	\$ -	1,820.00	\$ -	\$ -	\$ -	\$ -
E-Calls after 1st hour	\$ -	1,212.75	\$ -	\$ -	\$ -	\$ -
Garbage	\$ 3,820.50	42.45	\$ 4,584.60	\$ 4,722.14	\$ 4,813.83	\$ 5,043.06
H2O 1-9K	\$ 1,274.16	0.06	\$ 1,550.22	\$ 1,596.73	\$ 1,627.73	\$ 1,705.24
H2O Flat Rate	\$ 1,637.19	181.91	\$ 2,182.92	\$ 2,248.41	\$ 2,292.07	\$ 2,401.21
Security Fee	\$ -	1,820.00	\$ 1,820.00	\$ 1,874.60	\$ 1,911.00	\$ 2,002.00
Dockage <200'	\$ 32,735.34	1.21	\$ 29,532.47	\$ 30,418.44	\$ 31,009.09	\$ 32,485.72
Dockage >200'	\$ 28,428.40	1.82	\$ 62,844.60	\$ 64,729.94	\$ 65,986.83	\$ 69,129.06
IV - Summer 32' and under	\$ 1,344.00	420.00	\$ 1,974.00	\$ 2,033.22	\$ 2,072.70	\$ 2,171.40
IV - Summer over 32' to 42'	\$ 2,016.00	630.00	\$ 126.00	\$ 129.78	\$ 132.30	\$ 138.60
IV - Summer over 42' to 52'	\$ -	840.00	\$ 672.00	\$ 692.16	\$ 705.60	\$ 739.20
IV - Summer over 52' to 62'	\$ 1,008.00	1,260.00	\$ 1,575.00	\$ 1,622.25	\$ 1,653.75	\$ 1,732.50
IV - Summer over 62' to 72'	\$ -	1,680.00	\$ -	\$ -	\$ -	\$ -
IV - Summer over 72' to 92'	\$ 672.00	2,310.00	\$ 672.00	\$ 692.16	\$ 705.60	\$ 739.20
IV - Summer over 92'	\$ 2,772.00	3,465.00	\$ 2,772.00	\$ 2,855.16	\$ 2,910.60	\$ 3,049.20
IV - Winter 32' and under	\$ 1,050.00	525.00	\$ 6,825.00	\$ 7,029.75	\$ 7,166.25	\$ 7,507.50
IV - Winter over 32' to 42'	\$ 7,350.00	787.50	\$ 1,575.00	\$ 1,622.25	\$ 1,653.75	\$ 1,732.50
IV - Winter over 42' to 52'	\$ -	1,050.00	\$ 3,150.00	\$ 3,244.50	\$ 3,307.50	\$ 3,465.00
IV - Winter over 52' to 62'	\$ 4,200.00	1,575.00	\$ 3,150.00	\$ 3,244.50	\$ 3,307.50	\$ 3,465.00
IV - Winter over 62' to 72'	\$ -	2,100.00	\$ 2,100.00	\$ 2,163.00	\$ 2,205.00	\$ 2,310.00
IV - Winter over 72' to 92'	\$ 8,820.00	2,940.00	\$ 5,880.00	\$ 6,056.40	\$ 6,174.00	\$ 6,468.00
IV - Winter over 92'	\$ -	4,725.00	\$ 6,216.00	\$ 6,402.48	\$ 6,526.80	\$ 6,837.60
Leases - Harbor (set by contract)	\$ 37,838.02	Various	\$ 17,126.42	\$ 17,126.42	\$ 17,126.42	\$ 17,126.42
Trailer Parking	\$ 2,925.72	change to strg	\$ -	\$ -	\$ -	\$ -
Emergency - Vessel Assist	\$ -	Various	\$ -	\$ -	\$ -	\$ -
Other (apparel/boom/fees/misc)	\$ 36,001.77	Various**	\$ 7,800.15	\$ 7,800.15	\$ 7,800.15	\$ 7,800.15
Monthly DP - Harbor	\$ 3,923.47	Various	\$ 29,461.02	\$ 30,344.85	\$ 30,934.07	\$ 32,407.12
Monthly DP - River	\$ 1,159.59	Various	\$ 2,510.91	\$ 2,586.24	\$ 2,636.46	\$ 2,762.00
Season DP - Harbor	\$ 30,076.75	Various	\$ 20,895.80	\$ 21,522.67	\$ 21,940.59	\$ 22,985.38
Season DP - River	\$ 2,571.81	Various	\$ 1,418.94	\$ 1,461.51	\$ 1,489.89	\$ 1,560.83
PPD Season DP - River/Harbor	\$ 66,671.06	Various	\$ 117,600.81	\$ 121,128.83	\$ 123,480.85	\$ 129,360.89
Weekly DP - Harbor	\$ 3,562.91	Various	\$ 6,573.10	\$ 6,770.29	\$ 6,901.76	\$ 7,230.41
Weekly DP - River	\$ 591.24	Various	\$ 213.84	\$ 220.26	\$ 224.53	\$ 235.22
Storage - Harbor	\$ 3,634.05	0.06	\$ 2,051.58	\$ 2,113.13	\$ 2,154.16	\$ 2,256.74
Sales Tax (set by ordinance)						

PORT OF NOME TARIFF RATE REVENUE - INCREASE PROJECTIONS

	<i>Tariff #12</i>		<i>Tariff #13</i>		<i>Tariff #14 Proposed Rates</i>		
<u>Tariff Items</u>	<u>2016 Revenue*</u>	<u>Item Rate</u>	<u>2017 Revenue*</u>	<u>3 % Increase</u>	<u>5% Increase</u>	<u>10% Increase</u>	
Cargo/Equip - IN	\$ 40,024.69	11.55	\$ 56,434.60	\$ 58,127.64	\$ 59,256.33	\$ 62,078.06	
Cargo/Equip - THRU/OS	\$ 18,900.75	5.78	\$ 29,193.99	\$ 30,069.81	\$ 30,653.69	\$ 32,113.39	
Cargo/Equip - OUT	\$ 26,036.27	11.55	\$ 13,485.02	\$ 13,889.57	\$ 14,159.27	\$ 14,833.52	
Fuel - IN	\$ 53,011.54	0.04	\$ 60,767.58	\$ 62,590.61	\$ 63,805.96	\$ 66,844.34	
Fuel - OUT	\$ 3,891.75	0.02	\$ 3,656.25	\$ 3,765.94	\$ 3,839.06	\$ 4,021.88	
Gravel <2K per Barge	\$ 10,325.49	2.55	\$ 34,667.57	\$ 35,707.60	\$ 36,400.95	\$ 38,134.33	

Industrial Pad							
Leases - IP (set by contract)	\$ 167,531.64	Various	\$ 160,588.22	\$ 160,588.22	\$ 160,588.22	\$ 160,588.22	
Storage - IP	\$ 123,295.68	0.06	\$ 169,077.19	\$ 174,149.51	\$ 177,531.05	\$ 185,984.91	
IV/IP - Summer 32' and under	\$ 3,780.00	420.00	\$ 1,764.00	\$ 1,816.92	\$ 1,852.20	\$ 1,940.40	
IV/IP - Summer over 32' to 42'	\$ 3,696.00	630.00	\$ 504.00	\$ 519.12	\$ 529.20	\$ 554.40	
IV/IP - Summer over 42' to 52'		840.00	\$ -				
IV/IP - Summer over 52' to 62'	\$ 2,016.00	1,260.00	\$ 672.00	\$ 692.16	\$ 705.60	\$ 739.20	
IV/IP - Summer over 62' to 72'		1,680.00	\$ 336.00	\$ 346.08	\$ 352.80	\$ 369.60	
IV/IP - Summer over 72' to 92'	\$ 2,310.00	2,310.00	\$ -	\$ -	\$ -	\$ -	
IV/IP - Summer over 92'	\$ 693.00	3,465.00	\$ 693.00	\$ 713.79	\$ 727.65	\$ 762.30	
IV/IP - Winter 32' and under	\$ 22,575.00	525.00	\$ 17,325.00	\$ 17,844.75	\$ 18,191.25	\$ 19,057.50	
IV/IP - Winter over 32' to 42'	\$ 13,650.00	787.50	\$ 7,875.00	\$ 8,111.25	\$ 8,268.75	\$ 8,662.50	
IV/IP - Winter over 42' to 52'		1,050.00	\$ 4,200.00	\$ 4,326.00	\$ 4,410.00	\$ 4,620.00	
IV/IP - Winter over 52' to 62'	\$ 10,500.00	1,575.00	\$ 6,300.00	\$ 6,489.00	\$ 6,615.00	\$ 6,930.00	
IV/IP - Winter over 62' to 72'		2,100.00	\$ 6,300.00	\$ 6,489.00	\$ 6,615.00	\$ 6,930.00	
IV/IP - Winter over 72' to 92'	\$ 14,700.00	2,940.00	\$ 14,700.00	\$ 15,141.00	\$ 15,435.00	\$ 16,170.00	
IV/IP - Winter over 92'	\$ 4,725.00	4,725.00	\$ 9,450.00	\$ 9,733.50	\$ 9,922.50	\$ 10,395.00	
Total Revenue	\$ 1,808,863.50		\$ 1,709,649.30	\$ 1,753,367.40	\$ 1,783,321.31	\$ 1,858,206.06	
Increase Over Existing			\$ (99,214.20)	\$ 43,718.10	\$ 73,672.00	\$ 148,556.75	
Wharfage Revenue Only	\$ 742,647.96		\$ 766,292.16	\$ 789,280.92	\$ 804,606.77	\$ 842,921.38	
Increase Over Existing			\$ 23,644.20	\$ 22,988.76	\$ 38,314.61	\$ 76,629.22	

*Revenue is calendar year to allow for full year comparison

2017 revenue \$99,214.20 decrease from 2016 (mostly Quintillion ops 2016)

**admin fees/apparel/boom/labor/film permits/RAP

Staff Recommendation - 2018 season

**MINUTES
NOME PORT COMMISSION
REGULAR MEETING
January 18th, 2018**

The Regular Meeting of the Nome Port Commission was called to order at 6:33 pm by Vice-Chairman Lean in Council Chambers at City Hall, located at 102 Division Street.

ROLL CALL

Members Present: C. Lean, C. Henderson; C. Rowe (telephonically); C. McLarty;

Absent: C. Smithhisler; C. West; C. Michels

Also Present: Lucas Stotts, Harbormaster; Joy Baker, Port Director (telephonically); Tom Moran, City Manager

In the audience: Zoe Grueskin, KNOM; Sandra Medearis, Arctic News

APPROVAL OF AGENDA

Vice-Chairman Lean asked for a motion to approve the agenda:

A motion was made by McLarty and seconded by Henderson.

At the Roll Call:

Ayes: Lean, Henderson, Rowe, McLarty,

Nays:

Abstain:

The motion **CARRIED**.

APPROVAL OF MINUTES

November 16, 2017 Regular Meeting

A motion was made by C. McLarty and seconded by C. Henderson to approve the minutes.

At the Roll Call:

Ayes: Henderson, Rowe, McLarty, Lean

Nays:

Abstain:

The motion **CARRIED**.

CITIZENS' COMMENTS None

COMMUNICATIONS

- 17-11-24 Northern Bering Sea Groundfish & Crab Trawl Survey Highlights
- 17-12-01 R-17-12-01 City/Port Federal Legislative Priorities
- 17-12-01 R-17-12-02 City/Port State Legislative Priorities

Discussion:

Lean made a few comments on the crab trawl survey; stating that Pollock are up by a factor of 65 and Pacific Cod are up by a factor of 10 from ten years ago, and if that is a trend, we have one of the world's

biggest commercial fisheries in our back yard. Pacific Cod are very important commercially, and the local bread & butter (crab) are holding their own although down a few percent. Henderson inquired about how the impacts local fishermen; Lean indicated Pacific Cod could fit into local halibut fishery fairly easily as they catch them by accident, so there's room for local fishing on cod which are relatively close to Nome for local, larger boats. Pollock are out on the date line and would take a larger vessel. Henderson asked if all local boats could fish the Pollock. Lean indicated it would take larger vessels but the local boats could fish the Pacific Cod with pots or long line, but most common is to trawl which is currently not allowed. Henderson asked if this increase was due to warmer waters and if boats large enough to fish the Pollock, could they access the Nome Port. Lean indicated yes, mostly due to warmer waters and yes, the trawlers could access the Port docks but likely draw 20 feet. McLarty asked about the halibut and Arctic cod numbers showing a decrease; Lean replied the halibut numbers are down Pacific-wide, not just Norton Sound and Arctic Cod is important to the food chain and subsistence fisheries, but it is not a commercial species.

CITY MANAGER'S REPORT (18-01-11 Report)

In the CM's absence, PD Baker pointed out the attached state lobbyists report on items of interest being addressed during the legislative session.

HARBORMASTER'S REPORT (Verbal)

HM Stotts gave a brief report on the initial schedule for cruise ships scheduling for the season, as well as the monthly cargo sailings. Impound round IV is closing out with more than half paying in full, three signing payment agreements and 3 being impounded.

Discussion:

Henderson mentioned seeing equipment being exported and wondered if contractors are shipping south. Stotts and Baker indicated that no, it's more reflective of equipment being redistributed around the region based on work, or moved to another site based on anticipated work. McLarty asked if it's possible to get the quantity of tons/gallons moving inbound versus outbound on a calendar year back to 2013. Baker indicated yes, that can be discerned from reports generated in the Caselle billing system.

PORT DIRECTOR REPORT (Projects Update) (18-01-15 Report)

PD Baker highlighted that the Alaska Corps District did award the 2018-2020 dredging contract to Alaska Marine Excavation, the same contractor that's had it for many years. Also, attached is the current F19 budget through 12/31/17, as well as the updated vessel traffic figures through 2017.

Discussion:

Henderson asked about the higher numbers for bulk cargo and fuel in 2017; what's behind that? Baker stated that these figures reflect all dates at the dock for each vessel, so weather/other delays play a factor.

ADOT/PDC Engineers – Port Road Triangle Intersection Alternatives

PD Baker explained the alternatives from PDC (under contract to ADOT) to address traffic safety at the triangle intersection at the Port. There have been several iterations, but the compromise before you is the latest plan to address all concerns and minimize impact to port truck traffic.

Discussion:

McLarty inquired on if the truck scales will remain at the intersection, and where the scale-bound traffic from the north will cross the road to access the ramp. Baker indicated there has been discussion with PDC on exactly where the best crossing location would be, as well as the Port internally considering whether to push a track scale site further off that shoulder onto a separate site. Those details will follow once the concept has been identified. Lean stated his concern was to ensure forklifts can carry 40-foot cans when needed; Baker advised she received word back from the cargo companies that carrying 40-footers is not a

common occurrence. Lean also asked about whether paved roadway was going to be elevated, which will prevent free-style driving and limit the ability to maneuver out of the way of large trucks and lifts. Baker advised that details on design would be considered into the future, but conceptual was the current goal.

OLD BUSINESS

Proposed Changes to NCO Chapter 12 and Port Tariff to Address Repeated Delinquent User Accounts

Discussion:

Further discussion is necessary so there is no action on this item.

Lean stated there definitely is need for further discussion regarding the over-side fueling issue with the Council, during a potential work session. Baker advised we will tentatively schedule for 2/12, and once confirmed, notice will be provided to the group.

NEW BUSINESS There was none.

CITIZENS' COMMENTS - None

COMMISSIONERS' COMMENTS

C. McLarty – indicated he would like to see what options are available for storing/shipping the materials versus processing locally, and a cost comparison. Also, been digging into storage rates at other facilities and will be presenting that to the Commission for consideration for alternatives or possible tariff revision.

C. Rowe – no comments, but do plan to provide input on waste reception plan.

Henderson – good work session and meeting. The next time we look to review the tariff during w/s or meeting, I was looking at the Cordova report and saw that there are multiple forecasts that it would be helpful to have the updated information for, if that's possible, to give an idea for gravel, fuel and cargo.

C. Lean – does have comments on the draft feasibility plan for the Waste Reception Facility that he will provide via email. Also, the tariff discussions are always the toughest part of the duties. I'm very interested in the waste stream investigation we are doing. The fisheries thing is always my big interest and the same study shows a strong recruitment about 3 years out, even though the numbers are down right now, so it's not all bad. You can look at the Pacific Ocean and see different bands for different areas, and say those bands migrate north and we have been on the northern edge of those bands and now we're becoming more central, so the truth is we're seeing more fish.

SCHEDULE OF NEXT MEETING

The next meeting: February 15, 2018 at 5:30 PM.

ADJOURNMENT

Motion was made by C. Henderson for adjournment – meeting adjourned at 7:56 PM.

APPROVED and **SIGNED** this 15th day of February, 2017.

Charlie Lean, Vice-Chairman

ATTEST:

Joy Baker, Port Director

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
United States Coast Guard
Sector Anchorage

PO Box 5800
JBER, AK 99505-0800
Staff Symbol: s
Phone: 907-428-4200
Fax: 907-428-4218
Anchorage.Inspections@uscg.mil

16711
December 13, 2017

MARINE SAFETY INFORMATION BULLETIN 04-17

Commercial Vessel Safety Requirements for Gold Dredge Operations in Nome, Alaska for the 2018 Season

PURPOSE: This informational bulletin addresses the gold dredge vessel fleet in Nome, Alaska. The Coast Guard promotes the safety of vessel operators and protection of the marine environment by enforcing regulations applicable to these vessels.

PUBLICATIONS AFFECTED: Sector Anchorage MSIB 01-17 regarding dredge operations in Western Alaska is canceled.

DISCUSSION: The specific commercial standards that apply to each vessel depend on the vessel's length, tonnage, age, area of operation, and means of propulsion.

- a. After a careful legal review and risk assessment analysis, Sector Anchorage has determined that there is an increased need to ensure adherence to the applicable federal regulations for the Nome gold dredge vessel fleet. Some gold dredge vessels will be required to hold a load line certificate and/or a Certificate of Inspection (COI) to operate in 2018.
- b. Vessels which are not required to have a load line certificate or COI may still participate in the voluntary examination program and receive a decal annually.
- c. If you own a dredge that is over 79 feet, more than 300 gross tons, or any size dredge without propulsion, you may have additional regulations that apply and should submit an application for inspection (form CG-3752) to Sector Anchorage at the earliest opportunity.
- d. If you are considering building or buying a large dredge, please contact us *before* doing so. Sector Anchorage will assist dredge owners in determining the regulations that apply to their specific vessel.
- e. If your dredge requires the use of a towing vessel to safely maneuver, please take note that towing vessels of 26 feet or more will be required to hold a COI starting in 2018, and are also required to be operated by a credentialed master mariner.

- f. Starting in the 2018 season, Sector Anchorage's enforcement posture will deviate from previous seasons which allowed dredges leeway and time to come into compliance. The Coast Guard may take enforcement action against any vessel found not to be in compliance with federal regulations. While any vessel has the potential to be boarded by Coast Guard law enforcement personnel, vessels that are inspected or have received a voluntary safety decal from the Coast Guard are less likely to be boarded to verify compliance.
- g. All current and prospective gold dredge owners are encouraged to contact Mr. Jeff Ahlgren at (907) 428-4183 or Jeffrey.L.Ahlgren@uscg.mil at their earliest convenience to ensure they are in compliance with regulatory requirements prior to the start of the season. Our website (<http://www.pacificarea.uscg.mil/Our-Organization/District-17/17th-District-Units/Sector>) has additional gold dredge information. Inspection dates for 2018 will be posted to this website once they are determined.

S. C. MACKENZIE
Captain, U.S. Coast Guard
Officer in Charge, Marine Inspection
Western Alaska



US Army Corps of Engineers

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Corps begins new feasibility study for Port of Nome

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Posted 2/2/2018

Release no. 18-001

Contact

John Budnik
907-753-2615

John.P.Budnik@usace.army.mil

JOINT BASE ELMENDORF-RICHARDSON – The U.S. Army Corps of Engineers – Alaska District entered into an agreement with the City of Nome on Feb. 2, 2018, to examine the feasibility of constructing navigation improvements at the Port of Nome.

On Dec. 14, 2017, a memorandum from the U.S. Army Corps of Engineers' Director of Civil Works was issued recommending termination of the Alaska Regional Ports Feasibility Study and initiation of a follow-on investigation at the Port of Nome.

"The Alaska Regional Ports study was terminated Jan. 3," said Bruce Sexauer, chief of the Alaska District Civil Works Branch. "The study previously identified Nome as a location where potential port improvements could be justified, but the study was paused in 2015 when Royal Dutch Shell announced it was suspending oil exploration activities in the Arctic. This brought into question the validity of the economic assumptions and overall justification for a federal project."

The new investigation will examine a wider array of benefits than the previous study, including Nome's role as a regional hub for surrounding communities that rely on fuel and goods. The budget, schedule and scope of the study will be refined at a planning charrette scheduled for late April in Nome.

To learn more about the U.S. Army Corps of Engineers – Alaska District's Civil Works program, visit <http://www.poa.usace.army.mil/Missions/Civil-Works-and-Planning/>.

###

2018 (1)

2017 (13)

2016 (6)

2015 (18)

2014 (20)

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February 12, 2018

To: Nome Port Commission,
From: Andrew Lee

I would like to bring to your attention certain issues that effect the Nome offshore mining fleet, with regards to the Coast Guard, as well as my suggestions for a temporary fix and a long term solution.

Overview

The Coast Guard has stated that they will begin strictly enforcing Code of Federal Regulations, Title 46 (Shipping), Chapter I (Coast Guard), Subchapter I (Cargo and Miscellaneous Vessels), among other regulations, in the offshore Nome area. The focus is currently on gold mining dredges, but will likely expand to fishing vessels, as it has in other parts of Alaska.

As you may be aware, larger gold mining platforms typically use barges, outfitted with digging and processing equipment. These vessels operate within three miles from shore, and within 12 miles of the Port of Nome. The water is shallower than 80 feet, mostly shallower than 45 feet. The barges are towed to their work area, set up anchors or spuds, and conduct mining operations. These vessels always are within sight of Nome and shore. If there were an emergency aboard one of these vessels, assistance is readily available via the dredge's support boat, the Port of Nome response vessel, local helicopter service, a large number of local vessels including smaller dredges. A response time of 15 to 30 minutes is expected, in any conditions when the dredge would be operating. Further, a small raft with modest propulsion launched by one of these dredging barges in an emergency could reach the safety of shore within 5 to 20 minutes. A response by the Coast Guard is typically hours, if not days away.

The regulations of Subchapter I and Loadlines are designed to protect passengers and cargo at sea. In the case of dredging platforms in the area of Nome, these regulations achieve no meaningful improvement to safety; they only cause large compliance costs, and drive away investment in Nome area projects.

It is reasonable to expect all vessels, of any size, operating offshore Nome to have basic safety requirements. Fire extinguishers, flotation devices (PFDs, rings, life boats), communications equipment (such as radios and navigation lights), and signage. However, the requirements designed for ocean voyages, carrying cargo and passengers, are not reasonable and should not be applied to these near-shore, near-port work platforms.

Economic Impacts to Nome

Overly burdensome regulations drive up the cost of projects, making them less economically viable and thus less likely to be undertaken. There are currently three larger dredges in the works: the Tuvi, the Myrtle Irene, and the Tagiuk Provider. Each of these would have significant benefit to the Nome economy. However, the Tuvi and Myrtle Irene will never meet the Loadline regulations; and it would take several tens of thousands, if not over a hundred thousand dollars each for these three to meet the Subchapter I regulations. This is money better spent in Nome, not on out of state engineering consultants and inspectors.

Each of these mining vessels has the following benefits to Nome:

- 5 to 8 new or saved good paying jobs
- 100,000+ gallons of fuel purchased per year; and the associated Port tariffs and sales taxes
- Moorage and storage fees paid to the Port of Nome
- Larger port users increases the justification for expansion of the Port of Nome.
- Tens of thousands of dollars worth of good and services purchased from Nome vendors and landlords each year, and the associated sales taxes
- Diversification of the Nome economy, helps protect Nome from fluctuation in State and Federal Spending.
- Indirect benefits as the above benefits cascade throughout the Nome economy.

Resolution in Favor of Exemptions

We encourage the Nome Port Commission and the Nome City Council to pass a resolution petitioning the United States Coast Guard to grant waivers of the Loadline and Certificate of Inspection requirements for our three vessels , and any others that the Nome Port Commission deems to meet a sufficient level of safety, that operates within 12 miles of the Port of Nome. Specifically, to request that these vessels be treated as if they were operating inside the Boundary Line.

Boundary Line Solution

Nome should have its own Boundary Line exemption. The Boundary Line determines, among other things, where these ocean rules should start to apply. By default, the Boundary Line starts at mean high tide; meaning if your feet are wet at the beach, then you are outside the Boundary Line. Nationwide, here are 35 exemptions defined in regulations that push the Boundary Line out from shore, as far as 12 miles.

Approximately 2500 miles of US coastline have these special adjustments. For most of the Northeastern US coastline, the Boundary line is 5 to 10 miles from the mainland. For the entire US coastline with the Gulf of Mexico, the Boundary Line is 12 miles from shore. In addition, many other ports and sounds have their own adjustments. Three miles offshore Norton Sound is much safer than 12 miles offshore Texas; Norton Sound is shallower, and much more protected.

Without a Boundary Line exemption, Nome is at significant disadvantage to Kotzebue for selection as a deep water port location. Kotzebue already has their surrounding waters exempted (by CFR 46.I.A Part 7 Section 180). Many other ports and entire regions have their surrounding waters carved out of the Subchapter I requirements through a Part 7 exemption.

Without a Boundary Line exemption, Norton Sound fishermen are at risk of becoming subject to these expensive and excessive requirements, as the Coast Guard continues to redefine and expand its authority. Preemptive action needs to be taken to exclude Norton Sound from these rules.

There are three logical ways to modify the Boundary Line, to benefit Nome, Norton Sound, or Western Alaska:

1. Exempt 12-mile radius or 12-mile box around Port of Nome
 - From Rodney Creek to Cape Nome, 12 miles from shore.
 - Benefits all offshore miners and creates new opportunities for local tugboat, lightering and other service providers.
 - Very safe waters, in sight of Nome, shallower than 90 feet, mostly shallower than 45 feet.
 - Similar to other small port exemptions, creates area outside of the harbor where commercial work can be done, like dredging and secondary tugboat assists, without excessively burdensome regulations designed for long voyages.
2. Exempt Norton Sound, from Cape Rodney to Sheldon Point
 - Duplicates the existing Kotzebue Sound exemption benefits for Norton Sound.
 - Boosts economic development opportunity in and between Nome, Golovin, Shaktoolik, Unalakeet, St Michaels
 - Benefits all local fishermen, offshore miners, and creates new opportunities for local tugboat, cargo, and other service providers.
 - Norton Sound is all shallower than 100 feet.
3. Exempt 12-miles out, shallow waters of Alaska's West Coast from Cape Menshikof to Point Hope
 - Helps local fishermen all along the coast
 - Water is shallower and safer than Gulf Coast exemption area; mostly less than 120 feet deep.
 - Opens up an array of local regional service providers, boosts economic development for the entire region.

Resolution in Favor of Boundary Line Adjustments

We encourage the Nome Port Commission and the Nome City Council to pass a resolution petitioning the President of the United States, Senators Murkowski and Sullivan, and Representative Don Young to, by Executive Order or Federal Law, modify the Boundary Line regulations in 46 CFR Part 7 in one or all of the ways described above.

Please let us know if you have any questions or would like more information.

Best Regards,

Andrew Lee	David Young	Shawn Pomrenke
Tagiuk Provider	Myrtle Irene	Tuvi
907-304-0216		

Areas Exempted from 46 CFR Part 7 Boundary Line

Atlantic Coast (§§ 7.10 - 7.100)

- § 7.10 Eastport, ME to Cape Ann, MA.
- § 7.15 Massachusetts Bay, MA.
- § 7.20 Nantucket Sound, Vineyard Sound, Buzzards Bay, Narragansett Bay, MA, Block Island Sound and easterly entrance to Long Island Sound, NY.
- § 7.25 Montauk Point, NY to Atlantic Beach, NY.
- § 7.30 New York Harbor, NY.
- § 7.35 Sandy Hook, NJ to Cape May, NJ.
- § 7.40 Delaware Bay and tributaries.
- § 7.45 Cape Henlopen, DE to Cape Charles, VA.
- § 7.50 Chesapeake Bay and tributaries.
- § 7.55 Cape Henry, VA to Cape Fear, NC.
- § 7.60 Cape Fear, NC to Sullivans Island, SC.
- § 7.65 Charleston Harbor, SC.
- § 7.70 Folly Island, SC to Hilton Head Island, SC.
- § 7.75 Savannah River/Tybee Roads.
- § 7.80 Tybee Island, GA to St. Simons Island, GA.
- § 7.85 St. Simons Island, GA to Little Talbot Island, FL.
- § 7.90 St. Johns River, FL.
- § 7.95 St. Johns Point, FL to Miami Beach, FL.
- § 7.100 Florida Reefs and Keys from Miami, FL to Marquesas Keys, FL.

Gulf Coast (§ 7.105)

- § 7.105 Marquesas Keys, FL to Rio Grande, TX.

Hawaii (§ 7.110)

- § 7.110 Mamala Bay, HI.

Pacific Coast (§§ 7.115 - 7.145)

- § 7.115 Santa Catalina Island, CA.
- § 7.120 Mexican/United States border to Point Fermin, CA.
- § 7.125 Point Vicente, CA to Point Conception, CA.
- § 7.130 Point Conception, CA to Point Sur, CA.
- § 7.135 Point Sur, CA to Cape Blanco, OR.
- § 7.140 Cape Blanco, OR to Cape Flattery, WA.
- § 7.145 Strait of Juan de Fuca, Haro Strait and Strait of Georgia WA.

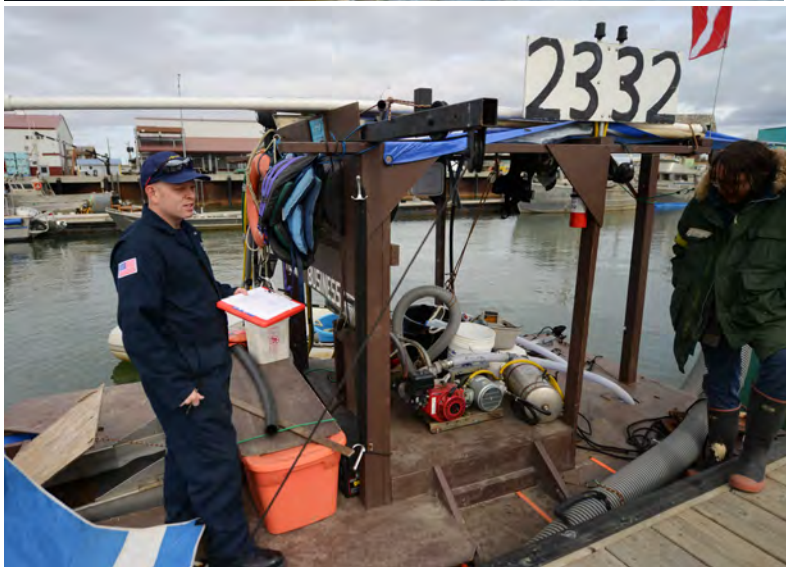
Alaska (§§ 7.150 - 7.180)

- § 7.150 Canadian (BC) and United States (AK) Borders to Cape Spencer, AK.
- § 7.155 Cape Spencer, AK to Cape St. Elias, AK.
- § 7.160 Point Whittshed, AK to Aialik Cape, AK.
- § 7.165 Kenai Peninsula, AK to Kodiak Island, AK.
- § 7.170 Alaska Peninsula, AK to Aleutian Islands, AK.
- § 7.175 Alaska Peninsula, AK to Nunivak, AK.
- § 7.180 Kotzebue Sound, AK.

USCG “Safety Bulletins”

- MARINE SAFETY INFORMATION BULLETIN 02-17
- “COMMERCIAL STATUS: The Coast Guard considers all gold dredges operating in the vicinity of Nome to be commercial (vice recreational) vessels”
- Because ALL waters offshore Nome are considered “at sea”, all rules for “Commercial Vessels At Sea” now apply.
- This ruling kills jobs and hampers new investments in this rural Alaska village.
- Provides no meaningful increase in safety; at great expense to the small business owners.

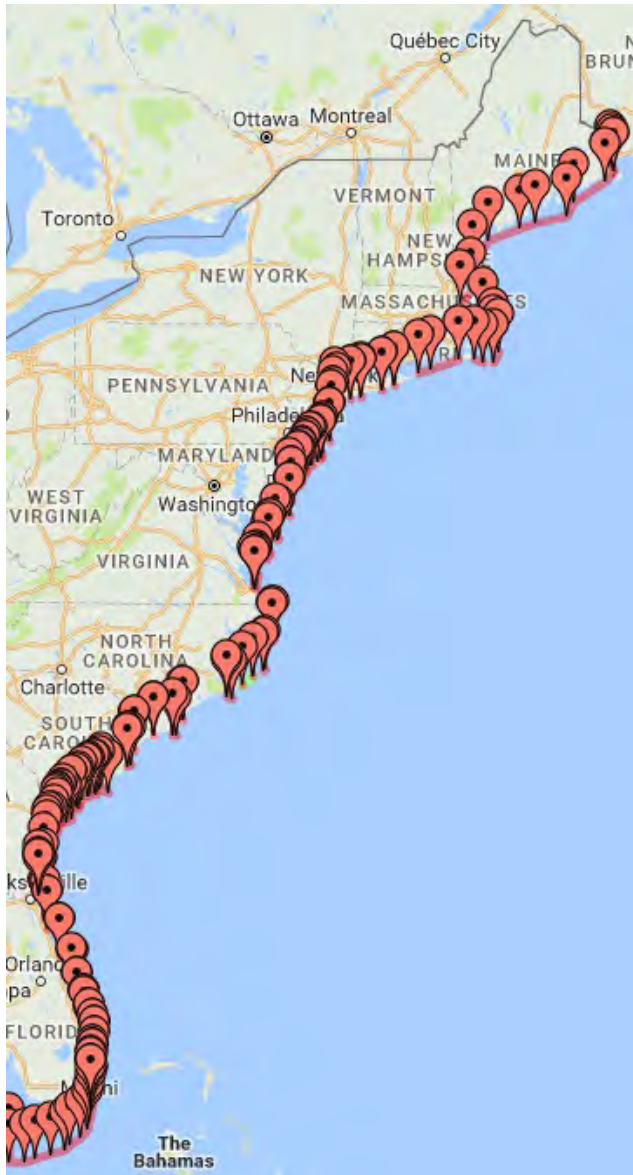
Examples of “Commercial Vessels” under this new definition



Easiest/Fasted Solution: Adjust the “Boundary Line”

- Defined under: CFR Title 46, Chapter I, Subchapter A, Part 7
- 35 Adjustments are currently in place.
- Example: Entire Gulf of Mexico is excluded to 12 miles from shore.
- Nome, Alaska: Currently “Boundary Line” is the shoreline, and rules written for the high seas apply to all vessels that are wet, even when they stay close to shore.

Examples of East Coast “Boundary Line” Adjustments



Atlantic Coast (§§ 7.10 - 7.100)

§ 7.10 Eastport, ME to Cape Ann, MA.

§ 7.15 Massachusetts Bay, MA.

§ 7.20 Nantucket Sound, Vineyard Sound, Buzzards Bay, Narragansett Bay, MA, Block Island Sound and easterly entrance to Long Island Sound, NY.

§ 7.25 Montauk Point, NY to Atlantic Beach, NY.

§ 7.30 New York Harbor, NY.

§ 7.35 Sandy Hook, NJ to Cape May, NJ.

§ 7.40 Delaware Bay and tributaries.

§ 7.45 Cape Henlopen, DE to Cape Charles, VA.

§ 7.50 Chesapeake Bay and tributaries.

§ 7.55 Cape Henry, VA to Cape Fear, NC.

§ 7.60 Cape Fear, NC to Sullivans Island, SC.

§ 7.65 Charleston Harbor, SC.

§ 7.70 Folly Island, SC to Hilton Head Island, SC.

§ 7.75 Savannah River/Tybee Roads.

§ 7.80 Tybee Island, GA to St. Simons Island, GA.

§ 7.85 St. Simons Island, GA to Little Talbot Island, FL.

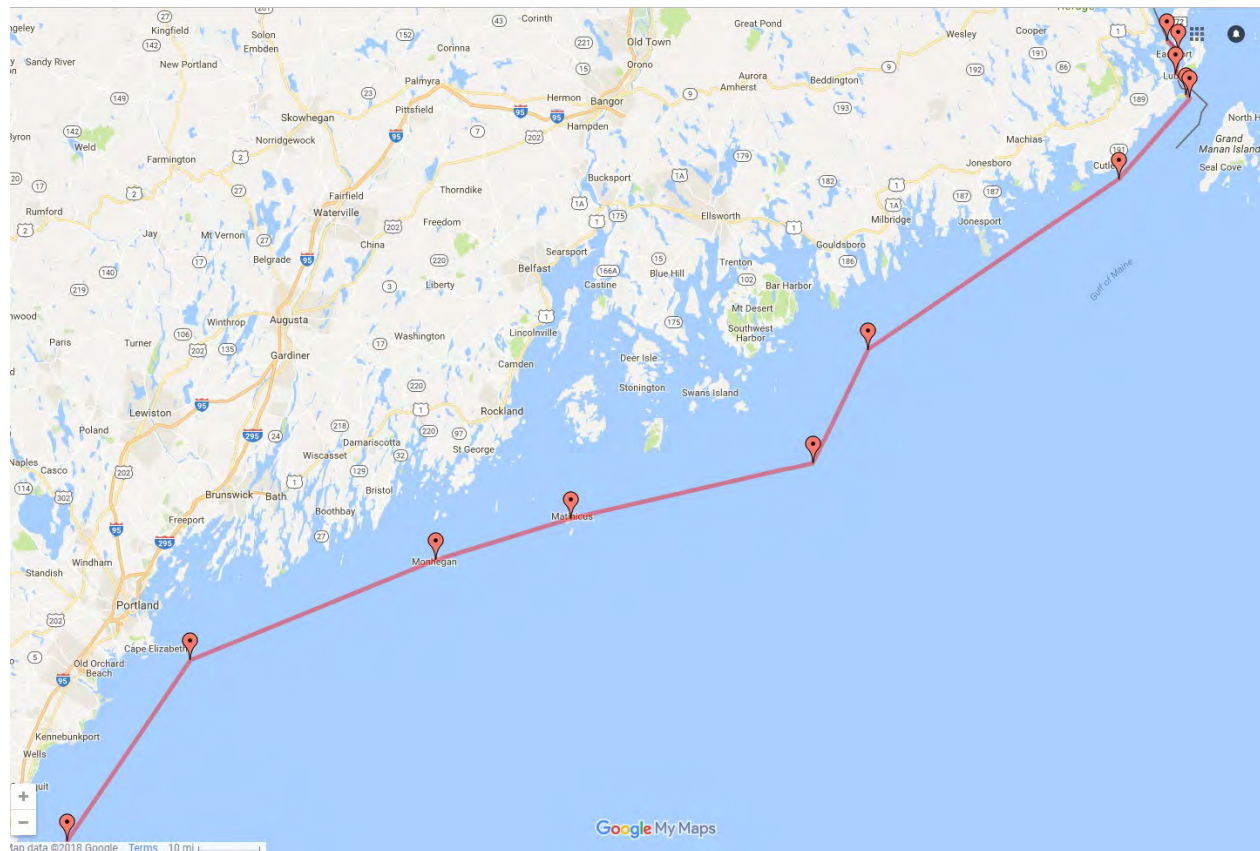
§ 7.90 St. Johns River, FL.

§ 7.95 St. Johns Point, FL to Miami Beach, FL.

§ 7.100 Florida Reefs and Keys from Miami, FL to Marquesas Keys, FL.

Examples of East Coast “Boundary Line” Adjustments

46 CFR 7.10 Eastport, ME to Cape Ann, MA.



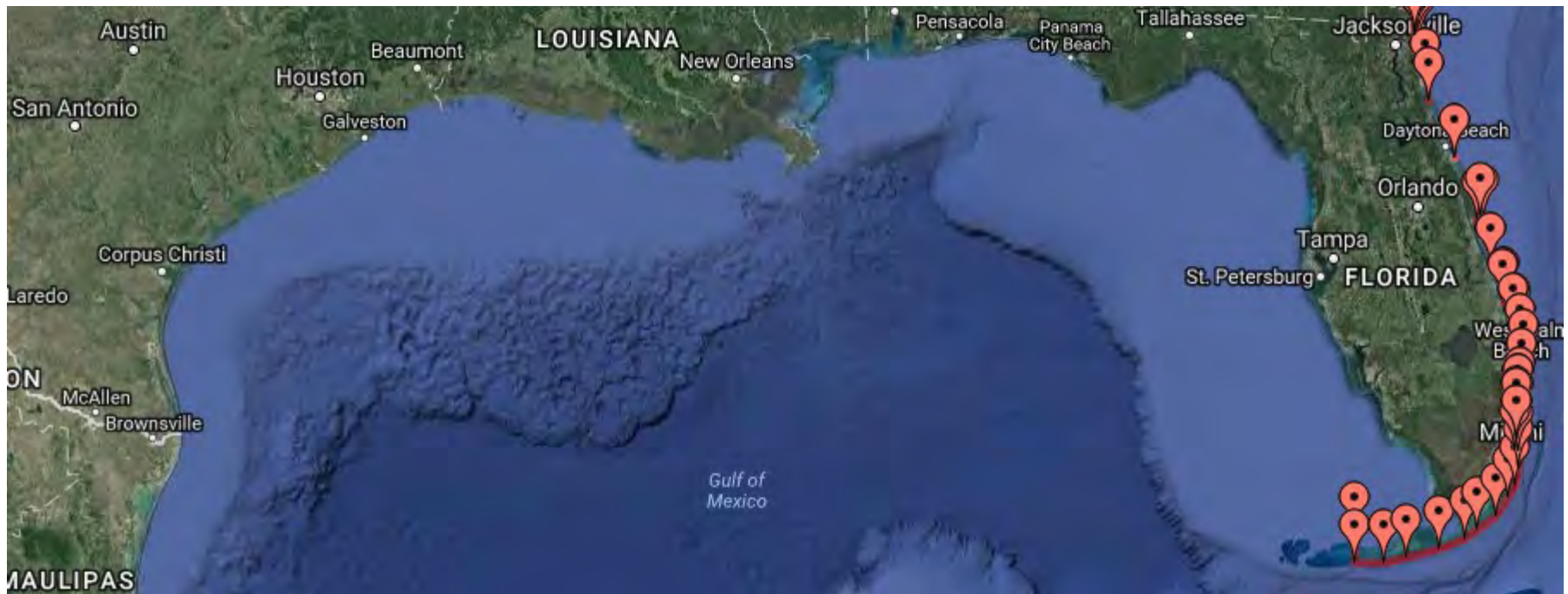
Coasts of Maine and Massachusetts are almost completely exempt, out to an average of 10 miles.

Gulf Of Mexico

“Boundary Line” Adjustment

§ 7.105 Marquesas Keys, FL to Rio Grande, TX.

A line drawn from Marquesas Keys, Florida at approximate position latitude $24^{\circ}47.5' N$, longitude $82^{\circ}11.2' W$; along the 12-mile line which marks the seaward limits of the territorial sea (as defined in 33 CFR 2.22(a)(1)) to Rio Grande, Texas at approximate position latitude $25^{\circ}58.6' N$, longitude $96^{\circ}55.5' W$.



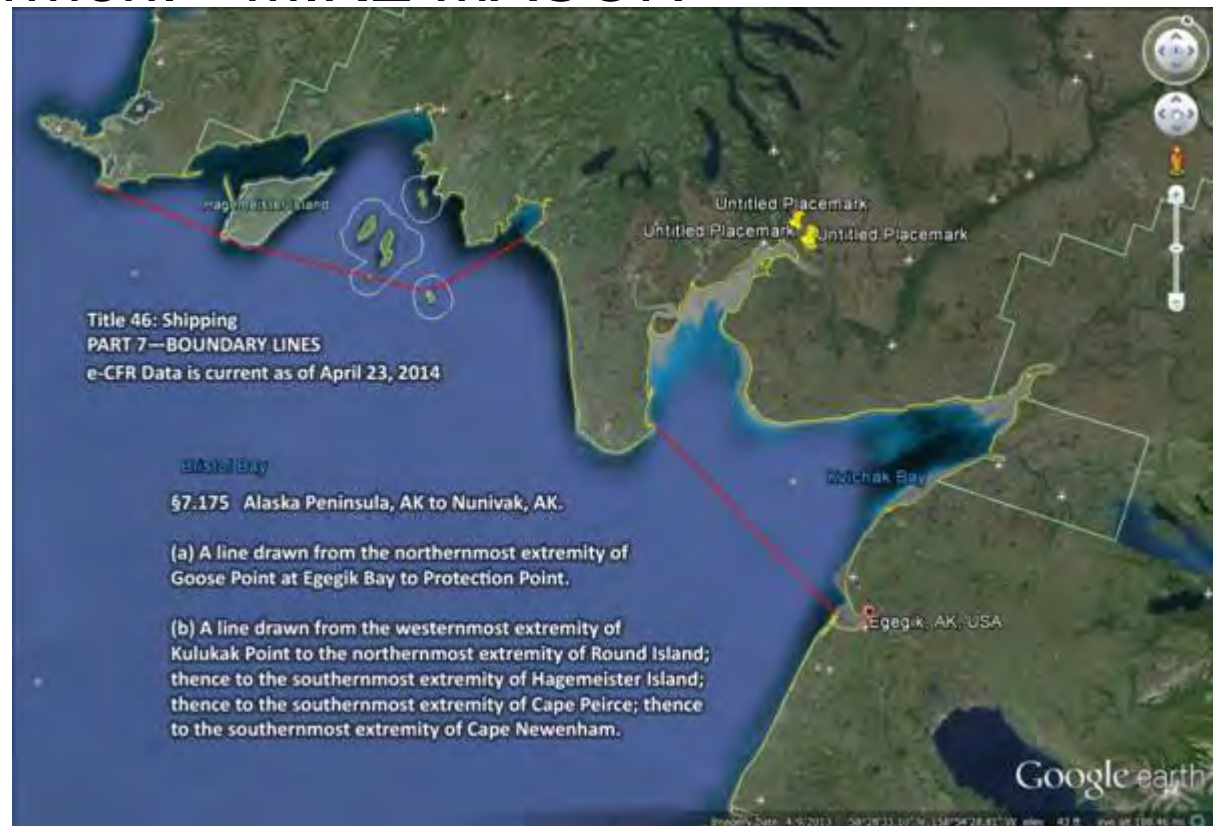
The entire Gulf of Mexico is exempt out to 12 miles from shore

Existing Alaska Coast “Boundary Line” Adjustments



Boundary Line Confusion in Bristol Bay

- “Commercial fishing vessels in Bristol Bay have different requirements to meet depending on whether or not they are used inside or outside of a particular line on the map. The so-called “Boundary Line” can be confusing to fishermen.” -MIKE MASON

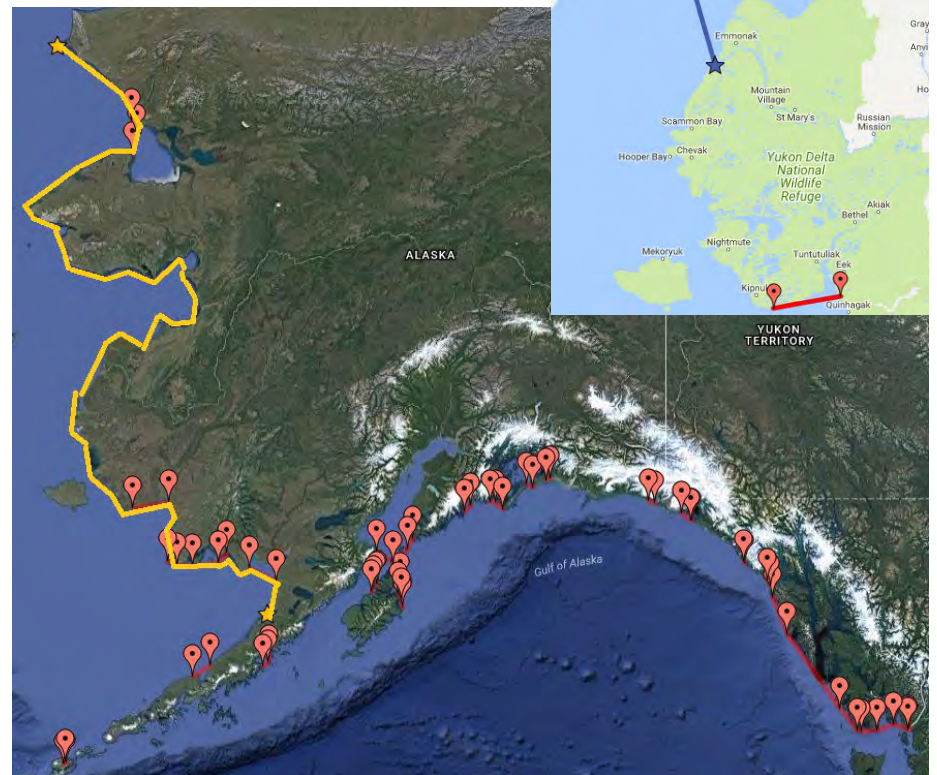


Possible Ways to Fix Regulation

Exempt 12-mile box
around Port of Nome,
Rodney Creek to
Cape Nome



Exempt Norton Sound,
from Cape Rodney to
Sheldon Point



Exempt 12-miles out,
shallow waters of
Alaska's West Coast
from Cape Menshikof
to Point Hope

Exempt 12-mile radius from Port of Nome

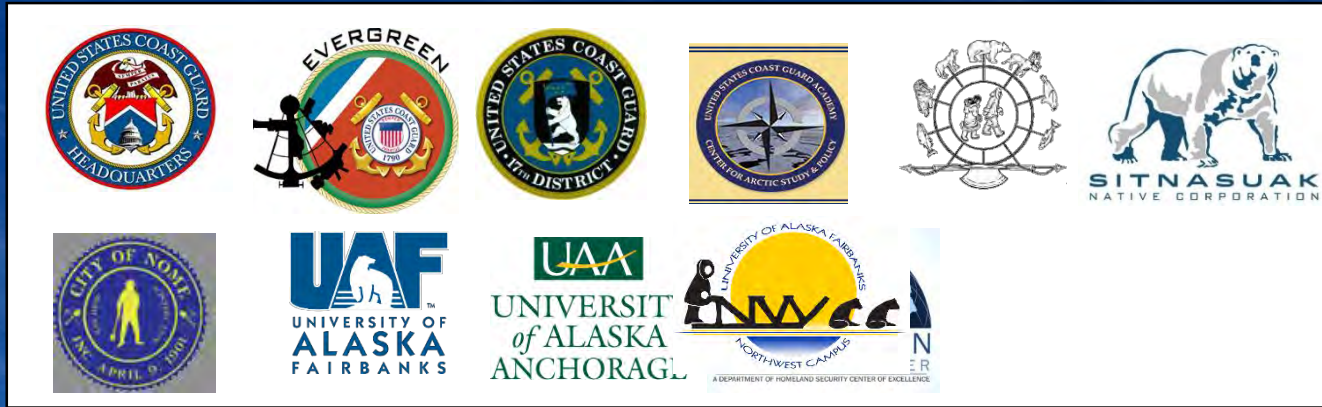
- Benefits all offshore miners and creates new opportunities for local tugboat, lightering and other service providers.
- Very safe waters, in sight of Nome, shallower than 90 feet, mostly shallower than 45 feet.
- Similar to other small port exemptions, creates area outside of the harbor where commercial work can be done, like dredging and secondary tugboat assists, without excessively burdensome regulations

Exempt Norton Sound, from Cape Rodney to Sheldon Point

- Duplicates the existing Kotzebue Sound exemption benefits for Norton Sound.
- Boosts economic development opportunity in and between Nome, Golovin, Shaktoolik, Unalakeet, St Micheals
- Benefits all local fishermen, offshore miners, and creates new opportunities for local tugboat, cargo, and other service providers.
- Norton Sound is all shallower than 100 feet.

Exempt 12-miles out, shallow waters of Alaska's West Coast from Cape Menshikof to Point Hope

- Helps local fishermen all along the coast
- Water is shallower and safer than Gulf Coast exemption area; mostly less than 120 feet deep.
- Opens up an array of local regional service providers, boosts economic development for the entire region.



“Arctic in the distant future...gaining Alaska insights to challenge anticipated across Maritime and Coastal Regions

**A partnered workshop
26-27 March 2018
University of Alaska Fairbanks, Northwest
Campus
Nome, Alaska**



Workshop precedes the Western Alaska Interdisciplinary Science Conference (WAISC). Please follow the following link:

<https://seagrant.uaf.edu/events/2018/>

**Contact: University of Alaska's Arctic Domain Awareness Center at
UAA.ADAC@Alaska.edu
Website: <http://adac.uaa.alaska.edu/home/newsevents>**

This workshop seeks to understand the challenges anticipated in the future Arctic. The goal is to inform planners working on new U.S. Federal and related strategies on the Arctic. We also seek to inform policy makers by highlighting capability needs to cope with anticipated challenges.

EMERGENCY RESPONDER

Night of Honor

Join Norton Sound Health Corporation and the City of Nome in honoring the service of emergency responders with a night of entertainment, recognition, and fine dining

FRIDAY, FEBRUARY 23, 2018
NOME MINI-CONVENTION CENTER

6 P.M. DOORS OPEN | 6:30 P.M. DINNER SERVED | 7:30 P.M. RECOGNITION/ENTERTAINMENT

*Live Auction and Silent Auction • Bering Strait Jackets •
Usual Suspects • Landbridge Tollbooth • Prime Rib Dinner*

TABLES (SEATING 8) AVAILABLE FOR \$550
PURCHASE AT HOSPITAL OR BY CALLING 443-9674

ALL PROCEEDS SUPPORT NOME VOLUNTEER AMBULANCE DEPARTMENT



**NORTON SOUND
HEALTH CORPORATION**



FEBRUARY HEART HEALTH MONTH

Attend a FREE health screening to
KNOW YOUR NUMBERS!

Kawerak
Talialuk Conf. Rm
February 15th
8:30-Noon

City Hall
February 22nd
8:30-Noon

Schedule
a screening
with CAMP
443-3365

**Cholesterol (Total, LDL & HDL), Triglycerides,
Blood Sugar, A1C, & Blood Pressure Included!**

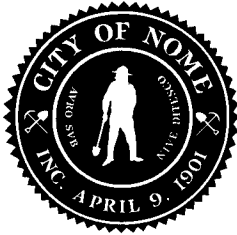
These FREE Screenings are for adults 18+ . They are fasting screenings; no food or drink after midnight except water.

Know Your Numbers! The American Heart Association recommends that you be aware of five key numbers: **Total Cholesterol, HDL (good) Cholesterol, Blood Pressure, Blood Sugar & Body Mass Index (BMI)**. These numbers are important because they will allow you & your healthcare provider to determine your risk for developing Cardiovascular Disease by Atherosclerosis. This includes conditions such as Angina (chest pain), Heart Attack, Stroke (caused by Blood Clots) & Peripheral Artery Disease.



**NORTON SOUND
HEALTH CORPORATION**





CITY OF NOME

City Manager's Office

P.O. Box 281

Nome, Alaska 99762

907.443.6600

tmoran@nomealaska.org

City Manager's Report

From: Tom Moran, City Manager
To: Nome Common Council
Date: January 18 – February 9, 2018

- The BSLT held its quarterly meeting at Kawerak on Thursday, January 18th. The main topic of discussion was, as it so often has been lately, facilitating housing expansion (both low income and otherwise). RuRAL Cap and BSRHA are finally showing some real cohesion, which is great news for all of us.
- As you probably already know, Clerk Hammond was out of the office for the last part of January on some much-needed rest and relaxation. Thanks to Deputy City Clerk Christine Piscoya and Accounting Clerk Ruth Bernhardt for covering the office.
- On Wednesday, January 24th, the Nome LEPC met with regional planners from Kawerak and DHSEM for a planning discussion on a tabletop exercise being scheduled for June. The point of the exercise is to get regional villages to adopt EOPs (Emergency Operations Plans) that will actually work with their infrastructure, personnel, and resources.
- On Monday, January 29th, Port Director Baker, Mayor Beneville, and I telephonically attended the bimonthly planning meeting for the Arctic Futures Workshop in Nome on March 26th and 27th. This workshop is being held in conjunction with the annual WAISC (Western Alaska Interdisciplinary Sciences Conference) at UAF-NW on March 28th and 29th. *Attachment 1.*
- Congratulations to our January Employee-of-the-Month, Troy Miller. As you may or may not know, Troy essentially served as the Acting Building Inspector for three months and could've won this award more than once for his willingness to help out. Thank you, Troy!
- I was at the quarterly meeting of the AMLJIA Board of Trustees on Friday, February 2nd. The main topic of discussion was settlement authorization for a civil claim being brought against one of the pool's members. I'm happy to report that a settlement has already been reached. My travel costs were reimbursed by AMLJIA.
- Welcome aboard to Charlie Kowchee, the City's new Janitor (whose first day was Tuesday, February 6th). We were without one since mid-December, so Charlie's hiring is a big relief.
- As a friendly reminder about the seriousness of the topic, please know that the City just completed its third appeal of a fine that was levied against a City Official by APOC (Alaska Public Offices Commission) for failing to properly file a POFD (Public Official Financial Disclosure) form. Don't let it happen to you, too!

- The Planning Commission met on Tuesday, February 6th to review the City's application to the National Park Service for CLG (Certified Local Government) status. This final step is the culmination of a process that has been ongoing since the Planning Commission was chosen to serve as our HPC (Historic Preservation Commission) by the Council in 2016.
- The Museum and Library Commission met on Wednesday, February 7th to discuss possibly utilizing part of the Clark Mielke Richards funds to acquire some contemporary ivory carvings for the Museum's temporary exhibit gallery. When the actual pieces are selected by the Director, the MLC will need to pass a motion supporting their purchase, which will then need to be blessed via Council resolution. The Mielke funds do carry some stipulations due to how they were bequeathed to the City.
- I'll be out of state from Wednesday, February 14th until Tuesday, February 20th. In my absence, Clerk Hammond has once again agreed to serve as Acting City Manager.
- The Iron Dog Halfway Banquet will be held at the Rec Center on Wednesday, February 21st. Don't forget that the New Year's Eve fireworks have been reallocated to this event, so it should be a great time.
- On Thursday, February 22nd, the NSHC CAMP Department will be conducting *free* health screenings in Council Chambers from 8:30 a.m. – noon. If you're out and about, stop by to get your numbers checked.
- Another friendly reminder that all submissions for the official Iditarod Events Calendar are due to Carol Gales by Friday, February 23rd. If yours is an organization looking to do some fundraising, the window is quickly closing.
- Also on Friday, February 23rd, NSHC will be hosting a fundraiser at the Mini Convention Center for the NVAD. Doors open at 6:00 p.m., and tickets have already been generously donated for the Mayor and Council. There will be a live auction, a silent auction, live music, and "gourmet" food, so please let me know ASAP if you plan to attend.
- On February 27th, DHSS will be holding an industry roundtable on opioid misuse and addiction at the Mini Convention Center. If you'd like to attend, please let me know sooner than later. The initial plan was to also host an evening town hall meeting, but I haven't received an update on that portion of the agenda yet.
- As alluded to above (and almost in the blink of an eye), Iditarod is upon us once again. Please remember that the first March Council meeting (March 12th) will need to be canceled to accommodate for *The Iditarod Insider's* use of Council Chambers.
- FYI, April 24th and 25th have been tentatively selected as the dates for our port feasibility study planning charrette with the USACE, USCG, AKDOT, and other interested parties.
- Please see the FY19 budget calendar from Finance Director Liew. *Attachment 2.*
- Please see the attached Port Projects Status Report for February. *Attachment 3.*



Memo

To: Tom Moran – City Manager
From: Joy L. Baker – Port Director *JLB*
CC: Mayor & Nome Common Council
Nome Port Commission
Date: 2/08/2018
Re: Port & Harbor Report/Projects Update – February 2018

The following provides a status update on active issues and projects pertaining to the Port & Harbor.

Administrative:

The Port Commission's annual review of the port tariff will continue at their upcoming work session on 15 Feb 2018, with additional budgetary information and commodity stats. It is anticipated that results of the meeting will allow the package to move forward to the Council for their consideration and passage. F19 budgetary planning is underway with a few projects being proposed for facility maintenance and repair.

The F18 Port Budget at 31 Jan shows 91.1 % revenue – with 45.3% expended. Harbormaster Stotts remains active with the Public Works/Building Maintenance Departments through 31 Mar, and will transition back to the Port & Harbor on 1 April. Recruitment of seasonal staff will commence on 15 April.

Mayor Beneville and I will be in D.C. from 26-28 Feb 2018 to meet with Alaska Congressional Delegation, as well as numerous agencies with Arctic oversight or involvement.

Causeway:

Arctic Deep Draft Port (ADDP) Study:

As most have heard by now, the City and Army Corps Alaska District have executed a 50/50 cost-share agreement for a new feasibility study for the expansion of the port to deeper water. The initial study effort consists of a Planning Charrette that has been scheduled for 24-25 April 2018 in Nome.

Inner Harbor:

Snake River Moorage & Vessel Haulout Facility:

River excavation for the remaining dredging work at this site will commence in early March 2018, and funded by the held balance of the 2014 DC-108 grant.

The Tiger grant funding application for construction of the moorage facility was submitted on 16 Oct 2017, with awards typically announced in March. This project will significantly decrease congestion in the Small Boat Harbor.

Port Industrial Pad:Industrial Pad Development (Thornbush Site):

Spoils from the Snake River dredging work will again be disposed of in the dewatering area of the Thornbush site, and serve as a stable foundation for further pad development in the future.

External Facilities:Cape Nome:

The contractor is currently reviewing PND's report on the project bathymetric survey which identified areas on the jetty with missing stone. We anticipate a written response soon on the schedule for the 2018 summer work.

Alaska DHS has now shared that FEMA is again short-handed at the regional level, and therefore advised that the long-awaited PW17 revision, submitted in May 2017, will be further delayed. It is quite possible that the summer work will be finished before FEMA completes revision no. 4, and catches up with the project.

Port Security Cameras:

Arctic Fire & Security (AFS) has identified the problems with two of the installed cameras and will be making the adjustments upon their next trip to Nome (which is being coordinated with other pending NJUS/City work). Final retainage is being withheld until the last two units are fully operational, which once paid, will fully closeout the FEMA Port Security grant.

A variety of other projects continue for the off-season period for various planning, design and funding phases. Additional information can be made available on request.

Senator Peter A. Micciche

Alaska State Legislature

Session Address:

Alaska State Capitol, Rm. 508
Juneau, Alaska 99801-1182
Phone: (907) 465-2828
Toll Free: (800) 964-5733



Interim Address:

145 Main Street Loop, Ste. 226
Kenai, Alaska 99611-7771
Phone: (907) 283-7996
Fax: (907) 283-8127

Sponsor Statement

SB92: Derelict Vessels Act

Alaska has become home to an ever-aging fleet of vessels. These vessels have become uneconomical to operate and therefore remain moored in public harbors or grounded in State tidelands. We have an increasing number of derelict and abandoned vessels throughout Alaska's coast and rivers, with hundreds currently documented. There are over 40 large abandoned barges in Steamboat Slough (Bethel) alone. SB92 will provide a program with a clear, pro-active strategy for responding to derelict vessels in public waters. Without action the state of Alaska and its citizens will bear the brunt of not only our own aging fleet, but also of vessels coming north for unencumbered disposal.

A report titled *Trends and Opportunities in the Alaska Maritime Industrial Support Sector* (2014) noted "By 2025, the Alaska fleet will include roughly 3,100 vessels between 28' and 59' that are more than 45 years old...the Alaska fleet also includes 75 passenger vessels, tugs, and barges over 50 years old..." While this represents a field of opportunity for shipbuilders, it fails to recognize the absence of a cradle-to-grave plan for thousands of retired vessels. SB92 is a critical step towards preventing and managing derelict vessels throughout Alaska.

This bill balances the public's rights and freedoms of vessel ownership with the substantial financial, environmental and navigational burden when vessels are abandoned in state waters. SB92 raises the bar of vessel ownership, similar to the responsibility of owning and operating a motor vehicle, with more consistent registration requirements and a titling system for documenting transfer of ownership.

SB92 also updates and improves due process for vessel owners and clarifies the impoundment process for agencies and municipalities. It allows for actual enforcement of Chapter 30.30 through civil actions as well as increased penalties in criminal proceedings. SB92, takes a critically-important step forward to address the current and growing derelict vessel problem in Alaska.

Staff Contact: Rachel Hanke 465-2828

SENATE BILL NO. 92

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY SENATOR MICCICHE

Introduced: 3/10/17

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to abandoned and derelict vessels; relating to the registration of
2 vessels; relating to certificates of title for vessels; relating to the duties of the
3 Department of Administration; relating to the duties of the Department of Natural
4 Resources; establishing the derelict vessel prevention program; establishing the derelict
5 vessel prevention program fund; and providing for an effective date."

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 * **Section 1.** AS 05.25.055(a) is amended to read:

8 (a) A [AN UNDOCUMENTED] boat placed on water of the state must be
9 titled, registered, and numbered as required by this chapter. The Department of
10 Administration shall adopt by regulation a boat registration and numbering system that
11 is consistent with the national standard for state numbering systems established by the
12 United States Coast Guard.

13 * **Sec. 2.** AS 05.25.055(f) is amended to read:

(f) Unless otherwise provided by this chapter, [OR UNLESS THE OWNER HAS BEEN AWARDED A CURRENT, VALID ALASKA CERTIFICATE OF NUMBER FROM THE UNITED STATES COAST GUARD,] the owner of a boat for which a current certificate of number has been awarded under federal law or a federally approved numbering system of another state shall apply for a certificate of number in this state as required by this chapter if the boat is operated on water of the state for more than 90 consecutive days or if the boat is a barge and is operated on water of the state for more than 60 consecutive days. If a boat has an existing number, the owner may request that the department issue the same number for purposes of this section, and the department shall comply with the request unless compliance would result in a duplication of numbers.

* **Sec. 3.** AS 05.25.055(i) is amended to read:

(i) The following boats are exempt from the numbering and registration provisions of this section:

(1) a boat that

(A) is not a barge;

(B) is operated in this state for a period not exceeding 90 consecutive days; and

(C) [THAT] has a current, valid certificate of number issued by another state having a federally approved numbering system;

(2) a foreign boat operated in water of the state for a period not exceeding 90 consecutive days;

(3) a boat owned by the United States or an entity or political subdivision of the United States, or a boat owned by a state or an entity or political subdivision of a state;

(4) a boat that is not equipped with mechanical propulsion;

(5) a boat with a valid document to operate the boat that is issued by the United States or a foreign government;

(6) a handmade nonmotorized umiaq with a walrus or sealskin covering;

(7) a boat that

1 (A) is a barge;

2 (B) is operated in this state for a period not exceeding 60
 3 consecutive days; and

4 (C) has a current, valid certificate of number issued by
 5 another state having a federally approved numbering system.

6 * **Sec. 4.** AS 05.25 is amended by adding a new section to read:

7 **Sec. 05.25.056. Certificate of title.** (a) The owner of an undocumented boat
 8 subject to registration in this state under AS 05.25.055 shall apply to the Department
 9 of Administration for a certificate of title for the boat.

10 (b) The Department of Administration shall adopt regulations to establish a
 11 system for issuing certificates of title for undocumented boats.

12 (c) A person who purchases or obtains a majority ownership of an
 13 undocumented boat shall, within 30 days after purchasing or obtaining the boat, apply
 14 for a new certificate of title that shows the boat's change of ownership.

15 * **Sec. 5.** AS 05.25.090(b), as repealed and reenacted by sec. 20, ch. 28, SLA 2000, is
 16 amended to read:

17 (b) A person who violates AS 05.25.010(d), [OR] 05.25.020(b), or 05.25.055
 18 is guilty of a violation, as defined in AS 11.81.900, and may be fined up to \$50.

19 * **Sec. 6.** AS 05.25.096 is amended to read:

20 **Sec. 05.25.096. Fees.** (a) The Department of Administration shall assess the
 21 following fees:

22 (1) motorized boat registration, registration renewal, and transfer of
 23 registration, \$30 [\$24] for a three-year period;

24 (2) nonmotorized boat registration, registration renewal, and transfer of
 25 registration, \$10 for a three-year period;

26 (3) replacement of lost registration, \$5;

27 (4) replacement of lost registration validation decals, \$5;

28 (5) barge registration, registration renewal, and transfer of
 29 registration, \$75 for a three-year period;

30 (6) boat title and duplicate boat title, \$20.

31 (b) The Department of Administration shall separately account for fees

collected under (a) of this section for boat registration **and titling** that are deposited in the general fund. The annual estimated balance in that account may be used by the legislature to make appropriations to the department and the Department of Administration to carry out the purposes of this chapter **and AS 30.30**.

* **Sec. 7.** AS 05.25.100 is amended by adding a new paragraph to read:

(16) "barge" means a flat-bottomed boat used for carrying freight that is either nonmotorized and towed by another boat or motorized.

* **Sec. 8.** AS 05.25.100, as repealed and reenacted by sec. 23, ch. 28, SLA 2000, is amended by adding new paragraphs to read:

(5) "boat" means watercraft used or capable of being used as a means of transportation on water, except for

(A) a ship's lifeboat;

(B) a seaplane;

(C) an inspected passenger vessel; and

(D) a single air mattress, single inner tube, or other water toy;

(6) "boat dealer" means a person engaged wholly or in part in the business of selling or offering for sale, buying or taking in trade for the purpose of resale, or exchanging, displaying, demonstrating, or offering for sale three or more boats within 12 consecutive months and who receives or expects to receive money, profit, or any other thing of value;

(7) "certificate of number" means the document bearing the identification number issued to a boat by the Department of Administration under this chapter, by a federal agency, or by the state of principal use under a federally approved numbering system;

(8) "owner" means a person who has a property interest other than a security interest in a boat and the right of use or possession of the boat; "owner" does not include a lessee unless the lease is intended as security;

(9) "ownership" means a property interest other than a security interest;

(10) "undocumented boat" means a boat that does not possess a valid certificate of documentation issued by the United States Coast Guard under 46 U.S.C.

12101 - 12123.

* **Sec. 9.** AS 30.30.010(a) is amended to read:

(a) A person may not store or leave a **derelict** vessel [IN A WRECKED, JUNKED, OR SUBSTANTIALLY DISMANTLED CONDITION OR ABANDONED]

(1) on the waters of the state or **on state or municipal property** [AT A PORT OR HARBOR OF THE STATE OR A MUNICIPALITY] without the consent of the state agency or municipality having jurisdiction over the water **or property** [, PORT, OR HARBOR]; or

(2) docked at any private property without the consent of the owner of the property.

* **Sec. 10.** AS 30.30.010(b) is amended to read:

(b) A state agency, municipality, or peace officer may **impound** [REMOVE] a derelict vessel **subject to this chapter** [FROM WATERS OF THE STATE WHEN THE VESSEL OBSTRUCTS OR THREATENS TO OBSTRUCT NAVIGATION, CONTRIBUTES TO AIR OR WATER POLLUTION, OR IN ANY OTHER WAY CONSTITUTES A DANGER OR POTENTIAL DANGER TO THE ENVIRONMENT].

* **Sec. 11.** AS 30.30.010(e) is amended to read:

(e) A person who violates this section, upon conviction, is guilty of a **class B** misdemeanor and is punishable by **one or more of the following**:

(1) a fine of not **less than \$5,000 or** more than **\$10,000**;

(2) [\$500, OR BY] imprisonment for a period of not more than **90 days**;

(3) forfeiture of the person's vessel [SIX MONTHS, OR BY BOTH].

* **Sec. 12.** AS 30.30.010 is amended by adding a new subsection to read:

(f) The department or a municipality may report a violation of (a) of this section to the attorney general, who may institute the proper proceedings to enforce the criminal penalties provided in (e) of this section.

* **Sec. 13.** AS 30.30 is amended by adding a new section to read:

Sec. 30.30.015. Civil penalties. (a) The department, a municipality, or an

aggrieved person may institute a civil action against a person who violates AS 30.30.010. In addition to injunctive and compensatory relief, a civil penalty of not more than \$1,000 may be imposed for each violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of a violation or a threatened violation, the superior court shall grant the injunction. Each day that a violation occurs constitutes a separate violation.

(b) The department may provide for the payment of a civil penalty under this section by mail.

* Sec. 14. AS 30.30.030 is amended to read:

Sec. 30.30.030. Limitation on applicability. A vessel does not constitute a derelict vessel under this chapter if the

(1) department provides written authorization for the owner to anchor, moor, store, or otherwise leave the vessel within 30 days after the owner anchors, moors, stores, or leaves the vessel; and

(2) vessel is anchored, moored, stored, or otherwise left unattended for more than 30 days

(A) [WHEREVER] outside of an organized municipality **where** [IN THE STATE] it is [, OR HAS BECOME,] the custom, common, or accepted practice to anchor, moor, **store**, or otherwise leave a vessel in a port or harbor or in [THE] waters **of the state;**

(B) because [OF THE STATE IN SUCH A MANNER THAT IT DOES NOT THREATEN OR OBSTRUCT NAVIGATION, OR TO STORE OR OTHERWISE LEAVE A VESSEL WITHOUT PERMISSION ON PUBLIC OR PRIVATE PROPERTY, UNATTENDED FOR MORE THAN 30 DAYS, WHERE] climatic conditions make use of the vessel impracticable; or

(C) because other applicable provisions of law **prohibit** [PRECLUDE] use of the vessel during that period of time [, THE UNATTENDED ANCHORING, MOORING, STORING, OR LEAVING OF THE VESSEL DOES NOT CONSTITUTE ABANDONMENT OF THE

1 VESSEL AS THAT TERM IS USED IN AS 30.30.010 - 30.30.100].

2 * **Sec. 15.** AS 30.30.040 is amended to read:

3 **Sec. 30.30.040. Pre-impoundment notice and hearing** [NOTICE TO
4 **OWNER]. Except as otherwise provided in this chapter, at least 30 days before**
5 **impounding a vessel, the state or municipal agency responsible for impounding**
6 **the vessel shall post** [ON TAKING CUSTODY OF AN ABANDONED VESSEL,] a
7 written notice [IMMEDIATELY SHALL BE POSTED] on the vessel and **on the state**
8 **or municipal agency's official website. A copy** [A DUPLICATE] of that notice **must**
9 **be** sent by [REGISTERED OR] certified mail, with a return receipt, to the
10 [REGISTERED] owner of the vessel at the [REGISTERED] owner's last known
11 address **or the address on record with the United States Coast Guard or the**
12 **Department of Administration** and to all lienholders shown on the records of **the**
13 **United States Coast Guard or** a state [OR FEDERAL] agency. [THE NOTICE
14 MUST CONTAIN A BRIEF DESCRIPTION OF THE VESSEL, THE LOCATION
15 OF CUSTODY, AND THE INTENDED DISPOSITION OF THE VESSEL IF NOT
16 REPOSSESSED WITHIN 20 DAYS AFTER THE MAILING OF THE NOTICE. A
17 NOTICE NEED NOT BE SENT TO THE PURPORTED OWNER OR ANY OTHER
18 PERSON WHOSE INTEREST IN THE VESSEL IS NOT RECORDED WITH A
19 STATE AGENCY OR A FEDERAL AGENCY.]

20 * **Sec. 16.** AS 30.30.040 is amended by adding new subsections to read:

21 (b) The notice must contain the

- 22 (1) name or number of the vessel;
- 23 (2) name and address of the owner;
- 24 (3) intended action against the vessel; and
- 25 (4) hearing procedure under (c) of this section.

26 (c) Except as provided in AS 30.30.065, the owner of a vessel may file a
27 written demand for a pre-impoundment hearing within 15 days after the postmark date
28 of the notice required under (a) of this section. If the written demand is made by a
29 person who is not the owner of the vessel, the written demand must establish that the
30 person requesting the hearing has an interest in the vessel. An owner or a person with
31 an interest in a vessel who fails to request or attend a scheduled hearing waives the

1 right to a hearing.

2 (d) A pre-impoundment hearing must be conducted within 10 business days
3 after the receipt of a written demand for a pre-impoundment hearing unless the person
4 requesting the hearing consents to a later date.

5 (e) A person who has authority to direct the impoundment of a vessel at issue
6 in a pre-impoundment hearing may not serve as the hearing officer. The hearing shall
7 be conducted in an informal manner. The provisions of AS 44.62 (Administrative
8 Procedure Act) do not apply to a hearing conducted under this section.

9 (f) The state or municipal agency responsible for impounding a vessel has the
10 burden of showing substantial evidence that the vessel is derelict. After the hearing,
11 the hearing officer shall issue a written decision of whether there is substantial
12 evidence that the vessel is derelict. A copy of the decision shall be provided to the
13 vessel owner and the person requesting the hearing, if other than the vessel owner.

14 (g) If the hearing officer determines that there is substantial evidence
15 establishing that the vessel is derelict, then the state or municipal agency may proceed
16 with the state or municipal agency disposition of the vessel as provided under
17 AS 30.30.055.

18 * **Sec. 17.** AS 30.30 is amended by adding a new section to read:

19 **Sec. 30.30.045. Notice of disposition of derelict vessel.** (a) After impounding
20 a derelict vessel, the state or municipal agency shall publish a notice of disposition on
21 the website of the state or municipal agency and, if possible, on the vessel itself at
22 least 30 days before disposing of the vessel.

23 (b) A duplicate of the notice must be served by certified mail, return receipt
24 requested, on

25 (1) the owner of the vessel, if known, at the address on record with the
26 United States Coast Guard or the Department of Administration; and

27 (2) all lienholders who have filed a financing statement indexed in the
28 name of the owner or who are shown on the records of a state agency or the United
29 States Coast Guard.

30 (c) The notice of disposition must include

31 (1) a description of the vessel;

- (2) the name or number of the vessel;
- (3) the name and address of the owner, if known;
- (4) the location of the vessel;
- (5) the means of disposition; and
- (6) the location, date, and time of a public auction if an auction will be held to dispose of the vessel.

* **Sec. 18.** AS 30.30 is amended by adding a new section to read:

Sec. 30.30.055. Impoundment and disposition of derelict vessel. (a) A state or municipal agency may impound a derelict vessel by immobilizing and removing the vessel or towing the vessel from the water and placing it in storage.

(b) The state or municipal agency that impounds a vessel may sell, donate, or destroy the vessel if the vessel is not repossessed by the owner or a person with an interest in the vessel within 30 days after the postmark date of the notice mailed under AS 30.30.045(a). The sale of a vessel may be by public auction or by sealed bids.

(c) A state or municipal agency may, by regulation or ordinance, adopt sale or disposal methods that are consistent with the provisions of this chapter.

(d) A state or municipal agency shall apply the proceeds from the sale of a vessel under this chapter as follows:

- (1) to the costs of conducting the sale;
- (2) to the costs of towing, handling, and storing the vessel;
- (3) to a lienholder to the extent of the lien;
- (4) to the owner of the vessel if the owner can be found; if the owner cannot be found, the balance shall be deposited in a separate account maintained by the state or municipal agency or with the commissioner of administration and shall be paid in accordance with AS 30.30.097.

(e) A state or municipal agency shall disperse the proceeds of the sale of a vessel at a public auction under federal law in accordance with federal law.

(f) The state or municipal agency or its designees, employees, or agents are not liable for the disposition of a vessel to the owner, operator, or any lienholder of the vessel.

(g) The transfer of title and interest by sale under this section is a transfer by

operation of law. However, a bill of sale executed by an authorized seller is satisfactory evidence authorizing the transfer of the title or interest.

* **Sec. 19.** AS 30.30.060 is amended to read:

Sec. 30.30.060. Possession by interested party. A person having an interest in a derelict [AN ABANDONED] vessel may take possession of it before the date of the public auction, destruction, or donation of the vessel upon payment to the state agency or municipality of all port or harbor use fees, towing, handling, storage, appraisal, advertising, and any other expenses incurred by the state agency or municipality in connection with the vessel. [IF THE PERSON TAKING POSSESSION OF THE VESSEL IS NOT THE REGISTERED OWNER, THE PERSON SHALL, BEFORE TAKING POSSESSION OF THE VESSEL, PAY THE EXPENSES INCURRED BY THE STATE AGENCY OR MUNICIPALITY AND POST ADEQUATE SECURITY, WHICH MAY NOT EXCEED THE APPRAISED VALUE OF THE VESSEL. THE SECURITY, IF NOT FORFEITED, SHALL BE RETURNED TO THE PERSON ONE YEAR AFTER RECEIPT.]

* **Sec. 20.** AS 30.30 is amended by adding a new section to read:

Sec. 30.30.065. Impoundment of derelict vessels posing imminent clear and present danger. (a) Notwithstanding any other provision of law, a state or municipal agency may impound a derelict vessel immediately if the vessel constitutes a clear and present danger to public health, safety, or general welfare.

(b) When action is taken to impound a derelict vessel under (a) of this section, the state or municipal agency impounding the vessel shall, after 24 hours of the impoundment, provide notice of the action and the opportunity for a post-impoundment hearing by hand-delivery or certified mail, return receipt requested, to the owner of the vessel if the name and location of the owner is known.

(c) The owner of the vessel or a person with an interest in the vessel may file a written demand for a post-impoundment hearing within 15 days after the postmark date of the notice of impoundment under (b) of this section. An owner or a person with an interest in the vessel who fails to request or attend a scheduled post-impoundment hearing waives the right to the hearing.

(d) The state or municipal agency that impounded the vessel shall conduct a

1 post-impoundment hearing within 48 hours after receiving a written demand for a
 2 post-impoundment hearing. The 48-hour period does not include Saturdays, Sundays,
 3 and legal holidays. The provisions of AS 44.62 (Administrative Procedure Act) do not
 4 apply to a post-impoundment hearing.

5 (e) A post-impoundment hearing officer shall determine whether there is
 6 substantial evidence establishing that the derelict vessel constituted a clear and present
 7 danger. If the hearing officer determines that there is substantial evidence to impound
 8 the vessel, the state or municipal agency or its designee may proceed to dispose of the
 9 vessel as provided under AS 30.30.055. If the hearing officer determines that there
 10 was not substantial evidence to impound the vessel, the state or municipal agency that
 11 impounded the vessel

12 (1) shall release the vessel to the owner;

13 (2) may not require the owner to pay the towing, storage,
 14 impoundment, or abatement charges; and

15 (3) shall refund or reimburse any towing, storage, impoundment, or
 16 abatement charges previously paid by the owner.

17 * **Sec. 21.** AS 30.30 is amended by adding a new section to read:

18 **Sec. 30.30.075. Liability for derelict vessels.** The owner of a vessel and a
 19 person entitled to possession of a vessel impounded under this chapter are jointly and
 20 severally liable for all costs incurred by the state or municipal agency in connection
 21 with the impoundment, storage, and removal of the vessel.

22 * **Sec. 22.** AS 30.30 is amended by adding a new section to article 1 to read:

23 **Sec. 30.30.085. Insurance.** (a) A vessel must have a marine insurance policy
 24 that covers the cost of removal of the vessel in the event that the vessel becomes
 25 derelict under AS 30.30.090 if the vessel is

26 (1) longer than 30 feet;

27 (2) engaged in commercial activity; and

28 (3) operating on waters of the state or on state or municipal property or
 29 placed at a dock, land, or harbor of the state or a municipality for more than 90 days.

30 (b) The Department of Administration may adopt regulations that allow the
 31 purchaser of a vessel to satisfy the insurance requirements of this section by posting

adequate security with a financial institution.

(c) The department, a public official representing a municipal or state harbor, or an operator of a private marina may require a vessel owner who has a vessel that is subject to (a) of this section to show proof of marine insurance upon request.

(d) A person who fails to secure marine insurance or show proof of marine insurance under this section is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500.

* **Sec. 23.** AS 30.30.090 is amended to read:

Sec. 30.30.090. Derelict vessel. A vessel [THAT HAS BEEN LEFT UNATTENDED FOR MORE THAN 24 CONSECUTIVE HOURS] is a derelict vessel if

(1) the vessel is sunk or in immediate danger of sinking, is obstructing a waterway, or is endangering public health, safety, [LIFE OR] property, or the environment; [OR]

(2) the vessel has been anchored, moored, stored, or otherwise left in the waters of the state or on state or municipal [PUBLIC] property contrary to law [OR REGULATIONS ADOPTED BY A STATE AGENCY OR MUNICIPALITY OR THE VESSEL HAS BEEN LEFT ON PRIVATE PROPERTY WITHOUT AUTHORIZATION OF THE OWNER OR OCCUPANT OF THE PROPERTY,] and if

(A) the vessel's certificate [OF] number or marine document number has expired and the [REGISTERED] owner no longer resides at the address listed in the vessel registration or marine document records of a state agency or the United States Coast Guard;

(B) the last [REGISTERED] owner of record disclaims ownership and the current owner's name or address cannot be determined;

(C) the vessel identification numbers and other means of identification have been obliterated or removed in a manner that nullifies or precludes efforts to locate or identify the owner; or

(D) the vessel registration records of a state agency and the marine document records of the United States Coast Guard contain no record

that the vessel ever has been registered or documented, and the owner's name or address cannot be determined; or

(3) the vessel has been anchored, moored, stored, or otherwise left unattended on private property without authorization by the owner or occupant of the property.

* **Sec. 24.** AS 30.30 is amended by adding new sections to read:

Sec. 30.30.095. Derelict vessel prevention program. The department shall establish and administer the derelict vessel prevention program to prevent and deter the abandonment and operation of derelict vessels in the waters of the state and on state, municipal, and private property and to ensure that all state and municipal entities have the authority to identify, remove, and discourage derelict vessels from being stored, operated, or abandoned on the waters of the state and on state or municipal property.

Sec. 30.30.096. Duties and powers of the department. The department shall, subject to appropriations,

(1) establish

(A) education and community outreach programs, derelict vessel disposal programs, and funding options for derelict vessel removal efforts; and

(B) a derelict vessel advisory council to implement education and community outreach programs that inform and incentivize the removal of derelict vessels from the waters of the state;

(2) develop and maintain a publicly available vessel tracking system.

Sec. 30.30.097. Derelict vessel prevention program fund. (a) The derelict vessel prevention program fund is created in the general fund. The purpose of the fund is to provide a source from which the department may

(1) reimburse state and municipal agencies for expenses related to removal of derelict vessels from waters of the state and from state or municipal property;

(2) pay for development and implementation of programs that incentivize compliance with this chapter; and

(3) subsidize projects directly related to the derelict vessel prevention program.

(b) The fund consists of money appropriated to the fund, including

(1) donations;

(2) money received from the sale of a vessel under this chapter;

(3) income from the fund and other program receipts;

(4) money received by the Department of Administration for registering and titling vessels;

(5) civil penalties collected under AS 30.30.015.

(c) Appropriations to the derelict vessel prevention program fund do not lapse.

(d) Money appropriated to the fund may be used by the department for the purposes of the fund without further appropriation.

(e) Nothing in this section creates a dedicated fund.

* **Sec. 25.** AS 30.30.170(3) is amended to read:

(3) "vessel" means every description of watercraft, floating facility, or other artificial contrivance, other than a seaplane on the water, used or capable of being used as a means of transportation on or through the water;

* **Sec. 26.** AS 30.30.170 is amended by adding new paragraphs to read:

(5) "abandoned" means a vessel has been left unattended on private, state, or municipal land or waters of the state without the consent of the landowner or lessee for more than 30 days;

(6) "department" means the Department of Natural Resources;

(7) "owner" means a person who

(A) has a property interest, other than a security interest, in a vessel;

(B) is the last named owner of a vessel with the Department of Administration or the United States Coast Guard; or

(C) is designated as having an interest in a vessel in an agreement with a municipality, state agency, or political subdivision of the state;

(8) "state or municipal agency" means a department, agency, division,

or office in the executive branch of state government or a department or division of a municipality of the state; in this paragraph, "municipality" has the meaning given in AS 29.71.800.

* **Sec. 27.** AS 30.30.180 is amended to read:

Sec. 30.30.180. Short title. This chapter may be cited as the [ABANDONED AND] Derelict Vessels Act.

* **Sec. 28.** AS 37.05.146(45) is amended to read:

(45) receipts of the Department of Administration from the boat registration and titling program under AS 05.25.096;

* **Sec. 29.** AS 37.05.146 is amended by adding a new paragraph to read:

(90) civil penalties collected under AS 30.30.015, money received from the sale of vessels under AS 30.30, and donations and other receipts deposited to the derelict vessel prevention program fund under AS 30.30.097.

* **Sec. 30.** Section 27, ch. 28, SLA 2000, is amended to read:

Sec. 27. AS 05.25.052, 05.25.053, [05.25.055,] 05.25.057, 05.25.095 [, 05.25.096]; and AS 09.25.120(a)(9) are repealed.

* **Sec. 31.** AS 30.30.010(d), 30.30.020, 30.30.050, 30.30.070, 30.30.080, 30.30.100, 30.30.110, 30.30.120, 30.30.130, 30.30.140, and 30.30.150 are repealed.

* **Sec. 32.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. The Department of Natural Resources and the Department of Administration may adopt regulations necessary to implement the changes made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law implemented by the regulation.

* **Sec. 33.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REVISOR'S INSTRUCTION. The revisor of statutes is requested to change the heading of

(1) AS 30.30 from "Abandoned and Derelict Vessels" to "Derelict Vessels";
and

(2) AS 30.30.010 from "Abandonment of vessel unlawful" to "Derelict vessels

1 unlawful."

2 * **Sec. 34.** Section 32 of this Act takes effect immediately under AS 01.10.070(c).

3 * **Sec. 35.** Section 5 of this Act takes effect on the date that sec. 20, ch. 28, SLA 2000, takes
4 effect under sec. 30, ch. 28, SLA 2000, as amended by sec. 3, ch. 34, SLA 2004, by sec. 1, ch.
5 19, SLA 2009, by sec. 1, ch. 47, SLA 2010, and by sec. 3, ch. 31, SLA 2012.

6 * **Sec. 36.** Section 8 of this Act takes effect on the date that sec. 23, ch. 28, SLA 2000, takes
7 effect under sec. 30, ch. 28, SLA 2000, as amended by sec. 3, ch. 34, SLA 2004, by sec. 1, ch.
8 19, SLA 2009, by sec. 1, ch. 47, SLA 2010, and by sec. 3, ch. 31, SLA 2012.

9 * **Sec. 37.** Except as provided in secs. 34 - 36 of this Act, this Act takes effect January 1,
10 2018.