



Governing Rates, Rules & Regulations of Marine & Port Services Provided by the

PORT BIENVILLE INDUSTRIAL PARK

Port Tariff No. 1-E



HANCOCK
MISSISSIPPI
PORT • AIR • SPACE

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Contents

Section 1.01	DEFINITIONS	3
Section 1.02	RULES & REGULATIONS	4
RULE 100:	JURISDICTION	4
RULE 105:	APPLICATION & INTERPRETATION OF TARIFF	4
RULE 110:	WATERWAYS	5
RULE 125:	MARINE LOSS OR DAMAGE TO CARGO VESSELS	5
RULE 130:	DOCKAGE / WHARFAGE AT OTHER THAN PUBLIC WHARVES	5
RULE 135:	HAZARDOUS MATERIALS OR SUBSTANCES	5
RULE 140:	MEASUREMENTS OF SHIPS OR VESSELS	5
RULE 145:	REQUEST FOR STATEMENT OF TONNAGE	6
RULE 150:	ASSIGNMENT OF BERTH, SHEDDAGE, MOORING	6
RULE 155:	VACATE BERTH	6
RULE 200:	ASSIGNMENT OF WHARFAGE CHARGES	6
Section 1.03	RATES & CHARGES	7
RULE 201:	WHARFAGE RATES	7
RULE 205:	DOCKAGE	7
RULE 210:	CONTAINER STORAGE	8
RULE 215:	MISCELLANEOUS CHARGES	8
RULE 220:	NOTICE OF ENTRY	8
RULE 225:	MOORING, FLEETING, AND GENERAL USE OF PORT FACILITIES	8
RULE 230:	MOORING DOLPHINS USAGE	8
RULE 235:	PARK FEES	8
RULE 236:	CLEANLINESS OF PORT DOCKS	8
RULE 237:	DAMAGE OF PORT DOCKS	9
Section 1.04	PAYMENT, CREDIT, AND COLLECTIONS	9
RULE 240:	COLLECTION TERMS	9
RULE 245:	SEPARATE, SPECIAL CONTRACTS	9
EXHIBIT A.	PORT DOCK & MOORING DOLPHIN LOCATIONS	10



Section 1.01 DEFINITIONS

DAYS & HOLIDAYS - ITEM 5

In computing charges, a day is a period of 24 consecutive hours or fraction thereof of any calendar day or days.

The following are considered holidays:

- New Year's Day (January 1)
- Thanksgiving Day (Fourth Thursday, November)
- Labor Day (First Monday, September)
- Memorial Day (Last Monday, May)
- Independence Day (July 4)
- Washington's Birthday (Third Monday, February)
- Christmas Day (December 25)

PORT AUTHORITY - ITEM 10

Port Authority, when used herein, is the Hancock County Port and Harbor Commission as prescribed by law.

DOCKAGE - ITEM 15

A charge assessed against the ship or vessel for the use of the wharves, mooring facilities, mooring to a vessel so berthed, or other facilities within the Port Bienville Industrial Park, as well as when a barge utilizing its own anchoring system, *e.g.*, spuds, is positioned inside the waterways of the Port Bienville Industrial Park such that their anchoring system is deployed. The charge is based upon the length of the ship or vessel as determined by the Port Commission's rules. The ship or vessel (including the ship or vessel's owner) is responsible for this charge. Nothing herein shall prohibit the Port Authority from assessing any other charges under any other provision of this Tariff No. 1-E.

FLEETING AREA - ITEM 17

The area used for barge fleeting, barge staging, or for parking barges.

FLEETING - ITEM 18

The mooring or storage of barges, typically in designated areas along a river or waterway. Fleeting is the parking of barges in the water, mooring, docks, or other facilities.

LAY BERTH - ITEM 20

A privilege granted upon request for a ship or vessel to berth at a wharf, pier, bulkhead structure, or bank.

MOORING - ITEM 22

Any permanent structure to which a vessel may be secured. Examples: quays, wharfs, jetties, piers, anchor buoys, mooring dolphins, and mooring buoys.



MOORING DOLPHIN - ITEM 23

A group of pilings arrayed together to serve as a protective hardpoint along a dock, in a waterway, or along a shore, as a means or point of stabilization of a dock, bridge, or similar structure; as a mooring point; as a base for navigational aids. Used for mooring only and for securing the vessels by using ropes.

WHARVES - ITEM 25

Wharves and facilities, whether public or private, within the Port Bienville Industrial Park. Nothing herein shall prohibit the Port Authority from assessing any other charges under any other provision of this Tariff No. 1-E.

PORT BIENVILLE INDUSTRIAL PARK - ITEM 30

The lands and waters, and interests therein, under the management, supervision, and control of the Port Authority.

STEVEDORE - ITEM 35

One who works at or is responsible for the loading and unloading of a ship or vessel within the jurisdiction of the Port Authority

SHIP AND VESSEL - ITEM 40

A "ship" is any self-propelled sea-going vessel. A "vessel" is any type of floating equipment or object including barges.

WHARFAGE - ITEM 45

A charge assessed against all cargo passing or conveyed over, onto, or under wharves, whether public or private, and the transit sheds built thereon or between ship or vessel when berthed at the wharf, pier, bulkhead structure(s) or banks, any of which whether public or private, within the jurisdiction of the Port Commission.

Section 1.02 RULES & REGULATIONS

RULE 100: JURISDICTION

The Port Authority has jurisdiction control over, and the power to regulate, fix and enforce rules and charges for the use of the harbor, waterways, warehouses, freight handling machinery, equipment, and all other property and facilities owned and/or operated by it in accordance with applicable law. Normal operations are conducted through the Commission's appointed Port Director.

RULE 105: APPLICATION & INTERPRETATION OF TARIFF

Rates, rules, and regulations contained herein, or as amended, shall apply equally to all users utilizing all waterways, terminals, and facilities of the Port Authority except as otherwise provided. The use of the waterways, facilities, and/or services under the jurisdiction of the Port Authority shall constitute a consent to the terms and conditions herein and evidences an



agreement on the part of all carriers, vessels, barges, their owners and agents or all other users of such waterways, services, and/or facilities, to pay all charges specified herein to be governed by all rules and regulations set forth in this tariff.

All persons engaged in providing any type of service or operation on or at any waterway, road, or facility under the jurisdiction of the Port Authority will be governed by the laws of the State of Mississippi, including, but not limited to, any tariff of the Port Authority.

RULE 110: WATERWAYS

All vessels mooring in waterways under the jurisdiction of the Port Authority must be secured to fixed mooring points on the Port Authority's property. These include bollards, cleats, chains, and wires affixed to shoreside anchors and mooring buoys, docks, posts or similar structures. Such vessels shall be subject to the fees as stipulated in the tariff. Mooring of vessels to structures other than those established for mooring or mooring to trees or other non-specific structures are considered a potential navigation hazard and is generally prohibited. In the event that it becomes necessary to moor a vessel at any location other than a fixed mooring point as a result of an emergency, such ship, vessel, or barge (including the owner and operator) will be assessed the standard dockage rate of **\$1.00** per linear foot of ship, vessel or barge per day, plus an additional fee of **\$125.00** per ship, vessel, or barge per day will be applied. Any ship, vessel, or barge moored at any point other than to a fixed mooring point as defined in this Rule shall be immediately relocated to a non-prohibited facility once the emergent situation has been addressed and it is safe to relocate.

RULE 125: MARINE LOSS OR DAMAGE TO CARGO VESSELS

The Port Authority assumes no responsibility for marine loss or damage to any cargo of any description, nor assumes any responsibility for marine loss or damage to any vessel, barge, tugboat, or other craft while within the harbor limits of Port Bienville Industrial Park or other places.

RULE 130: DOCKAGE / WHARFAGE AT OTHER THAN PUBLIC WHARVES

The Port Authority reserves the right to assess wharfage or dockage charges against any commodity received from and/or discharged to, or to ships utilizing, respectively, the water over which the Port Authority has jurisdiction.

RULE 135: HAZARDOUS MATERIALS OR SUBSTANCES

Shipments of articles classified as hazardous materials or hazardous substances by the United States Department of Transportation will be accepted only after full compliance by shippers or carriers with these rules and regulations or as amended. Wharfage and handling facilities will not be provided except under special circumstances approved in advance by the Port Director.

RULE 140: MEASUREMENTS OF SHIPS OR VESSELS

The Port Authority reserves the right to measure all ships, vessels, or barges when deemed necessary; said measurements to be used by the Port Authority as a basis for any and all charges.



For purpose of determining charges under this tariff, the term "length" or "over-all length" of a ship or vessel shall be that length measured from the extreme forward point to the extreme aft point of the ship or vessel as may appear in the Certificate of Registry for the ship or vessel. With respect to ships engaged in foreign, coastwise, or intracoastal trade, such measurements appearing in Lloyd's Register will be acceptable as evidence thereof.

RULE 145: REQUEST FOR STATEMENT OF TONNAGE

All ships, vessels, or barges, their owners or agents, or any other persons, firms or corporations shall furnish without delay, but in not greater than seven days, a statement showing weight (weight and measure in cubic meters if by commodities including bunkers, and if containerized the number of units and size), covering any shipments or cargo in the transit sheds, or wharves, or occupying space on any other property under the control of the Port Authority.

RULE 150: ASSIGNMENT OF BERTH, SHEDDAGE, MOORING

All ships, vessels, barges, or other water craft, or their owners or agents, desiring berth, open dock use, anchorage, mooring place, or any other facility shall, as far as possible but not later than 48 hours in advance of the date of docking to load or unload if space is available, make application thereof to the Port Director in writing specifying the date of docking, sailing, and the nature and quantity of cargo to be handled. The Port Director reserves the right to decline any application at its discretion. All assignments shall be at the discretion of the Port Director.

RULE 155: VACATE BERTH

Any ships, vessels, barges or other watercraft occupying a berth under Item 150 may, at the sole discretion of the Port Director, be ordered to vacate the berth due to accommodation of another vessel for the working of cargo or whenever such occupancy poses a potential hazard. Failure to vacate the berth as ordered will result in a penalty to be twice the applicable dockage rate. The imposition of such a penalty shall not affect the right to have the vessel removed at the expense and risk of the owner or charterer.

RULE 200: ASSIGNMENT OF WHARFAGE CHARGES

All cargo shall be subject to the wharfage charges as follows:

1. When cargo is placed onto wharves, docks, landing, mooring facilities, or other structures, any of which whether public or private, for handling to or from ship or vessel; or
2. When cargo is placed on the public or private wharves for outbound movement and is not subsequently loaded aboard a ship or vessel but is removed from the wharves; or
3. When cargo is transferred over or under such wharves, docks, landings, mooring facilities, or other structures, any of which whether public or private, to or from ship or vessel; or
4. When cargo is delivered to or received from ships or vessels by other watercraft, or when transferred over the side of ships or vessels directly to or from the water;

**Section 1.03 RATES & CHARGES****RULE 201: WHARFAGE RATES**

COMMODITY	RATE PER NET TON
General Commodities N.O.S. Shipments that do not have a specific, detailed classification within Port Bienville tariff or classification system	\$1.40
Hazardous Cargo Hazardous Material (often referred to as dangerous goods) typically refers to any substance or material that is capable of posing an unreasonable risk to health, safety, or property when transported in commerce and encompasses materials such as hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, and those listed in the Hazardous Materials Table or meeting the criteria for hazard classes and divisions in regulations like 49 CFR Part 173.	\$4.00
Bulk Commodities N.O.S. (40 cubic feet or more, unpackaged) Raw materials or products shipped in large volumes without packaging. These are typically uniform and handled using specialized equipment like silos or conveyor systems. Examples include grains, coal, iron ore, crude oil, and chemicals	\$1.00
USDA (bagged commodities) Refers to a range of agricultural and food products sold in bags including Meat and Poultry, Fruits and Vegetables, and bags of rice, flour, dried beans, lentils, pasta, and cereals	\$1.00
Forest Products Materials derived from forests for commercial or personal use. These can range from logs and wood chips to processed items like lumber, paper, and some food and medicinal products. Essentially, anything obtained from a forest that can be used or sold is considered a forest produce	\$1.00
Iron and / or Steel Articles, N.O.S. Refers to articles made predominantly of iron or steel that are not specifically listed or categorized elsewhere in a given tariff schedule or classification system. It acts as a general category for miscellaneous iron and steel products	\$1.50
Fabricated Steel, N.O.S. Refers to steel that has undergone a process of cutting, bending, machining, welding, and assembling to create a specific product or structure.	\$2.50

RULE 205: DOCKAGE

The dockage charge shall be **\$1.00** per linear foot of ship, vessel or barge starting the 1st day and every day thereafter. All carriers, vessels, their owners and/or agents or other users of the facilities placed on the delinquent list for reasons provided herein shall be denied further use of the facilities by the Port Director until all charges have been paid. All ships and vessels shall be subject to the dockage charges as follows:

1. When ships or vessels are moored outside of other watercraft occupying berths at wharves, dock landings, or other structures, any of which whether public or private.
2. When ships or vessels are occupying berths at wharves, dock landings, or other structures, any of which whether public or private.



3. When ships or vessels are anchored, partly anchored, or partly moored to wharves, docks, or other structure, any of which whether public or private, in any area within the jurisdiction of the Port Authority.

RULE 210: CONTAINER STORAGE

All cargo containers stored outside of the leased ship terminal area as defined by lease agreements between the Port Authority and lessee will be assessed a storage charge of **\$10.00** per Container per day.

RULE 215: MISCELLANEOUS CHARGES

All other types of charges not otherwise specified herein will be quoted on request from the Port Director.

RULE 220: NOTICE OF ENTRY

Upon entering the waterways of the Port Bienville Industrial Park, the operator of any ship, barge, or vessel shall immediately provide notice that said ship, barge, or vessel has entered the waterways of Port Bienville. Said notice shall be provided by immediately contacting the Port Director's Office at 228-467-9231, and contemporaneously emailing the Port Director at ShLafontaine@hcphc.ms.

RULE 225: MOORING, FLEETING, AND GENERAL USE OF PORT FACILITES

All ships or vessels moored at facilities along the waterway will be assessed the standard dockage rate of **\$1.00** per linear foot of ship, vessel or barge starting the 1st day and every day thereafter until the vessel departs that location.

RULE 230: MOORING DOLPHINS USAGE

All ships or vessels moored to a dolphin will assess a daily charge of \$125 per ship or vessel beginning on the first day and every day thereafter.

RULE 235: PARK FEES

Park fees will be assessed at a rate of \$485 monthly.

RULE 236: CLEANLINESS OF PORT DOCKS

Lessee and operators and other users of the wharves, sheds and other property shall be held responsible for cleaning of the property which they have been allowed to use or assigned or leased to them, including adjacent aprons and gutter, as directed by the Port Director.

If such user does not properly clean the wharf or property that person has been using, the Port Director shall order the property cleaned and bill the user responsible an assessment of a \$100.00 minimum or cleanup cost plus twenty percent (20%) whichever is greater will be assessed for failure to comply with this Rule.



RULE 237: DAMAGE OF PORT DOCKS

Damage caused by Lessee and operators and other users of the wharves, sheds and other property shall be held responsible for repairing or replacement of the property which they have been allowed to use or assigned or leased to them, or any other property they may damage, including adjacent aprons and gutter, as directed by the Port Director.

If such user does not properly repair or replace the damaged property that person has been using, the Port Director shall order the property replaced or repaired and bill the user who is responsible an assessment of \$100.00 minimum or repair/replacement cost plus twenty percent (20%) whichever is greater.

Section 1.04 PAYMENT, CREDIT, AND COLLECTIONS

RULE 240: COLLECTION TERMS

The collection terms for the Port Bienville Industrial Park are as follows:

- Bills are due and payable on receipt.
- All charges must be contested in writing within 30 days. Bills not contested within 30 days will be due in full.
- Invoice Numbers must accompany payments;
- After 30 days, a late fee charge of 5% per month will apply to all outstanding invoices.

RULE 245: SEPARATE, SPECIAL CONTRACTS

All of the terms, provisions, rules, rates, charges, and definitions stated herein shall apply to all ships, barges, and vessels, as well as the owners and operators of such ships, barges, and vessels, unless they are expressly modified by a separate, special contract with the Hancock County Port and Harbor Commission.



EXHIBIT A. PORT DOCK & MOORING DOLPHIN LOCATIONS

