

CHAPTER 1

DEFINITIONS

- 101.** In these regulations unless the contrary intention appears, “**Agent**” means a person or entity licensed to do business by the Pohnpei State Government, which also applies for and receives a permit from the Pohnpei Port Authority to act as such and which represents the owner, operator and/or master of a vessel that calls on any port of Pohnpei State.
- 102.** “**Authority**” means the Pohnpei Port Authority, also referred to as “PPA”.
- 103.** “**Authorized Officer**” means the General Manager of the Pohnpei Port Authority or a person appointed by the General Manager to be an authorized officer.
- 104.** “**Authorized Pilot**” means a deck officer who has been certified as competent by the appropriate national authority to pilot a vessel within Main Harbor and has been included on the General Manager’s list of authorized pilots for Main Harbor.
- 105.** “**Berth**” means a position alongside any wharf or alongside any vessel fastened to any wharf or to the shore or at any prescribed mooring, buoy or anchorage and any vessel fastened to any wharf or to any other vessel or moored to any prescribed buoy or fixture or anchorage at any prescribed place within the port shall be deemed to be occupying a berth.
- 106.** “**Bunkering**” the loading of fuel into a vessel’s bunker for its own use. The meaning of the term usually pertains to the conveyance of the fuel over the ship’s sides.
- 107.** “**Cargo**” includes all wares, merchandise, vehicles and articles of every description, or any other object for commerce that is, or to be transported.
- 108.** “**Cargo container**” means a dry or refrigerated container, gas receptacle, portable tank or such devices capable of being transferred from one medium of transport to another and including such devices permanently attached to a vehicle.
- 109.** “**Compulsory Pilotage**” means that pilot within pilotage area so designated within the Main Harbor is compulsory.
- 110.** “**Container depot**” means an area separated from a container terminal in which cargo containers may be packed or unpacked and in which cargo containers are assembled prior to delivery to or subsequent to receipt from the container terminal.
- 111.** “**Container Terminal**” means a berth specially designated for the handling of cargo containers where cargo is handled mainly in cargo containers which are loaded onto or discharged from vessels specially designed or converted for this purpose.

112. “**Contract Pilot**” means a self-employed pilot or a pilot employed by, or part of, an entity or association that has a contract with the Authority allowing for the performance of pilot services within the Authority’s controlled areas subject to specified terms.

113. “**Dangerous goods**” includes explosives and all substances of inflammable nature, which are liable to spontaneous combustion, either in themselves or stowed adjacent to other substances, and which when mixed with air are liable to generate explosive gases, and so produce suffocation, or poisoning or tainting of foodstuffs.

114. “**Delivery office**” means the delivery office or the place used as a delivery office from which the delivery of goods is authorized on a wharf onto which goods are discharged.

115. “**Dockage**” is the charge or fee assessed a vessel when:

(a) Berthed at or made fast to a quay, wharf, dolphin other structure:

(b) Occupying an outside berth;

(c) Not tied up to or lying alongside of a quay or wharf but is using such by means of boats, rafts, lighters, or other means.

116. “**Goods**” includes cargo and all moveable property.

117. “**Handling**” in relation to dangerous goods includes the handling of dangerous goods to or from a vessel, stacking, sorting, receiving and delivering within the port but does not includes storage in vessel.

118. “**Harbor Limits**” Shall mean the limits of a harbor delineated by lines interconnected at identified coordinates within which a harbor area is encompassed.

119. “**International Code of Signal**” means the International Code of Signals adopted at the Fourth Session of the Assembly of the International Maritime Organization, or that Code as amended from time to time.

120. “**Intoxicating liquor**” means any alcoholic beverage or drug which when taken would excite or stupefy a person to the point of enthusiasm or frenzy, or where physical and mental control is markedly diminished.

121. “**Length**” means the length of a vessel in feet or meter as specified in her Certificate of Registry.

122. “**Master**” includes every person having lawful or de facto command, charge or management of a vessel for the time being.

123. “**Mooring**” includes mooring chain, anchor buoy, float and all gears attached or used in connection therewith.

124. “**Operational area**” shall mean any place on the Seaport not a common area, accessible to public at large, highway or public vehicular area; but shall include the cargo ramp or active loading and off-loading side of the dock, parking and storage areas, and fuel bunkering areas.

125. “**Outside Berth**” a vessel which moors or makes fast to another vessel which is occupying a berth is said to occupy an outside berth.

126. “**Owner**” in relation to goods includes the agent of the owner and also any consignee, consignee, shipper or agent for the sale or custody, carriage, loading or unloading of the goods and also the holder of any bill of lading or other documents representing the goods and every person having or claiming any right, title or interest to or in the goods.

127. “**Owner**” in relation to a vessel includes the charterer of the vessel, any agent of the owner or the charterer, and every person who jointly or severally whether at law or in equity is entitled to any share or interest in the vessel and also includes any person appointed as agent of a vessel under these regulations and any charterer or person acting for such purposes.

128. “**Pilot**” means a duly licensed person, qualified by reason of education, training or experience and being familiar with certain navigational routes, channels and local dangers of the region concerned, to conduct or guide vessels in and out of port. This term includes Contract Pilots, Independent Pilots and PPA Pilots as otherwise defined and provided for in these regulations.

129. “**Pilot Area**” means an area within Main Harbor so designated by Pohnpei Port Authority.

130. “**Pleasure craft**” means a vessel of less than 40 feet (12.2 meters) in length and is not used for commercial purposes.

131. “**Pollutant**” means by dredged spoil, contaminated with manmade waste, incinerator residue, sewage and sludge, chemical wastes, biological materials and oil spill.

132. “**Port**” means any publicly owned or operated port in the Pohnpei State, coupled with all related facilities, including anchorage points officially designated by Pohnpei Port Authority.

133. “**Seaward limit of the port**” means the outer limit of the port as specified in the applicable Pohnpei State Law.

134. “**Ski observer**” means a person in a water ski boat who is responsible for watching the skier at all times and relaying the signals of the water-skier to the driver.

135. “**Tanker**” means a vessel which is used principally for transporting petroleum products.

136. “**Ton**” in relation to goods means two thousand two hundred forty pounds long ton by weight or 40 cubic feet by measurement whichever gives the greater revenue.

137. **“Vehicles”** shall mean and include automobiles, trucks, buses, motorcycles, bicycles, push carts, and any other device in or upon or by which any person or property is or may be transported, carried or drawn upon land.

138. **“Vessel”** embraces power boats, ships, tugs, sailing vessels, barges, scows, lighters, ferry boats, and any all other water craft.

139. **“Wharfage”** shall mean the charge or fee assessed against all cargoes.

(a) Passing or conveyed over, onto or under any quay, wharf or;

(b) Passing or conveyed to or from a vessel while such vessel is;

1. Made fast to a quay, wharf, or;

2. Moored in any slip, channel, basin or canal or;

3. Made fast to another vessel which is made fast to a way, wharf, or moored in any slip, channel, basin or canal. (Wharfage is solely the charge on cargo for the use of the quay, wharf, slip, channel, basin or canal and does not include charges for any other activity or services).

140. **“Water ski”** means any water ski, surfboard, aquaplane or planning device including power skis and skicopters.

141. **“Water ski boat” or “Ski boat”** means a vessel that if from time to time is engaged in towing a water skier and includes a power ski.

142. **“Wharf”** includes any wharf, be it floating or otherwise quay, jetty, pier, pontoon, landing place or stage, platform, slip, basin, siding, dock, wall or other place at which goods can be landed, loaded or unloaded or passengers embarked or disembarked and includes buildings and other erections on the wharf and the appurtenances of the wharf and its approach including officially designated anchorage points which shall from time to time declared by the General Manager or his designee.

CHAPTER 2 NAVIGATION, BERTHING, AND MOORING

201. Vessels to have Agents

Except in the event of an emergency, every vessel which enters or calls on a port of Pohnpei State shall have an approved agent licensed to do business by the Pohnpei State Government and possessing a valid permit issued by the Pohnpei Port Authority to act as such. In addition to complying with all terms and conditions for agency permits and approval as further contained in Chapter 6 of these regulations, each agent shall have a resident employee on the island in which the port of entry is situated. A vessel which enters or calls on a port of Pohnpei State and which

does not have an approved agent at the time of its entry shall utilize its best efforts to obtain such an agent within one business day after its arrival in port.

202. Notice of Intention to Enter Port

The master or the agent of a vessel shall give to the General Manager or his designee at least twenty four hours notice of the intended arrival of the vessel at the port. This notice shall be accompanied by brief details of the cargo and the dangerous goods manifest required to be supplied under Chapter 4 of these regulations, including the principal particulars of the vessel.

203. International Code of Signals.

The International Code of Signals shall apply within the port and in addition code flags having a special significance may be used by vessels navigating within the port as set out in these regulations.

204. Use of Vessel while Intoxicated

A person shall not have control of any vessel, attempt to operate any vessel, or operate any vessel, within the port while under the influence of intoxicating liquor or drugs to such an extent as to be incapable of having proper control of the vessel.

205. Guns, Whistles

No person shall fire a gun or use or discharge any rockets, or other explosive from or upon any vessel, within the port except in a bona fide case of distress and emergency unless permission in writing has previously been given by the General Manager or his designee. Except for the purpose of navigating, no whistle, siren, bell or foghorn shall be sounded on any vessel within the port.

206. Complement of Crew

A vessel other than a pleasure craft or a hired and driven vessel shall be in the charge of a qualified master and shall be manned in accordance with the law of the country under which flag she sails, by a sufficient number of competent seamen.

207. Divers Down Signals

All vessels with divers down shall exhibit the lights and shapes require by the International Regulations for Preventing Collisions at Sea, 1972, as amended, and in addition shall exhibit International Code Flag A or a rigid replica of appropriate size. Where diving takes place in circumstances not covered by the above, International Code Flag A or a rigid replica of appropriate size shall be exhibited. For the purpose of this section, “**appropriate size**” in relation to a rigid replica means, when exhibited from a vessel, not less than 750 mm by 600 mm (30 in. by 24) in size; and when exhibited from a personal float or buoy, not less than 300 mm by 200 mm (12 in. by 7.5 in.) in size.

208. Speed Zones

Vessels shall not proceed within the port at speeds exceeding those prescribed in Chapter 9 section 9-922. The General Manager or his designee may, subject to such conditions as he thinks fit, vary the prescribed speeds in cases where he considers it necessary or reasonable to do so.

209. Vessels Dangerous to the Port

Where a vessel intends to enter the port and:

- (a) The vessel is disabled either wholly or partly or is in leaking conditions;
- (b) Any part of the vessel or its cargo is on fire;
- (c) The cargo of the vessel consists entirely or principally of oils or chemicals or of any other substance of a flammable or combustible nature and fire has occurred in or in proximity to such cargo within twenty four hours prior to the in port; or
- (d) There is a likelihood that the vessel may cause pollution of the waters of the port to occur, the master of the vessel shall before the vessel crosses the seaward limit of the port furnish a report on the condition of the vessel to the General Manager or his designee and shall upon the arrival of the vessel at the seaward limit of the port, proceed as directed by the General Manager or his designee.

210. Vessels Dangerous to Navigation

The General Manager or his designee may at any time cause to be examined any vessel within the port to ascertain the state of repair thereof. If after such examination such vessel is or likely in the opinion of the General Manager or designee to become a danger to navigation in the port the master or the owner on receiving notice in writing from the General Manager or his designee to do so, shall immediately effect the necessary repairs to the vessel or shall remove the vessel to another place within or from the port. In the event of the master or the owner not taking the required action, the General Manager or his designee may cause the vessel to be removed or dealt with at his discretion and the cost of so doing shall be a charge upon the owner.

211. Interference of Small Vessels with Large Commercial Vessels

All small vessels (fishing and pleasure boats etc.) must stay clear of large commercial vessels navigating in channels, while maneuvering in the turning basin, berthing or departing berth. Small vessels interfering with large commercial vessel's traffic shall be strictly penalized as per subsection (I) of Chapter 11.

212. Adjusting Compasses and Direction Finding Equipment

A vessel shall not adjust compasses or calibrate radio navigation equipment within the port unless the General Manager or his designee has been advised and he has designated the area in which the maneuver shall take place.

213. Sunken Vessel

Where a vessel is sunk, stranded or becomes derelict within the port or where an obstruction impedes the navigation or use of the water of the port or any part of the port, the master or the owner of the vessel; or the person who caused the vessel to be placed in that position; or the owner of the property which is causing the obstruction shall:

- (a) Notify the General Manager or his designee of the position of the vessel or obstruction;
- (b) Exhibit on or near the vessel or obstruction the signals and lights prescribed by the International Collision Regulation;
- (c) Take immediate action to prevent oil spill or any other kind of pollution.
- (d) Immediately take steps for the removal of the vessel or the obstruction; and
- (e) Pending such removal shall mark the position of the vessel or obstruction in such a manner as the General Manager or his designee may direct.

In the event of the master or owner failing to do these things, the General Manager or his designee may cause them to be done and the expense of so doing shall be payable by the master or owner. For the purpose of this section, owner when used in relation to a vessel means the owner immediately prior to the time the vessel was sunk, stranded or become derelict within the port.

214. Immediate Report of Accident

Should an incident take place within the port whereby any damage is caused to any vessel, wharf or other property or should any vessel collide, ground or sink within the port, then the master of any such vessel shall immediately advise the General Manager or his designee and where requested to do so shall report in writing the circumstances associated with the incident.

215. Tugs

Whenever the General Manager or his designee considers it necessary that a vessel whether in charge of a licensed pilot or not should have the assistance of tugs or other vessels, the General Manager or his designee may, at the risk and expense of the vessel, order the vessel to engage such assistance. A tug assisting any vessel shall attend upon that vessel until the maneuver has been completed.

216. Careening

Except in an emergency, a vessel shall not be careened or hauled on shore within the port in any area where it will restrict or prevent the use of any port facility or any boat ramp. Any vessels so dealt with shall as soon as practicable be removed by the master or owner of that vessel when called upon to do so by the General Manager or his designee.

217. Assistance to Officer Boarding

While any vessel is entering, departing from or moving within the port the master shall by every means in his power consistent with safety of the vessel assist an authorized officer in boarding or leaving the vessel.

218. Production of Certificate

The master of a vessel shall on demand produce to the General Manager or his designee or any authorized officer the certificate of registry of the vessel and any other certificate or document relating to the vessel which he is required by law or international convention to produce to a port authority.

219. Fairways to be Kept Clear

- (a) Whenever by unavoidable circumstances it has become necessary to anchor a vessel in any fairway or channel, the master of vessel so anchored shall immediately notify the General Manager or his designee. The Master of the vessel as soon as possible weighs anchor and deal with the vessel in accordance with the directions of the General Manager or his designee. The master shall notify the General Manager or his designee immediately that he has cleared the fairway or channel and has complied with the General Manager or his designee.
- (b) The master of a vessel which is not underway shall cause her to be kept properly and effectively moored to the satisfaction of the General Manager or his designee.
- (c) Where cyclone weather conditions are forecasted, the General Manager or his designee may require special precautions to be taken which shall be maintained by the master until the General Manager or his designee is satisfied the threat is no longer imminent.
- (d) A person shall not make fast any rope or moor a vessel to a wharf or part thereof or to any erection on a wharf other than to the bollards provided for the purpose.
- (e) The General Manager or his designee may direct the mooring or berthing of vessel in tier. The master of a vessel shall give free passage for persons and goods across and over the deck of his vessel to and from wharf and any other vessel moored or berthed in tier to his vessels.

220. Mooring Services

The Port Authority may at its discretion provide services for assisting the mooring and unmooring of vessels. However, the vessel shall be moored or unmoored by the master and the crew. The Pohnpei Port Authority personnel being in attendance to render assistance under instructions issued from the vessel, in the taking ashore, making fast or casting off hawsers and ropes. On leaving the berth, similar assistance will be rendered on due notice being given to the General Manager or his designee. The Pohnpei Port Authority takes no responsibility in the carrying out of any service and the Pohnpei Port Authority shall not be responsible for any loss or damage caused or attributable to any act or omission of its personnel.

221. Manner of Anchoring

The master of any vessel anchoring in the port shall caused her to be kept properly and effectively anchored to the satisfaction of the General Manager or his designee.

- (a) The General Manager or his designee may designate the place a vessel or a class of vessels shall lie or take up anchorage within the port and no vessel shall be anchored at such place of anchorage or brought or placed alongside of any wharf without his authority or contrary to his directions, nor shall the position of any vessels be changed, nor shall any vessels be moved from or leave any anchorage without his permission except through stress of weather or other danger to life or to the vessel.
- (b) The master of a vessel at anchor shall not permit any boat to ride astern of or be attached to such vessel at a greater distance therefrom than 20 feet nor shall be permit any other floating object likely to obstruct or injured any other vessel to ride astern or be fastened to his vessel while it is at anchor.
- (c) No vessel shall anchor or lie at a distance of less than 800 feet from any wharf except for the purpose of immediately hauling alongside the wharf.
- (d) No vessel shall anchor within 65 feet of a launching ramp except as part of a launching or recovery operation.

222. Berthing

Priorities and scheduling of vessel movements and berth assignments in Pohnpei State Harbors:

- (a) Priorities for vessel movements other than for typhoons and unless otherwise authorized by the General Manager or his designee shall be as follows:
 - 1. Government vessels when responding to emergency;
 - 2. Vessels stopping to discharge sick or injured persons;

3. Passenger vessels (Note: The harbor is to be closed to other traffic for an adequate time to permit the safe arrival or departure of passenger vessels);
 4. Inbound vessels scheduled to load or discharge cargo upon arrival;
 - (i) Tankers
 - (ii) cargo/container vessels
 - (iii) fishing vessels
 - (iv) tug and tow
 5. Shift cargo vessels when required for further cargo handling;
 6. Outbound vessels with inter island cargo;
 7. Incoming vessels arriving for repairs or bunkers;
 8. All other vessels;
- (b) Priorities of vessel sailing in the event of a typhoon warning unless otherwise authorized by the General Manager or his designee shall be:
1. Government vessels;
 2. Tankers;
 3. Vessels with explosive cargo;
 4. Passenger vessels;
 5. Freighters;
 6. All other vessels;
- (c) Scheduling procedures: Agents shall submit the following to the General Manager or his designee:
1. Copies of passenger vessels scheduled as far in advance as possible;
 2. At the earliest time, any ship scheduled for port arrival. (This shall constitute a tentative booking).
 3. Prior to 11:00 a.m., the day before a vessel's arrival, or as soon thereafter possible, submit an ETA to the General Manager or his designee.

4. A schedule shall then be prepared by the General Manager or his designee. The schedule shall be based on the priorities listed above and on the final ETA, and shall be published by 2:00 p.m. each day. Berthing assignments for changes in schedules will be made on a first come, first served and a not-to-interfere basis with the established schedule.
5. Prior to 11:00 a.m. daily, submit known departures and shifts for the following day to the General Manager or his designee. Changes in schedules will be made on a first come, first-served basis, in accordance with the priorities above and on a not-to-interfere basis with the established schedule.
6. Vessels arriving and/or departing at the same hour will be handled in accordance with the priority described above. Within any category the vessel that was assigned confirmed booking first will be permitted to move first unless the vessel is late or operating conditions in the harbor dictate otherwise.
7. Agents shall advise the General Manager or his designee at the earliest time when a vessel that have been scheduled to call changes or cancels their ETA or itineraries by more than 24 hours.

(d) Other requirements:

1. Application for berth assignment shall include information as to any peculiar requirements; i.e. camels needed for side port bunkering, whether one side has to be alongside pier for repairs or other special reasons. Also, indicate any unusual physical features that would affect piloting or mooring, such as engine or steering gear problems.
2. Vessels using side ports for bunkering, storing, passenger debarking, or other reasons, should have side ports closed on approaching the berth in order to avoid damage to the pier or to the side port.
3. Except for those vessels entering to load petroleum products or for special repairs requiring minimum draft, all vessels will be ballasted so as to reduce freeboard to a reasonable degree, and to provide positive stability as required.
4. Pohnpei Port Authority Seaport Division shall be responsible for providing proper and adequate line handlers on time for all vessels during arrivals, shift and departures.
5. Pilots and tugs: Agents shall make all arrangements for the employment of pilots and adequate tug assistance and will arrange and have available adequate vessel lines to assist in tying up the tug or tugs.
6. It is the duty of the vessel's agents to keep Customs, Immigrations, Agriculture and EPA Quarantine Officials advised as to docking time of vessels being handled

by them. If the vessel carries any live fish or wildlife, or parts or products of any fish or wildlife protected by any National or Pohnpei State law or regulations, the vessel's agent shall also advise Agriculture Quarantine of such docking time. It is not the responsibility of PPA to arrange for any Government Officials to board and clear vessels.

7. All changes in a vessel's arrival time, shifting time or sailing time must be made more than two (2) hours in advance of the previously booked time.
8. All commercial vessels using Port Authority wharves, piers, or other dock facilities shall use Pohnpei Port Authority Seaport Division's line handling services for reason of safety. Charges for line handling are stated in subsection (f) of Chapter 10.
9. Any person who contravenes any instructions or authority issued by the General Manager or his designee in the performance of his duties under this section shall be guilty of an offense and be fined accordingly by the General Manager or his designee.

222. Watch on Board

Except with the expressed permission of the General Manager or his designee every seagoing vessel while in the port shall have sufficient complement of competent watchmen aboard at all times. Where there is no master, the agent of the vessel or the person having lawful or de facto control thereof is liable for any breach of this rule. Every person in charge of or on watch on board a vessel shall at once answer a challenge by police, custom, quarantine officers, or an authorized officer. Where a vessel is handling cargo, the General Manager or his designee at his discretion may require the master or the agent of the vessel to provide a watchman in the area where cargo is being handled.

223. Lights to be Exhibited

Every vessel and every lighter lying alongside a vessel moored to wharf at night-time shall be adequately lit by working lights to the satisfaction of the General Manager or his designee. The exhibition of such lights shall not interfere with the operation of other vessels in the vicinity of the vessel or with air traffic. Vessels engaged in fuel transferring or handling dangerous cargo must display **Red Mast Light** at night.

224. Making Fast To Navigation Aids

No person shall trespass on, or make fast to, damage, injure or otherwise interfere with any lightship, buoy, beacon or other marine navigational aids which are property of or in the charge of the Port Authority. Should a vessel touch, strike or damage any navigational aid, master of that vessel besides proper logging of accident must notify the General Manager or his designee without any delay.

225. Gangways, Ladders, and Nets

Every vessel moored to a wharf or to another vessel moored to a wharf shall be provided with a safe and sufficient means of access which shall comply with internationally recognized standards and practices and, if any, the requirements of the Port Authority. Every vessel lying in the port and not alongside any wharf shall be similarly provided with a safe and sufficient means of access.

226. Suppression of Fires

In this section, "flammable liquid" means a liquid which gives off flammable vapor at or below temperature of 80 degrees Fahrenheit.

- (a) While a vessel is being fueled, a person shall not smoke aboard, and the person in charge of the vessel shall not permit a person to smoke on board, or any portion of the wharf which is marked off by signs. "No Smoking, No Lights, No Visitors".
- (b) Where a vessel has portable fuel tanks, the tanks shall be removed from the vessel in order to be refilled. Spare containers of fuel shall be kept in a well ventilated place that is clear of cooking, lighting or heating appliance, batteries and exhausts. All inboard fuel operated or started engines shall have adequately ventilated engine spaces and bilges and the engine spaces and bilges shall be checked for fumes, seepage and leakage before the engines are started and again after refueling.
- (c) After refueling of a vessel is completed, any spillage shall be removed before any mechanical, electrical or gas operated appliances or auxiliaries are operated.
- (d) During a period of refueling, cooking, lighting and refrigerating appliances radios and auxiliaries shall be stopped, all batteries shall be isolated, and a fire extinguisher shall be at hand and ready for use.

227. Opening in Vessels

Every opening in a vessel moored to a wharf used for loading or handling cargo, stores or fuel shall at night time be closed if not in use, or well and sufficiently lighted and protected if in use.

228. Cooperation In An Emergency

In the event of any casualty to a vessel, disaster, major accident, or fire occurring within the port or on any wharf, all persons in charge of or otherwise belonging to any vessel then in the port shall render such assistance for the protection of neighboring vessels as the General Manager or his designee or any authorized officer may require or demand.

Typhoon Condition II: Masters or Agents of vessels will comply with all applicable rules and regulations and orders governing typhoon conditions and will proceed to clear the quay, wharf, dolphins which may be damaged or destroyed during such periods. Failure of masters or agents

to comply with said rules and regulations or orders will lay all responsibility of damages caused by a vessel upon them.

229. Repairs and Underwater Work at Wharves

In this section the term “vessel” does not include a vessel moored at a recognized lay-up or repair berth, or pleasure craft.

- (a) No repairs or works of any nature shall be undertaken on a vessel in the port unless permission has first been obtained from the General Manager or his designee.
- (b) A vessel shall not be immobilized by any action taken within the vessel or by any underwater work without the express of the General Manager or his designee.
- (c) A vessel moored to a wharf shall be kept equipped, loaded or ballasted so as allow her to be safely removed from the wharf at any time under the direction of the General Manager or his designee.
- (d) No underwater welding or torch-cutting of any type shall be undertaken on a vessel in port unless the area where the work is to be undertaken is gas free.

230. Discharge of Refuse

No pollutant of any kind shall be discharged from any vessel or the scuppers thereof while the vessel is in port. While a vessel is moored to a wharf, all overside discharges and scuppers shall be kept effectively screened so as to ensure that no fluid refuse shall fall on the deck of any wharf or on any structure, machinery or appliance on the wharf, or any other vessel moored alongside. Where a vessel departs from a wharf before cleaning that portion opposite the berth occupied, the berth may be cleaned by the Pohnpei Port Authority’s staff for which a prescribed fee will be payable. Penalties for violating this section shall be as per subsection (k) 1 of Chapter 11.

CHAPTER 3 CONTROL OF PROPERTY, WHARVES AND INSTALLATIONS

301. Structures

No structure shall be constructed on any land or property vested in the Pohnpei Port Authority or on the bed of the port without permission in writing of the Board of Directors of the Pohnpei Port Authority.

302. Plans to be Submitted

Plans of all construction upon or to be used upon any wharf, or other structures or any building within the port must be submitted with an application seeking the approval of the Pohnpei Port Authority’s Board of Directors. No such construction may proceed unless and until the Pohnpei

Port Authority's Board of Directors has approved of the plans and no alteration in any such construction must be made without the permission in writing of the Pohnpei Port Authority's Board of Directors.

303. Responsibility of User of Pohnpei Port Authority Equipment

A person who hires or uses machinery or equipment belonging to the Pohnpei Port Authority shall ensure that it is used only for the purpose for which it has been hired or permission has been given and it is not used to lift or handle weights greater than the specific maximum capacity of the machinery or equipment. The user or hirer of any machinery or equipment of the Pohnpei Port Authority shall be responsible for the safe-keeping and good condition of the machinery and equipment and shall pay to the Pohnpei Authority on demand all charges for the use of that machinery equipment. The user shall also identify the Pohnpei Port Authority against any action, claim or demand made by any person arising from the use of the machinery or equipment by the user.

304. Removal of Property from Land

A person shall not remove any ballast, rocks, stones, slate, single, gravel or other material from any land above or below the high water mark in any part of the port without the permission of the General Manager or his designee.

305. Entry to Enclosed Places

A person shall not enter upon any part of the port which shall have been enclosed by the Pohnpei Port Authority with any wall, fence, channel or other means of enclosure unless he has previously obtained in respect of such entry from an authorized officer written permission to enter the enclosed place. Provided that an employee of the Pohnpei Port Authority located at any gate or other entrance to such enclosed place may, upon being satisfied that a person is entitled to go upon some vessel from such enclosed place or is employed in such an enclosed place in connection with some vessel, allow that person to enter the enclosed place.

306. Interference with Gate

A person shall not, without reasonable excuse in any place within the port, open, close, or otherwise interfere with, prevent or deny to any gate, grill or door which has been closed, locked or opened by the Pohnpei Port Authority or by a person acting with the authority of the General Manager or his designee.

307. Closure of Wharves

The Pohnpei Port Authority may upon giving due notice of its intention to do so close to the public any wharf or portion of any wharf or area under its jurisdiction as it may from time to time consider necessary. The Pohnpei Port Authority may close any wharf or portion of a wharf or any portion of the port to any vehicle or any class of vehicles. Such closure shall not exceed

ten (10) consecutive days unless authorized by the Board of Directors of the Pohnpei Port Authority.

308. Security of Installations

The Pohnpei Port Authority may take such action and appoint such persons as it deems necessary from time to time to preserve or in relation to any lands and installations vested in it prevent the entry of or to remove any persons making use of those lands and installations for purposes other than those for which they are intended to be used; remove persons loitering on the Pohnpei Port Authority's property or adjacent to that property; assist vessels in making use of any of the Pohnpei Port Authority's property or installations; and prevent the unauthorized removal from or the entry or any goods or materials into any enclosed place.

309. Offender's Name and Address

Where an employee of the Pohnpei Port Authority has reasonable grounds for believing or suspecting that any person found in any part of the port has contravened any parts of these regulations, that employee may request the person to state his or her identity as the circumstances may reasonably require. A person who fails to supply the information required is guilty of an offense under these regulations.

CHAPTER 4 DANGEROUS GOODS

401. Application of Chapter

This chapter applies to the handling of dangerous goods in the port but does not apply in relation to dangerous goods forming part of the stores or the equipment of a vessel required for the navigation, use safety or maintenance of that vessel.

402. Marking, Packing and Stowing of Dangerous Goods

Dangerous goods arriving at the port in a vessel shall be marked, packed and stowed in accordance with the requirements of 66 PC 2-101 et seq. and the International Maritime Dangerous Goods Code, United States Coast Guard regulations or with the requirements of the competent authority in the country in which the goods were placed on board the vessel. If dangerous cargo has been shipped without its true nature being disclosed, the carrier may, after asserting its true nature take whatever steps are necessary to protect other cargo and vessel, even to extent of destroying it.

403. Tankers to be Adequately Manned

Where a tanker makes a call on the port for the conveying or handling of oil in bulk as cargo within the port there shall, at all times, be on board the vessel, a senior deck officer and a senior engineer officer together with sufficient crew to the satisfaction of the General Manager or his designee to operate fire appliances or to remove the vessel from the berth or the port in any

emergency. Any oil spill on water or on the wharf during fuel oil transfer or otherwise must be reported to General Manager or his designee without delay.

404. Compliance Order

Notwithstanding the provisions set out above, the General Manager or his designee may, when there is a failure to comply with the requirements of this chapter which in his opinion may endanger the safety of persons employed or port facilities being used in connection with the handling of dangerous goods to or from a vessel, give a direction that cargo handling in connection with the vessel shall not take place until there is compliance with the requirements of this chapter.

CHAPTER 5 LANDING, STORAGE AND DELIVERY OF GOODS

501. Inbound and Outbound Manifests

Within twenty-four hours of the arriving of any vessel in the port from which goods are to be landed, discharged or transshipped and before any cargo is landed or discharged, the master, agent or owner of the vessel shall deliver to the General Manager or his designee a true, legible and complete copy of the manifest of the vessel in respect of all cargo intended to be landed, discharged or transshipped in the port. The copy shall be in English language and shall be certified by the master, agent or owner as true and complete. The Pohnpei Port Authority is responsible for the collection of all charges in connection with the wharfage of all inbound and outbound cargo and all other charges levied by these regulations. No cargo will be received or issued until is properly accounted for in accordance with the procedures of accountability of Pohnpei Port Authority.

502. Goods Likely to be a Nuisance

Where the General Manager or his designee is advised that goods likely to create a nuisance or dangerous or objectionable conditions on a wharf are about to be unloaded from a vessel, the General Manager or his designee may direct the owner or agent of the vessel or the owner of the goods to cause the goods to be removed directly from the vessel to a place within or taken from the port.

- (a) The owner or agent of the vessel or the owner of the goods shall, in carrying out the removal of the goods, be subjected to such conditions and requirements as the General Manager or his designee sees fit to impose in order to mitigate the nuisance or the dangerous or objectionable conditions associated with the landing of the goods.
- (b) Any person who refuses any order or direction issued by the General Manager or his designee in accordance with this section shall be fined for each day for non-compliance to the order or direction of the General Manager or his designee.

503. Goods on Wharves

Where the General Manager or his designee is satisfied that goods are, or are about to be placed on a wharf so that space on the wharf is not being properly used or that any goods by breaking bulk, leaking or from any other cause are likely to damage a wharf or create a nuisance or hinder work on the wharf, he may give a direction to any person handling those goods that:

- (a) Goods placed or about to be placed on a wharf shall not be placed on that wharf except in accordance with his instruction;
- (b) Goods shall be removed from the wharf in the manner and to a place specified by him. A person shall not fail to comply with the direction issued by the General Manager or his designee under this section and in the case of a failure to remove goods covered by this section, the General Manager or his designee may cause such goods to be removed at the expense of the owner of the goods.

504. Sound and Marked Packaging

- (a) A person shall not deliver onto a wharf for shipment any goods enclosed in outside packaging unless the packaging is of sound material and of sufficient strength and durability to hold the goods without leaking or spilling until they are delivered to the consignee.
- (b) A person shall not deliver onto a wharf for shipment a package, container or object unless it is plainly and durably marked with marks denoting its gross weight.
- (c) Where the exact gross weight of the package, container or object cannot be determined without exceptional difficulty, the package, container or object must be marked with its approximate gross weight.
- (d) If any goods are delivered to a wharf in contravention of this section the General Manager or his designee may give a direction to the person who so delivered them or to the owner of the goods to remove them forthwith and the person receiving such a direction shall comply with it.
- (e) Where the package delivered to the wharf is a cargo container which is loaded to gross weight exceeding the maximum gross weight shown on the safety approval plate attached to the cargo container the General Manager or his designee may direct the person who delivered the cargo to adjust contents so that the maximum gross weight is not exceeded and the person receiving such a direction shall comply with it.
- (f) The packaging requirement established by this section shall not apply to intrastate cargo handling.

505. Handling Service For Cargo

The Pohnpei Port Authority will provide, within the port, handling services for inbound and outbound cargo.

- (a) Handling services for such cargo shall include receiving and tallying from the vessel or a container, sorting to marks and stacking, delivery to consignees' vehicles, and obtaining a receipt.
- (b) Inbound cargo so handled shall not for any purpose be deemed to be in the custody of the Pohnpei Port Authority until it has been deposited on a wharf in accordance with the Pohnpei Port Authority's requirements, free of the vessel's unloading gear or equipment, or onto a conveyance provided or authorized for the receipt of cargo from the vessel by the Pohnpei Port Authority, or until it has been attached for lifting to a shore base crane.
- (c) Handling services for outbound cargo shall include receipt and check from the consignor's vehicle, stacking and storage in port loading into a container, delivery to the vessel, and obtaining a receipt.
- (d) Outbound cargo so handled shall for all purposes be deemed to be in the custody of the vessel when controlled by the vessel's loading gear or equipment or when the cargo is deposited on the vessel by a shore based crane or by a conveyance provided or authorized by the Pohnpei Port Authority for the delivery of cargo to the vessel.

506. Responsibility of Pohnpei Port Authority for Cargo Handled

- (a) The receipt of the Pohnpei Port Authority to a vessel for cargo landed (in cases where cargo passes into the custody of the Pohnpei Port Authority as wharfinger) shall be based upon the outbound appearance of the packages only and shall bear the following: "Received in apparent good order and condition; weight, contents and value unknown, except where otherwise stated". During the process of discharge, cargo landed in manifestly bad condition will be baled in an enclosed position apart from other cargo, pending examination by the parties concerned.
- (b) The Pohnpei Port Authority shall not responsible for the safe custody or condition of a package or packages so landed in respect of damage or quantity of remaining contents. In the event of the vessel or its agent refusing to accept this condition for cargo, the package or packages must be immediately returned aboard the vessel and shall not be again landed until it has been examined by consignee, who shall take delivery from the vessel.
- (c) Satisfactory receipts must be given to the Pohnpei Port Authority for packages of goods which are in the custody of the Pohnpei Port Authority before they are opened for Customs examinations. Where satisfactory receipts as aforesaid are refused, the consignee shall at once remove the whole consignment of which the packages are a

portion, to a place to be designated by the Pohnpei Port Authority or the Custom official.

- (d) Notwithstanding the nature of the receipt given by the Pohnpei Port Authority for any goods passing into its custody, the Pohnpei Port Authority shall in no way be liable for the contents of packages which are so packed or secured that the contents are not plainly visible or the charter thereof not plainly discernible at the time of receiving the packages before being unpacked or opened.
- (e) Whenever in the opinion of the Pohnpei Port Authority goods are wholly unprotected, or insufficiently protected or packed, and in so declaring, the shipper, consignee or otherwise the owner of the goods knowingly leave the goods in the premises of the Pohnpei Port Authority, the shipper, consignee, or owner of the goods shall indemnify the Pohnpei Port Authority and the Pohnpei Port Authority shall in no case be liable for damages to goods caused by or contributed to by insufficient packing or protection.
- (f) Goods for which receipts have not been given to the Pohnpei Port Authority, will not be deemed for any purpose to be in the custody of the Pohnpei Port Authority as wharfinger, and the Pohnpei Port Authority will not be responsible for their safe custody, or for any loss or damage that may occur to them in any manner.
- (g) The Pohnpei Port Authority will not be responsible for the weight, size, character, or condition of the contents or packages and generally the Pohnpei Port Authority will not be liable for a greater value in regard to any goods, or better condition of any package, than is stated upon the ship's receipts, bills of lading, manifests, or other documents as regards declarations of values or conditions, and for this purpose the Pohnpei Port Authority may rely upon, and the owners of the goods shall be bound by all statements, exceptions and conditions endorsed upon the ship's documents.
- (h) The Pohnpei Port Authority will not be responsible for any claim arising from delay or any cause whatsoever in the delivery of goods by the shipper or carrier to the custody of the Pohnpei Port Authority.
- (i) The Pohnpei Port Authority will not be responsible for the wrong or non-delivery of goods to persons other than consignee, or of goods which are not marked or are erroneously or inefficiently marked, or which have numerous old or imperfectly erased marks thereon, nor in cases where more than one consignment of goods of apparently similar character or appearance, in the same vessel, bear the same or similar marks.
- (j) Where inclement weather prevails, there shall be no loading or unloading of ships in the port. Where it is warranted that goods should be landed, shipped or handled during wet weather, the Pohnpei Port Authority will take every effort not to subject those goods to wet weather.
- (k) The Pohnpei Port Authority shall not be liable for goods which are required by Government or other recognized authorities to undergo special treatment, such as

fumigation, dipping, opening, destroying or otherwise, except for their proper discharging, loading, handling and storage.

507. Goods Falling Overboard

If any cargo or other material is by accident or otherwise dropped or let fall into the waters of the port, the master or agent, the owner of the goods present at the time or the person in charge of the handling or stowing of the goods shall take such steps as seem to him to be advisable to recover and land the cargo or material and all the expenses of the recovery or landing shall be a debt due to the master, agent or owner of the vessel out of which such goods were being landed, or into which they were being shipped, or from any other person responsible for letting the goods drop or fall into the water.

508. Materials in Bulk

Material in bulk shall not be stored or landed on any wharf by the terminal operator and stevedoring company without the written permission of the General Manager or his designee. Special attention must be applied to proper stowage and ventilation of certain bulk cargo.

509. Notice of Intention to Discharge or Load

The master or agent of a vessel shall give notice to the General Manager or his designee of his intention to discharge or load before that work is commenced. Goods, livestock, or other materials of any sort whatsoever shall not be discharged or shipped, except at such times and places and in such order and mode as may be directed and deemed expedient by the General Manager or his designee, for the proper working of any wharf or port facilities. Cargo discharged without permission being first obtained shall not be deemed to be in the custody of the Pohnpei Port Authority, nor shall the Pohnpei Port Authority be held responsible for any loss or damage that may accrue to such cargo from any cause whatsoever.

510. Discharge or Loading to be Continuous

Except with the approval of the General Manager or his designee, the master or the agent of any vessel arriving at any wharf or port facility shall cause the discharging or loading of such vessel to be commenced as soon as practicable after the vessel is berthed, and required official clearance are secured and continued subject to any limitations on the handling of dangerous goods and to the normal working hours during which waterside labor is available, until completed.

511. Removal of Goods Impeding Work on Wharves

- (a) Notwithstanding any other provision of these regulations if the General Manager or his designee is of the opinion that any goods on wharf are impeding the business of the wharf, he may direct:

1. In the case of goods being inbound cargo, the owner of the cargo or the owner of the vessel from which the cargo was unshipped or both those owners; or
 2. In the case of goods being outbound cargo, the owner of the vessel in which the cargo is intended to be shipped or the owner of the goods or both those owners; the removal of the goods from the wharf forthwith or within a time specified by the General Manager or his designee.
- (b) A person receiving a direction under this section shall comply with it, and shall be deemed to commit a separate offense on each day on which he does not comply with it.

512. Cargo Handling Equipment

Equipment used in connection with the loading or unloading of a vessel shall be removed from the wharf as soon after as the loading or unloading of the vessel is completed. If the owner of the equipment fails to comply with this provision, the General Manager or his designee may direct him to remove the equipment from the wharf forthwith or within a time specified by the General Manager or his designee.

513. Powers of General Manager or His Designee

- (a) If a person fails to comply with a direction to remove goods, or to do any other act, given to him by the General Manager or his designee under any section in this chapter, the General Manager or his designee may remove the goods or do the act directed to be done.
- (b) Where goods are removed by the General Manager or his designee pursuant to this section, the General Manager or his designee may store them in any place within the port which he considers to be appropriate.
- (c) Where goods have been stored pursuant to this section in a store other than a store provided for the transit accommodation of cargo, a storage charge for each ton of the goods for each day during which the goods are stored shall be payable by the owner of the goods at the rate established by the terminal operator and stevedoring company and approved by Pohnpei Port Authority.
- (d) The Pohnpei Port Authority shall not be liable for any loss or damage to goods which are removed or stored pursuant to this section.
- (e) Where goods have been stored pursuant to this section for not less than 30 days, the General Manager or his designee may cause the goods to be sold by public auction; and if he causes the goods to be sold, shall deduct from the proceeds of the sale the express of the sales and any sums due for storage charges under these regulations and pay the balance, if any, to the owner of the goods.

514. Exemptions

Notwithstanding anything contained in this chapter, the General Manager or his designee may, by notice in writing, exempt a person from compliance with a requirement of this chapter if, in the opinion of the General Manager or his designee:

- (a) The requirement has been substantially complied with;
- (b) Compliance with the requirement is, in the circumstances of the case, impracticable or unnecessary;
- (c) Other action taken in regard to the subject matter of the requirement is a satisfactory substitute for action specified in the requirement.

The General Manager or his designee may subject an exemption under this section to any condition or limit that he considers necessary. If the General Manager or his designee considers that the circumstances of the case justify him in doing so, the General Manager or his designee may, by notice in writing to the person exempted, revoke an exemption, or vary a condition of an exemption granted under this section.

515. Relinquishment of Functions

The Pohnpei Port Authority Board of Directors may, by agreement, relinquish to a private contractor any or all of the functions provided for in this chapter. Provided that the responsibility for wharfage collection shall remain with Pohnpei Port Authority.

CHAPTER 6 LICENSING AND PERMITTING

601. Application for Stevedoring Licensing

A person applying to carry on the business of stevedoring and/or terminal operation shall produce a statement in detail of the services he propose to provide as a terminal operator and as a stevedore and the charges he proposes to impose; and evidence that he is able to provide such services. In additional, the following information shall be furnished by a person or company applying to do such a business:

- (a) Adequate and efficient supervision of stevedoring operations;
- (b) An adequate labor force including a portion of experienced workmen and such special categories of workmen as may from time to time be required to carry on the business; and
- (c) Stevedoring equipment which is adequate and efficient in relation to the requirements of the proposed business. The application referred to in this section shall be

forwarded to the Pohnpei Port Authority Board of Directors for its review and approval.

602. Review of Terminal Tariff

Subject to the preceding section, all terminal tariffs and any changes thereof shall be subject to review and approval by the Pohnpei Port Authority Board of Directors which shall be guided in accordance with acceptable commercial practice currently in force and use.

603. Stevedoring Equipment

A licensed stevedore shall maintain or have on call stevedoring equipment of all kinds in good working order and condition so that he is able to work simultaneously and efficiently on a vessel or the cargo he may be called upon to handle.

604. Unsafe Practices

Upon being instructed by the General Manager or his designee to do so, a licensed stevedoring company shall immediately discontinue any operation which in the opinion of the General Manager or his designee is unsafe or undesirable or could cause damage to a wharf or a port facility.

605. Care of Equipment

A licensed stevedore shall not use hoisting gear or equipment for the lifting of cargo unless it has been tested and has been opened and examined within the preceding twelve months and has with him a record of the examination which could be produced on demand for inspection. Equipment which has been repaired or altered shall be tested for use and the result of the test recorded and kept for inspection. Wire ropes and other ropes used in stevedoring shall be inspected every three months by an authorized officer and their condition recorded and kept for inspection. Cargo gears shall be examined at intervals not exceeding three months by an authorized officer and their condition recorded and kept for inspection.

606. Insurance

A licensed stevedoring company shall, at its own expense, purchase and maintain their effectiveness the following types of insurance policies:

- (a) A public liability insurance policy in the amount of \$100,000 per person; \$500,000 per incident for a personal injury and \$25,000 for property damages arising from the stevedoring company's use of the port or dock facilities.
- (b) Pohnpei Port Authority reserves the right to require from a licensed stevedoring company additional or larger amounts of public liability insurance policies.

607. Application for Agency Permit and Account

(a) Agency Credit Account / Permit Application

Every person or entity wishing to serve as an agent for a vessel calling on any Pohnpei port shall apply for an account with PPA demonstrating creditworthiness and financial responsibility and, unless waived, must furnish “payable on demand” security in a sum specified by PPA based on the estimated number of vessels and frequency of visits disclosed by the applicant. Agents shall also apply for a permit authorizing and approving the provision of agency services. The required application forms for opening a credit account and obtaining a vessel agency permit are appended to these regulations and their terms are incorporated herein by reference.

No person or entity shall be authorized to serve as a vessel agent unless PPA’s Board of Directors approves the credit account and directs issuance of an agency permit.

(b) Vessel Identity, Ownership and Contact Information

In addition to providing the information and security required by the agency credit account and permit application forms, all agents shall submit the names, mailing addresses, phone and fax numbers, e-mail addresses and related contact information for each principal that owns, controls or operates the vessels calling on Pohnpei’s port. The agent shall also submit a listing of vessels owned by each principal that are authorized to call on Pohnpei’s port. The ownership/control identification and contact information for vessel principals must be submitted to PPA in writing within 48 hours after the arrival of any vessel in port and shall be signed by the agent or its authorized representative with an express statement that the agent has been authorized by the principal to serve as its agent and an acknowledgment by the agent of its joint and several liability for all port-related charges assessed against that vessel.

(c) Waiver of Security

An agency credit account applicant may apply for a waiver of the “payable on demand” security requirement. Any such waiver shall include submission of evidence of financial responsibility, including past history of timely payment of accounts with PPA. Waivers may only be granted by PPA’s Board upon the showing required by §2-14 of the PPA Act, 32 PC 1-101 et seq.

(d) Renewal, Extension, Suspension and Revocation of Agency Permits

- (a) **Renewal:** Agency permits shall be valid for one year from date of issuance. Renewal shall be accomplished by the submission of a completed renewal application within 60 days prior to expiration or at any time thereafter. All renewal applications shall be accompanied by an up-to-date credit application.

Renewal of permits shall be conditioned on a showing of financial responsibility and the provision of security under the same terms as an original application.

1. Eligibility Restrictions:

- (i) If a permit is suspended the cause for suspension must be cured, the suspension lifted and the permit reinstated prior to eligibility for issuance of a renewed permit. A person with a suspended permit, may however, apply for a renewal while a suspension is in place. The renewal application will then be processed subject to the suspension being lifted;
 - (ii) Any person or entity indebted to the Port Authority in an amount equal to or exceeding \$50,000.00, or having delinquent accounts valued in excess of \$100,000.00 more than ninety (90) days past due, shall not be eligible to apply for or renew an agency permit.
 - (iii) Any person or entity that has had its permit revoked, shall not be eligible to reapply for, or seek renewal of, an agency permit for a period of six months following revocation.
- (b) **Extension:** The General Manager may at his discretion extend an agency permit for any reason. Such an extension shall, however, be limited to no more than two consecutive 30-day periods. PPA's Board of Directors shall be empowered to extend an agency permit for an additional sixty (60) days for cause shown. The maximum period for extending an expired permit shall be one hundred and twenty (120) days.
- (c) **Suspension:** Noncompliance with any Seaport Regulations, including the regulations in this Chapter and the regulations set forth in Chapter 10, shall provide grounds for permit suspension. Providing false or misleading information in connection with an agency credit application or permit application shall also provide grounds for suspension.
- 1. Notice of Suspension:** If an agent violates any seaport regulation he shall be given written notice of the alleged violation indicating that his agency permit will be suspended effective 30 days from the delivery of notice (to his address on record) unless the violation is cured. If the agent disputes the violation he shall appeal the notice within 15 days of its delivery by written notice of appeal to PPA's General Manager. He will then be given an opportunity to present evidence supporting his position at a hearing to be noticed by PPA. PPA will issue a written decision on the appeal based on the evidence adduced at the hearing and that decision will be final. Failure to appeal within the time allowed shall constitute waiver of the right to appeal the suspension and it will automatically go into effect on the 30th day after notice unless the violation is cured. Once a permit is suspended it may not be reinstated until the violation serving as grounds for suspension is cured.

(d) **Revocation:** A suspended permit shall be revoked if the violation causing the suspension is not cured within 120 days after the suspension goes into effect or if one or more additional violations are shown prior to reinstatement.

1. Automatic Revocation: Failure to maintain adequate “payable on demand” security in the form and sums specified by PPA as a condition to issuance of an agency permit (as specified in the permit), or refusal to furnish additional security in a form acceptable to PPA if the existing security is determined by the General Manager to be inadequate to cover existing or anticipated debts, shall be grounds for automatic permit revocation.

CHAPTER 7 PREVENTION OF POLLUTION

701. Pollution Prohibited

A person shall not deposit or leave in the port or on the shore of the port any garbage, rubbish, putrefying or polluting matter of any description.

702. Removal of Garbage

- (a) The master, agent, or owner of a vessel in the port shall ensure that at the time of the unmooring of the vessel or by such later time as the General Manager or his designee in his discretion allow, or on the direction of the General Manager or his designee, either generally in a particular case, all portable appliances and material used in the servicing of the vessel, and pollutants, have been removed from all areas used for that servicing.
- (b) In case where Pohnpei Port Authority takes the cleaning of wharves, sheds or open areas the charges thereof shall be computed at the total cost of labor and or materials used and shall be assessed against the vessel which is responsible for the necessity of cleaning.
- (c) For the purpose of this section “the servicing of the vessel” includes the loading or unloading of cargo, stores, gears or fuel or any other activity in connection with the vessel in the port.

703. Pollutants from a Vessel

- (a) Where any cargo, ballast, ashes or any undesirable substance is put into or falls into a part of the port from a vessel, the master, agent or person in charge of the vessel or, failing him, the owner, shall notify the General Manager or his designee without delay, and shall remove the cargo, ballast, ashes or undesirable substances and dispose of it to the satisfaction of the General Manager or his designee.

- (b) Where the master, agent or the owner does not remove the cargo, ballast, ashes or undesirable substance within such time as the General Manager or his designee considers reasonable, the General Manager or his designee may remove the cargo, ballast, ashes or other material and dispose of it.
- (c) Any expenses incurred by the General Manager or his designee in a removal and disposal action under this clause constitutes a debt, payable on demand, that is owed by the master and the owner, or other person in charge and the owner, jointly and severally, to the General Manager or his designee for the benefit of the Pohnpei Port Authority.

704. Pollutants Other Than Oil

An authorized officer of the Pohnpei Port Authority or the Pohnpei State Government may, where any discharge of a substance other than oil which is likely to pollute any waters within the port has occurred or where he has reasonable cause to suspect that any such discharge has occurred, enter and inspect any place on land from which the discharge may have occurred and may inspect any records kept in respect of the place and cause any such entry to be copied and to required the person by whom such records are kept to certify the copy as a true copy of that entry.

An authorized officer making an inspection may take samples of any substances or mixture of substances other than oil being in or on the place on land inspected and may require the testing of any apparatus or equipment in the place on land the condition or efficiency of which he considers relevant to the discharge or suspected discharge.

705. Hindering Inspections

A person shall not assault, resist, hinder or obstruct the General Manager or his designee or an authorized officer in the exercise of any power conferred under this chapter or fail to comply with any requirements made.

**CHAPTER 8
PILOTAGE**

801. Main Harbor

Main Harbor shall include the body of waters encompassing the Sokehs Pass and its surrounding areas and all navigable waterways connected therewith, the anchorage and the turning basin near the dock at Dekehtik, delineated by harbor limits passing through the following coordinates:

- Point 1: Latitude 06⁰ 59.570' North, Longitude 158⁰ 10.620' East
- Point 2: Latitude 06⁰ 59.820' North, Longitude 158⁰ 09.900' East;
- Point 3: Latitude 06⁰ 59.530' North, Longitude 158⁰ 09.090' East,
- Point 4: Latitude 06⁰ 58.990' North, Longitude 158⁰ 08.300' East,
- Point 5: Latitude 06⁰ 58.660' North, Longitude 158⁰ 08.070' East,

- Point 6: Latitude 06^o 58.300' North, Longitude 158^o 08.070' East,
- Point 7: Latitude 06^o 58.200' North, Longitude 158^o 08.480' East,
- Point 8: Latitude 06^o 58.620' North, Longitude 158^o 08.810' East,
- Point 9: Latitude 06^o 58.800' North, Longitude 158^o 09.200' East,
- Point 10: Latitude 06^o 58.350' North, Longitude 158^o 09.400' East,
- Point 11: Latitude 06^o 58.350' North, Longitude 158^o 09.790' East,
- Point 12: Latitude 06^o 58.900' North, Longitude 158^o 10.400' East,

POHNPEI PILOT STATION

CENTER: Latitude 7^o00'37"North, Longitude 158^o10'18" East

Radius: 0.1 nautical mile or 160 meters

802. Pilotage Area

Main Harbor as defined in section 801 is hereby designated as the pilotage area for the port of Pohnpei. Where Pohnpei Port Authority shall require the services of a pilot or require mandatory pilotage within the port of Pohnpei, the pilotage services shall be performed, or that mandatory pilotage shall be required, within Main Harbor.

803. Compulsory Pilotage

- (a) The pilotage area referred to in section 802 is declared a compulsory pilotage area. Every vessel of 300 gross tonnage and above, when within the harbor limits of the compulsory pilotage area, shall be required to have on board an authorized pilot in order to move in and out of the port, into or out of the anchorage or shifting within Main Harbor.
- (b) Government vessels used in the field trip services within the Federated States of Micronesia, and military vessels, are exempted from the requirements of paragraph (a), but may request the services of a pilot if they so require when within the compulsory pilotage area.
- (c) Where there is a special risk or danger within the compulsory pilotage area, the General Manager or his designee may require the master of any vessel, including vessels exempted from pilotage under paragraph (a) and (b), to take an authorized pilot on board.

804. Boarding Ground

The area designated for boarding of harbor pilots for Main Harbor, and where these pilots may be dropped off, shall be the area having a radius of 160 meters (0.1nm) with the focal point at Latitude 7^o 00' 37.5" North, Longitude 158^o 10' 18.5" East.

805. Failure to take on a Pilot

- (a) When a pilot has been requested but the requesting vessel fails to take on the authorized pilot on arrival or departure, that vessel shall liable to pay the full pilotage charge for the move as if it had actually engaged the services of a pilot, in addition to a pilotage penalty charge of two hundred (\$200.00 dollars).
- (b) Any vessel required to pilotage which does not employ the services of an authorized pilot when moving into or out of or within the compulsory pilotage area, shall be liable to pay the same fee as if a pilot had been engaged.
- (c) Any vessel required to take an authorized pilot which does not do so on a second occasion shall be required to pay twice the fee, and on the third occasion, triple the fees, and in ensuing occasions the standard fee multiplied by the number of occasions it has not taken an authorized pilot.

806. Authorized Pilot Identification

When requested to do so by the master of a vessel, an authorized pilot who goes on board a vessel to pilot the vessel shall produce to the master of the vessel proper identification issued by the proper authorities.

807. Unauthorized Persons not to act as Pilot

A person who holds himself out to be an authorized pilot, or pilots a vessel for which an authorized pilot is requested to be on board, commits an offense and shall be liable to such fines and penalties as prescribed under relevant national and Pohnpei State laws.

808 List of Authorized Pilots

- (a) The General Manager or his designee shall from time to time cause to be published a list of authorized pilots who have been certified as competent to perform pilotage services within Main Harbor for a particular vessel or a class of vessels.
- (b) Every owner and port agent whose vessels call at Main Harbor shall utilize the services of any of the authorized pilots named on the list referred to in paragraph (a); PROVIDED, that where the pilot of their choice is not available they shall pick another from the list who is available.

809. Notification by Owners and Port Agents

- (a) Where a vessel is due to arrive at the port of Pohnpei, the owner or agent shall notify the Pohnpei Port Authority in writing the estimated time and date of arrival of the vessel at least 72 hours prior to the vessel's arrival, and followed by a confirmation of the vessel's arrival at least 24 hours prior.

- (b) Where the vessel is subject to pilotage, the owner or agent shall notify the Pohnpei Port Authority for its services at least 24 hours prior to the vessel's arrival. The Pohnpei Port Authority shall provide or arrange the transport of the pilot to the vessel upon its arrival, and from the vessel on departure.

810. Responsibility of the Master

- (a) When a vessel is within the compulsory pilotage area and is about to take on an authorized pilot, the master of the vessel shall ensure that the pilot ladder is clean, properly rigged and secured to the deck, that the deck is clear of any and all obstruction and nuisance for safe and easy passage of the pilot onto the vessel, and a responsible officer is in attendance when receiving the pilot.
- (b) When receiving or discharging a pilot, the master of the vessel shall ensure that a man-overboard life ring equipped with light, smoke signal and a buoyant line, is stowed next to the pilot ladder and ready for use.
- (c) The presence of a pilot on board a vessel when within the compulsory pilotage area does not diminish nor relieve in any way the responsibility of the master in the safe conduct and navigation of his vessel. The duty of the pilot is to pilot the vessel in the compulsory pilotage area.

811. Liability for Loss or Damage

- (a) The owner and the master of a vessel shall be jointly liable for any loss or damage caused by the vessel or as a result of any fault in the navigation of the vessel, notwithstanding that an authorized pilot was on board the vessel.
- (b) The Pohnpei Port Authority and the authorized pilot shall not be personally liable in any civil proceeding for any damage or loss suffered as a result of any act done by Pohnpei Port Authority or the authorized pilot or for any failure to do anything required to be done by either while acting within the scope of their duties unless such act or omission arises from intentional or willful misconduct, or from gross negligence.
- (c) A pilot who intentionally or willfully, or while under the influence of alcohol or drugs, does any act which caused, or is likely to cause, the loss or destruction of or serious damage to a vessel or the death of or serious injury to a person on board a vessel, or fails to do anything required to be done by him to preserve a vessel from loss, destruction or serious damage or protects any person on board a vessel from death or serious injury, is liable to such fines and penalties prescribed under the national and Pohnpei State Laws, in addition to any civil liability in consequence thereof.

812. Pilotage Dues and Charges

Pilotage charges for pilotage services for a vessel shall be made payable by the owner, agent or master of that vessel to the Pohnpei Port Authority. The Authority shall then be responsible to pay the pilot his share, if applicable.

- (a) All of the charges collected for services provided by any pilot employed by PPA (a "PPA Pilot") shall remain with PPA. Charges for services provided by PPA Pilots shall be discounted by ten percent (10%) off the published rates.
- (b) Sixty percent (60%) of the charges collected for services provided by Contract Pilots shall be allocated to PPA, with the balance to the pilot.
- (c) Seventy percent (70%) of the charges collected for services provided by Independent Pilots shall be allocated to PPA, with the balance to the pilot.

813. Pilotage, Rates, Fees and Charges

- (a) Every vessel utilizing the services of an authorized pilot shall pay the basic charge \$1.25 per foot or part thereof, of the overall length (LOA) of the vessel. For vessel of 240 feet and below in overall length, a minimum pilotage fee of \$300.00 shall be payable by the vessel.
- (b) Transport of pilot: Pohnpei Port Authority shall provide or arrange for transportation for pilots. The vessel owner or agent shall pay to Pohnpei Port Authority a transportation fee of \$100.00 per move.
- (c) Shifting: The charge per move of a vessel within Main Harbor shall be \$75.00 per hour.
- (d) Anchorage: The charge for anchoring a vessel in Pohnpei State waters shall be \$1.25 per foot of length of a vessel (LOA).
- (e) Barges and other crafts having engines of their own shall be charged a rate determined by the barge's sum of length and width plus the length of the towing vessel.
- (f) Where the services of a FSM licensed pilot has been made available and the vessel for which the services have been made available is not ready to proceed, the owner, agent or the master shall for every hour or part thereof during which the vessel is not ready to proceed, shall be charged an hourly rate of \$50.00 for the pilot.
- (g) Payment terms and carrying charge: Payment in full of all amounts shall be made to Pohnpei Port Authority or the pilot upon presentation of the invoice. A carrying charge of 5% per month (60% a year) shall be assessed on any balance remaining unpaid 60 days after the date of invoice.

- (h) Containerized cargo vessels calling on Pohnpei's ports shall be eligible for a discount of the pilotage related charges that otherwise apply under sections 812 and 813 of these regulations in an amount to be determined by PPA's Board of Directors upon written application. Discounts for pilot charges may only be granted by PPA's Board upon the showing required by §2-14 of the PPA Act, 32 PC 1-101 et sec. and shall be subject to the terms, time limits and other conditions as expressed in written discount approvals signed by the General Manager. The criteria upon which discounts will be considered include frequency of port calls, volume of cargo delivered, type of cargo carried, and other factors supporting economic and social benefits realized by Pohnpei as a result of increased retail and wholesale on-island commercial activity.

814. Complaints Relating to Pilots

- (a) A master of a vessel who experienced from a pilot any derogative behavior, abusive mood, incompetent pilotage, derisive action, or any other bad action may bring the matter to the attention of the General Manager or his designee by filing a complaint in writing with the General Manager or his designee.
- (b) Any complaint filed by a master of a vessel shall be investigated by the General Manager or his designee who shall put in writing his findings and distribute a copy to each party involved including the pilot concerned.
- (c) Where the findings are of a legitimate concern and of a condition which may warrant disciplinary action, the General Manager may prescribe sanctions against the pilot, following notice and a reasonable opportunity to be heard, including banning him from performing pilotage services within Main Harbor.

**CHAPTER 9
GENERAL**

901. Appointment of Authorized Officer

The Pohnpei Port Authority may appoint a person or a class of person to be an authorized officer for the purpose of this regulation. An authorized officer shall carry an authorization in writing signed by the General Manager or his designee referring to the regulations, in respect of which the person is an authorized officer and containing a photograph of the authorized officer and his signature verified by the signature of the General Manager or his designee.

902. Power to Enter Premises

- (a) An authorized officer with probable cause may at any reasonable time and subject to the constant of Customs where necessary or appropriate.
 - 1. Enter and inspect any structure or wharf or any land or building in waters controlled by the Pohnpei Port Authority in or adjacent to or in the vicinity of any

area vested in or controlled by the Pohnpei Port Authority for the purpose of ascertaining if any breach of the law has been committed; and

2. Take measurements or tests, photographs and remove specimens or sample of any substance, material or things as may in the circumstances be reasonable.

- (b) A person shall not prevent or obstruct the entry of an authorized officer in accordance with this section or restrict him in any other manner.

903. Responsibility of Masters and Agents

Except where otherwise specified in these rules and regulations, the master and agent of any vessel within the port are responsible for the due performance and observance of these rules and regulations.

904. Reporting of Accidents and Damage

All accidents occurring in the port area and in case of damages to wharves, sheds or other properties of the Pohnpei Port Authority shall be reported without delay to the General Manager or his designee by the agent of the vessel which caused the damage or the person(s) who witnessed the accident or as the case may be. The vessel's agent who is responsible for the damage to Pohnpei Port Authority's property shall make repairs in accordance with the Authority's specifications. If the repairs are completed improperly, or if the responsible party does not undertake the repairs within a reasonable time, Pohnpei Port Authority will act to repair the damage and will bill the responsible party as follows:

- (a) The direct labor charges and cost of materials plus an overhead charge of 25 % (percent) if the repairs are made by PPA employees.
- (b) The contractor's charges plus an administrative charge of 25 % (percent) if the repairs are made by a contractor hired by PPA.

905. Holding of Meeting

The General Manager or his designee, if he considers that the holding of any meeting or the addressing of any assembly within the port may interfere with or impede the safe, orderly, convenient and efficient operation of the port, may direct any person that he shall not hold such meeting or that he shall not addressed such assembly. A person so directed shall not neglect or refuse to obey such directions.

906. Authority of General Manager or His Designee

A person within the port shall obey any authority and comply with a direction of the General Manager or his designee that is made or given in pursuance of these regulations.

907. Control of Persons on Wharves

For the convenience of shipping and the preservation of good order, every person on any wharf, whether employed on that wharf or not, shall be under the control of, and obey any direction of the General Manager or his designee and shall leave the wharf if ordered to do so by the General Manager or his designee.

908. Smoking Prohibited in Port

Where the General Manager or his designee is satisfied that to reduce the risk of fire or explosion, smoking should be prohibited within an area on or under a wharf, he may by notice prohibit smoking in that area. A notice under the preceding sentence shall indicate the area and state that smoking is prohibited in that area, and shall be displayed in or near the area within which smoking is prohibited. A person shall not smoke or expose a naked flame in an area indicate by a notice under this section. A person engaged in handling cargo in or on a vessel or a wharf shall not carry or have in his possession any matches or any material or appliance for producing ignition other than safety matches or a small cigarette lighter of a kind ordinarily carried by persons who smoke tobacco.

909. Willful Obstruction

A person shall not willfully hinder or obstruct the General Manager or his designee, an authorized officer or an employee of the Pohnpei Port Authority, in the exercise of his powers or the performance of his duties under any laws or these regulations.

910. Illegal Entry

Except with the permission of the General Manager or his designee, a person other than an employee of the Pohnpei Port Authority or a member of the crew of a vessel moored at that wharf shall not go in or on a wharf that is used for berthing of a vessel.

911. Intoxication: Breach of Peace

A person shall not, on any wharf or shed or other premises of the port, be under the influence of intoxication of liquor, or use abusive or obscene language, or behave in a manner calculated, or likely, to cause a disturbance or other breach of the peace or otherwise to interfere with the comfort of other persons using a wharf or shed or other premises.

912. Intoxication Liquor

Except with prior permission of the General Manager or his designee, a person shall not bring intoxicating liquors into the port, unless in the course of the handling of the liquor as cargo of a vessel, or of taking the liquor, otherwise than as cargo, onto a vessel; or of taking the liquor, otherwise than as cargo from a vessel to a place outside the port.

913. Loitering

A person shall not, without giving a satisfactory account of himself when requested to do so, loiter in or on a wharf, lounge or sleep on or among cargo or in or a wharf, play a game in or on a wharf or at an approach to a wharf within the port, or without lawful authority address an assemblage of persons within the port.

914. Soliciting Business

A person shall not, in or on a vessel or wharf within the port or in a street or road under the control of the Pohnpei Port Authority, solicit customers for business, including the carriage of persons or goods by a vessel.

915. Hawking: Auctions

Except with the prior written permission of the General Manager or his designee, a person shall not sell, offer or expose for sale any goods (including books, newspaper, magazines or other periodicals), or otherwise carry on a retail trade, in or on a wharf or other property under the control of the Pohnpei Port Authority. Except with the prior written permission of the General Manager or his designee, a person shall not hold a sale by auction in or on a wharf or other properties under the control of the Pohnpei Port Authority.

916. Recreation Within Port

The Pohnpei Port Authority may by notice prescribe the conditions under which bathing, fishing, boating, yachting and the like may be conducted within the port.

917. Permits for Watersports

A person shall not, within the port except in accordance with a permit so to do from the General Manager or his designee, organize a motor boat race or a competition in or an exhibition of any form of aquatic sports. A person shall not, except insofar as he is acting with the authority or approval of a person who has obtained a permit under this section, conduct, promote, engage in, or permit or suffer a vessel owned by him to be used for or in connection with a motor boat race or a competition in or an exhibition of any form of aquatic sports.

918. Water Skiing Within the Port

- (a) The driver of a water ski boat while it is under way within the port shall be seated behind the wheel in such a manner that he has instant and proper control over the boat's course of speed.
- (b) The engine of a power ski boat shall be fitted with an automatic engine cut off designed to put the motor in a neutral position when the hand is removed from the throttle.

- (c) The driver of a water ski boat shall not tow a water skier, the owner of a water ski boat shall not permit the vessel to be used for the purpose of towing a water skier, and a water skier shall not permit himself to be towed, unless there is in the vessel with the driver a ski observer.
- (d) The driver of a water ski boat shall,
 - 1. When towing a water skier, give full attention to the navigation of the vessel and the water ahead;
 - 2. On approaching a beach or an area of beach, not being within an area in which water skiing is prohibited under these regulations, set down at the left -hand end of that beach or area of beach (as seen from the vessel) any water skier to be picked up; and
 - 3. On passing within 300 feet of a beach or area of beach from which water skiers may operate, cause the vessel to travel in a clockwise direction.
- (e) The ski observer of a water ski boat shall watch the water skier at all times and shall relay the signals of the water skier to the driver.
- (f) The carriage of judges in ski boats shall not operate to prevent the judges from being carried in addition to the driver and ski observer in a competition or an exhibition event.
- (g) Except when engaging in competition or in an exhibition of an aquatic sport approved by the General Manager or his designee, a skicopter shall not approach the water's edge at a distance less than 150 feet.

919. Designation of Prohibited Waters

The General Manager or his designee may by a public notice prohibited the use by vessels of specified waters within the port for any purpose either generally, during particular period, or during particular hours in any day. A person shall not contravene the provisions of a notice published in accordance with the provisions of this rule.

920. Health Requirement

Where a vessel is to be fumigated, disinfected or cleared of rats within the port, the written concurrence of the General Manager or his designee must be sought and authorized officials from the Department of Health and EPA must concur.

921. Service of Notice

Except where otherwise provided in these regulations or other documents required or permitted by these regulations to be given or served, a person may be given or served by handing it to or

tendering it to that person or posting it to that person at his last known or usual place of abode or business, or leaving it with some persons apparently over the age of 16 years at the last known or usual place of abode or business of that person, or, where the person to be served is the master of a vessel, leaving it with some persons apparently employed on the vessel or affixing it to the mast of the vessel.

922. Speed of Vessel

The master/pilot of vessel may proceed within the port at speeds where he considers at necessary or reasonable speeds, but in no way shall vessel's speed exceed 8 knots.

CHAPTER 10 PORT FEES AND CHARGES

The Pohnpei Port Authority declares that the commercial docks and wharves of Pohnpei State are intended for the purpose of active loading and unloading of vessels. It is therefore the policy of the Authority to discourage inefficient use of the limited space at the commercial docks and wharves of Pohnpei, by providing a surcharge for vessels moored or docked thereat which are not actively engaged in loading or unloading. The Authority further finds that the following method of payment for all port fees and charges shall at all times be compiled with:

1001. Payment of Port Fees and Charges

The agent of a vessel which enters a port of Pohnpei State shall, no later than upon the entry of such vessel into such port, notify the General Manager or his designee of the agency relationship.

Any vessel which does not have an agent authorized to do business in, and having a place of business in Pohnpei State, which enters a port of Pohnpei State, shall within 24 hours of its entry, deposit with the Pohnpei Port Authority a sum estimated by the Authority to be sufficient to cover all fees and charges payable under these regulations. The General Manager or his designee may, in his discretion, require an addition to such deposit at any time while the vessel remains in port if, in his, opinion, the fees and charges payable by such vessel exceed the amount currently on deposit. No such vessel shall be granted clearance to depart from a port of Pohnpei State unless and until it shall have on deposit with General Manager or his designee a deposit deemed by him to be sufficient to cover all fees and charges payable by the vessel.

All fees and charges payable under these regulations shall be paid within 30 days of demand therefor. In the event that such fees and charges are not paid within 30 days of demand, such fees and charges shall bear interest at the rate of 12% per annum from the date that the demand was made; and in addition, the person or persons liable therefor shall additionally be liable for a penalty of **\$1,000.00** by virtue of the failure to pay such fees and charges within such 30 days period. No vessel which has failed to pay any fees and charges payable under these regulations within 30 days of demand therefor, and no vessel owned by owners of such vessel, shall be permitted to enter any port of Pohnpei State for so long as such fees and charges, together with interest and penalty as provided for herein, remain unpaid.

The following Seaport Tariff Schedule reflects the rates, fees and charges established by Pohnpei Port Authority through these rules and regulations.

1002. Exempt Vessels: All vessels except US military and FSM Government vessels not engaged in commercial activity shall pay Port Entry, Dockage Fees, Port Services Fees and Supplemental Fees as indicated in the tariff schedule.

1003. Port Dues and Charges

All vessels, except military and Government vessel not engaged in commercial activity shall pay a Port Entry and a Dockage Fees as indicated in the schedule below.

(a) Entry Fee:

- 1. For vessels of 1,000grt and under \$ 30.00
- 2. For vessel between 1,000 and 2,000grt \$ 55.00
- 3. For vessels over 2,000grt: \$ 55.00
 plus an additional charge of \$25.00 per each 2,000grt or fraction thereof in excess of 2,000grt.

(b) Dockage Fee. Dockage charges shall be based on the vessel’s length overall or gross registered ton or whichever is greater.

- 1. Gross Registered Ton (GRT)-----\$ 0.10 per 24-hr. period (day) or fraction thereof.

2. Overall length of vessel in feet per 24-hr. period (day) or fraction thereof:

0	100	\$35.00
101	150	\$50.00
151	200	\$60.00
201	250	\$95.00
251	300	\$115.00
301	350	\$155.00
351	375	\$215.00
376	400	\$255.00
401	425	\$265.00
426	450	\$285.00
451	475	\$305.00
476	500	\$355.00
501	-----	\$405.00

(c) Anchorage and Mooring Fees: Anchorage and Mooring charges shall be based on the 50% of the dockage fees per 24 hours or fraction thereof.

(d) Wharfage Rates: Wharfage shall be assessed on cargoes passing through the port at the rates set in the following schedule as freighted per revenue ton and metric ton (mt).

- | | |
|---|--------|
| 1. Inbound per revenue ton | \$2.75 |
| 2. Outbound per revenue ton | \$2.25 |
| 3. Fuel from tanker to storage tank per metric ton (mt) | \$0.60 |
| 4. Transshipment Fee: A transshipment fee of \$2.25 per revenue ton of fish and other cargoes off-loaded or transferred onto a carrier vessel in the territorial waters of Pohnpei State is hereby imposed. | |

(e) Wharfage rates for fuel for the use of vessel to which the bunker is delivered per barrel:

	<u>Residual</u>	<u>Other</u>
1. From truck to vessel	\$0.03/bbl	\$0.50/bbl
2. Direct to vessel through pipeline	\$0.10/bbl	\$0.50/bbl
3. Vessel to Vessel	\$0.05/bbl	\$0.50/bbl

(f) Handling Charges:

- | | |
|---------------------------------|----------|
| 1. Line handling fee per vessel | \$100.00 |
| 2. Line Boat per service | \$ 75.00 |

(g) Navigational Aids Dues: \$ 20.00

(h) Wharfage will not be charged on:

1. Authorized carrier's or consignee's equipment taken on a wharf to move merchandise but for shipment;
2. Personal items and baggage when carried by travelers;
3. Cargo which a vessel discharges and reloads prior to departure in order to load or discharge other cargo or over stowed cargo;
4. Empty vans;
5. Empty containers;
6. Ship's stores and/or repair materials and supplies, or dunnage lumber for use in ordinary stowage of freight, when all are intended for vessel's use, consumption or repairs.

1004. Supplemental Port Services Fee: Cost incurred to PPA over activities mandated by the ISPS Code and the environmental operating requirements.

- a. For vessels of 1,000grt and under ----- \$30.00

- b. For vessels between 1,000 and 2,000grt ----- \$50.00
- c. For vessels over 2,000grt:----- \$50.00 plus additional charge of \$20.00 per each 2,000 grt or fraction thereof in excess of 2,000grt.

1005. Passenger Fee: There shall be a charge of \$5.00 for every person that boards a vessel through PPA Seaport or any area within the control of PPA. Passengers utilizing the facilities of seaports owned or controlled by PPA for travel solely within the state of Pohnpei shall be exempted from this charge.

1006. Small Vessel Permits. All ferryboats, line-boats and pilot-boats performing services within the PPA’s controlled areas shall have written permit approved by the Board of Directors and issued by the General Manager as follows:

- a. Boats more than nineteen (19) feet in length.
A basic monthly fee of Seventy Five Dollars (\$75.00) per boat.
- b. Boats at nineteen (19) feet in length and less.
A basic monthly fee of Fifty Dollars (\$50.00) per boat.

1007. PADI Certified Divers. Some Harbor Patrol Officers are certified divers. Request for service to dive from the shipping companies or any other party is at \$200.00 per dive.

1008. Equipment Rentals. Request to use the PPA’s equipment assigned to Seaport Division from tenants and other parties is frequent. Following are the equipments rental fees.

- a. 3-ton Komatsu Forklift..... \$ 35.00 per hour
- b. Floater..... \$ 100.00 per day
- c. Automobile..... \$ 45.00 per hour
- d. Flatbed Truck..... \$ 35.00 per hour
- e. Grain Truck..... \$ 60.00 per hour
- f. Pontoon..... \$ 65.00 per hour
- g. Welding Machine..... \$ 45.00 per hour
- h. Oxygen Tank Refill..... \$ 25.00 per fill/tank

CHAPTER 11 PENALTIES

1101. Penalties. In addition to other penalties established in the preceding chapters of these Rules and Regulations, the following penalties shall also be applied accordingly:

- (a) Unauthorized shifting or movement of vessels at the dock or in the harbors of Pohnpei State. \$ 1,000.00

- (b) Unless emergencies, entry into Pohnpei State harbors without 24 hours advance notice. \$ 1,000.00
- (c) Departing Pohnpei State harbor without written port clearance. \$ 500.00
- (d) Ignoring or non-compliance with orders issued by the General Manager or his designee. \$ 1,000.00
- (e) Violating safety procedures regarding the handling of dangerous goods. \$ 1,000.00
- (f) Violating pollution guidelines as established below:
 - 1. Discharge of sewage in the harbor and dock facilities \$ 1,000.00
 - 2. Dumping of garbage in the harbor and dock facilities \$ 1,000.00
 - 3. Oil spill in the harbor and on the dock. \$ 1,000.00
- (g) Hindering inspections by appropriate government officials. \$ 100.00
- (h) Anchoring in the turning basin or adjacent areas. \$ 1,000.00
- (i) Anchoring in the turning basin or adjacent areas. \$ 1,000.00
- (j) Violation of Section 2.211 of Chapter 2. \$ 1,000.00
- (k) Violation of Section 9.914 of Chapter 9. \$ 1,000.00
- (l) Miscellaneous Fees and Charges:
 - 1. Violation of Pollution Regulation and Standard. Where any undesirable substance is put into a part of the port from a vessel, a fine of \$10,000 shall be charged to the vessel and its master and an additional fine of \$100.00 per day for each day of the violation until such undesirable substance is cleared from area within the port.
 - 2. Damages to the dock and navigational aids caused by the improper navigation and handling of vessels within the port shall be assessed against the master and the

owners of the vessels causing the damages. Rates shall be based on the actual cost of such structures and fixtures.

3. Sunken craft in port. Where a vessel is sunk, stranded or has become derelict within the port or where an obstruction impedes the navigation or use of the waters of the port or a part thereof, the master or the owner of the vessel, or the person who caused the vessel to be in that position, or owner of the property which caused the obstruction shall pay immediately fee of \$ 500.00 per day until such object is cleared from the area.

(m)The general manager shall enforce rules and regulations of the Authority governing the assessment of civil penalties. When these civil penalties are assessed the person assessed shall be given no less than ten days notice of the nature of the violation committed during which time the person assessed may answer the assessment by denying liability, by offering a compromise to the general manager or by paying the assessment. Failure to pay the final civil penalty assessed by the time set in these rules and regulations may result in collection of the penalty through the courts of the state.

CHAPTER 12 OPERATIONS OF VEHICLES

1201. Required Licenses

No vehicles shall be operated in or upon a public vehicular parking area, or any road within the Seaport, or upon any of the operational areas of the Seaport, unless:

- (a) The driver thereof is duly authorized to operate such vehicle under the laws of the State of Pohnpei, except that approved ramp equipment may be operated on the active cargo areas by accredited employees certified by their employer to the General Manager as qualify to operate such equipment; and
- (b) Such vehicle is registered in accordance with the laws of the State of Pohnpei or is specifically authorized by the General Manager to be operated on or within the Seaport, but not on public highways or parking areas.

1202. Obeying Signals and Orders

Every person operating a vehicle in or upon a public vehicular parking area, operational area, or any road within the air terminal, must at all times comply with any lawful order, signal, or Seaport Security Officer. Whenever traffic is controlled by traffic lights, signs, mechanical or electrical signals, or pavement markings, all signs shall be obeyed unless a State Police or a Seaport Security Officer directs otherwise.

1203. Speed Limits

All vehicles operated within the Seaport shall comply with the speed limits prescribed and posted by the General Manager. Where no limit is posted, the speed limit in the area shall be ten (10) miles per hour.

1204. Vehicles Within Operational Areas

No vehicle shall be operated within any Operational Area, except as authorized by the General Manager, in writing, who may require that such vehicles display visible identifying symbols or numbers. The movement of vehicles may be restricted by the General Manager to specific zones within the Operational Areas.

1205. Responsibility in Cases of Accidents

In addition to all other requirements of law, the driver of any vehicle involved in an accident within the Seaport area which results in injury or death to any person or damage to property, shall make a report to a Seaport Security Officer, or to the Pohnpei Public Safety, within twenty-four (24) hours of such accident.

1206. Right-of-Way

- (a) The driver of a motor vehicle shall, on approaching an intersection, give right-of-way to every vehicle which is approaching to enter said intersection from the main street of entrance or departure to the terminal area whenever traffic is not regulated by traffic signals, signs, or seaport security or police officers.
- (b) On approaching a street, intersection, or junction of any road, speed shall be reduced. Likewise, speed shall be reduced on approaching any public conveyance, which has stopped to discharge or take on passengers.

1207. Parking

- (a) No person shall park a motor vehicle within the Seaport except in an area specifically designated and posted for public parking.
- (b) No person shall park a motor vehicle in any area within the Seaport for a period longer than is prescribed and posted for that space by the General Manager.
- (c) No person shall park a motor vehicle in a restricted or reserved area on the Seaport unless such person displays, in the manner prescribed by the General Manager, a parking permit issued by the General Manager for that area.
- (d) No person shall double park a motor vehicle on the driveways of the Seaport.

- (e) No person shall abandon a motor vehicle on the Seaport. A motor vehicle will be presumed abandoned if it is left parked and unattended for a period greater than twenty-four (24) hours, unless it is parked in a space specifically set aside for parking longer than twenty-four (24) hours. In such event, a motor vehicle shall be presumed abandoned if left unattended for a period twenty-four (24) hours longer than the maximum authorized parking period.
- (f) No person shall park a motor vehicle on the Seaport in a space marked for the parking vehicles in such a manner so as to occupy a part of another marked space.
- (g) No person shall leave a motor vehicle unattended or parked on the Seaport with a key in the ignition switch or the motor running, or a key in the door lock, or with a door open.
- (h) No person shall park a motor vehicle at any place on the Seaport in violation of any sign posted by the General Manager.
- (i) No person shall park a motor vehicle within ten (10) feet of a fire hydrant or park a vehicle so as to obstruct a driveway.
- (j) Except as otherwise authorized by the General Manager, no person shall park a motor vehicle for the purposes of cleaning, polishing, or repairing said vehicle except for those minor repairs necessary to remove said vehicle to an authorized area from the Seaport.
- (k) Every parked motor vehicle shall be parked, when parallel to the roadway, to its extreme right and at a distance of not more than six (6) inches from the sidewalk or promenade, unless the parking space is otherwise marked. The entrance and exit of passengers shall be with caution and care so as not to interfere with flowing traffic.

1208. Permit Required for Vehicle Rental Service

No vehicle rental business or solicitation for such business may be conducted upon or within the Seaport unless:

- (a) Such operation is permitted under the terms of a valid permit with the Authority, or
- (b) Such business has obtained and have in force a valid lease agreement issued by the Board of Directors. Such permit shall authorize the permittee only to pick up pre-confirmed and prearranged customers at the Seaport. Transportation for such customers shall be by unmarked vehicles, so as not to encourage the solicitation of customers within the Seaport. The term "solicitation" as used in this Part shall be specifically defined to mean the asking of a passenger or other person if he or she desires to rent a vehicle.

Use of the public vehicular parking area by vehicle rental business operating under the terms of this subsection (a), is strictly prohibited.

The Permit fee shall be Fifty Dollars (\$50.00) per month, and shall be payable monthly, in advance.

1209. Implementing Rules

- (a) Notice of Violation. Any person violating any of the provision of Parts 1201 through 1208, inclusive, shall be given written notice thereof.
- (b) Same form of notice. The written notice shall be in a form prescribed by the General Manager. The form shall be prepared in a duplicate, with the original copy being served upon the violator in the manner provided herein, and the duplicate copy being returned to the Office of the General Manager.
- (c) Same manner of service. Service of the Notice of Violation shall be served upon the violator as follows: If the violator is physically present at the scene of the violation, the Notice of Violation shall be served upon him personally. If the violator is not so present, service may be effected by leaving the Notice of Violation upon the windshield of the offending vehicle, or alternatively upon any other prominent place upon such vehicle.
- (d) Same: who may serve. Persons authorized to serve the Notice of Violation provided for herein are the Seaport Manager, the Assistant Seaport Manager, the Chief of Seaport Security and Safety, and any Seaport Security officer of the Authority.
- (e) Denial of liability. Any person against whom a violation of any of the provision of Parts 1201 through 1208, inclusive, is alleged shall have fifteen (15) days either to deny liability therefore, or to pay the fine as established herein. The Notice of Violation shall state that failure to pay fine assessed within the fifteen (15) day period may result in collection of said fine through the courts of the State of Pohnpei. In the event suit is brought to recover any fine assessed under this Part 2, the offender shall also be liable for court costs and reasonable attorney's fees.
- (f) Schedule of fines. The schedule of fines to be assessed for the violation of Parts 1201-1208 of these Rules and Regulations shall be as follows:
 - 1) Part 1203: \$ 30.00
 - 2) Part 1201, 1202, 1204, 1205 and 1206: \$ 30.00
 - 3) Part 1207: \$ 20.00 plus towing and storage charges.
 - 4) Part 1208: \$ 50.00; and in addition, any person found in violation of these Parts may have the privilege to conduct such business at the Seaport terminated.

- (g) Removal of Vehicles. Whenever a vehicle is parked so as to create a blockage or other hazard to the orderly flow of traffic to, in, or from the Seaport, or when a vehicle has been abandoned or when a rental vehicle operating pursuant to part 1208 of this Part is parked within the public vehicular parking area, the General Manager may order the vehicle removed to an authorizes parking location, or suitable place. All abandoned vehicles shall be taken to a suitable place where the owners may reclaim them in accordance with applicable law and regulations, and upon payment of the fines or charges established by the General Manager.

1210. Group Transportation Permits

No owner or operator of any vehicle carrying passengers for hire including tour buses or any hotel/motel vehicle carrying hotel guests, shall pick up or unload passengers upon the Seaport without a written permit approved by the Board of Directors and issued by the General Manager, which permit shall state, among the requirements, those which relate to safety, licensing, traffic regulations, and insurance, and shall prescribe fees and shall state what privileges are granted by the permits issued. Permits issued under this Section will not be exclusive.

- A. Bus, or any vehicle with a seating capacity in excess of 16 passenger (Licensed for Hire).
 - A basic yearly fee of Fifty Dollars (\$50.00) per vehicle.
- B. Bus, Limousine, Stretch-out any vehicle with a seating capacity of 16 passengers or less (Licensed for Hire).
 - A basic yearly fee of Forty Dollar (\$40.00) per vehicle.
- C. Hotel-Motel Vehicles (Owned, Leased, or Operated).
 - A basic yearly fee of Thirty Dollar (\$30.00) per hotel or motel.
- D. Time and place of Payments:
 - 1. The monthly permit fees shall be applicable only for the period in which issued and shall be paid to the General Manager in advance of providing ground transportation services at the Seaport.
 - 2. Payments shall be made at the Office of the Comptroller.

**CHAPTER 13
SEAPORT IDENTIFICATION**

1301. Seaport Identification

- a. Seaport identification badges (ID) shall be worn on the outer most garment above the waist at all times while within the restricted area of the Seaport
- b. Seaport badges are renewed every year and issued by the General Manager or his designee who will be responsible for accountability of all issued and returned badges.
- c. Any lost or stolen seaport identification will cost the individual five dollars (\$5.00) for the first reissue; the second reissue will be ten dollars (\$10.00); third time fifteen dollars (\$15.00); the fourth time and on will be fifty dollars (\$50.00)

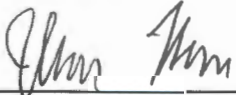
**CHAPTER 14
SEVERABILITY**

If any provisions of these Regulations or any application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules and Regulations which can be given effect without the invalid provision or application, and to this end, the provisions of these Rules and Regulations are declared to be severable.

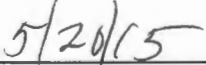
**CHAPTER 15
AMENDMENTS AND MODIFICATIONS**

These Rules and Regulations may be amended, altered, changed, added to or repealed by the affirmative vote of the majority of the membership of the Board of Directors of the Pohnpei Port Authority, after due notice of said proposal in accordance with the relevant provisions of State Law No. 2L-224-91.

Concurred by:



The Honorable John Ehsa
Governor
State of Pohnpei



Date