

The Phoenician, LLC
91-573 Malakole Street
Kapolei, HI 96707

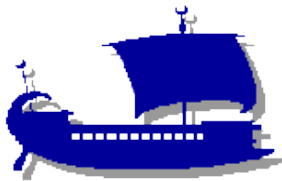
Tel: (808) 682.1961
Fax: (808) 682-1983
Email: thephoenician@thephoenician.net
Website: www.thephoenician.net

The Phoenician, LLC - Launch Ramp Facility Agreement

GENERAL RULES AND USE AGREEMENT

To use The Phoenician, LLC facility, you must carefully review, and agree to the following:

- The vehicle and/or trailer owner/operator understands and agrees that The Phoenician, LLC is not legally responsible for any loss or damage to the said vehicle and/or trailer while on, or if left overnight on The Phoenician, LLC's premises, and said owner/operator agrees fully to hold The Phoenician, LLC harmless from any such damage or loss which may be caused by The Phoenician, LLC's negligence, or by the negligence or intentional act of any third-party.
- The vessel owner/operator understands and agrees that the conduct of the vessel's crew, family and/or friends accompanying the vessel or the vessel owner/operator shall be the sole responsibility of the vessel owner/operator, and that owner/operator bears sole responsibility for such persons' compliance with the applicable terms of this Launch Ramp Facility Agreement.
- Boats with oily bilge water are prohibited from draining or pumping such bilge water overboard while in or at The Phoenician, LLC facility. Vessels with automatic bilge pumps shall maintain the same in a manner to prevent waste materials from being pumped automatically into the water. If the vessel owner and/or operator violates either of these prohibitions, the owner and/or operator agrees to, and shall be responsible to The Phoenician, LLC for any cleanup costs, associated expenses, fines or penalties that may be assessed as a consequence of the same.
- The vessel owner/operator agrees to comply with all The Phoenician, LLC rules and regulations, and the applicable rules and regulations of the United States Coast Guard and those of other applicable federal and state governmental divisions or agencies, including all safety and environmental rules and regulations.
- Vessels exiting and entering Kalaeloa/Barbers Point Deep Draft Harbor must observe all State of Hawaii and United States Coast Guard rules and regulations, and also to abide by the nautical rules of the road. It is the sole duty of the vessel owner/operator to know and follow the applicable State of Hawaii and United States Coast Guard regulations.
- All vessels must have a functioning VHF radio on board capable of monitoring channel 16. This radio frequency must be monitored at all times while in the channel entrance and in the harbor.
- **Vessels crossing the entrance of the harbor or while in the harbor must yield to commercial shipping traffic.**
- All vessels must have a functioning engine and safe means to navigate. Sailing vessels must be under auxiliary power with sails down while in the harbor.



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WAIVER OF LIABILITY

In consideration of the agreement of The Phoenician, LLC (“The Phoenician, LLC”) to permit owner to use The Phoenician, LLC’s the launch ramp facility, owner agrees to and does hereby release and forever discharge, and agrees to indemnify, defend and hold harmless The Phoenician, LLC and its respective members, officers, employees, representatives, agents, attorneys, and insurers of and from any and all disputes, claims, demands, actions, causes of action, claims for relief, liabilities, costs, expenses, fees, attorney’s fees, injuries, losses and damages whatsoever arising out of or related to, in any manner whatsoever, the owner’s use of, or access to, The Phoenician, LLC’s launch ramp facility or the owner’s use of, or access to Barbers Point/Kalealua Harbor entrance channel.

Without limitation to the indemnity and waiver of liability provided above, owner further agrees to and shall fully indemnify, defend and hold The Phoenician, LLC harmless from and against any loss, claim, liability or damage (1) arising out of any land or boating accidents in or around The Phoenician, LLC’s launch ramp facility, or within the Barbers Point / Kalealua Harbor entrance channel caused arising from or related to any act or omission on the part of owner, the vessel’s crew or by any of its occupants; (2) caused by any failure on the part of the owner to maintain any of the vessel’s or vehicle’s equipment in a reasonably safe operating condition; or (3) caused by any other wrongful act or omission on the part of the owner or by any nonobservance or nonperformance of the owner (or the vessel’s crew or occupants) of any of the terms, covenants and conditions herein or any applicable rules, regulations, ordinances and laws of the federal, state, and/or city and county governments, including safety and environmental laws, rules and regulations.

Owner further agrees that The Phoenician, LLC shall not be liable, under any circumstances, for any consequential damages including loss of profits, income or revenue or other economic damages, and owner hereby expressly and knowingly waives all rights to seek the same from The Phoenician, LLC arising out of or related to in any way to The Phoenician, LLC’s operation or maintenance of The Phoenician, LLC facility, or the negligent acts or omissions of The Phoenician, LLC and any of its agents and employees.

By signing below, the undersigned acknowledges and agrees that he or she has read fully the above, and understands and agrees to all of the same.

Printed Name of Owner

Signature of Owner



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Name of Owner Only:

Last First M.

Last First M.

Address_____

City/State/Zip_____

Phone_____

Cell Home Work

Boat Information:

Boat Name_____

Make/Model_____ Yr_____

Length_____ Color_____

Engines; Inboard_____ Inboard/Outboard_____ Outboard_____

HI Reg # **HA**_____ -OR- USCG Doc #_____

I certify that the information is true and correct and acknowledge that this information will be available to USCG for security reasons.

Signature

Date

Launch Ramp Map



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Vessels crossing the entrance of the harbor must yield to ALL traffic.

Vessels are not permitted to cruise, motor, sail, or anchor within Kalaeloa/Barbers Point Harbor. (Refer to Map)

Printed Name of Owner/Operator

Signature of Owner/Operator

Date Signed