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No. 6027

**UNITED STATES OF AMERICA
and
CANADA**

**Exchange of notes (with memorandum of arrangements)
constituting an agreement relating to pilotage services
on the Great Lakes and the St. Lawrence River. Wash-
ington, 5 May 1961**

Official text: English.

Registered by the United States of America on 3 January 1962.

**ÉTATS-UNIS D'AMÉRIQUE
et
CANADA**

**Échange de notes (avec mémoire d'accord) constituant un
accord relatif aux services de pilotage sur les Grands
Lacs et le Saint-Laurent. Washington, 5 mai 1961**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 3 janvier 1962.

No. 6027. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND CANADA RELATING TO PILOTAGE SERVICES ON THE GREAT LAKES AND THE ST. LAWRENCE RIVER. WASHINGTON, 5 MAY 1961

I

The Secretary of State to the Canadian Ambassador

DEPARTMENT OF STATE
WASHINGTON

May 5, 1961

Excellency :

I have the honor to refer to the memorandum signed on April 28, 1961 by the Secretary of Commerce of the United States of America and on May 1, 1961 by the Minister of Transport of Canada² concerning arrangements for the coordination of pilotage services to be provided in United States waters and Canadian waters of the Great Lakes and the St. Lawrence River as far east as St. Regis, pursuant to United States Public Law 86-555 (Great Lakes Pilotage Act of 1960) and an Act of August 1, 1960, to amend the Canada Shipping Act (Chapter 40 of the Statutes of Canada) respectively.

I propose on behalf of the Government of the United States that the arrangements set forth in the memorandum, a copy of which is annexed hereto and is hereby incorporated in this note, shall govern the above-mentioned coordination of pilotage services with effect from May 1, 1961.

If the foregoing meets with the approval of the Canadian Government, I have the honor to propose that this note and Your Excellency's reply shall constitute an agreement between the two Governments.

Accept, Excellency, the renewed assurance of my highest consideration.

For the Secretary of State :

Ivan B. WHITE

Enclosure :

Memorandum of Arrangements

His Excellency A. D. P. Heeney, Q. C.,
Ambassador of Canada

¹ Came into force on 5 May 1961 by the exchange of the said notes and, in accordance with their provisions, became operative retroactively from 1 May 1961.

² See p. 12 of this volume.

MEMORANDUM OF ARRANGEMENTS BETWEEN THE SECRETARY OF COMMERCE OF THE UNITED STATES OF AMERICA AND THE MINISTER OF TRANSPORT OF CANADA RESPECTING PILOTAGE ON THE GREAT LAKES

Pursuant to the authority vested in him by the Great Lakes Pilotage Act of 1960 (74 Stat. 259, 46 U.S.C. 216), the President of the United States by Proclamation dated December 22, 1960, designated the following United States waters of the Great Lakes as those in which registered vessels of the United States and foreign vessels will be required to have in their service a United States registered pilot or a Canadian registered pilot to direct the navigation of the vessel, subject to the customary authority of the master :

(1) District 1. All United States waters of the St. Lawrence River between the international boundary at St. Regis and a line at the head of the river running (at approximately 127° True) between Carruthers Point Light and South Side Light extended to the New York shore.

(2) District 2. All United States waters of Lake Erie westward of a line running (at approximately 026° True) from Sandusky Pierhead Light at Cedar Point to Southeast Shoal Light ; all waters contained within the arc of a circle of one mile radius eastward of Sandusky Pierhead Light ; the Detroit River ; Lake St. Clair ; the St. Clair River, and Northern approaches thereto south of latitude 43°-05'-30" N.

(3) District 3. All United States waters of the St. Marys River, Sault Sainte Marie Lock and approaches thereto between latitude 45°-57' N at the Southern approach and a line running (at approximately 020° True) from Point Iroquois Light to the westward tangent of Jackson Island.

Registered vessels of the United States and foreign vessels navigating United States waters of the Great Lakes which are not designated by the President by Proclamation are required by the Act to have on board a United States registered pilot or a Canadian registered pilot or other officer qualified for the waters concerned who will be available to direct the navigation of the vessel in such undesignated waters at the discretion of and subject to the customary authority of the master.

The Secretary of Commerce of the United States is responsible for carrying out those provisions of the Act relating to the registration of United States pilots, the formation of pools by voluntary associations of United States registered pilots, and the establishment of the rates, charges, and other conditions or terms for services performed by registered pilots.

In carrying out these responsibilities, the Secretary is authorized by the Act to enter into arrangements with an appropriate agency of Canada for equitable participation by United States registered pilots with Canadian registered pilots in the pilotage services required by the United States and Canada for vessels navigating the Great Lakes, and for the number of pilots who shall be registered in each country. The Secretary is also authorized to require that pools formed by voluntary associations of United States registered pilots for the rendering of pilotage services required under the Act be coordinated on a reciprocal basis with similar arrangements established by the appropriate agency of Canada. The Secretary is further authorized to arrange with Canada for the establishment of joint or

identical rates, charges, and any other conditions or terms for services by registered pilots in the waters of the Great Lakes.

The Canada Shipping Act was amended by the addition thereto of Part VI. A, entitled "Great Lakes Pilotage", by an Act to amend the Canada Shipping Act, being Ch. 40 of the Statutes of Canada, assented to August 1, 1960.

The said Part VI. A provides, *inter alia*, for the following :

The designation of those portions of the Canadian waters of the Great Lakes Basin within which vessels of 250 gross tons or over shall not be operated unless the vessel is piloted by a registered pilot.

The definition of "registered pilot" as being a person not belonging to a ship who has the conduct thereof and who is registered as pilot either by the Secretary of Commerce of the United States of America or pursuant to regulations made by the Governor in Council.

Pilotage requirements in respect of other than designated waters.

The authority given to U.S. registered pilots or persons holding licenses issued by the Government of the United States in respect of the Canadian waters of the Great Lakes Basin to extend only so long as similar authority is given by the Government of the United States to Canadian registered pilots or other qualified officers in respect of the U.S. waters of the Great Lakes Basin.

Certain exemptions in respect of the said pilotage requirements.

The Governor in Council to make regulations, *inter alia*, designating portions of the Canadian waters of the Great Lakes Basin as designated waters :

The Governor in Council has by Regulation designated the following Canadian waters of the Great Lakes Basin as designated waters :

(1) The Canadian waters of the River St. Lawrence from the boundary between the United States and Canada where it crosses the navigable channel of the River St. Lawrence near St. Regis in the Province of Quebec to a line drawn from Caruthers Point Light in Kingston Harbour, Ontario, on a true bearing of 127° through Wolfe Island South Side Light and extended to the shore of the State of New York.

(2) The Welland Canal, and the Canadian waters of Lake Erie westward of a line running approximately 206° True from Southeast Shoal Light to Sandusky Pierhead Light at Cedar Point in the State of Ohio. The Canadian waters of the connecting channels between Lake Erie and Lake Huron.

(3) The Canadian waters of St. Marys River connecting Lake Huron and Lake Superior as far as, in the northern approach, a line drawn approximately 020° True from Point Iroquois Light to the westward tangent of Jackson Light.

The Secretary of Commerce of the United States of America and the Minister of Transport of Canada, recognizing the need for cooperation with respect to pilotage services

on the Great Lakes, have agreed to recommend to their respective Governments the following arrangements :

Interpretations

1. In this Memorandum, the expression :

(a) "Canadian District No. 1" means the Canadian waters of the River St. Lawrence from the boundary between the United States and Canada where it crosses the navigable channel of the River St. Lawrence near St. Regis in the Province of Quebec to a line drawn from Carruthers Point Light in Kingston Harbour, Ontario, on a true bearing of 127° through Wolfe Island South Side Light and extended to the shore of the State of New York ;

(b) "Canadian District No. 2" means the Welland Canal, and the Canadian waters of Lake Erie westward of a line running approximately 206° True from Southeast Shoal Light to Sandusky Pierhead Light at Cedar Point in the State of Ohio. The Canadian waters of the connecting channels between Lake Erie and Lake Huron ;

(c) "Canadian District No. 3" means the Canadian waters of St. Marys River connecting Lake Huron and Lake Superior as far as, in the northern approach, a line drawn approximately 020° True from Point Iroquois Light to the westward tangent of Jackson Light ;

(d) "Canadian pilotage pool" means a group of Canadian registered pilots authorized by the Minister to perform pilotage services within a prescribed area ;

(e) "Canadian registered pilot" means a person not belonging to a ship who has the conduct thereof and who is registered as a pilot pursuant to the regulations prescribed by the Governor in Council ;

(f) "Great Lakes" means Lakes Superior, Michigan, Huron, Erie and Ontario, their connecting and tributary waters, the St. Lawrence River as far east as Saint Regis, and adjacent port areas ;

(g) "Minister" means the Minister of Transport of Canada ;

(h) "Secretary" means the Secretary of Commerce of the United States of America ;

(i) "undesignated waters" means those waters of the Great Lakes not included in United States and Canadian Districts Nos. 1, 2, and 3 ;

(j) "United States District No. 1" means those waters described in "District 1" in the Proclamation by the President dated December 22, 1960 ;

(k) "United States District No. 2" means those waters described in "District 2" in the Proclamation by the President dated December 22, 1960 ;

(l) "United States District No. 3" means those waters described in "District 3" in the Proclamation by the President dated December 22, 1960 ;

(m) "United States pilotage pool" means a pool formed by a voluntary association of United States registered pilots which has been authorized by the Secretary to render pilotage services ;