

UNITED STATES OF AMERICA
and
CANADA

Exchange of notes constituting an agreement concerning arrangements for co-ordination of pilotage services on the Great Lakes and the St. Lawrence Seaway (with Memorandum of Arrangements). Washington, 13 April 1967

Authentic texts of exchange of notes : English and French.

Authentic text of Memorandum of Arrangements : English.

Registered by the United States of America on 6 August 1969.

ÉTATS-UNIS D'AMÉRIQUE
et
CANADA

Échange de notes constituant un accord concernant la coordination des services de pilotage dans les eaux du bassin des Grands Lacs et la voie maritime du Saint-Laurent (avec Mémoire d'accord). Washington, 13 avril 1967

Textes authentiques de l'échange de notes : anglais et français.

Texte authentique du Mémoire d'accord : anglais.

Enregistré par les États-Unis d'Amérique le 6 août 1969.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND
CANADA CONCERNING ARRANGEMENTS FOR CO-ORDI-
NATION OF PILOTAGE SERVICES ON THE GREAT
LAKES AND THE ST. LAWRENCE SEAWAY

I

CANADIAN EMBASSY
AMBASSADE DU CANADA

No. 107

Washington, D.C., April 13, 1967

Sir,

I have the honour to refer to the exchange of Notes of May 5, 1961² as amended by the exchange of Notes of October 23, 1962 and February 21, 1963,³ by the exchange of Notes of August 23, 1963 and September 10, 1963⁴ and by a further exchange of Notes of November 19, 1963 and December 4, 1963,⁵ constituting an agreement between the Government of Canada and the Government of the United States concerning arrangements for co-ordination of pilotage services to be provided in Canadian waters and United States waters of the Great Lakes and the St. Lawrence Seaway as far east as St. Regis. These arrangements were originally set forth in the memorandum signed by the Secretary of Commerce of the United States and the Minister of Transport of Canada on April 28, 1961 and May 1, 1961 and as subsequently amended.

On the instructions of my Government, I have the honour to propose that the existing arrangements shall be replaced by the attached memorandum which was signed on June 27, 1966 by the Minister of Transport of Canada and on June 29, 1966 by the Secretary of Commerce of the United States and which shall govern the co-ordination of pilotage service with effects as of June 29, 1966.

If this proposal meets with the approval of the Government of the United States, I have the honour to propose that this Note, which is authentic in English and French, and your reply shall constitute an agreement

¹ Came into force on 13 April 1967 with retroactive effect from 29 June 1966, in accordance with the provisions of the said notes.

² United Nations, *Treaty Series*, vol. 419, p. 9.

³ *Ibid.*, vol. 474, p. 350.

⁴ *Ibid.*, vol. 493, p. 328.

⁵ *Ibid.*, vol. 493, p. 334.

between our two Governments which shall enter into force on the date of your reply Note. This agreement shall supersede that of May 5, 1961 as amended.

Please accept, Sir, renewed assurances of my highest consideration.

A. E. RITCHIE

Ambassador

[SEAL]

The Honourable Dean Rusk
Secretary of State
Washington, D.C.

MEMORANDUM OF ARRANGEMENTS BETWEEN THE SECRETARY OF
COMMERCE OF THE UNITED STATES OF AMERICA AND THE MINIS-
TER 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 Proclamations 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° 05'03" 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 rate, 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 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.
- (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 Island.

In recognition of the need for cooperation with respect to pilotage services on the Great Lakes, the Minister of Transport of Canada and the Secretary of Commerce of the United States agreed to recommend to their respective Governments the arrangements set forth in a Memorandum of Arrangements of May 1, 1961. This Memorandum of Arrangements was incorporated in the terms of an agreement between the two Governments by an exchange of notes on May 5, 1961. This Memorandum of Arrangements was subsequently amended effective October 15, 1962, April 29, 1963 and July 29, 1963.

It has been mutually recognized from experience gained in the intervening period since May 1, 1961, that a general revision of the Memorandum is necessary and desirable to provide a more efficient and effective pilotage service and promote uniformity in administration by each Government. The Minister of Transport and the Secretary of Commerce have therefore agreed to recommend to their respective Governments the following general revision of the Memorandum of Arrangements:

Interpretations

1. In this Memorandum, the expression:

- (a) "designated waters" means the waters of Districts Nos 1, 2 and 3;
- (b) "District No. 1" means all the waters of the St. Lawrence River from the International Boundary at St. Regis, Quebec, to a line running from Carruthers Point Light at Kingston, Ontario, on a true bearing of approximately 127° through Wolfe Island, South Side Light and extended to the New York shore;

(c) "District No. 2" means the Welland Canal and the waters of Lake Erie westward of a line running on a true bearing of approximately 026° from Sandusky Pierhead Light at Cedar Point, Ohio, to Southeast Shoal Light, the waters contained within the area of a circle of one mile radius eastward of Sandusky Pierhead Light, the Detroit River, Lake St. Clair, the St. Clair River and the northern approaches thereto south of latitude 43°05'30" N;

(d) "District No. 3" means the St. Mary's River, including the locks and the approaches thereto, between latitude 45°57' N and a line running from Point Iroquois