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No. 6027

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**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.*

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**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 AGREEMENT<sup>1</sup> 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

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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 Canada<sup>2</sup> 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

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<sup>1</sup> 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.

<sup>2</sup> 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 ;

(n) "United States registered pilot" means a person, other than a member of the regular complement of a vessel, who holds an unlimited master's license authorizing navigation on the Great Lakes and suitably endorsed for pilotage on routes specified therein, issued by the head of the Department in which the Coast Guard is operating under regulations issued by him, and is registered by the Secretary.

#### *Participation in Pilotage Services*

2. (a) United States and Canadian registered pilots will participate in rendering pilotage services in United States and Canadian waters of the Great Lakes and will participate equally on the basis of total numbers for those waters included in United States and Canadian Districts Nos. 1, 2 and 3 when overall parity is achieved in such Districts.

(b) Overall parity will be achieved as soon as practicable but not later than 1965. Until such parity is achieved, all vacancies and/or additional pilot requirements will be filled by United States registered pilots.

(c) The initial requirement for the 1961 operating season will be 34 United States and 70 Canadian registered pilots, with the distribution being as follows :

<i>United States and Canadian Districts</i>	<i>Number of Pilots</i>		
	<i>United States</i>	<i>Canada</i>	<i>Total</i>
No. 1 . . . . .	12	20	32
No. 2 . . . . .	9	47	56
No. 3 . . . . .	13	3	16
	<u>34</u>	<u>70</u>	<u>104</u>

Although Canada has 24 pilots who have been working in District No. 1, at no time will more than 20 Canadian pilots be registered and actively participate in the rendering of pilotage services. The second sentence of paragraph 2 (b) shall not apply to District No. 1 until the 24 pilots referred to above have been reduced to 20.

(d) No pilot who has reached the age of 65 will be registered by either the Secretary or the Minister unless it is determined that such registration will be in the public interest and that such pilot is physically fit to perform the duties of a registered pilot.

#### *Coordination of Pilotage Pools*

3. (a) United States and Canadian pilotage pools will be established in United States/Canadian Districts Nos. 1, 2, and 3, with dispatching facilities and responsibilities as follows :

<i>Location of Dispatching Facilities</i>	<i>Nationality of Pool</i>	<i>Dispatching Responsibility of Pool</i>
<i>District No. 1</i>		
Cornwall	Canada . . . . .	Up the St. Lawrence River from Snell Lock to Cape Vincent.
Cape Vincent	United States . . . . .	Down the St. Lawrence River from Cape Vincent to Snell Lock; westbound across Lake Ontario; and to and from United States and Canadian ports on Lake Ontario.
<i>District No. 2</i>		
Port Weller	Canada . . . . .	Westbound from Port Weller to Lake Huron Lightship; to and from United States and Canadian ports on Lake Erie, and eastbound across Lake Ontario.
Port Huron	United States . . . . .	Eastbound from Lake Huron Lightship to Port Weller; to and from United States and Canadian ports on Lake Erie, across Lake Huron to Detour Light and Lake Michigan.
<i>District No. 3</i>		
Sault Ste. Marie, Michigan	United States . . . . .	From Detour Light to Gros Cap Reef Light, to and from United States and Canadian ports on Lake Superior downbound across Lake Huron to Lake Huron Lightship; and across Lake Michigan.
(Canada will use United States facilities)		

(b) Any vessel requiring a pilot from an intermediate point on Lakes Ontario, Huron, or Michigan may secure such pilot from either of the dispatching Districts for the Lake concerned, at the option of the master.

(c) Dispatching responsibilities for situations not provided for above will be assigned as determined by the Secretary and the Minister.

(d) United States and Canadian pilotage pools within each District will provide reciprocal dispatching and related services. Pilots will be dispatched on a turn for turn (tour de role) basis without regard to nationality. As an interim measure, existing dispatching and service facilities will be open and available for use by both United States and Canadian registered pilots.

(e) A pilot who has completed a trip to a point in another District may, by mutual agreement between the two Districts, be assigned to a vessel returning to his own District.

(f) The division of income from pilotage fees after deduction of operating costs will be allocated between United States and Canadian pools for a District on a pro-rata basis according to the actively participating United States and Canadian registered pilots.

(g) Costs which may be charged in connection with the operation of pools shall be as prescribed by the Minister and the Secretary.

(h) Accounting services for all pilotage services performed shall be rendered by the pilotage pool operating the dispatching facility. Billing and collection shall be on the basis of the currency of the nationality of the pool.

(i) In the event that pilotage services are performed pursuant to paragraph (e) the pilotage fees will be divided 25% to the dispatching District and 75% to the pilot's own District. Billing will be done by the dispatching District.

(j) Settlement of accounts for adjusting amounts due between pools will be effected on an interim basis as of the end of each month with an annual settlement as of December 31 of each year. Payments on account will be made by the 15th of the following month with drafts payable in the currency of the nationality of the pool making payment.

(k) Each pilotage pool will furnish accounting data monthly in accordance with accounting requirements and rules as prescribed by the Secretary and the Minister.

(l) The accounts of pilotage pools will be subject to joint audit by designated representatives of the Secretary and the Minister.

(m) The Secretary and the Minister, respectively, will establish such regulations and rules for the operation of pilotage pools as may be deemed necessary.

*Rates, Charges and Conditions for Pilotage Services*

4. (a) The following rates and charges shall be payable for all services performed by United States or Canadian registered pilots in the following areas of the United States and Canadian waters of the Great Lakes :

*District No. 1*

- (i) Snell Lock to Cape Vincent . . . . . \$200
- (ii) Trips commencing or terminating at any intermediate point within the District, an amount computed on a pro-rata basis set forth in (i) according to the distance piloted shall be charged as pilotage dues with a minimum charge therefor of . . . . . 50

*District No. 2*

- (i) The Welland Canal . . . . . 125
- (ii) Southeast Shoal (pilots board at the Welland Canal) to Lake Huron Lightship (includes direct transit of undesignated Lake Erie waters) . . . . . 125
- (iii) Southeast Shoal (pilots board at the Welland Canal) to any point on Lake Erie west of Southeast Shoal (includes direct transit of undesignated Lake Erie waters) . . . . . 80
- (iv) Southeast Shoal (pilots board at the Welland Canal) to any point on the Detroit River (includes direct transit of undesignated Lake Erie waters) . . . . . 80
- (v) Any point on Lake Erie west of Southeast Shoal to any point on the St. Clair River or to Lake Huron Lightship . . . . . 125
- (vi) Any point on Lake Erie west of Southeast Shoal to any point on the Detroit River . . . . . 80
- (vii) Any point on the Detroit River to any point on the St. Clair River or to Lake Huron Lightship . . . . . 80

- (viii) Any point on the Detroit River or the St. Clair River to any point on the same river, or from any point on Lake Erie west of Southeast Shoal to any other point on Lake Erie west of Southeast Shoal . . . . . \$50

*District No. 3*

- (i) Detour Reef Light to Gros Cap Reefs Light . . . . . 200  
(ii) Detour Reef Light to Sault Ste. Marie, Mich., or Sault Ste. Marie, Ontario . . . . . 165  
(iii) Harbour movement of vessels within District No. 3, per movement . . . . . 50

(b) When a vessel in transit of a District puts into a port for the purpose of loading or discharging cargo and the pilot remains on board for the convenience of the vessel, an additional charge of \$5 per hour, with a maximum of \$50 for each 24-hour period, shall be payable.

(c) The rates or charges for all pilotage services performed by United States or Canadian registered pilots in the undesignated waters, other than the direct transit of Lake Erie covered by the rates as specified in paragraph (a) District No. 2 (ii), (iii), and (iv) above, payable for each 24-hour period or part thereof, shall be \$50 plus reasonable travel expenses of the pilot in returning to the port of origin, if incurred.

(d) When a pilot reports for service and the service is cancelled within one hour of the time of his reporting, a charge of \$25 shall be made and if the service is cancelled after one hour a further charge of \$5 per hour for each hour after the first hour shall be charged, but the aggregate amount of these charges shall not exceed \$50 for any one 24-hour period.

(e) No rate or charge shall be applied against any vessel, owner or master thereof for services rendered by a registered pilot which differs from the rates and charges set forth in this memorandum. Also, no rate or charge shall be made for any service performed by a registered pilot for which a rate or charge is not set forth in this memorandum, without the approval of the Secretary or the Minister, as the case may be.

*Reporting of Violations*

5. (a) The Secretary will advise the Minister when it is brought to his notice that any Canadian registered pilot or pilotage pool has violated any United States pilotage regulation in United States waters.

(b) The Minister will advise the Secretary when it is brought to his notice that any United States registered pilot or pilotage pool has violated any Canadian pilotage regulation in Canadian waters.

(Signed) Luther H. HODGES

Secretary of Commerce  
of the United States of America

Washington, D. C., April 28, 1961

(Signed) Leon BALCER  
Minister of Transport of Canada

Ottawa, May 1, 1961

## II

*The Canadian Ambassador to the Secretary of State*

CANADIAN EMBASSY  
AMBASSADE DU CANADA

Washington, D. C., May 5, 1961

No. 307

Sir :

I have the honour to refer to your note of May 5, 1961 proposing certain arrangements to govern the coordination of pilotage services on the Great Lakes and the St. Lawrence River as far east as St. Regis.

The terms and conditions set forth in your note and in the Memorandum of Arrangements attached thereto are acceptable to the Government of Canada which concurs in the proposal that your note and this reply shall constitute an agreement between the Governments of Canada and of the United States of America to be effective from May 1, 1961.

Accept, Sir, the renewed assurances of my highest consideration.

A. D. P. HEENEY

Dean Rusk, Esq.,  
Secretary of State of the United States  
Washington, D. C.