

No. 10341

**UNITED STATES OF AMERICA
and
CANADA**

Exchange of notes constituting an agreement concerning the operation of pilotage on the Great Lakes and the St. Lawrence Seaway (with memorandum of arrangements). Washington, 31 July 1969

Authentic text of the United States note and of the memorandum of arrangements: English.

Authentic texts of the Canadian note: English and French.

Registered by the United States of America on 4 March 1970.

**ÉTATS-UNIS D'AMÉRIQUE
et
CANADA**

Échange de notes constituant un accord concernant les services de pilotage sur les Grands Lacs et la voie maritime du Saint-Laurent (avec mémoire d'accord). Washington, 31 juillet 1969

Texte authentique de la note des États-Unis et du mémoire d'accord: anglais.

Textes authentiques de la note du Canada: anglais et français.

Enregistré par les États-Unis d'Amérique le 4 mars 1970.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND
CANADA CONCERNING THE OPERATION OF PILOT-
AGE ON THE GREAT LAKES AND THE ST. LAWRENCE
SEAWAY

I

DEPARTMENT OF STATE
WASHINGTON

July 31, 1969

Sir :

I refer to the exchange of notes of April 13, 1967,² as amended by the exchanges of notes of October 6, 1967³ and of April 26, 1968,⁴ constituting an agreement between the Government of the United States and the Government of Canada governing the operation of pilotage on the Great Lakes to be provided in United States waters and Canadian 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 Minister of Transport of Canada on June 27, 1966 and by the Secretary of Commerce of the United States on June 29, 1966,⁵ and as subsequently amended.⁶

I propose that the existing arrangements be replaced by the attached memorandum which was signed on July 24, 1969 by the Secretary of Transportation of the United States and on July 28, 1969 by the Minister of Transport of Canada.

If this proposal meets with the approval of the Government of Canada, I propose that this note and its attached memorandum and Your Government's reply, which is authentic in English and French, shall constitute an agreement between our two Governments which shall enter into force on the date of your

¹ Came into force on 31 July 1969, the date of the note in reply, in accordance with the provisions of the said notes.

² United Nations, *Treaty Series*, vol. 685, p. 143.

³ *Ibid.*, vol. 693, p. 384.

⁴ *Ibid.*, vol. 697, p. 348.

⁵ *Ibid.*, vol. 685, p. 146.

⁶ *Ibid.*, vol. 693, p. 386, and vol. 697, p. 350.

reply note. This agreement shall supersede that of April 13, 1967, as amended, and shall govern the operation of pilotage on the Great Lakes with effect as of August 1, 1969.

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

For the Secretary of State :

George S. SPRINGSTEEN

Enclosure :

Memorandum of Arrangements

Mr. Peter M. Towe
Chargé d'Affaires ad interim,
Embassy of Canada

MEMORANDUM OF ARRANGEMENTS, GREAT LAKES PILOTAGE,
BETWEEN THE SECRETARY OF TRANSPORTATION OF THE UNITED
STATES OF AMERICA AND THE MINISTER OF TRANSPORT OF
CANADA

On June 29, 1966, the Secretary of Commerce of the United States and the Minister of Transport of Canada entered into a Memorandum of Arrangements concerning Great Lakes Pilotage, superseding the Memorandum of May 1, 1961,¹ on the same subject. The 1966 Memorandum was subsequently amended on October 6, 1967,² and on April 25, 1968.³

The preamble to the amendment of April 25, 1968, stated that the pilotage system would be placed under continuing review and study with the objective of improving its efficiency and effectiveness. On the basis of this continuing review, the Minister of Transport and the Secretary of Transportation have concluded that certain additional changes in the Memorandum are required.

Section 5 (a) of the Memorandum requires that each dispatching office perform billing, collecting and accounting functions. This requirement should be changed to allow the Secretary and the Minister to establish consolidated and more efficient billing, collecting and accounting services.

The Minister and Secretary have also concluded that certain rate changes should be adopted at this time. The rates recommended herein are designed to assure adequate pilot compensation for the 1969 shipping season, while keeping the costs to the shipowner as low as practicable. The Minister and Secretary contemplate that these rates will be effective only for the remainder of the 1969 shipping season. The present rate structure does not take into consideration the size of a vessel or, in some cases the length of the voyage, and should be replaced with a new structure that more effectively measures pilot

¹ United Nations, *Treaty Series*, vol. 419, p. 9.

² *Ibid.*, vol. 693, p. 384.

³ *Ibid.*, vol. 697, p. 350.

workload. The Minister and Secretary have agreed that the new rate structure is to be developed and made effective prior to the 1970 shipping season.

The Minister and the Secretary have agreed that a number of other minor changes to the Memorandum should also be adopted. The functions of the Secretary of Commerce with respect to Great Lakes Pilotage are now exercised by the Secretary of Transportation, and the limits of the designated waters have been changed since the Memorandum was last amended. Section 6 should be clarified to show that the mileage charges for pilotage services are computed on the basis of statute miles.

In view of the foregoing, the Minister of Transport and the Secretary of Transportation recommend to their respective governments that the Memorandum of Arrangements of June 29, 1966, as amended, be superseded by a new Memorandum of Arrangements reading as follows :

MEMORANDUM OF ARRANGEMENTS GREAT LAKES PILOTAGE

DEFINITIONS

1. For the purposes of this Memorandum the following definitions apply :

(a) "Designated waters" means the waters of Districts 1, 2, and 3.

(b) "District 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 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. For the purposes of this definition, "Welland Canal" includes all the waters of that Canal between the following :

- (1) at the southern approach, north of latitude 42°51' N.; and
- (2) at the northern approach; for vessels upbound, south of an arc one mile to seaward of the lighthouse on the outer end of the western breakwater at Port Weller and, for vessels downbound, south of the north gate of Lock No. 1.

(d) "District 3" means the St. Mary's River, Sault Ste. Marie Locks and approaches thereto between Latitude 45°59' N. at the southern approach and Longitude 84°33' W. at the northern approach.

(e) "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.

(f) "Minister" means the Minister of Transport of Canada.

(g) "Registered pilot" means a person registered in the United States or in Canada as a Great Lakes pilot.

(h) "Secretary" means the Secretary of Transportation of the United States of America.

(i) "Undesignated waters" means all the waters of the Great Lakes other than designated waters.

PILOTAGE SERVICE

2. (a) Coordinated pilotage service shall be provided for the Great Lakes by United States and Canadian registered pilots under the administration and control of the Secretary and the Minister.

(b) The Secretary and the Minister, respectively, will maintain registers of United States and Canadian registered pilots authorized to render pilotage services on all or specified portions of the Great Lakes, and will establish and maintain systems for recruiting and training pilots.

(c) No person may be registered as a pilot, and no registered pilot may continue as such, after he reaches the age of 65 years unless, in the opinion of the Secretary or the Minister, as the case may be, the public interest will be thereby served and that person is fit to perform the duties of a pilot.

PARTICIPATION IN PILOTAGE SERVICE

3. (a) The Secretary and the Minister will, from time to time, determine the number of pilots to be registered and the waters for which they are to be registered.

(b) United States and Canadian registered pilots shall participate equally in the pilotage services required on the Great Lakes so that as far as practicable there shall be an equal number of Canadian and United States registered pilots.

DISPATCHING

4. The Secretary and the Minister will establish and maintain, or cause to be established and maintained, facilities for the dispatching of pilots and for related services, including pilot boats.

ACCOUNTING

5. (a) The Secretary and the Minister will establish and maintain, or cause to be established and maintained, facilities for the billing, collecting, and accounting of pilotage revenues.

(b) The costs of dispatching and related services shall be determined by the Secretary and the Minister and shall be paid out of pilotage revenues and, except as provided in paragraph (c), the remainder divided into United States and Canadian shares in proportion to the revenues received for pilotage services rendered by United States and Canadian registered pilots, respectively.

(c) The United States and Canadian shares of the pilotage revenues collected for services by pilots registered only for service in Lake Ontario and Kingston Harbor shall be determined on the basis of the number of days on which the United States and Canadian pilots, respectively, were available for pilotage service.

(d) Billing shall be on the basis of the currency of the nationality of the pilot or on such other basis as the Secretary and the Minister may determine.

(e) Settlement of accounts adjusting amounts due between accounting offices shall be effected on an interim basis as of the end of each month with an annual settlement as of 31st December of each year; and payments on account shall be made on the 15th of the following month with drafts payable in the currency of the nationality of the office making the payment.

(f) The accounts of each office shall be subject to joint audit by designated representatives of the Secretary and the Minister.

DESIGNATED WATER CHARGES

6. Charges for pilotage in the designated waters shall be as follows :

(a) District 1 :

- | | |
|---|-----------|
| (1) Between Snell Lock and Cape Vincent or Kingston, whether or not undesignated waters are traversed | \$ 282.00 |
| (2) Between Snell Lock and Cardinal, Prescott or Ogdensburg | 141.00 |
| (3) Between Cardinal, Prescott or Ogdensburg and Cape Vincent or Kingston, whether or not undesignated waters are traversed. | 205.00 |
| (4) For pilotage commencing or terminating at any point above Snell Lock other than those named in items (1), (2) or (3), \$2.80 per statute mile but with a minimum charge therefor of | 64.00 |
| (5) For a moorage in any harbor | 78.00 |

(b) District 2 :

- | | |
|--|-----------|
| (1) Passage through the Welland Canal or any part thereof, \$7.75, for each statute mile plus \$23.00 for each lock transited but with a minimum charge of \$78.00 and a maximum charge for a through trip of \$310.00. When pilots are changed at Lock 7 on a through trip the charges are apportioned as follows : | |
| (i) Between northerly limits and Lock 7 | \$ 155.00 |
| (ii) Between Lock 7 and southerly limits | 155.00 |
| (2) Between Southeast Shoal or any point on Lake Erie west thereof and any point on the St. Clair River or the approaches thereto as far as the northerly limit of the District | 234.00 |
| When pilots are changed at Detroit/Windsor on a through trip the charges are apportioned as follows : | |
| (i) Between Southeast Shoal or any point on Lake Erie west thereof and Detroit/Windsor | 117.00 |
| (ii) Between Detroit/Windsor and the northerly limits | 117.00 |

(3) Between Southeast Shoal and any point on Lake Erie west thereof or on the Detroit River	148.00
(4) Between any point on Lake Erie west of Southeast Shoal and any point on the Detroit River	148.00
(5) Between points on Lake Erie west of Southeast Shoal	78.00
(6) Between points on the Detroit River	78.00
(7) Between any point on the Detroit River and any point on the St. Clair River or its approaches as far as the northerly limit of the District . .	148.00
(8) Between points on the St. Clair River including the approaches thereto as far as the northerly limit of the District	117.00
(c) District 3 :	
(1) Between the southerly limit of the District and the northerly limit of the District or the Algoma Steel Corporation Wharf at Sault Ste. Marie, Ontario	302.00
(2) Between the southerly limit of the District and Sault Ste. Marie, Michigan, or any point in Sault Ste. Marie, Ontario, other than the Algoma Steel Corporation Wharf	250.00
(3) Between the northerly limit of the District and Sault Ste. Marie, Ontario, including the Algoma Steel Corporation Wharf, or Sault Ste. Marie, Michigan	113.00
(4) For a moorage in any harbor	78.00

UNDESIGNATED WATER CHARGES

7. (a) Subject to paragraph (b), the charges to be paid by a ship that has a registered pilot on board in the undesignated waters of Lake Ontario shall be \$70.00 and in other undesignated waters shall be \$78.00 for each 24-hour period or part thereof that the pilot is on board, plus—

- (1) \$39.00 for each time the pilot performs the docking or undocking of the ship on entering or leaving a harbor or performs a moorage of the ship within a harbor; and
- (2) the travel expenses reasonably incurred by a pilot in joining the ship and returning to his base.

(b) When a registered pilot is carried on a ship in a direct transit of the undesignated waters of Lake Erie between Southeast Shoal and Port Colborne, the charges referred to in paragraph (a) are not payable unless—

- (1) the ship is required by law to have a registered pilot on board in those waters; or
- (2) services are performed by the pilot in those waters at the request of the Master.

DETENTION EN ROUTE

8. When the passage of a ship through a District is interrupted for the purpose of loading or discharging cargo or for any other reason and the services of the registered pilot are retained during such interruption, for the convenience of the ship, the ship shall pay an additional charge of \$7.75 for each hour or part of an hour during which each

interruption lasts, but with a maximum of \$117.00 for each 24-hour period of such interruption. However, there is no charge for any interruption caused by ice, weather, or traffic, except during the period beginning the first day of December and ending on the eighth day of the following April.

DELAYS

9. When the departure or the movage of a ship for which a registered pilot has been ordered is delayed for the convenience of the ship for more than one hour after the pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is the later, or when a pilot is detained on board a ship for the convenience of the ship for more than one hour after the end of the assignment for which he was ordered, the ship shall pay an additional charge of \$7.75 for each hour or part of an hour after the first hour of such delay; but the aggregate amount of such further charges shall not exceed \$117.00 for any 24-hour period.

CANCELLATIONS

10. When a registered pilot reports for duty as ordered and the order is canceled, the ship shall pay

- (a) a cancellation charge of \$39.00;
- (b) if the cancellation is more than one hour after the pilot was ordered for, a further charge of \$7.75 for each hour or part of an hour after the first hour, except that the aggregate cancellation fee payable in any 24-hour period shall not exceed \$117.00; and
- (c) if the ship is in the undesignated waters, the travel expenses reasonably incurred by the pilot in joining the ship and returning to his base.

OTHER CHARGES

11. (a) No charges different from those set forth in this Memorandum shall be made for any of the pilotage services dealt with in this Memorandum.

(b) Except with the approval of the Minister or the Secretary, as the case may be, no charge shall be made for the performance by a registered pilot of a service for which a charge is not set forth in this Memorandum.

RULES AND REGULATIONS

12. The Secretary and the Minister will respectively establish such rules and regulations as they deem advisable respecting the dispatching of pilots, the accounting for revenues and other matters to give effect to the intent and purposes of this Memorandum.

VIOLATIONS

13. The Secretary and the Minister will inform one another when it is brought to their attention that a registered pilot or dispatching office of one country has violated any pilotage regulation in the waters of the other country.

The Secretary of Transportation and the Minister of Transport further agree to recommend to their respective governments that this Memorandum become effective August 1, 1969.

John A. VOLPE
Secretary of Transportation
of the United States of America
Washington, D.C., July 24, 1969

Don JAMIESON
Minister of Transport of Canada
Ottawa, July 28, 1969

II

The Chargé d'Affaires ad interim of Canada to the Secretary of State

CANADIAN EMBASSY
WASHINGTON, D.C.,

No. 208

July 31, 1969

Sir,

I have the honour to refer to your Note of July 31, 1969 and the memorandum attached thereto, signed on July 24 by the Secretary of Transportation of the United States and on July 28 by the Minister of Transport of Canada, concerning the operation of pilotage on the Great Lakes 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 and, on the instructions of my government, to agree to your proposal that the existing arrangements governing the above-mentioned operation of pilotage as set forth in the memorandum signed by the Minister of Transport of Canada on June 27, 1966 and by the Secretary of Commerce of the United States on June 29, 1966 and as subsequently amended, shall be replaced by the memorandum attached to your Note, with effect as of August 1. I also have the honour to agree to your proposal that your Note and this reply, which is authentic in both the English and French languages, shall constitute an agreement between our two governments on this subject which shall enter into force on the date of this Note.

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

P. M. TOWE
[SEAL]

The Honourable William P. Rogers
The Secretary of State
Washington, D.C.