



*The westbound Federal Elbe, a Fednav vessel, is approaching the Eisenhower locks in Massena, New York, in the Upper St. Lawrence Pilotage District where the international border between Canada and the United States lies in the middle of the River. The photograph is a courtesy of one of the District's Canadian pilots, Capt. Martin Mangan.*

# BILATERAL COOPERATION AT ITS BEST

## PILOTAGE ALONG THE CANADA / US BORDER

*Editor's Note:* The Canadian Pilot thanks Mr. Robert Lemire, CEO of the Great Lakes Pilotage Authority and Capt. Kevin Obermeyer, President and CEO of the Pacific Pilotage Authority for their contribution to this article.

The international boundary between Canada and the United States is the longest in the world, stretching 8,891 km across land and water. It is also the busiest border, with some 300,000 people and almost \$1 billion worth of goods crossing every day.

Despite the fact that Canada/US relations are among the friendliest anywhere on the globe, and despite the strong social and cultural affinity between the two nations, the crossing of the border is serious business. Economic reasons, as well as those related to sovereignty, politics and security, all contribute to a border crossing that is highly regulated and tightly controlled for both people and merchandise.

Governments of both countries continually examine measures to prevent the border from further "thickening," an expression that refers to the tendency for Canada/US crossings to be ever-more cumbersome.

Pilotage practices for vessels moving between Canadian and American waters on the Great Lakes and along the West Coast offer a rare example of refreshingly pragmatic and flexible border crossing. Despite very different circumstances, pilotage administrations have been able to reach agreement and establish practices that make crossing the border very user-friendly. In fact, they are virtually invisible to ships' crews and in no way disrupt the operation of vessels.

On the West Coast, there has never been a specific treaty or agreement between the two countries as to how pilotage should be managed in cases where ships transit from one jurisdiction to the other. Instead, the practices in place are based on the principle of "the right of free passage."

This principle was included in the 1846 Oregon Treaty between the United States and Britain, which set the border between the United States and what would soon become Canada. The “right of free passage” was a necessary feature of the 1846 treaty, given that the international boundary was established in such a way that, in some cases, travelling from one Canadian destination to another required transit through American waters, and vice versa. Given the treaty’s explicit recognition of the right of free passage, no other formal agreement has ever been needed to provide the basis for bilateral arrangements to ensure the unimpeded flow of marine traffic.



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Instead, the Pacific Pilotage Authority, on behalf of Canada, has agreements with its American counterparts, creating a pragmatic approach to pilotage for vessels that transit between the waters of the two countries. The responsible American entity being the Washington State Pilotage Commission or the US Coast Guard, depending on the particular circumstance.

There is no better example of the practicality of this approach than the management of pilotage for ship transits through Haro Strait and Boundary Pass, which connect the Strait of Juan de Fuca and the Strait of Georgia along the international boundary. 70% of Canada’s Pacific shipping travels through these waters, which represent the largest single compulsory pilotage area in the world. Inbound vessels from sea to a Canadian port are piloted by a BC Coast pilot, even though the transit through Haro Strait and Boundary Pass is in US waters until Roberts Bank/Delta Port, where it enters Canadian waters. Likewise, for an outbound vessel from US ports such as Cherry Point or Bellingham which transit through Boundary Pass and Haro Strait, the pilot would be a US Puget Sound pilot, even though the transit will be through Canadian waters.

A different arrangement exists for vessels moving from Seattle to Vancouver, where the governing practice is for the ship to be piloted by pilots of the country in which the vessel is transiting at any given time, so that a US pilot is piloting in US waters, and vice versa. To make this work effectively, the change-over from Canadian to US pilot, and vice versa, does not actually have to happen at the exact place where jurisdiction changes from one country to the other. Rather, a sensible flexibility pertains, and the transfer is made where it makes sense for safety and efficiency reasons.



As illustrated by the red line on this map, a typical pilotage assignment through Haro Strait and Boundary Pass zigzags on numerous occasions between Canadian and American waters.

A meeting in the American Narrows at Boldt Castle in the Upper St. Lawrence Pilotage District (i.e., in the Thousand Islands) of the Great Lakes Region. The photograph is a courtesy of Capt. Martin Mangan, who pilots vessels in the Upper St. Lawrence District.





The Great Lakes form the largest body of freshwater in the world, spanning 2,200 km. In Canada, pilotage is managed by a single entity, the Great Lakes Pilotage Authority (GLPA), while in the United States, there are three separate pilotage groups that supply pilots as required within their districts, with the US Coast Guard having regulatory oversight.

The Boundary Waters Treaty of 1909 formed the basis for the first coordinated pilotage system on the Great Lakes. This was succeeded by the Great Lakes Memorandum of Agreement (MOA) of 1978 between Canada and the United States, which was itself subsequently succeeded by a Memorandum of Understanding (MOU) in 2013 between the GLPA and the US Coast Guard.

The significance of the 2013 MOU, signed by the actual entities that have responsibility for pilotage on the Great Lakes, is that it offers considerable flexibility for adjustments as may be required for operational and other reasons. Changes are possible by agreement of the GLPA and the US Coast Guard, without having to amend an international treaty or secure executive or legislative approval from the two national governments.

Pilotage assignments are “shared” on the Great Lakes between Canadian and U.S. pilots on a proportional basis. Based on historical use and traffic, the proportion of assignments given to pilots from the two countries varies from district to district. In District One, from Cornwall to the mouth of Lake Ontario, 59% of the trips are assigned to Canadian pilots, with American pilots undertaking 41%. In District Two, all Welland Canal assignments are Canadian, and beyond the Canal through to Windsor and Sarnia, 55% are Canadian and 45% are American. In District Three, covering Lakes Superior, Huron and

Michigan, the balance of assignments shifts sharply, with U.S. pilots responsible for 82% and Canadian pilots for the remaining 18%. This sharing of work happens smoothly and without any discernible impact on the operations of the vessels concerned.



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An important reason why it has been possible to sustain a common-sense and coordinated approach to pilotage in waters shared with the US is the fact that pilots in both countries have comparable high levels of training, skills and experience. “Because we are dealing with pilot organizations that we respect and that we can rely on, coming to agreement on how we should collaborate is an easy matter”, said Robert Lemire, President & CEO of the Great Lakes Pilotage Authority.” His views were supported by Kevin Obermeyer, President & CEO of the Pacific Pilotage Authority, who said that “Canada and the US are very close in their outlook and approach to pilotage and in the standards and training for pilots.”