



**OREGON SEAPLANE RULES: KEEP THIS IN YOUR FLOATPLANE!**

***Oregon State Marine Board Regulations Referencing Seaplanes***

**Oregon Revised Statutes (Marine)  
Chapter 830 — Small Watercraft**

**830.005 Definitions.** As used in this chapter, unless the context requires otherwise:

(2) "Boat" means every description of watercraft, including a seaplane on the water and not in flight, used or capable of being used as a means of transportation on the water, but does not include boathouses, floating homes, air mattresses, beach and water toys or single inner tubes.

(4) "In flight" means from the moment a seaplane starts its takeoff run until the end of a normal power-off landing run.

**830.605 State Marine Board and Oregon Department of Aviation to distribute information on regulation of seaplanes.** (1) The State Marine Board and the Oregon Department of Aviation shall cooperate to publish and distribute information concerning laws, rules and regulations that govern seaplane safety and operations in Oregon.

(2) As used in this section, "seaplane" has the meaning given that term in ORS 835.200.

**Oregon Administrative Rules (Marine)**

**PROCEDURES FOR IMPLEMENTING MANDATORY BOATING SAFETY EDUCATION PROGRAM**

**250-018-0080 Exemptions**

(a) A person operating a seaplane with a valid license issued by the Federal Aviation Administration (FAA) and a seaplane endorsement is not required to carry a boater education card. Seaplane pilots must possess a boater education card to operate a recreational boat;

**PROCEDURES FOR ADOPTING, AMENDING AND REPEALING LOCAL AND SPECIAL RULES**

**250-019-0020 Definitions**

(5) "Boat" means every description of watercraft, including a seaplane on the water and not in flight, used or capable of being used as a means of transportation on the water, but does not include boathouses, floating homes, air mattresses, beach and water toys or single inner tubes.

***Oregon Department of Aviation Regulations Referencing Seaplanes***

**Oregon Revised Statutes (Aviation)**

**Chapter 835 — Aviation Administration**

**SEAPLANE REGULATION**

835.200 Rules for operation and safety.

(4) As used in this section and ORS 835.210, "seaplane" means an aircraft equipped to land on water.

835.210 Application by political subdivision for special regulation. (1) The governing body of a political subdivision of this state may apply to the State Aviation Board for special regulations relating to the operations of seaplanes on waters within the territorial limits of the political subdivision. These regulations may include, but need not be limited to, the establishment of limits on the areas of operations, hours and time of operations, and the prohibition of seaplane landings and takeoffs. Within a reasonable time, the board shall act upon the application in accordance with ORS chapter 183.

(2) For purposes of regulation, no political subdivision of this state may enact or enforce any law or other regulation for purposes of subsection (1) of this section. [Formerly 835.085]

**Oregon Administrative Rules (Aviation)**

**738-040-0010 Purpose and Statutory Authority**

To regulate seaplane operations on certain waters of this state to ensure the safe operation of such aircraft in relation to marine craft and persons using the same waters:

**738-040-0016 General Provisions**

(1) Division 40 rules are applicable to all seaplanes on state waters and waters of this state except when inconsistent with an applicable laws or regulations of an agency of the United States.

(2) Given due regard for the suitability of any area for take off and landing in accordance with Federal Aviation Regulation 91.103, Seaplanes may land, take off or operate on waters of this state open to motorboats, unless specifically prohibited by Division 40 rules or unless inconsistent with any applicable laws or regulations of an agency of the United States. These rules establish no priority or precedence for seaplane operations. All seaplane operators must exercise due caution and consideration for the other users of the water.

(3) A seaplane, operating on the water and not in flight, is subject to, and must comply with all boating restrictions and regulations established for the particular body of water on which it is operating.

(4) No political subdivision of this state may enact or enforce any law or other regulation pertaining to the operation of seaplanes on waters of this state (See OAR 738-040-0040 for the application for special regulations.)

**738-040-0018 Waters Closed to Seaplane Operation**

Except in an emergency, seaplanes shall not land, takeoff or operate on the following waters:

- (1) Any body of water designated as a state or federal Wilderness or Primitive area or Wildlife refuge.
- (2) Those waters listed in ORS 830.180 and in State Marine Board rules, OAR Chapter 250, Division 20, where motors are prohibited or that allow electric motors only. These restrictions are summarized and published in the "Oregon Boating Regulations" booklet available from the State Marine Board.
- (3) Other bodies of water as designated by special regulations and adopted in OAR Chapter 738, Division 40.
- (4) Those waters under federal jurisdiction that are closed to seaplane operations by federal regulations.
- (5) Privately owned bodies of water without the permission of the owner.

#### **738-040-0020 Interagency Coordination**

(1) Seaplane operations on those federally navigable waters defined under 33 Code of Federal Regulations §§ 2.05-25(a)(1995), are subject to regulation by the United States Coast Guard and, for impoundments behind Corps of Engineer dams, by the Army Corps of Engineers. Seaplane operators should ascertain the federal regulations before conducting seaplane operations on these waters:

(a) For informational purposes, a list of significant Oregon river segments that have been determined as of 1995 to be federally navigable waters is provided as section (3) to this rule. These waters are subject to Coast Guard regulation. Impoundments under Corps of Engineer jurisdiction are not listed, however, the Corps of Engineers has adopted regulations for seaplane operations at lakes under Corps of Engineer jurisdiction. These regulations and the waters effected are listed in the Corps pamphlet, "Seaplane Operations at Corps of Engineers Lakes" (1982). A copy may be obtained from the Portland District Office of the Army Corps of Engineers or from the Department.

(3) Navigable waters of the United States where Federal Regulations apply, include but are not limited to, the significant river segments listed in subsections (a) through (v) of this section. This list of waters is meant to be informational only. Determinations of navigability are made by the U.S. Coast Guard and are subject to change. (See 33 CFR § 2.10-5 for the latest determinations and other waters not noted here.) The distance shown in the column headed "Miles" refers to the distance up-stream from the river's entrance at the ocean, or its confluence other body of water):

Name - Miles

- |   |                                     |  |
|---|-------------------------------------|--|
| (a) Alsea Bay and River - 13;                     | (l) Nehalem Bay and River - 8;      | (x) Snake River (along boundary) - 54;   |
| (b) Chetco River - 3.5;                           | (m) Nehalem River (North Fork) - 5; | (y) Tillamook Bay and River - 16;        |
| (c) Columbia River - Entire Length in Oregon;     | (n) Nehalem River (South Fork) - 5; | (z) Trask River - 2;                     |
| (d) Coos River (above Coos Bay) - 6;              | (o) Nestucca Bay and River - 9;     | (aa) Umpqua River - 25;                  |
| (e) Coos River (South Fork) - 9;                  | (p) Netarts Bay - 5;                | (bb) Willamette River (to Eugene) - 185; |
| (f) Coquille River - 35;                          | (q) Rogue River - 33;               | (cc) Wilson River - 3;                   |
| (g) Coquille River (North Fork) - 2;              | (r) Salmon River - 3;               | (dd) Yamhill River - 7;                  |
| (h) Coquille River (East Fork of North Fork) - 2; | (s) Siletz Bay and River - 22;      | (ee) Yaquina Bay and River - 23;         |
| (i) Coquille River (South Fork) - 2;              | (t) Siuslaw River - 19;             | (ff) Youngs Bay and River - 10.          |
| (j) Little Nestucca River - 2;                    | (u) Siuslaw River (North Fork) - 2; |  |
| (k) Millicoma River - 9;                          | (v) Smith River - 20;               |  |
|   | (w) Smith River (North Fork) - 1;   |  |

#### **738-040-0025 Equipment**

All seaplanes must be equipped as required by the regulations of the Federal Aviation Administration specifically for seaplanes that are in effect on November 1, 1996.

#### **738-040-0030 Operation**

(1) Each person operating an aircraft on the waters shall, insofar as possible, keep clear of all vessels and avoid impeding their navigation, and shall give way to any vessel or aircraft that is given the right-of-way by any of the following provisions of this section:

- (a) When aircraft, or an aircraft and a vessel, are on crossing courses, the aircraft or vessel to the other's right has the right-of-way;
- (b) When aircraft, or an aircraft and a vessel, are approaching head-on or nearly so, each shall alter its course to the right to keep well clear;
- (c) Each aircraft or vessel that is being overtaken has the right-of-way, and the one overtaking shall alter course to keep well clear; and
- (d) When aircraft, or an aircraft and a vessel, approach so as to involve risk of collision, such aircraft or vessel shall proceed with careful regard to existing circumstances, including the limitations of the respective craft.

(2) Each person operating an aircraft on any water in the state shall observe these additional operational restrictions:

- (a) No seaplane shall be moored to any navigational aid placed by federal authority or by the State Marine Board;
- (b) No seaplane shall be anchored or moored in such a position as to obstruct a charted channel or other passageway ordinarily used by other watercraft;
- (c) No seaplane shall be operated in any water area that is clearly marked by buoys or other devices as a bathing or swimming area;
- (d) No seaplane shall tow any person or object at speeds greater than five (5) knots without an observer on board maintaining constant direct visual contact with the person or object being towed;
- (e) No person shall ride on the outside of a seaplane while the seaplane is taxiing at speeds greater than five (5) knots;
- (f) No seaplane shall accomplish any portion of its take off or landing run within 200' of a public boat launching ramp or a boat moorage listed in the "Oregon Boating Facilities Guide," a ferry landing or a designated and marked swimming area; and
- (g) No seaplane shall initiate a take off or landing run if that run can reasonably be expected to bring it within 100' of a canoe, kayak, a water skier or a diver in the water marked by a flag.

[Publications: Publications referenced in these rules are available from the agency referenced.]

[This document prepared by Columbia Seaplane Pilots Association, April 2, 2008.]