



SUMMARY OF STATE SEAPLANE REGULATIONS

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The Federal Aviation Administration has exclusive authority in regulating the airspace over the U.S. (49 U.S.C. § 40103(a)). As mentioned above, the Federal Aviation Administration also oversees the design, production, and airworthiness of aviation products, the training and certification of pilots, and the certification and operation of airports. The regulation of aircraft in flight, however, does not preempt state and local regulation of aircraft landing sites. (*Gustafson v. City of Lake Angelus*, 76 F.3d 778, 783 (6th Cir. 1996)). States may enact a variety of statutes and regulations governing on-the-ground airport operations as long as they do not conflict with federal law.

30 states have at least one statute or regulation referring to seaplanes. These laws fall into several broad categories: grants of state agency or municipal authority, pilot or seaplane base license requirements, safety requirements, specific geographic restrictions, and aquatic invasive species regulation. This section provides brief summaries of state approaches to seaplane regulations. Details and citations to the state laws and regulations are provided in the attached spreadsheet.

State Agency Authorization

Seven states (Alaska, Iowa, Maine, New Hampshire, Oregon, South Carolina, Vermont, and Virginia) grant express authority to a state agency or other entity to regulate the takeoff/landing or operation of seaplanes. The scope of the authorization varies by state. The lack of express authorization in other states does not mean that jurisdiction is lacking, however. Seaplanes are aircraft and as such fall under the jurisdiction of the state agency responsible for aviation, often the department of transportation. States laws governing the takeoff and landing of aircraft more generally may also apply to seaplanes.

General Seaplane Regulation or Restriction

Thirteen states have laws imposing broad regulations or restrictions on seaplanes. The majority of these provisions simply state that seaplanes must comply with state boating laws and navigational rules when they are operating on the water. A handful of states have more detailed laws regarding seaplane operation.

Some states authorize the use of seaplanes unless otherwise prohibited. For example, in Oregon, seaplanes may land, take off, or operate on state waters open to motorboats, unless specifically prohibited by the Oregon Department of Aviation or inconsistent with federal law. In Michigan, waterways may be used for the landing, docking, and takeoff of seaplanes in accordance with Michigan Department of Transportation rules. In South Carolina, navigable waters available for public use may be used for the landing, docking, and takeoff of seaplanes.

Some states prohibited the use of seaplanes in certain areas or classes of waters. In Iowa, it is unlawful for any aircraft to make use of the inland lakes of the state, except for the transportation of people or property over distances greater than thirty miles. (Iowa Code Ann. § 462A.30).

Massachusetts prohibits the operation of a seaplane in or on a public access facility. Public access facilities are any public facility posted by the Department of Fish and Game to provide access by the public to state land or water resources including, but not limited to, boat launching

ramps, car-top boat access areas, parking areas, sportfishing piers and shorefishing areas. Additionally, seaplanes are not permitted in any public water source unless authorized by a permit from the Board of Water Commissioners or similar entity having jurisdiction over the water.

Vermont restricts the operation of seaplanes within 200 feet of the shoreline; an individual in the water; a canoe, rowboat, or other vessel; an anchored or moored vessel containing any individual; or anchorages or docks, except at a speed of less than five miles per hour that does not create a wake. An individual shall not operate any seaplane within 200 feet of a divers-down flag.

Specific Geographic Restrictions

States have also enacted laws and regulations prohibiting or restricting seaplane use at certain protected waters, such as state parks, wilderness areas, recreational lakes, and drinking water reservoirs. The prohibitions and restrictions vary in detail and scope among states. New Hampshire, for example, prohibits seaplane use on over a dozen lakes and reservoirs that are principal drinking water supplies for various cities and towns. Alabama prohibits the use of seaplanes on lakes within Gulf State Park. Minnesota prohibits all seaplane operations, except by the holder of a private seaplane base license, on Lake Minnetonka, White Bear Lake, and Lake Owasso from 11 a.m. to 6 p.m. on Saturdays, Sundays, and national legal holidays between June 1 and September 15. Commercial use of seaplanes is prohibited on Lake George, NY and a permit is needed from the Lake George Park Commission to berth a seaplane.

It is important to note that this inventory of specific geographic restrictions is not comprehensive, as seaplane use may be restricted on the local level by municipalities (see below) or the governing entities of individual water bodies. In addition, state laws or regulations often exclude seaplanes from the definition of “vessel” or “watercraft.” If a water is open only to use by vessels, and seaplanes are not classified as vessels in that state, their use on that particular water might be prohibited. (*See, e.g.,* 2 Colo. Code Regs. 405-1:105)

Seaplane Base Licensing, Design, and Operating Standards

Fifteen states set forth licensing, design, or operational standards for seaplane bases. For example, in Ohio, all public and private seaplane landing sites, landing fields, landing areas and bodies of water shall first be approved and issued an operating certificate by the Ohio Department of Transportation Office of Aviation before being used for commercial purposes. In Virginia, a person establishing or owning a private seaplane base must register the facility if it is more than five nautical miles from a licensed public-use airport. In Vermont, a municipality or person proposing to establish a seaplane landing area must apply to the Transportation Board for a certificate of approval of the site selected.

In Maryland, every licensed airport specifically adapted for the landing and taking off of seaplanes must meet or exceed the designated standards regarding size, boundary markers, hazards, wind indicator, and minimum facilities and equipment. In Illinois, water landing and departure surfaces for seaplanes must be a minimum of 400 feet in width and all approaches to

and departures from the water area shall be sufficient to clear all structures on the land or in the water by at least 100 feet.

Georgia requires seaplane bases to conform to standards established by the controlling jurisdiction's rules and regulations for operations on the body of water. If no specific standards have been established, the Seaplane Base must conform to standard design guidance of the Federal Aviation Administration [AC 150/5395-1, Seaplane Bases](#). Virginia and Ohio also incorporate the FAA's design guidance by reference

Seaplane Owner/Operator Licensing/Registration Requirements

Connecticut requires the owner of any aircraft which is based or primarily used at any airport facility or seaplane base in a municipality to register with the municipality and pay an annual renewal fee. Alaska's regulations state that to qualify for a float space at Ted Stevens Anchorage International Airport in Alaska, an individual's pilot certificate must show that the applicant holds a current seaplane rating.

Municipal Authority

Five states (Florida, Michigan, Oregon, Texas, and Wisconsin) grant express authority to municipalities to regulate seaplane use. Upon adoption of zoning requirements, a Florida municipality may prohibit or regulate for specified public health and safety purposes, the landing of seaplanes in and upon any public waters of the state within their jurisdiction. Michigan municipalities may restrict the use of seaplanes by ordinance, upon approval by the Michigan Department of Transportation.

In Oregon, municipalities 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.

In Texas, a government entity that owns, controls, or has jurisdiction over a navigable body of water may prohibit the takeoff, landing, or operation of an aquatic aircraft in an area in which motorized boating is permitted with the approval of the Texas Department of Transportation. The government entity may also impose a permit requirement or fee for the operation of aquatic aircraft with the approval of the Texas Department of Transportation.

Wisconsin municipalities adjoining or surround any waters are authorized to adopt ordinances that impose reasonable safety regulations relating to the operation on the surface of such waters of any aircraft capable of landing on water. Such ordinances may also prescribe the areas which may be used as a landing and take-off strip for the aircraft or prohibit the use of the waters altogether.

Aquatic Invasive Species Regulation

Four states (Illinois, Maine, Washington, and Wisconsin) expressly subject seaplane operators to state aquatic invasive species requirements. In Illinois, it is unlawful for any person to place or operate a seaplane in waters of this State if it has any aquatic plants or aquatic animals attached to the exterior. It is also unlawful to take off with a seaplane with aquatic plants or aquatic animals attached to the exterior. Similarly, in Wisconsin it is unlawful to place or operate a seaplane in a navigable water if it has any aquatic plants or aquatic animals attached to the exterior of the seaplane. Taking off with a seaplane with aquatic plants or aquatic animals attached to the exterior is prohibited, with the exception of a seaplane with duckweed that is incidentally attached.

In Washington, a person in possession of an aquatic conveyance, which includes seaplanes, must meet clean and drain requirements after the conveyance's use in or on a water body or property. Washington state law requires owners of seaplanes to purchase an aquatic invasive species (AIS) prevention permit before placing or operating the seaplane in any waterbody in the state. An AIS prevention permit is also required before commercially transporting a seaplane into or through the state that has previously been placed or operated in the waters of any state or country. Similarly, seaplane operators in Maine must have a valid lake and river protection sticker, issued annually, permanently affixed to the seaplane to operate in inland waters.