

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

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Washington, DC 20593-0001
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Phone: (202) 372-1051
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16750

OCT 3 2008

Mr. Paul Donheffner
Director, State Marine Board
PO Box 14145
Salem, OR 97309-5065

Dear Mr. Donheffner:

Thank you for your inquiry as to whether or not a "paddleboard" is considered by the U.S. Coast Guard to be a vessel.

In response to your request, my office has researched the criteria used and guidance provided in previous legal opinions regarding whether or not a specified device is a vessel under 1 U.S.C. § 3.

Based on the information available, the Coast Guard has determined that, when beyond the narrow limits of a swimming, surfing or bathing area, the device known as a "paddleboard" is a vessel under 46 U.S.C. § 2101, and therefore subject to applicable regulations administered by the U.S. Coast Guard and its Office of Auxiliary and Boating Safety, unless specifically exempted.

Thank you again for bringing this matter to our attention. If there is any additional information or clarification that I can provide, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey N. Hoedt", written over a large, stylized circular flourish.
JEFFREY N. HOEDT
Chief, Boating Safety Division
Office of Auxiliary & Boating Safety
U.S. Coast Guard



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MEMORANDUM

OCT 3 2008

From: CHIEF, BOATING SAFETY DIVISION
(CG-5422)

Reply to: CG-54221
Attn of: JEFF LUDWIG
(202) 372-1061

To: FILE

Subj: LEGAL DETERMINATION ON VESSEL STATUS OF PADDLEBOARD

1. The Director of the Oregon Marine Board has asked whether the Coast Guard considers a paddleboard to be a vessel for purposes of Navigation Rules, accident reporting, and safety equipment, i.e., personal flotation devices, carriage requirements (Enclosure 1). The Director reported that paddleboarding is a recent phenomenon in Oregon that started in the ocean but is migrating to inland waters. The sport involves a person standing on a board, similar to a surfboard and propelling themselves through the use of a paddle. In light of the increasing popularity of this type of activity, the State of Oregon is receiving requests from law enforcement officers on what laws/regulations apply to this device on the water. The Coast Guard has also received a request from a dealer of these types of devices in Michigan to clarify whether or not paddleboards should be considered "vessels".

2. In response to the request, we have researched the criteria used and guidance provided in previous Chief Counsel Opinions regarding whether or not a specified device was a vessel under 1 U.S.C. § 3 and used the typical criteria for preparing an analysis of this device (Enclosure 2).

3. Based on the information available, the Coast Guard has determined that, when beyond the narrow limits of a swimming, surfing or bathing area, the device known as a "paddleboard" is a vessel under 46 U.S.C. § 2101, and subject to regulations administered by the U.S. Coast Guard and its Office of Auxiliary and Boating Safety, unless specifically exempted.

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Enclosures: (1) E-mail from Director of the Oregon Marine Board via CGD 13
(2) Parameters for determining whether a paddleboard is a vessel

Copy: CG-0941
CG-5431
CG-5413



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OCT 3 2008

MEMORANDUM

From: CHIEF, BOATING SAFETY DIVISION
(CG-5422)

Reply to: CG-54221
Attn of: JEFF LUDWIG
(202) 372-1061

To: FILE

Subj: PARAMETERS FOR DETERMINING WHETHER A "PADDLEBOARD" IS A
VESSEL

Below are the criteria adopted by the U.S. Coast Guard, utilizing case law and other references, to be used to determine if a certain device is to be considered a vessel for issues related to compliance with any applicable laws or regulations.

(1) Whether the watercraft is "practically capable" of carrying persons or property beyond the narrow limits of a swimming, surfing, or bathing area:

A paddleboard is "practically capable" of and intended to be used as a watersport activity beyond the narrow limits of a swimming, surfing, or bathing area. It combines traits of surfing and canoeing. In paddleboarding, a person stands on a large board which is stable enough to support a person standing while they paddle the device using a paddle in a manner similar to operating a canoe.

Paddleboard manufacturers depict this activity as multi-use, ranging from use as a "paddling" activity on inland waterways to a form of "surfing" in the ocean. For novices and the less thrill-seeking, using the craft to simply enjoy time on the water is becoming more popular.

(2) Whether the useful operating range of the device is limited by the physical endurance of its operator:

The operator of a paddleboard manually propels the craft through the use of a paddle. To a large extent the operating range is limited to the physical endurance of the operator, although because of its stability, the paddleboard could easily drift with the wind and water current. This potential physical endurance limitation is similar to that impacting sailboarding, canoeing, kayaking and other boating activities requiring higher levels of physical capability.

Subj: PARAMETERS FOR DETERMINING WHETHER A "PADDLEBOARD" IS A VESSEL

(3) Whether the device presents a substantial hazard to navigation or safety not already present:

Paddleboards maneuvered across a waterway to locations where other larger and faster craft travel present a substantial hazard to navigation or safety not already present. Paddleboards are not as powerful or maneuverable as larger craft, and they are not as visible. The paddleboard user faces a similar hazard as users of a sailboards and canoeists/kayakers.

There are paddleboarding competitions in coastal areas and organized paddleboard excursions on inland waterways. Paddleboard "trails" have also been established, including one on the Deschutes River in Oregon that is 60 miles long.

(4) Whether the normal objectives sought to be accomplished by the regulation of a device as a "vessel" are present:

As a potential hazard to navigation or safety, regulation of paddleboards as vessels would meet the normal objectives sought to be accomplished by the National Recreational Boating Safety Program.

(5) Whether the operator and/or cargo would no longer be safe in the water if the device became disabled.

Paddleboards would provide a minimal level of safety to operators if they became disabled. Thus, the operator may no longer be safe in the water if the operator of the device became fatigued or disabled, or if the device itself became disabled.

Conclusion.

1 U.S.C. § 3 states that "The word 'vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water." Given the answers to the questions above and the definition of the word "vessel" in the US Code, when utilized beyond the narrow limits of a swimming, surfing, or bathing area, a paddleboard is a vessel subject to regulations administered by the U.S. Coast Guard.

RE Paddleboards and PFDs.txt

From: Hoedt, Jeff
Sent: Wednesday, August 20, 2008 11:13 AM
To: Kerlin, Donald; Ludwig, Jeffrey
Cc: Malatak, John
Subject: RE: Paddleboards and PFDs

Don and Jeff:

Take for action. Let me know when a draft response is ready for final clearance.

JNH

Jeffrey N. Hoedt, Chief
Boating Safety Division
USCG Office of Auxiliary & Boating Safety
CG-5422
(202) 372-1051
Jeff.N.Hoedt@USCG.Mil

-----Original Message-----

From: Malatak, John
Sent: Wednesday, August 20, 2008 10:44 AM
To: Hoedt, Jeff
Cc: Burgess, William; Kerlin, Donald
Subject: FW: Paddleboards and PFDs

Jeff - we need to have a determination on this to assist Dan. How best to handle this internally?

John M. Malatak
Chief, Program Operations Branch
Boating Safety Division
Department of Homeland Security
U. S. Coast Guard (CG-54222)
Office of Auxiliary & Boating Safety
(202) 372-1070
(202) 372-1933 (fax)
John.M.Malatak@uscg.mil
John.M.Malatak@uscg.dhs.gov
<http://www.uscgboating.org>

-----Original Message-----

From: Shipman, Daniel
Sent: Wednesday, August 20, 2008 10:19 AM
To: Malatak, John; Burgess, William
Subject: FW: Paddleboards and PFDs

John, Vann,

Oregon is asking for a determination on the paddle board issue. Here is some supporting documentation. Is this a vessel?

Dan

-----Original Message-----

From: Paul.Donheffner@state.or.us [mailto:Paul.Donheffner@state.or.us]

Page 1

RE Paddleboards and PFDs.txt

Sent: Tuesday, August 19, 2008 3:07 PM

To: Shipman, Daniel

Cc: William Rydbloom

Subject: Paddleboards and PFDs

Importance: High

** High Priority **

Hey Dan:

We're running into issues with the newfound sport of Paddleboarding. Large surfboard type board (boat) that's paddled. Traditionally they've been staying in the ocean (surfing) but now the craze is finding its way onto lakes and rivers. In the ocean, I think its still a surfboard. But on lakes, bays and rivers.....its a boat, unless CG says differently. We need a definitive answer.

Is it a boat, or not? That's the question. I've made the call that if they're using it as a means of transportation its a boat and needs a PFD.

Here comes the pushback. See: www.standuppaddle.blogspot.com/

<http://standuppaddle.blogspot.com/2008/08/hassled-about-pfd-ask-randall.html>

In the case of windsurfers, the Coast Guard exempted them. I can see that this paddleboard thing is going to be bigger than an Oregon problem. Has HQ made a ruling on them, whether they are a boat if being used as a means of transportation, with a paddle?

I think they should have a PFD if travelling on lakes, rivers etc. as a stand up with a paddle. I can't really see much difference between these and a sit on top kayak, or standing in a canoe if you're headed down a river.

We need some official position from USCG. Help. Thanks.

Paul Donheffner, Director
State Marine Board
P.O. Box 14145
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