Recreational Prospecting

Rockhounding and Fossil Hunting in the Montana National Forests of the Northern Region

Your national forests and grasslands are a great place to experience a wide range of recreational opportunities. Prospecting, rockhounding, and fossil hunting are among the many outdoor pursuits visitors enjoy in the Northern Region of the Forest Service.

What is prospecting, rockhounding, and fossil hunting?

Prospecting involves searching for valuable minerals. This can range from collecting hand samples of mineralized rock and gold panning, to using metal detectors and operating small sluices for dreges as long as they “do not cause significant surface disturbance” 36 CFR 228.4a(1)(iv).

Forest Service mining regulations listed in the 36 Code of Federal Regulations (CFR) 228, Subpart A and C, govern prospecting and rockhounding activities.

Rockhounding allows the collection of petrified wood, invertebrate and plant fossils for personal use. Invertebrate fossils, such as clams, do not have an internal skeleton. Collection of vertebrate (has internal skeleton) fossils requires a permit (36 CFR 261.9i). The rules for petrified wood collection are found under 36 CFR 228, Subpart C.

Be advised that unauthorized collection of archaeological artifacts, such as arrowheads, old bottles, other historic artifacts etc. is prohibited on National Forest lands.

How can I determine if a permit is required for my forest activities?

Prospecting, rockhounding, petrified wood, and invertebrate and plant fossil hunting usually do not require a permit when there is little or no disturbance to the ground, other resources, and environment. Check with the local ranger district if you have questions on whether a permit may be needed. For example, a free use permit may be required for removal of mineral materials. A Notice Of Intent (NOI) for prospecting activities should be submitted to the District Ranger which might cause significant surface disturbance. In part, this means if you plan to:

- Use explosives
- Use power equipment for excavation
- Drive vehicles off public roads or trails
- Clear or remove vegetation
- Store petroleum products or other hazardous or flammable material near streams
- Camp in one place for more than 14 days

Based on the information provided in the NOI, a plan of operation may be required. Forest users should be sensitive to how their activities affect the environment. Rockhounds and prospectors need to carefully refill and revegetate any excavation, no matter how small.

Water quality and fish habitat are critical concerns on national forests and grasslands, so activities in or near streams must be handled with special care. Consideration should also be given to possible cumulative effects when you do the same activity year after year in the same place.

Any sale or commercial use of petrified wood found on lands administered by the Forest Service requires a permit. A free use permit is required for amateur collectors and scientists to take limited quantities for personal use.

Are all national forest lands available for prospecting?

NO. Some areas may be excluded, even from non-commercial activities. Examples include:

- Wild and Scenic River corridors
- Historical or archeological sites
- Campgrounds
- Wilderness Areas
- Administrative sites
- Areas “withdrawn” from mineral entry

In addition, you should not work on someone else’s “mining claim” without permission. Claimants have rights to valuable mineral deposits on those sites. It’s always a good idea to check with the local ranger district to identify closed areas and claim locations before you start. Claim information can also be found at www.blm.gov/la2000.

Are there any special restrictions that apply to suction dredging?

State and federal permits are required. A permit from the Montana Department of Environmental Quality (DEQ) is required for all dredging operations, even for small nozzles (4” or less). There is an application fee as well as an annual fee. A “310 Permit” is required from the local conservation district. The following website has more information related to state permitting: http://www.deq.mt.gov/wqinfo/MPDES/SuctionDredge.mcpx

Also, because of the potential effects to streams and fish habitat from suction dredging activities, a NOI should be filed with the district ranger to determine if a plan of operations is necessary. State permits require prior approval and the decision whether or not a Plan of Operations is required must be made before you operate, so schedule paperwork well in advance of dredging.
The best way to ensure a bright future for recreational prospecting, rockhounding, and fossil collecting on public lands is to comply with the state and federal regulations. Start by bringing your questions or concerns to any appropriate agency in the area you plan to work. Call one of the forests below to get connected with the appropriate ranger district or to get copies of the Code of Federal Regulations that apply.

Depending on location land ownership, and scope of operations, additional agencies may be involved in your operation and additional permits required.

Where should I go for more information?
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