

Metal Detecting on National Forest System Lands

The Code of Federal Regulations, (36 CFR 261.9) states, "The following are prohibited: (g) Digging in, excavating, disturbing, injuring, destroying, or in any way damaging any prehistoric, historic, or archaeological resources, structure, site, artifact, or property. (h) Removing any prehistoric, historic, or archaeological resources, structure, site, artifact, property."

The Archaeological Resources Protection Act (ARPA, 16 U.S.C. 470cc:) also prohibits these activities, stating, "No person may excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage or otherwise alter or deface any archaeological resources located on public lands or Indian lands unless such activity is pursuant to a permit..." ARPA exempts the collection of coins for personal use if the coins are not in an archaeological context. In some cases, coins may be part of an historical-period archaeological site, in which case they would be considered archaeological resources and are protected under law. These laws apply to all National Forest System land and do not vary from state to state.

Four forms of metal detector use are recognized.

1. Searching for treasure trove: Treasure trove is defined as money, uncounted gems, or precious metals in the form of coin, plate, or bullion that has been deliberately hidden with the intention of recovering it later. This use requires a special use permit.
2. Prospecting: Using a metal detector to locate gold or other mineral deposits is permitted subject to the General Mining Law of 1872. A Notice of Intent (36 CFR 228 A) is required for prospecting, and metal detectors may be used in this activity. Prospecting that involves land disturbance also requires the filing of a mining plan of operations. People who use metal detectors for this activity should bear in mind that many of the mineralized lands within the NFS have been "claimed" by others who have sole right to prospect and develop the mineral resourced found on the claim. A search of County and Bureau of Land Management records should be made prior to prospecting to determine if an area has been claimed.
3. Searching for historic or prehistoric artifacts: Using a metal detector to locate archaeological or historical remains is subject to the Antiquities Act of 1906 and the Archeological Resources Protection Act of 1979 as amended and requires a special use permit. Such permits are granted for scientific research only.
4. Recreational pursuits: The most common form of metal detector use is searching for lost coins, jewelry, and incidental metal items having no historical value. Such use is common in developed campgrounds, swimming areas, and picnic areas and requires no permit. However, one must assume personal responsibility to

notice if the area may indeed contain archaeological or historical resources and if it does, cease metal detecting and notify a Forest Service office. Not doing so may result in prosecution under the Code of Federal Regulations or ARPA.

The metal detecting policy on public lands is fairly restrictive to protect our valuable, non-renewable historical resources. However, recognizing the universal interest in archaeology and history and the vast public knowledge of such resources, the USDA Forest Service sponsors a public archaeology program through which metal detector enthusiasts and others can help. Passport In Time is a national program inviting the public to work with agency archaeologists on historic preservation projects. We have done numerous projects through PIT in cooperation with metal detecting clubs and individuals. The cooperation has been beneficial for both the detectorists and agency's archaeologists. Locating archaeological sites becomes a joint endeavor and we learn a great deal. If you would like more information on this program, call 1-800-281-9176 or visit www.passportintime.com.