

# Prospecting & Mining

## San Bernardino National Forest



Today's prospector must determine where prospecting is permitted and be aware of the regulations under which he or she is allowed to search for gold and other metals. Permission to enter upon privately owned land must be obtained from the land owner. Determination of land ownership and location and contact with the owner can be a time-consuming chore but one which has to be done before prospecting can begin. National Parks, for example, are closed to prospecting. Certain lands under the jurisdiction of the US Forest Service and the Bureau of Land Management (BLM) may be entered for prospecting, but rules and regulations govern entry.

There are still areas where you may prospect, and if a discovery of a valuable mineral is made, you may stake a claim. These areas are mainly in California and other Western States. Such areas are mainly Federal public lands administered by the BLM and in National Forests. Public land records in the proper BLM State Office will show you which lands are closed to mineral entry under the mining laws. These offices keep up-to-date land status plats that are available to the public for inspection. BLM is publishing a series of surface and mineral ownership maps that depict the general ownership pattern of public lands. These maps may be purchased at most BLM Offices. For a specific tract of land, it is advisable to check the official land records at the proper BLM State Office.

### What are the rules for prospecting for gold and staking claims in the National Forest?

- Prospecting, mining and claim staking activities are permitted on National Forest system unappropriated land. Claimants have an express and implied right to access their claims when permitted under Forest Service surface use regulations (36 CFR;228). Check with the BLM Office for land status pertaining to mining claims and the Ranger Station for land appropriation status.
- An Administrative Pass is a temporary authorization issued at no charge for prospectors and miners who have a statutory right to enter and prospect on public lands sanctioned under the General Mining Act of 1872, as amended.
- Other visitors using the forest for recreation are required to purchase an Adventure Pass for a fee, which is required to park their vehicles while recreating in some sites.
- An Administrative pass may be issued for a 14 day period for members of a mining club and other prospectors at no charge. If you require a longer period, please submit a Notice of Intent for the District Ranger's review to determine if the proposed activity causes a significant surface disturbance. If the proposed activity does not cause a significant surface disturbance, then the District Ranger may issue an Administrative Pass for up to **one year** at no cost. Administrative Passes are generally issued by each ranger district office for use in that ranger district only.
- The Notice of Intent requires your name, address, telephone number, a claim map or the approximate location of the proposed activity, the number of samples, the depth of the sample site, the beneficiation method and need for water.
- If the District Ranger determines that if the proposed activity may cause a significant surface disturbance, the claimant, prospector and the mining clubs will be required to submit a Plan of Operation. This will require substantive information about the mining, beneficiation, reclamation methods and a substantial reclamation performance bond will be required.
- Prospecting does not require a mining claim or an exact location of the activity, an approximate location will suffice.
- A Notice of Intent is required if the proposed activity is located in an environmentally sensitive area (1-e, Holcomb Valley, Lytle Creek, Horse Thief Canyon, Cactus Flats, Santa Ana wash and Rose Mine). This includes panning for gold, dry washing, high banking, metal detecting and suction dredging. Call the Ranger Station if you are not sure about the sensitivity of the area involving the proposed activity. Members of mining clubs are encouraged to follow this procedure.
- There are several hundred abandoned mines on the forest. The public is prohibited from entering any of these openings. If any of these of openings are causing a clear and present danger to the public, report the location to the local Ranger Station for signing or fencing.
- To stake a mining claim, follow BLM guidelines as they are the lead agency for minerals management. The Forest Service administers the surface use regulations in accordance with 36 CFR;228.

- Mining claimants are not allowed to drive off National Forest Designated Routes to access their claims. They are required to have an approved Plan of Operation from the District Ranger for access.

## Metal Detectors on the National Forest

Detectors are used in searching for treasure trove, locating historical and pre historical artifacts and features, prospecting for minerals, and searching for recent coins and lost metal objects. Of these four types of uses for metal detectors, the first three require special authorization, i.e. special use permits, notice of intent, or plan of operation.

The search for treasure trove, which is defined as money, gems, or precious metals in the form of coin, plate, or bullion that has been deliberately hidden with the intention of recovering it later, is an activity which is regulated by the Forest Service. Searching for treasure trove has the potential of causing considerable disturbance and damage to resources and thus requires a Special Use Permit from the Forest Service. Methods utilized in searching for treasure trove must be specified in the permits issued. Permits may not be granted in each and every case, but applications will be reviewed with attention being paid to the justification given and guarantees for the restoration of any damage that might occur to other resources. The use of metal detectors in searching for treasure trove is permissible when under this type of permit, but must be kept within the conditions of the permit.

The use of a metal detector to locate objects of historic or archaeological value is permissible subject to the provisions of the Antiquities Act of 1906, the Archaeological Resources Preservation Act 1979, and the Secretary of Agriculture's regulations. Such use requires a Special Use Permit covering the exploration, excavation, appropriation, or removal of historic and archaeological materials and information. Such permits are available for legitimate historical and pre historical research activities by qualified individuals. Unauthorized use of metal detectors in the search for and collection of historic and archaeological artifacts is a violation of existing regulations and statutes.

The use of a metal detector to locate mineral deposits such as gold and silver on National Forest System lands is considered prospecting and is subject to the General Mining Law of 1872. Searching for coins less than 50 years old and small objects having no historical value, as a recreational pursuit, using a hand-held metal detector, does not currently require a Special Use Permit as long as the use of the equipment is confined to areas which do not possess historic or prehistoric resources.

## Important Mining & Recreational Tips

- Pick/shovel excavations may only be done in conjunction with gold panning and metal detecting and must be made below the high water mark of the stream channel. All excavations must be filled in before leaving the area. Prospectors in the Holcomb Valley and Lytle Creek areas need to submit a "Notice of Intent" to the local Ranger Station.
- Do not cut trees, limbs or brush, do not dig up ground cover or dig under tree roots.
- Pack out everything you brought into the area, especially trash. Bury human waste 4 to 6 inches deep and at least 100 feet from the stream channel.
- Do not wash yourself or your dishes in the creeks. All wash water is to be contained and disposed of, off of National Forest Land
- Vehicles must remain on designated routes, unless approved by the District Ranger. Check local conditions and fire restrictions by calling the local Ranger Station.

## For More Information

To submit a 'Notice of Intent' or 'Plan of Operation' please contact:  
 Minerals Program Manager  
 San Bernardino National Forest  
 602 S. Tiptecanoe Avenue  
 San Bernardino, CA 92408  
 Phone (909) 382-2660

For other inquiries please contact the local Ranger Station or visit our website: [www.fs.usda.gov/sbnf](http://www.fs.usda.gov/sbnf)

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