



United States
Department of
Agriculture

Forest
Service

Sawtooth National Forest
Supervisor's Office

2647 Kimberly Rd. E.
Twin Falls, Id. 83301
208-737-3200
Fax: 208-737-3236

File Code: 2360

Date: July 9, 2001

Linda H. Norris
Senior Regional Director to
The Honorable Michael D. Crapo
202 Falls Avenue, Suite 2
Twin Falls, ID 83301

Dear Senator Crapo:

This letter is in response to your June 27, 2001 request for information regarding metal detector use on National Forest System (NFS) lands.

Four forms of metal detector use are recognized. Some of these uses require a special use permit.

- 1) Searching for treasure trove: This use requires a special use permit. The search for treasure trove is regulated by Forest Service Manual 2720. 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.
- 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 in the vicinity of old homesteads, mining sites, cabin locations, or Indian sites is considered an archaeological activity subject to either the Antiquities Act of 1906 or the Archeological Resources Protection act of 1979, thus requiring a special use permit. Such permits are granted for legitimate research by qualified individuals sponsored by an institution such as a university or museum, but vary rarely to an individual lacking institutional affiliation. In any case, items more than 50 years old are considered artifacts with potential historical value and private possession is violation of the cultural resource regulation.



- 4) Recreational pursuits: Probably the most common form of metal detector use is searching for lost coins, jewelry, and incidental metal items having no historical value in a campground, picnic area or other area frequented by Forest visitors. Using a metal detector in this fashion is a recognized recreational pursuit and does not require a special use permit. People who wish to explore with a metal detector in the forest outside of public use areas are potentially involved in one of the conditions listed above which may require a special use permit.

For the protection of all resources on Federal land and for the protection of visitors, other statutes and regulations apply. For instance, the 36 CFR 261 regulations prohibit “damaging any natural feature or other property of the United States” as well as “removing any natural feature or other property of the United States. “Digging in, excavating, disturbing, injuring, destroying, or in any way damaging any prehistoric, historic, or archeological resource, structure, site, artifact, or property” or “Removing any prehistoric, historic or archeological resource, structure, site, artifact, or property” are violations punishable by a fine of not more than \$5000 or imprisonment of not more than six months or both.

If you have additional questions regarding metal detector use on National Forest System land, please contact Ed Waldapfel at (208) 737-3200.

Sincerely,

/s/ Bill Levere
BILL LEVERE
Forest Supervisor

Cc: Jeff Gabardi, Minerals
Engineer
Roshanna Stone, Heritage
Specialist
Sawtooth NF District Rangers