

MINERAL, ROCK COLLECTING AND METAL DETECTING ON THE NATIONAL FORESTS

It is Forest Service policy that the recreational use of metal detectors and the collection of rocks and mineral samples are allowed on the National Forests. Generally, most of the National Forests are open to recreational mineral and rock collecting, gold panning and prospecting using a metal detector. This low impact, casual activity usually does not require any authorization.

On some eastern Forests gold panning does require a letter of authorization due to the high clay content of the soils. It is always wise to check with the local District Ranger if you have questions. Some wilderness areas are closed to gold panning and metal detecting.

Metal detecting is a legitimate means of locating gold or other mineral specimens and can be an effective prospecting tool for locating larger mineral deposits. This activity can also be conducted as a recreational activity locating lost coins, jewelry or other incidental metallic items of little historical value. Prospecting using a metal detector can be conducted under the General Mining Laws and is covered under the Forest Service 36 CFR 228A locatable mineral regulations for lands open to mineral entry. Metal detecting for treasure trove or lost items such as coins and jewelry is managed as a non minerals-related recreation activity.

Metal detecting is a low surface impact activity that involves digging small holes rarely more than six inches deep. Normally, metal detecting does not require a notice of intent or written authorization since it only involves searching for and occasionally removing small rock samples or mineral specimens (36 CFR 228.4(a)).

Metal detectors may be used on public land in areas that do not contain or would not reasonably be expected to contain archaeological or historical resources. Normally, developed campgrounds, swimming beaches, and other developed recreation sites are open to recreational metal detecting unless there are archaeological or historical resources present. In such cases, forest supervisors are authorized to close the area to metal detecting and the closure would be posted at the site. Such closure notices are not always practical in undeveloped areas, and federal agencies have not identified every archaeological site on public lands. It is possible; therefore, that you may encounter such archaeological remains that have not yet been documented or an area that is not closed even though it does indeed contain such remains. Archaeological remains on public land are protected under law. If you were to discover such remains, you should leave them undisturbed and notify a FS office.

The purpose of the restrictions to metal detecting on public lands is to protect historical remains. 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, historically significant coins and other metallic artifacts 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, 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 activity requires a Special Use Permit under The Act of June 4, 1897 (16 U.S.C. 551). Forest Service Manual 2724.4 states “allow persons to search for buried treasure on National Forest System lands, but protect the rights of the public regarding ownership of or claims on any recovered property.”
2. Prospecting: Using a metal detector to locate gold or other mineral deposits is an allowed activity under the General Mining Laws and is subject to the 36 CFR 228A regulations. A Notice of Intent (36 CFR 228.4(a)) is normally not required for prospecting using a metal detector. A Notice of Intent (NOI) is required for any prospecting which might cause disturbance of surface resources. A plan of operation is required for any prospecting that will likely cause significant disturbance of surface resources. Normal metal detecting does not cause surface impacts that require either a NOI or a Plan of Operation. People who use metal detectors for prospecting should bear in mind that many of the mineralized lands within the National Forests and open to mineral entry have been “claimed” by others who have sole right to prospect and develop the mineral resources found on the mining 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.

Normally, any gold found can be removed and kept. If the removal of the gold, rocks, or minerals might cause disturbance of surface resources, beyond digging a small shallow hole, a NOI may be required.

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 (ARPA) as amended and requires a special use permit. Such permits are granted for scientific research only, however, there are many ways to get involved with organized, scientific research. See below for ways to use metal detectors for this purpose under sanctioned public archaeology programs.
4. Recreational pursuits: The most common form of metal detector use is searching for gold nuggets, 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.

Metal detecting on the National Forests is recognized as a legitimate prospecting method under the General Mining Laws and also as a recreational activity for the casual collection of rocks and minerals. This policy does not permit the use of metal detectors in or around known or undiscovered cultural or historic sites in order 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 (PIT) 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.

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