

FEDERAL LAWS PROHIBITING METAL DETECTING OF ARCHAEOLOGICAL OR HISTORICAL RESOURCES

Metal detecting on National Forest System land shall not occur in areas with archaeological, historic or prehistoric resources. Archaeological or historical sites and artifacts on public land are protected under law. If you were to discover sites or artifacts, you need to leave them undisturbed and do not conduct metal detecting activities in or nearby them.

Forest Service Manual 2364.23 states that “metal detectors may be used on National Forest System land in areas that *do not contain or would not be reasonably expected to contain* archaeological or historical resources. Metal detectors must be used for lawful purposes and must not violate the Archeological Resources Protection Act (ARPA) or 36 CFR 261.9”.

The Archaeological Resources Protection Act (ARPA, 16 U.S.C. 470cc) states "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..."

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."

These laws apply to all National Forest System land and do not vary from state to state.

Using a metal detector to locate archaeological or historical remains is subject to the Antiquities Act of 1906 and the Archaeological Resources Protection Act of 1979 (ARPA) as amended and requires a special use permit. Such permits are granted for scientific research only.