



General Guidelines for Prospecting on the National Forest



Welcome to the Pike – San Isabel National Forests in Colorado!

There is an increasing interest in mineral prospecting as a hobby or recreational pursuit. Prospecting is practiced by single individuals, families and mineral prospecting clubs. The purpose of this paper is to provide a useful and simple guide –to outline what requirements and authorizations may be needed for the activities associated with small scale prospecting for gemstones and other naturally occurring minerals.

The Forest Service allows for multiple uses of National Forest System (NFS) lands. The Forest Service Minerals Policy is to “foster and encourage mineral development on National Forest System lands in an ecologically sound manner”. This applies to gold prospecting for hobby and recreational purposes, just as it does to mining.

What kind of authorization is required? Is there a permit? Like mining, prospecting is subject to the provisions of the General Mining Laws of 1872 and the 36 CFR 228 rules and regulations for mining activities on NFS lands. There is no permit to cover all kinds of prospecting; however some types of activities require prior notice or authorization. There are three categories of activities; those needing a Plan of Operation, those that need only a Notice of Intent (**NOI**), and non-surface disturbing activities that do not require a Notice or a Plan (see page 3 for a description of each).

Regardless of whether for recreational purposes, or for more serious prospecting, what matters to the Forest Service is the amount of surface disturbance created by the activity. The potential for surface disturbance is what determines whether prior notice or authorization is needed before you begin your activity.

Why does surface disturbance matter? Disturbing vegetation and exposing soil may cause sedimentation and erosion and can harm the stability of the ecosystem. Stream banks are especially sensitive areas that are easily susceptible to damage. These riparian areas provide critical water, food, and shelter to wildlife and help protect the quality of the water.

What is considered insignificant surface disturbance? If there is no soil or vegetation disturbance, a shallow digging which is filled in as work progresses would usually be considered to be an insignificant surface disturbance. (for example an area less than 3’ by 3’ open while working). Obviously, many such areas would add up to a great deal of disturbance, so in areas of heavy prospecting, or repeated diggings the total surface disturbance should be considered.

Panning is by far the most popular activity of “recreational prospectors”. When panning or hand loading a sluice, digging in a stream bed should be done below the high water mark, and at no times may the bank be caved or undermined. Your work should not

undercut riparian vegetation or expose tree roots. Please remove all litter and refrain from digging above the high water mark. Return any sand and gravel to the hole from which it was removed.



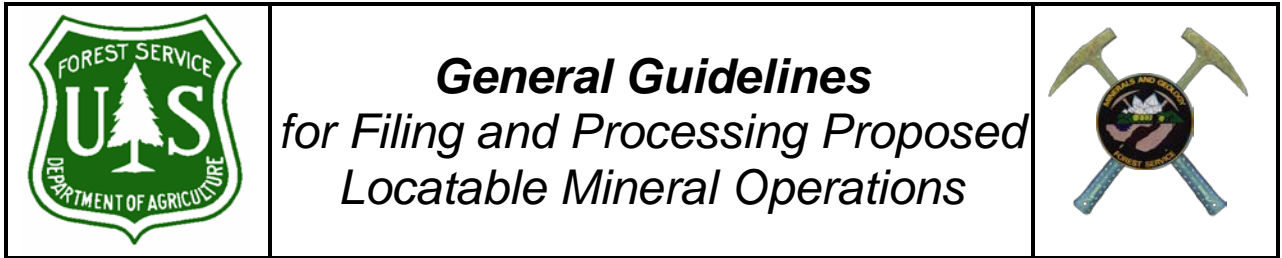
You do not need a permit or other authorization from the Forest Service for gold panning, hand sluicing or metal detecting. If you plan to use hand tools, have something larger scale in mind, or plan to use any type of mechanized equipment you will need to work with the District Ranger for approval of the activity and plans for reclamation of the site. Mechanized equipment can disturb a much greater area and process more material in a relatively short time. With mechanized equipment of any type, there is more potential for disturbing important or sensitive species during key seasons, for example in nesting, mating or spawning seasons.

Metal Detectors are allowed for prospecting, without permits, unless it is for a commercial venture. However, metal detectors are prohibited for use in historical archeological sites. Any site that contains remnants of man's activity that is over fifty years old, or even newer if it has unique historical significance, is protected by law. Many old mining camps and mills are located in the same kind of areas that you are interested in exploring for valuable mineral deposits. With every type of surface disturbing activity, there is potential for disturbing archeological resources. It is your responsibility to insure that you are not within any archeological site. Should artifacts be encountered, you should leave all articles in place.

Treasure Hunting (Treasure Troves) does require a special use permit from the Forest Service. If you want to search for buried or lost treasures you will need to contact the local District Ranger.

Abandoned Mines are dangerous places that are likely to shelter snakes and other wild animals, have rotted timbers, poisonous gases, radon buildup, deep shafts, undetonated explosives, and numerous other life threatening hazards. Do not enter any abandoned mine.





Forest Service regulations establish 3 categories of locatable mineral operations, based on the potential disturbance to National Forest resources:

- ✓ Notice of Intent (NOI) or a Plan of Operations (POO) is not required,
- ✓ NOI is required
- ✓ POO is required

Category I: No NOI or POO Required

➤ Examples:

1. Where vehicles stay on existing roads open to the public,
2. Search for and occasional removal of small mineral samples or specimens, and
3. Staking of a mining claim.
4. In general, where the disturbance is the same as from other Forest users where no permit or approval is required.

Category II: Notice of Intent Required

- ✓ Purpose of an NOI is to give a District Ranger enough information to tell if the level of disturbance will require a POO and a detailed environmental analysis.
- ✓ District Ranger will within 15 days of NOI receipt, evaluate it and notify operator if a POO is required.
- ✓ If uncertain, operator should file an NOI.
- ✓ NOI can simply be a letter to the District Ranger

➤ Contents of NOI:

- 1. Name, address, and telephone number of the operator.** The NOI should be signed and dated by the operator.
- 2. Area involved.** Include township, range, and ¼ section of where proposal will occur and how to find the area on the ground. Enclose a detailed map or sketch with the NOI showing operations location & scale.
- 3. Nature of proposed operations. Describe (a) what you plan to do, & (b) when and how you will be operating, (c) the proposed start-up date, and (d) the expected duration of the activities.** The District Ranger may contact you regarding the following information: the number of people involved in the operation, equipment you intend to use (sizes, capacity, and frequency of use), area and depth of proposed excavation, how waste material will be handled, what vegetation will be removed, size of total area to be disturbed, quantity of material to be removed, and whether storage or camping facilities are to be used.
- 4. Access route to the area of operations.**
- 5. Method of transport.** Describe the vehicles or other transport used to carry people, equipment, supplies, and living quarters.

Category III: Plan of Operations Required

- ✓ If the District Ranger determines that the proposed mineral operation will likely cause a significant surface disturbance, a Plan of Operations (POO) is required.
- ✓ Information required for a POO is more extensive than for an NOI.
- ✓ Some examples of activities that require a POO:
 1. use of mechanized earth moving equipment (backhoe, dozer, dredge),
 2. constructing, placing, or maintaining roads, trails, structures, fences, or other improvements,
 3. occupancy or use of structures,
 4. cutting trees,
 5. digging of pits, trenches, or adits,
 6. storage or discharge of hazardous materials or mine waste,
 7. activities that might affect water quality or quantity, and
 8. activities that might affect species protected under Endangered Species Act.

➤ **Contents of Plan of Operations:**

1. Name & address of operator/claimant

2. Map of the proposed operating area

Describe location, size of disturbed area, dates of operation, trenches, pits, ponds, streams, dumps, drill pads, timber disposal, etc.

3. Access (road & trail routes & needs), describe maintenance and/or reconstruction,

specifications w/widths, grades, culverts, type of vehicle use, etc.

4. Project description

What is the proposed mining, milling, exploration method?

Describe materials, equipment, and workforce. What is the schedule for construction and/or when are operations proposed to start up?

Describe power requirements, what vegetation clearing will be necessary.

Describe how you will stockpile topsoil removed for reclamation.

Identify waste rock/tailings placement & disposal, the design of liners, and any engineered facilities, as well as structures, tanks, pipelines, power, sewage, etc.

5. Environmental protection measures. The POO must detail what measures will be taken to protect: Air quality (dust abatement, emissions), Water quality (storm water, discharges, etc.) and how diversions, storage, and treatment of materials will be designed.

- Monitoring
- Seasonal closures, interim reclamation
- Solid wastes
- Scenic values
- Fish & wildlife
- Cultural Resources
- Hazardous substances
- Reclamation



➤ **POO Processing:**

- ✓ Authorized Officer (usually the District Ranger) must promptly acknowledge receipt of a POO, and
- ✓ Within 30 days, evaluate it and notify the operator of one of the following:
 1. ***POO has been approved,***

- 2. No POO is needed**
- 3. Operator needs to provide additional information and/or make changes in the POO**
- 4. FS needs more time to complete the POO review (up to 60 days except when the area is inaccessible or other legal constraints involved (ESA))**
- 5. FS must prepare an Environmental Impact Statement.**

- ✓ District Ranger will determine when all the information necessary to evaluate the POO has been received.
- ✓ District Ranger will also determine if a reclamation bond is required, and what the amount should be.
- ✓ Any operator aggrieved by a Forest Service decision may file an appeal under 36 Code of Federal Regulations 251 Subpart C.
- ✓ The information presented in this handout is in accordance with 36 Code of Federal Regulations 228.A, Locatable Minerals.

