

Where is it legal to metal detect? This question should be easy to answer but that is not the case. There are no uniform state laws or regulations across the fifty states or are there uniform municipal codes for the many thousands of cities and counties in the U.S. One way to get a handle on laws and regulations for your area is to join a local metal detecting or gold prospecting club. These clubs will usually know what the local law and regulation situation is for the hobby. So lets take one section of the U.S. at a time and try to find some answers.

National. There are a number of federal acts that control what can or can not be done on federal properties. These acts are the:

- 1906 [American Antiquities Act](#)
- 1966 [National Historic Preservation Act As amended through 2000](#)
- 1997 [Archaeological Resources Protection Act](#)
- 1990 [Native American Graves Protection and Repatriation Act](#)

Each of these acts places protection for America's antiquities plus use restrictions on federal lands, historical sites and Native American Indian burial grounds.

The **1906 and the 1997 acts** have an impact on the National Park System, National Monuments, National Sea Shore Beaches, Civil & Revolutionary War Battlefields, and to some extent on Native American lands. These acts indirectly make metal detecting illegal in any of these places. If caught metal detecting or have a detector in your possession while on any of these protected places it can be a felony with tough penalties.

*A typical statement on a **National Monument** websites is: Metal detectors are strictly prohibited on park grounds. Relic hunting by the use of metal detectors or other means is prohibited and violators will be prosecuted*

Park rangers enforce a number of federal regulations in the park, including the Code of Federal Regulations, Title 36 (36 CFR), and the United States Code, Titles 16, 18 and 21. Within 36 CFR, park superintendents are granted the right to make park-specific regulations.

[36 CFR 2.1 \(7\)](#) Possessing or using a mineral or metal detector, magnetometer, side scan sonar, other metal detecting device, or sub-bottom profiler.

16 U.S.C. Section 1c defines the National Park System as "...any area of land and water now or hereafter administrated by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational or other purposes."

The **1966 act** is the mechanism by which historical sites can be preserved by adding them to the National Register of Historic Places. Once a site is added to the National Register three acts above (1966,1997,1990 acts) can be applied to protect the properties. The 1966 act also provides for the setup of historical sites at the state level. Once historical sites are placed on the national or state historical register; them the sites are no longer available for metal detecting of any kind.

The **1990 act** covers just about everything that has anything to do with, native American remains, burial sites, and associated culture items.

[National Forests](#). The Forest Service does permit the use of recreational metal detecting and the collection of rocks and mineral samples. Generally, most of the National Forests are open to recreational mineral and rock collecting, gold panning and metal detecting. This activity usually does not require any authorization. It is always wise to check with the local district ranger to ensure that the land you are going to detect does not contain archaeological or historical resource. [National Forest Regulation](#)

[Federal Bureau of Land Management](#) -BLM. Most areas of BLM lands are open for use of metal detecting with the exception of historical sites. You should contact the local BLM district office for information to find out the areas that are off limits. [Metal Detecting](#)

[Federal Bureau Of Reclamation](#). Metal detecting is prohibited. [Federal Code 423.29 \(f-1&2\)](#)

[U.S. Army Corp of Engineers](#) §327.14 Public property metal detector use. The use of metal detectors is permitted on designated beaches or other previously disturbed lands unless prohibited by the district commander to protect archaeological, historical and paleontological resources.

States. Each state has laws that are modeled after the national acts making state lands regulated similarly to national lands. Generally, all state historical sites, state Native American burial grounds, and other state archaeological sites are off limits to metal detecting.

- *State Parks*. However, most states have regulations that determine the legality of metal detecting in their state park system. These regulations usually either allow or disallow metal detects or provide specific information as to where metal detecting can take place. [Check this web-link for specific state regulations](#).

Some states require permits, while eight or more states simply make it unlawful to detect state parks and some states allow only specific areas like beaches or disturbed lands.

If there are no metal detecting regulations in a state the state usually defaults to their archaeology laws that forbid diggings for targets or the state may use regulations dealing with the disturbance of vegetation or the removal of rocks, etc. In the latter case you may detect but not recover or remove any targets.

- *State Beaches*. Generally salt water state beaches are ok to metal detect. There may be restrictions, such as, you can detect only from the low tide mark to the high tide mark. Never metal detect in sand dunes that are roped off, have vegetation growing on them, or any beach park grassy area.

State fresh water beaches are sometimes locally ranger controlled. Even if the state has tough regulations against metal detecting it may still be ok in some instances to detect certain state fresh water beaches.

- *Counties*. Of all the public entities, counties may have the least restrictions placed on their county parks system when it comes to metal detecting. Usually fresh water beaches are open to metal detecting although in some county park systems it may be forbidden to metal detect in the water. Other county public lands may have similar restrictions on archaeology, historical and Native American burial sites. Some counties require a permit to metal detect in county parks, others do not.

- *Cities.* Many cities have municipal ordinances that cover park usage. Frequently there are short statements in an ordinance that may make it unlawful to metal detect, or a permit may be required, or metal detecting is allowed but no digging. In many cities there may be no metal detecting ordinance but other aspects of the park ordinance and regulation may indirectly make detecting unlawful. City properties usually fall under the states archaeology, historical and Native American burial laws.

- *College & School Districts.* School districts are starting to make school properties off-limits after school hours except by special use permission. In many cases school properties are secured by putting up chain link fences and posted with no trespassing signs. In some cases school districts are establishing property rules and often metal detecting is on the do not list.

- *Cemeteries.* Metal detecting in a cemetery is not a good hobby image. Regardless of the law never metal detect inside of any cemetery boundary. I would even question metal detecting outside of the physical boundaries of a cemetery since this could still provide the public with a very bad image of a detectorist.

Private Lands. To use private lands for metal detecting one should secure permission from the property owner or caretaker. Private lands can have many older public sites on them such as:

- Defunct Amusement Parks
- Defunct Outdoor Theaters
- Resort Areas
- Railroad Lands
- Ghost Towns
- Civil & Revolutionary Battlefields
- Homesteads
- Private Lakes and Beaches
- etc

Private lands are an excellent choice to metal detect. There are usually no direct laws against the hobby except for property trespass laws. Therefore gaining permission to enter the private property to metal detect is a must. Permission can be either verbal or in a written form. One thing to keep in mind for private property is that if there is a know or registered archaeology, historical or Native American burial site on the private land they will be off-limits to metal detecting.

In a few states there are laws on the book that prohibit anyone except archaeologists to recovery artifacts from private lands.

In Summary - Where is it legal to metal detect? From this short article you may draw the conclusion that there are very few places to metal detect in the U.S. That is not really the case. Many county and city properties are available to metal detect as well as fresh and salt water beaches. The only catch is that there are many local and state regulations that can cause a beach or a portion of a beach to be off limits. The ability to know where it is lawful or unlawful falls on the individual detectorist to seek out the answer.

There is information on the web but it is not comprehensive and will not cover all counties, cities and school districts. The best approach is to join or establish a metal detecting club and have a few of the members become experts on the laws, regulations and city ordinances in your area.

You may say to yourself my own yard is safe to metal detect, well yes and no. If your property is on the historical register, is part of a archaeology site or may have Native American burial grounds your property will be off limits to metal detecting.