

Santa Fe National Forest Site Steward Manual

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The Santa Fe National Forest Site Steward Program is sponsored by the
Santa Fe National Forest

Prepared by the Santa Fe National Forest
Site Steward Council



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PREFACE

BACKGROUND OF THE SITE STEWARD PROGRAM Origin and Development

The Santa Fe National Forest (SFNF) and the state of New Mexico are proud of the diversity of the heritage resources found in the area. Yet the rapid rate at which these resources are being lost or destroyed by vandalism, neglect, ignorance, and nature causes concern. As population grows, so does use of the Santa Fe National Forest. Today, increases in population, visitation, and development pose potentially greater threats to the heritage resources than does vandalism. Based on the expression of this concern by a growing number of users of the Santa Fe National Forest, forest managers decided to implement the Site Steward Program.

An additional impetus for initiating the Site Steward Program is found in the legal mandates of state and federal heritage resource preservation law. Beginning with the Antiquities Act of 1906 and continuing with the 1979 Archaeological Resources Protection Act (ARPA), state and federal laws have established stringent penalties for vandalizing heritage resources and trafficking in prehistoric art and artifacts. Additional laws have also directed agencies to inventory and evaluate heritage resources under their jurisdiction. The National Historic Preservation Act (NHPA) details an agency's historic preservation responsibilities.

Too few law enforcement personnel exist in any state or federal agency to effectively patrol all heritage resources found on state and federal land. Public volunteers—organized and trained to report to land management agencies where vandalism and site deterioration are occurring—are one solution to this people power problem. Using private citizens as partners with land management agencies to monitor the condition of the nation's heritage resources offers an opportunity for the public to become directly involved in site protection.

Federal agencies such as the United States Forest Service (USFS) and the Bureau of Land Management (BLM) have often used volunteers to patrol heritage resource sites. However, before 1986, few formal steward programs existed in the world. Programs in British Columbia, Ontario, Saskatchewan, Australia, South Carolina, and Texas were some of the first formal programs to be established.

The Santa Fe National Forest Site Steward Program does not support or align itself with any programs or causes not supporting the program's statement of purpose. The program is subject to all laws and regulations under which the USFS normally operates.

I. MISSION AND PURPOSE

A. MISSION STATEMENT

The SFNF Site Steward Program is intended to be a forest-wide organization of volunteers sponsored by the SFNF Heritage Program. The SFNF Site Steward Program and the State of New Mexico Site Watch Program are mutually cooperating resources. Site stewards are committed to heritage resource preservation activities, especially monitoring designated heritage resources for damage caused by vandalism, theft, or nature.

B. STATEMENT OF PURPOSE

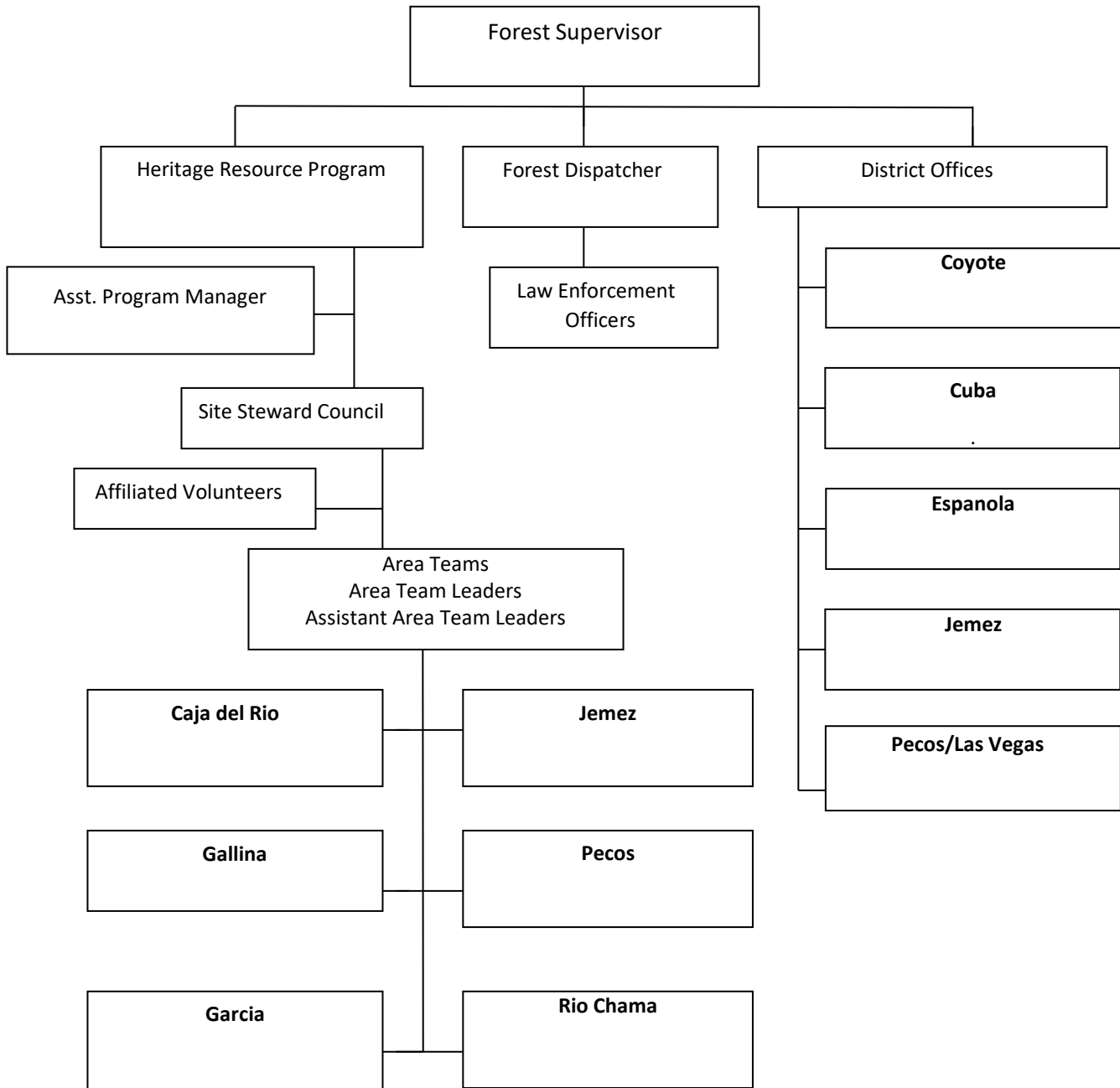
The Site Steward Program fosters the following goals:

1. Preserve in perpetuity major prehistoric and historic archaeological as well as palaeontological resources for the purposes of conservation, scientific study, interpretation, and public education
2. Increase public awareness of the significance and value of heritage resources and of the impact of damage done by artifact hunters
3. Discourage site vandalism and the sale and/or trade of antiquities and scientifically significant palaeontological materials
4. Support the adoption and enforcement of local, state, and national preservation laws and regulations
5. Support and encourage high standards of heritage resource preservation throughout the state
6. Promote better understanding and cooperation among agencies, organizations, tribes, and individuals concerned with the preservation of heritage and natural resources
7. Deter vandalism by increasing general public awareness that concerned people are watching archaeological sites

II. ORGANIZATION OF THE SITE STEWARD PROGRAM

A. PROGRAM ORGANIZATION

SFNF Site Steward Program



B. ROLES AND RESPONSIBILITIES

1. Forest Supervisor
 - a. Is local manager of the Santa Fe National Forest
 - b. Is ultimately responsible for activities conducted by site stewards
 - c. Signs Forest Volunteer Agreement (United States Department of Agriculture (USDA) Forest Service agreement for individual voluntary services) for site stewards
2. Heritage Program Manager (HPM)
 - a. Manages heritage resources in the forest
 - b. Acts as primary manager of Site Steward Program and primary forest liaison with the site steward council. He/she is the primary contact for all activities of site stewards conducted on the SFNF
 - c. Develops a list of sites recommended for site steward monitoring with potential input from district archaeologist and area team leader (ATL)
 - d. Maintains a database of site visits and volunteer time
 - e. Works with the site steward council to develop educational and training opportunities for the site stewards
3. District Archaeologist
 - a. Serves as a resource for site stewards assigned to their district
 - b. Participates with HPM and ATL in identifying sites to be monitored
 - c. Communicates with ATL and site stewards as appropriate
4. Forest Dispatcher
 - a. Provides telephone or radio access to law enforcement and forest heritage program staff
 - b. Provides communication assistance in the event of emergency or injury
 - c. Is primary contact for reporting unlawful behavior to law enforcement officer
5. Law Enforcement Officer (LEO)
 - a. Is responsible for enforcement of regulations regarding heritage resources
 - b. Is principal contact by site stewards through USFS dispatcher for reportable incidents as described in the Site Steward Manual
 - c. Is responsible for initial incident investigation and citations
 - d. May participate in site steward training
6. Special Agent
 - a. Is the lead investigative officer for the law enforcement branch of the SFNF
 - b. Handles long-term investigations for incidents and interacts directly with the United States attorney in preparing cases for prosecution
 - c. If an incident report by a steward reaches the level of investigation requiring a special agent, the agent will be responsible for the case and will direct the steward's involvement in the case
 - d. Does not usually respond to initial field reports. The LEO determines if a case falls within the responsibility of the special agent
7. SFNF Site Steward Council

- a. Establishes governance policies for the program and is the primary contact with the designated staff of the SFNF
 - b. Develops programs and manages operation of the program
 - c. Recruits new members
 - d. Provides training
 - e. Determines its own organizational structure to meet goals of stewardship including
 - 1) Site steward ATLs and assistant area team leaders (AATLs)
 - 2) Selected members-at-large
 - 3) Site stewards or affiliated volunteers who are assigned to head major projects
 - 4) HPM or his/her designate
8. Area Team Leader
- a. Provides leadership for area team
 - b. Organizes team plan to monitor assigned area
 - c. Makes site steward assignments and reassignments
 - d. Participates in new site steward training
 - e. Serves as a council member
 - f. Performs other functions as described in the ATL Manual
9. Assistant Area Team Leader
- a. Participates in leadership role for the team in conjunction with the ATL
 - b. Serves as a council member
 - c. Performs other functions as described in the ATL Manual
10. Site Steward. All individuals participating in the program as site stewards must:
- a. Perform site steward activities including inspecting assigned sites according to site visit plan and Site Steward Manual
 - b. For assigned sites, report to the ATL and document visit findings
 - c. File Heritage Resource (HR) reports for significant site change due to human and/or natural influences with the HPM with a copy to the ATL
 - d. Abide by the agreement to follow the code of conduct of the program
 - e. Maintain contact with the ATL
 - f. Participate actively in the program by accepting stewardship commitments or other assigned functions commensurate with time and other available resources. The site stewards have the responsibility to accept and complete stewardship commitments. A site steward is expected to make a minimum of four visits a year (certain exceptions, such as fire, might reduce this number) to be considered active
 - g. Maintain records on the activity log of the time and mileage spent monitoring sites in the field, in educational programs pertaining to the Site Steward Program or in performing other assigned duties. The time and mileage must be reported. The respective ATLs will inform and instruct each team member as to the manner/method and timing of submitting that information
 - h. Assist the council by recruiting new stewards to program
 - i. Return the site file to the ATL upon termination of the stewardship

- j. Other duties and activities that relate to the primary mission may occasionally be requested by the HPM or ATL; these may include:
 - 1) Promote information exchange and cooperation between and among government representatives, archaeologists, and the public
 - 2) At the request of or under the direction of the HPM, assist an archaeologist in monitoring construction activities to see if buried sites were exposed
 - 3) Assist in activities such as surveys, mapping, and basic data collection when encountering new sites and rock art that have not yet been recorded
 - 4) Provide information to communities through talks and slide shows on steward activities, antiquity laws, and preservation. The HPM will be advised of the planned talk, organization, date, time and location
 - 5) Serve as the local resource person on such preservation matters as nominations for the New Mexico State Register or the National Register of Historic Places
 - 6) Make visits to sites other than the one(s) assigned during the provisional first year of service. These visits can be conducted with the ATL, AATL, certified site steward or provisional site steward assigned to the site
 - 7) Act as liaison between local communities and the SFNF in support of forest-sponsored efforts, such as New Mexico Historic Preservation Week
11. Affiliated Volunteers
- a. Persons interested in furthering the mission of the SFNF Site Steward Program
 - b. After completion of site steward training, may participate in organizational activities other than field work and may serve on or lead project committees
 - c. Roles and responsibilities may include:
 - 1) Participate in survey and site identification projects under the supervision of Forest Service employees or certified site stewards
 - 2) Maintain records related to site status and condition and operations of the Site Steward Program
 - 3) Participate in public outreach programs
 - 4) Provide assistance when needed in HPM office, e.g., site file access and copying, copying training material, preparation of ID cards, and other functions
 - d. Head or assist with major programs such as training, field operations, communications, website, and education
 - e. All time and mileage should be reported in steward activity log
12. The New Mexico Site Watch Program
- a. Is a statewide volunteer program coordinated by the New Mexico Historic Preservation Division and funded by public and private partnerships
 - b. Has authority to establish standards for training and operations
 - c. SFNF Site Steward Program and the State of New Mexico Site Watch Program are mutually cooperating resources

C. GOVERNMENT RESPONSIBILITY

The SFNF site stewards will be asked to serve as formal volunteers under the federal government volunteer program. The Forest Service will, for the purpose of tort claims, treat site stewards as volunteers and assume responsibility for any formal documentation requirements. As a result, site stewards will be expected to act, in their capacity as volunteers, as representatives of the SFNF.

III. THE SITE STEWARD PROGRAM

A. SELECTION

1. Who can volunteer? Anyone who has an interest in preserving our heritage resources and who is willing to abide by the site steward code of conduct is eligible to join the program. Site steward volunteers will be recruited and selected without regard to race, creed, religion, age, sex, color, national origin or disability. Individuals under the age of 18 or those convicted of a major crime, including any violent crime, crime against a person, crime involving the use of a weapon, or any other felony, cannot participate in the program
2. For purposes of the Site Steward Program, site stewards are considered to be volunteers. Site stewards may receive pay, academic credit, or some other type of compensation from sources other than the USFS, if the USFS is not paying for the work being done so long as the work is not being done to satisfy some prior agreement
3. Off-duty employees of the USFS and their families and individuals from the private sector whose employers are donating their services to the program or to a sponsor in the name of the program can be volunteers, unless the USFS has a specific prohibition against such activities. USFS employees, however, shall not be accepted as volunteers for duties that are a continuation or extension of their official duties (i.e., what they are paid to do)

B. APPOINTMENTS, ASSIGNMENTS AND TRANSFERS

1. The forest supervisor signs the Forest Volunteer Agreement (USDA Forest Service agreement for individual voluntary services) for site steward appointments
2. The ATLs, in consultation with the HPM, recommend, make assignments, and report results in writing to the council of new site stewards to area teams
3. The HPM and based on request of site steward and team needs as expressed by the ATL, may assign, reassign, or transfer site stewards to teams

C. TRAINING PROGRAM

The following elements constitute the process for site steward training applicable to all members of the Site Steward Program

1. Classroom training including cultural resource management, archaeological resource protection laws, the SFNF Site Steward Program organization and how it functions, and introduction of forest areas
2. Evidentiary field training

3. Orientation to assigned forest area and sites
4. Forest Volunteer Agreement and Job Hazard Analysis (JHA) forms
5. Applicants for interim training between regularly scheduled site steward training must:
 - a. Complete the site steward application form
 - b. If there are no vacancies, the applicant will be contacted when a vacancy occurs
 - c. Upon acceptance, agree to join an area team needing new stewards. The ATL must agree. The applicant may switch to another team later if a vacancy occurs
 - d. The ATL is responsible for ensuring that the trainee receives an abbreviated indoor training session of approximately four hours. Training will cover all essential instruction given in the regular training session, including an overview of the six forest areas, but with emphasis on the area in which the trainee is assigned.
 - e. Sign the Forest Agreement and the JHA
 - f. Be oriented to a site or sites by the ATL, followed by at least two additional site visits while accompanied by a certified site steward
 - g. Remain a provisional steward at least one year following training and may be required to attend the next full training session

D. CERTIFICATION FOR SITE MONITORING

The following requirements must be met by all stewards to become certified:

1. Training as defined
2. Team assignment (where possible, team with certified steward)
3. Site orientation and assignment as required
4. Meet the following requirements within the one-year provisional status
 - a. Make commitment to and monitor all assigned site(s) on regular schedule as determined by ATL
 - b. Complete site visit electronic reporting as required by ATL
 - c. Maintain site steward activity log for all volunteer hours and communicate information to ATL
 - d. If required, complete and submit heritage resource (HR) report to the HPM and ATL
5. Certified status is granted to provisional stewards by the council upon recommendation from the ATL to the HPM and from the HPM to the council
6. Failure to meet certification requirements during provisional status may require retraining and/or other arrangements based on consultation between the ATL and HPM. Certification or dismissal of the provisional steward shall occur within the following six months

E. OFFICIAL PAPERWORK

1. Forest Volunteer Agreement. All site stewards complete the Forest Volunteer Agreement, which is signed by the forest supervisor and the site steward. The Forest Volunteer Agreement treats the steward as a Forest Service employee

essentially for tort claims purposes. There is to be no reimbursement for mileage or any other incidental expenses incurred by stewards

2. Job Hazard Analysis form. All site stewards are required to sign this form which informs the stewards of hazards and provides measures to address them
3. Site steward identification cards (ID cards) are issued following certification and signed by HPM. ID cards are valid until rescinded or returned.

F. CODE OF CONDUCT

The chief objective of the Site Steward Program is to prevent destruction of prehistoric and historic archaeological as well as palaeontological sites on the SFNF and to uphold all state and federal preservation (antiquities) laws. All volunteers must, therefore, be guided by a preservation ethic. Monitoring, inspection and noncollection surface investigating are to be the only investigative methods used by the stewards

Each steward performs assigned duties in accordance with the procedures published in the SFNF Site Steward Manual as authorized and published by the council. A statement agreeing to abide by this code of conduct is included in the Forest Volunteer Agreement signed by all site stewards. Adopting this code of conduct indicates agreement on the part of each site steward that the following rules are observed:

1. Compliance with preservation laws. Site stewards comply with all local, state, and federal antiquities laws and regulations. In any activity not regulated by law, stewards are guided by the code of conduct, the SFNF Site Steward Manual, and the procedures established by the HPM, council and/or ATLS
2. Firearms policy. Carrying and/or using firearms while conducting site steward duties is strictly prohibited. Site stewards violating this prohibition are dismissed from the program
3. Respect for the public and other forest users. Site stewards are the representatives of the SFNF, which administers the monitored sites. Stewards must be courteous to all users of forest lands and must respect private property adjoining forest lands
 - a. Confidentiality of Information
 - b. All prehistoric and historic archaeological and palaeontological data, including site location information, site descriptions, vandalism reports, maps, and photographs are under the jurisdiction of the SFNF. With the exception of publicized sites, these data and information are held in the strictest confidence by site stewards and made available only to the proper authority responsible for administering lands on the SFNF
 - c. In obtaining and disseminating information about sites on private lands, stewards will respect the personal and privacy rights of landowners
 - d. Information about suspected violators of local, state, and federal laws is disclosed only to the appropriate forest LEO or special agents, to the HPM, and the SFNF district ranger, and the ATL. Forest LEOs and the district ranger who receive such reports bear responsibility for notifying additional law enforcement agencies

- e. Public disclosure of site location and other critical information is prohibited under 26CFR296.18
- 4. Collections
 - a. Stewards do not collect artifacts or fossil specimens on National Forest lands
 - b. If artifacts or palaeontological materials obtained from National Forest lands are surrendered to them in the course of their duties, stewards deliver the artifacts and reports detailing the surrender to the HPM or district archaeologist at the completion of the patrol as directed
 - c. Stewards neither engage in nor encourage the sale of artifacts or palaeontological materials
- 5. Publicity

Site stewards do not make news releases, give interviews, or otherwise distribute publicity concerning sites, collections, or steward activities, other than general talks or lectures regarding the Site Steward Program. The HPM will be advised of the planned talk, organization, date, time, and location in advance
- 6. Conflicts of Interest

Stewards do not engage in activities or accept positions that represent conflicts of interest with the goals and aims of the Site Steward Program. Questions regarding conflicts of interest are referred to the ATL
- 7. Termination of Stewardship

Upon termination of stewardship, each steward returns to the ATL all records, photographs, site steward ID card, Forest Volunteer Agreement, and other documentation pertaining to the Site Steward Program. The steward agrees to cooperate to the fullest extent possible with his/her successor
- 8. Non-Forest Archaeological Work
 - a. A site steward participating in any archaeological work performed on other lands including private land adheres to the code of conduct set forth in the Site Steward Manual
 - b. Any archaeological work (survey, excavation, artifact collection, etc.) performed on private lands, or on any lands regardless of ownership, is conducted according to professionally recognized archaeological standards and under the supervision of a professional archaeologist. The New Mexico Cultural Properties Review Committee (NM-CPRC) has developed standards to guide private landowners who wish to conduct or allow archaeological work on their lands
 - c. Stewards in contact with private landowners who may wish to have archaeological work conducted on their property should recommend that the landowner contact the New Mexico State Historic Preservation Office (SHPO) in Santa Fe, NM, 505/827-6320, to ensure that appropriate guidelines and procedures are followed. Stewards can help communicate the appropriate ethic to private landowners and to ensure that the goals of the Site Steward Program are met
- 9. Respect for Human Remains

Should the situation arise, stewards address human remains with sensitivity and in a manner acceptable to professionals and to community members who may

have cultural and/or emotional ties to the remains. Stewards report within 24 hours all situations resulting in the discovery of human remains to the HPM, who complies with the requirements of the Native American Graves protection and Repatriation Act (NAGPRA) concerning the disposition of these remains. The site steward also advises the ATL

10. Animals Policy

Animals (including, but not limited to dogs) are not permitted on official Site Visits or other official site related activities or other field activities.

IV. FIELD OPERATIONS

A. SITE FILES

Site files are high security items. Public disclosure of site location and other critical information is prohibited under 36CFR296.18. The original file contains information on location, access, and law enforcement coverage for the area and site(s), history, and its importance. Each would be valuable to anyone involved in pot hunting. All site files contain a site summary, which may include:

1. Site map with both the legal and UTM grid locations
2. Printed route instructions with emphasis on real and potential hazards along the route (e.g., downed trees, bad roads, weather)
3. Instructions for nonemergency reporting and pretrip coordination
4. Emergency contact instructions in case of accidents (see organization chart)
5. A map of appropriate scale (1:24,000-7.5' on the SFNF to show the entire trip route and ownership of land crossed by the route (private, BLM, USFS, etc.)
6. A site map showing current damage inventory and condition of the site
7. Site visit log
8. Copies of heritage resource reports whether filed electronically or manually
9. Survey data
10. Exploration or excavation reports, if available
11. Documentation photos, if available
12. Historical documents

B. AUTHORIZED SITE MONITORS

1. All site visits will be made by at least two site stewards. Exceptions may be authorized by the HPM
2. When a site visit is performed by two or more site stewards, a site visit leader will be assigned as follows:
 - a. The ATL if in attendance
 - b. The site steward designated with primary responsibility for a site, or
 - c. A site steward, either certified or provisional, who has been oriented to the area and to the specific site(s)
3. A site visit made by a steward who has not been oriented to the site by a steward knowledgeable about the site may not result in a thorough inspection compared to its prior condition, and is not considered an official site visit

4. Observers
 - a. The forest does not normally approve of stewards taking observers on site steward monitoring trips because of legal issues within the program and the potential for distractions from the site visit protocol. The following are excluded from official visits: nonsteward spouses, partners, friends, and other people.
 - b. No dogs, or other animals may be taken on official site visits.
 - c. If acquaintances of the stewards are interested in the program, they should consider becoming site stewards
 - d. Any and all observers on an official site steward visit MUST be approved by the heritage resource staff

C. SITE MONITORING PROCEDURES

1. Site visit leader: although all site stewards are considered equal, the site steward assigned to the site will be considered the visit leader
 - a. Will describe the method of site visitation with adherence to safety including recent problems, hazards, or vandalism
 - b. Is responsible for the orientation, safety, conduct, outcome, and reports of the site visit. Accompanying site stewards share equally the responsibility for safe conduct and completion of the trip
 - c. May delegate the authority to perform various aspects of site visits but cannot delegate the responsibility for the safety, conduct, or results of the trip
 - d. Must ensure the adequacy of the clothing, provisions, and equipment of all persons participating in the trip
 - e. Will reschedule the trip if advisable
 - f. If special equipment is needed to complete the trip, the site visit leader will, if not qualified to operate the equipment, ensure that someone who is qualified joins the trip
2. Visit preparation
 - a. Visitation schedule as defined by ATL
 - b. Safety considerations
 - 1) Site steward(s) must review the weather-related aspects of the trip before departing. If more than a slight danger of trouble or access difficulty exists due to the weather, the trip must be rescheduled
 - 2) Potential hazards that exist in the field include vehicle accidents or breakdowns, game hunting in area, fallen trees or broken tree limbs on the road or path, rattlesnakes, personal injuries, muddy roads, etc.
 - c. Report out – Report in
 - 1) The site steward/group must report out in person by phone or by e-mail as prearranged with the ATL, to the ATL prior to departure, identifying the sites to be visited, the number of persons participating, the site steward name(s), and the expected time of return. If the ATL is not available, the site steward reports out to the AATL; if the AATL is not available, the report is made to the HPM

- 2) Upon returning the steward will report in to the ATL or AATL or HPM to inform them of their safe return
- 3) The group will not deviate from the established access route, as accidents are never foreseeable, and the group's designated person must know where to look if the group does not return at the predetermined time
- d. Site Monitoring Equipment and Supplies List
 - 1) Site stewards **MUST HAVE** the following when making a site visit:
 - a) Forest Volunteer Agreement and ID card
 - b) Compass and/or GPS
 - c) USGS topographic map of area showing access and exits to site area and land ownership status map
 - d) Map showing current condition of site upon which to make notes (copy of site map or sketch of site)
 - e) Pad of paper and pencil for field notes
 - f) Camera
 - g) Binoculars
 - h) First aid kit, water, and appropriate clothing for the weather
 - i) Site Steward Program organization chart or contact sheet and phone numbers
 - j) Gloves and hard hats when appropriate; these are available upon request to the HPM
 - 2) Site stewards **SHOULD HAVE** a cellular phone, portable CB radio, or other two-way radio when making a site visit
3. Conducting a Site Visit
 - a. Approaching and Departing the Site
 - 1) The ATL will provide instructions about where to park, how to find the trail to the site, walking hazards, etc., to make access as easy as possible
 - 2) The ideal site has a remote observation point from which the area can be observed without being noticed by others who may be at the site
 - 3) Since not many sites are ideal, the site steward must approach the site cautiously and quietly, because in some instances, the site is within hearing distance before sight. By making the approach in this manner, anyone at the site is the surprised party
 - 4) The site steward should depart the site by the same route as he/she entered the site to keep surface disruption to a minimum
 - 5) If new vandalism is noted going in or coming out, do not disturb or move any object or pick up any form of trash: **ALL OF IT IS POSSIBLE EVIDENCE!** If in doubt, leave trash in place
 - 6) Do not intentionally contact anyone on a site
 - b. Observation Procedures
 - 1) Footprints and tire marks. Look for signs of recent use or activity in the parking area, on the access trail, and on the approach to the designated observation point. These signs, such as footprints or tread marks, may be the only linking evidence of recent vandalism and the site steward must take precautions to protect them

- 2) Binocular use. Use binoculars whenever possible to maintain a safe distance from any suspicious activity. A site steward must not endanger himself/herself in order to observe activity. Personal safety is the most important consideration
- c. Avoid Potential Dangers – Visitor Presence
- 1) Stewards must not confront or openly observe persons involved in suspicious activities. Any actions that might provoke confrontation or pursuit must be avoided
 - 2) The leader will not, nor allow any member, to intrude on any activity by an unknown person on an assigned site, no matter how seemingly innocent. If the site steward sees someone on a site, he/she will not interfere with that person in any way
 - 3) A site steward MAY acknowledge familiarity with an area and provide general history and educational information
- d. Site Etiquette. Site stewards must obey the following rules without exception:
- 1) Do not climb or lean on the walls of historic or archaeological sites; they could collapse. Special expertise is required to enter into and climb sites with standing walls.
 - 2) Tread lightly, causing as little disturbance as possible to sites, especially in areas where the desert surface could be disturbed
 - 3) Photograph, but do not touch, rock art and palaeontological materials. Fingertips and palms leave oils that speed the deterioration process and destroy the ability to scientifically date the resource
 - 4) Remove nonhistoric trash (under 50 years old) from site after verifying the site has not been vandalized. Take home any litter. If in doubt, leave trash in place
 - 5) Be courteous to others who are visiting archaeological and palaeontological sites. Remember, site stewards are acting as representatives of the SFNF
- e. Site Inspection
- 1) Perform site visit in judicious manner, area by area without causing further damage
 - 2) Observe changing conditions or site degradation caused by natural factors (fire, erosion, animal damage, or land movement) or vandalism. The observation and recording techniques are applicable each time a site is visited and disturbances are noticed
 - 3) Note evidence of activity at site (human and/or animal) and record
 - 4) Evidence of vandalism
 - a) If evidence of vandalism is in progress, the site steward should leave the area immediately and call the forest dispatcher at 505/438-5600 and HPM office (505/438-5380, cell 505/929-1579; please remember to only use this cell number for this purpose)
 - b) If vandalism has recently occurred, the site steward should note the damage on the site map, then leave the site and immediately report the vandalism to the forest dispatcher and the HPM

- c) Protection of evidence. If evidence of vandalism is found, **STAY OUT OF THE DISTURBED AREA. AVOID MAKING ADDITIONAL TRACKS OR ANY OTHER DISTURBANCE THAT MAY BE CONFUSED WITH EVIDENCE LEFT BY THE VANDALS**
- 5) Record the locations of artifacts on the site map, since even those on the surface may have information value. Unique artifacts, i.e., projectile points should be documented (using the Isolated Artifact form available on the SFNF site steward website (www.sfnfsitestewards.org)); photograph (using a tape measure or other common object such as a coin in background for scale); or an outline drawn of the point. Replace artifacts. If unique artifacts are easily visible in their original position, it is preferable to hide to prevent future collection. Send documentation form/s, photograph/s or drawing/s to HPM or district archaeologist and ATL noting date, location (GPS, UTM), recorder name(s), and any other relevant data, i.e., projectile point material or type, if known. Keep copy in site file

D. DOCUMENTATION

1. For routine visit:
 - a. Sketch or photograph any minor damage or changes in site condition on site map
 - b. Make any necessary notes on the site visit log. File HR report only if significant changes were noted at the site, whether by human or natural causes
 - c. File online site visit log with ATL (date, stewards, condition/changes, time at site, time of trip, mileage)
2. Documenting vandalism and other site disturbance. In case of vandalism or other site disturbance and keeping site steward safety paramount without causing further disturbance of site, **WRITE DOWN WHAT IS SEEN AND HEARD INCLUDING:**
 - a. Identify the **LOCATION** of the site disturbance on site map
 - b. Identify exactly what the **ACTIVITY** consists of (digging, collecting, erosion, natural deterioration, rock theft, etc.)
 - c. Identify **WHO** or **WHAT** was responsible for the activity or disturbance. Record descriptions of the people seen and heard (height, weight, hair color, clothing, voice, age, etc.)
 - d. Identify any **VEHICLES** associated with the activity (make, model, type, color, distinct modifications, and **LICENSE PLATE NUMBERS**)
 - e. Identify the **TOOLS** that were used. If any heavy equipment is heard (maybe a backhoe) when approaching the site, **BEWARE!**
 - f. If unobserved, take **PHOTOGRAPHS**. **DO NOT** take them if the intruders are on the site or if they have dogs nearby, who can notice humans or hear the click of a camera
 - g. File HR report with HPM and ATL

E. LAW ENFORCEMENT RESPONSE PROCEDURE

1. If contacted by the LEO, abide by the following procedures:
 - a. Identify yourself and accompanying site stewards
 - b. Heed all instructions given by the agents
 - c. Conduct yourself in a professional manner
2. Record in your notes the time and circumstances of the incident, the names of all parties involved, and the time the parties left the scene. These notes may be used to refresh the memories of those involved in case of being called to testify

V. AMENDMENTS

Amendments may be proposed by any steward, then discussed and adopted/rejected by council in concert with the HPM. Any changes will be inserted into the Site Steward Manual, ATL Manual and Council Manual.

APPENDICES - RESOURCE PROTECTION LAWS

ANTIQUITIES ACT OF 1906

Reproduced from *Archaeological Method and Theory: An Encyclopedia*, edited by Linda Ellis, pp.33-35, Garland Publishing Co., New York and London, 2000.
Francis P. McManamon

The Antiquities Act (16 U.S.C. 431-433) was the first United States law to provide general protection for any general kind of cultural or natural resource. It established the first national historic preservation policy for the United States (Lee 1970:1 ff.)

Section 2 of the statute gives the President the authority to set aside for protection "...historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States..." These protected areas were then designated as "national monuments" and the federal agencies assigned to oversee them were required to afford proper care and management of the resources. This section of the statute provided an additional tool for Progressive politicians and their supporters to determine the uses of public lands and resources in the rational, conservation-oriented manner they favored (see Rothman 1989:5271). Prior to the Antiquities Act, specific areas had been set aside as national parks or reserves, for example Yellowstone National Park (1872) and Casa Grande Ruin in Arizona (1892). However, each of these parks or reserves required an act of Congress as well as Presidential approval. Section 2 of the Antiquities Act made the establishment of national monuments administrative actions that were quicker and far more easy to execute.

Section 3 of the Antiquities Act required that "...the examination of ruins, the excavation of archaeological sites, or the gathering of objects of antiquity..." on lands administered by the Departments of Interior, Agriculture, or War be carried out only after a permit to do so had been issued by the Secretary of the department responsible for the land in question. The permits were to be issued only to institutions "...properly qualified to conduct such examinations, excavations, or gatherings..." Furthermore, the objective of these permitted activities was to be "...for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects." Finally, Section 3 required that the collections of materials from these investigations be placed in public museums for preservation and public benefit.

Enactment of the Antiquities Act required 25 years of work by individuals and organizations concerned about the preservation of American archeological sites. Interest in the archeological remains of the United States grew throughout the 19th century. As the final quarter of the 1800s began, much of the interest in American archeological sites was focused on the Southwest. Some of the interested parties were those who plundered the prehistoric ruins for ancient artifacts and other materials, including building stone and roof beams, to put to modern uses. Others, such as investigators from museums and other archeological organizations who wanted to examine and study the ruins, as well as make collections for their institutions and the public they served. Investigators who began to visit and report on the condition of prominent ruins noted the destruction that was occurring. Their descriptions moved the early advocates of government action to protect the archeological sites. One

notable success along the path to the Antiquities Act was the setting aside of Casa Grande Ruin as the first national archeological reservation in 1892. During the 1890s major public exhibitions, the World Columbian Exposition in Chicago and the Louisiana Purchase Exposition in St. Louis, exposed more of the American public to United States antiquities.

Municipal and university museums in large cities throughout the country featured American Indian antiquities in their displays and investigators of the Southwestern ruins and archeological sites in other parts of the country and hemisphere published popular accounts of the sites and their exploits. The growing popular appeal of American archeology was accompanied by a commercial demand for authentic prehistoric antiquities which led to substantial rise in the looting of archeological sites, especially in the increasingly accessible Southwest. Efforts to protect specific archeological sites, such as Mesa Verde and Chaco Canyon, became more frequent and widespread. Finally these efforts culminated in President Theodore Roosevelt signing the Antiquities Act into law on June 8, 1906.

The Antiquities Act is important for many reasons, both specific and general. Specifically, it asserted wide and general public interest in and control over archeological resources on federal and Indian lands. This assertion of public interest and concern continues to the present and is the basis for the federal government's efforts to protect archeological sites from looting and vandalism. The act also permitted the protection and preservation specific areas important for their archeological, historical, and scientific resources. The act also stands as an important achievement in the progress of conservation and preservation efforts in the United States. Its passage involved a whole generation of dedicated effort by scholars, citizens, and members of Congress...More important, this generation, through its explorations, publications, exhibits, and other activities, awakened the American people to a lasting consciousness of the value of American antiquities, prehistoric and historic. This public understanding, achieved only after persistent effort in the face of much ignorance, vandalism, and indifference, was a necessary foundation for many subsequent conservation achievements. Among them were several of great importance to the future National Park Service, including the establishment of many national monuments, development of a substantial educational program for visitors, and eventually the execution of a far-reaching nationwide program to salvage irreplaceable archaeological objects threatened with inundation or destruction by dams and other public works and their preservation for the American people (Lee 1970:86).

Although the Antiquities Act proved to be a means of overseeing and coordinating educational and scientific archeological investigations on federal and Indian lands, it did not effectively prevent or deter deliberate, criminal looting of archeological sites on those lands. Problematic for many years, this situation became critical in the 1970s when several attempts by federal land managing agencies and prosecutors in the southwest to convict looters using the Antiquities Act resulted in disastrous court decisions. In two cases judges ruled that the terms of the act were unconstitutionally vague and therefore unenforceable (Collins and Michel 1985). This situation led to a concerted effort by archeologists and preservationists, their allies in the law enforcement community and several essential supporters in Congress to strengthen the legal protection of archeological resources. The eventual outcome was a new statute, the Archaeological Resources Protection Act of 1979, rather than an amendment of the Antiquities Act.

ARCHAEOLOGICAL RESOURCES PROTECTION ACT OF 1979

Public Law 96-95

This federal statute, enacted in 1979 and amended in 1988, applies to all lands the fee title to which is held by the United States (other than lands on the Outer Continental Shelf and lands which are under the jurisdiction of the Smithsonian Institution), and Indian lands which are held in trust by the United States.

The purpose of the statute is to provide for the protection of archaeological resources on federal and Indian lands. Major provisions of the law are as follows:

- Archaeological resources are defined as any material remains of past human life or activities which are of archaeological interest and are at least 100 years old and the physical site, location or context in which they are found. An object, site, or other material is of archaeological interest if, through its scientific study and analysis, information or knowledge can be obtained concerning human life or activities.
- Permits are required to conduct archaeological investigations on federal or Indian lands.
- Information concerning the nature and location of any archaeological resource on federal or Indian lands may not be made available to the public unless it is determined that such disclosure would further the purposes of the act and not create a risk of harm to the resources or to the site at which such resources are located.
- All archaeological resources, equipment and vehicles utilized in violation of this law may be subject to forfeiture.
- Each federal land manager shall establish a program to increase public awareness of the significance of the archaeological resources located on public and Indian lands and the need to protect such resources.
- The Secretaries of the Interior, Agriculture and Defense and the Chairman of the Board of the Tennessee Valley Authority shall develop plans for surveying lands under their control, prepare a schedule for surveying lands containing the most important resources, and develop documents for reporting violations of the Act and establish when and how such documents are to be completed.

Prohibitions and penalties under the law are as follows:

- No person may excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any archaeological resource located on federal or Indian lands without a permit.
- No person may sell, purchase, exchange, transport, receive or offer to sell, purchase or exchange any archaeological resource if such resource was excavated or removed from federal or Indian lands in violation of this Act or in violation of any rule, regulation, or provision in effect under any other provision of federal law.
- No person may sell, purchase, exchange, transport receive or offer to sell, purchase or exchange, in interstate or foreign commerce, any archaeological resource excavated, removed, sold, purchased, exchanged, transported, or received in violation of any provision, rule, regulation, ordinance, or permit in effect under state or local law.

Any person who knowingly violates, or counsels, procures, solicits, or employs any other person to violate, any prohibition contained in numbers 1, 2, or 3 of this section shall, upon conviction, be fined not more than \$10,000 or imprisoned not more than 1 year, or both; provided, however, that if the commercial or archaeological resources involved and the cost of the restoration and repair of such resources exceeds the sum of \$500, such person shall be fined not more than \$20,000 or imprisoned not more than two years, or both. In the case of a second or subsequent violation, upon conviction such person be fined not more than \$100,000, or imprisoned not more than five years, or both.

Civil penalties may also be assessed against any person who violates the provisions of the Act.

NATIONAL HISTORIC PRESERVATION ACT OF 1966

Public Law 89-665

Enacted in 1966 and amended in 1970 and 1980, this federal law provides for a National Register of Historic Places to include districts, sites, buildings, structures and objects significant in American history, architecture, archaeology and culture. These items may bear national, state or local significance. The act provides funding for the State Historic Preservation Officer and his staff to conduct surveys and comprehensive preservation planning, establishes standards for state programs and requires states to establish mechanisms for certifying local governments to participate in the National Register nomination and funding programs.

Section 106 of the Act requires that federal agencies having direct or indirect jurisdiction over a proposed federal, federally assisted, or federally licensed undertaking, prior to approval of the expenditure of funds or the issuance of a license, take into account the effect of the undertaking on any district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places, and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to the undertaking. This Council appointed by the President has implemented procedures to facilitate compliance with this provision at 36 CFR Part 800.

Section 110 of the Act directs the heads of all federal agencies to assume responsibility for the preservation of National Register listed or eligible historic properties owned or controlled by their agency. Federal agencies are directed to locate, inventory and nominate properties to the National Register, to exercise caution to protect such properties and to use such properties to the maximum extent feasible. Other major provisions of Section 110 include documentation of properties adversely affected by federal undertakings, the establishment of trained federal preservation officers in each agency, and the inclusion of the costs of preservation activities as eligible agency project costs.

NEW MEXICO CULTURAL PROPERTIES ACT
ARTICLE 6
CULTURAL PROPERTIES

HISTORY

The legislature hereby declares that the historical and cultural heritage of the state is one of the state's most valued and important assets; that the public has an interest in the preservation of all antiquities, historic and prehistoric ruins, sites, structures, objects and similar places and things for their scientific and historical information and value; that the neglect, desecration and destruction of historical and cultural sites, structures, places and objects results in an irreplaceable loss to the public; and that therefore it is the purpose of the Cultural Properties Act to provide for the preservation, protection and enhancement of structures, sites and objects of historical significance within the state, in a manner conforming with, but not limited by, the provisions of the National Historic Preservation Act of 1966.

DEFINITIONS: as used in the Cultural Properties Act [18-6-1 to 18-6-17] NMSA 1978

- A. "Committee means the cultural properties review committee
- B. "Cultural property" means a structure, place, site or object having historic, archaeological, scientific, architectural or other cultural significance
- C. "Registered cultural property" means a cultural property that has been placed on the official register on either a permanent or temporary basis by the committee
- D. "Official register" means the New Mexico register of cultural properties maintained by the committee for the purpose of recording cultural properties deemed worthy of preservation
- E. "State land" means property owned, controlled or operated by a department, agency, institution or political subdivision of the state.

NEW MEXICO PREHISTORIC AND HISTORIC SITES PRESERVATION ACT
ARTICLE 8
PREHISTORIC AND HISTORIC SITES PRESERVATION

PURPOSE

The purpose of the New Mexico Prehistoric and Historic Sites Preservation Act [18-8-1 NMSA 1978] is the acquisition, stabilization, restoration or protection of significant prehistoric and historic sites by the state of New Mexico and corporations

DEFINITIONS as used in the New Mexico Prehistoric and Historic Sites Preservation Act [18-8-1 NMSA 1978

- A. "Corporation" means a nonprofit corporation, formally recognized as tax exempt under Section 501(c) 3 of the Internal Revenue Code of 1986, whose declared purposes include the investigation, preservation or conservation of significant prehistoric or historic sites
- B. "Division" means the historic preservation division of the cultural affairs department
- C. "Significant prehistoric or historic sites" means properties listed in the state register of cultural properties or national register of historic places.

NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Public Law 101-601

NAGPRA became law in 1990, and contains two main provisions. The first requires federal agencies and museums receiving federal funds to inventory collections of human remains and associated funerary objects, and develop written summaries for unassociated funerary objects, sacred objects, and objects of cultural patrimony that are in the collections they own or control. Requests for repatriation of those remains or objects may be made, based on those inventories, by federally-recognized Indian Tribes or Native Hawaiian organizations which are culturally affiliated or for which they are lineal descendants.

Protection of Native American graves and associated cultural items is the second purpose of NAGPRA. Avoidance of archaeological sites containing graves is encouraged, as are intensive surveys to identify such sites. Archaeological investigations for planning or research purposes on federal and tribal lands, or other land modifying activities that inadvertently discover such items, require the federal agency or tribe to consult with affiliated Native Americans. Federal ARPA permits are required for archaeological investigations of grave sites on federal or tribal lands, in addition to consultation with affected groups.

NAGPRA also includes prohibitions against trafficking in human remains and related cultural items; a grants program administered by the Secretary of the Interior to assist museums and tribes with compliance with the Act; and establishment of a review committee to assist the Secretary with disputed cases and to develop regulations for the law.

ABOUT THOSE ARROWHEADS

Question 1: The Archaeological Resource Protection Act (ARPA) sets the criteria which must be met by national forests in considering whether a site or artifact is significant for protection: (a) the site or artifact must be at least 100 years of age; and (b) must be of archaeological interest. Within the parameters of the scientific definition, what do your national forest archaeologists/historians utilize to determine what is of archaeological interest?

You are correct that ARPA protects archaeological resources of archaeological interest that are over 100 years old. The statute defines archaeological resources as “any material remains of past human life or activities which are of archaeological interest, as determined under uniform regulations promulgated pursuant to this chapter.” It goes on to state “no item shall be treated as an archaeological resource under regulations under this paragraph unless such item is at least 100 years of age.” One must, therefore, refer to the uniform regulations to determine what is of archaeological interest.

The regulations define the phrase as follows: “Of archaeological interest means capable of providing scientific or humanistic understanding of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques such as controlled observation, contextual measurement, controlled collection, analysis interpretation, and explanation.”

Please see the definition of “material remains” in the regulations for examples of what is protected by ARPA. You need, however, to keep in mind that for the protection of all resources on Federal land and for the protection of the visitor, other statutes and regulations do protect resources which are not protected under ARPA. For instance, the regulations at 36 CFR 261 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” and “Digging in, excavating, disturbing, injuring, destroying, or in any way damaging any prehistoric, historic or archaeological resource, structure, site, artifact, or property” or “Removing any prehistoric, historic, or archaeological resource, structure, site, artifact, or property.” Violations of these prohibitions are punishable by a fine of not more than \$5,000 or imprisonment of not more than six months or both. While removal of arrowheads found on the surface is exempted from prohibition under ARPA, the regulations quoted above prohibit their removal from Forest Service lands.

Please see section 296.4 of the enclosed regulations which lists the acts which are prohibited by ARPA and the possible penalties.

Forest Service heritage specialists must rely upon their training and knowledge of the resource to determine what is of archaeological interest as defined in ARPA regulations. They must do the same when applying other regulations which protect prehistoric, historic and archaeological resources. ARPA does not provide a formula or prescribed methodology that archaeologist or historians must follow. Rather the historian and archaeologist must consider several factors including the condition of the archaeological resource, the status of research relative to that type of resource, the potential of the resource to provide scientific or

humanistic information, and then draw upon their knowledge or research methods, tools and techniques to establish that the archaeological resource is “of archaeological interest.”

Question 2: Does your national forest adhere to a policy that every cabin, sawmill, commercial, town or encampment, mining area or other scenes of human activity of the region are to be considered as significant archaeological/historical sites worthy of protection?

No. There is no policy establishing that all sites are significant or worthy of protection. However, until a site assessment is made that concludes that an individual site is not of archaeological interest, is not eligible for inclusion on the National Register of Historic Places and possesses no other value or interest which would deserve protection, all sites are managed as though they may be significant, eligible, or of archaeological interest as is required by the National Historic Preservation Act.

Question 3: If there is a clear established public or private record of a site that is accessible through recorder’s offices, etc., does your national forest still require a dig be performed at the site.

No. The Forest Service does not require that archaeological digs be performed at any site. In fact, the Forest Service endeavors to protect, in place, archaeological resources to the extent possible. Most commonly, archaeological excavations occur: 1) at sites that are threatened by modern developments and activities, 2) at sites that are to be transferred out of Federal ownership and protection, or 3) at sites that have been damaged and information is needed to determine what restoration work may be appropriate. The decision to excavate a site does not hinge on whether there is a public record of a site or not. The existence of such a record does not necessarily enhance or diminish the importance of a site, the level of archaeological interest, or the priority for excavation.

Question 4: Are all objects found retrieved, recorded, and stored, or put on public display? If not, what happens to them and will the public have access to view them?

Not all objects that are found by Forest Service personnel are retrieved. When Forest Service personnel examine National Forest Service System lands to determine if archaeological resources are present (called an archaeological survey) generally only those objects that are at risk of being stolen, damaged, or those that may be of particular archaeological interest are collected. These objects are documented and maintained in a temporary archive on the forest or sent to a museum. When archaeological sites are excavated by Forest Service personnel or by archaeological consultants/contractors, the excavated objects are retrieved, documented and sent to a museum. Whether the objects are held by the Forest Service or at a museum, they may be periodically displayed in public exhibits. Many objects from the Forest Service are on display at various museums, visitor centers and administrative offices. Objects not on display are available to qualified researchers to view, examine and study.

Question 5: Will all sites discovered by your scientists in the field be registered and then opened for public view?

All sites discovered by Forest Service personnel are recorded and entered into statewide archaeological inventory systems. Because of the number of sites identified each year, budgetary limitations, etc. not all sites are immediately evaluated for their potential inclusion in the National Register of Historic Places. Sites that are eligible for or included in the National Register may be developed for public viewing, kept confidential and preserved for scientific study, or managed in a variety of ways depending on the nature of the site., how vulnerable it may be to vandalism and theft, and the availability of funding.

Question 6: Since 1990, how many sites within your national forest have been accepted by the National Historic Register? How many have been rejected?

Since 1990, 380 Forest Service properties have been added to the National Register of Historic Places. An additional 33,036 have been determined to meet the eligibility criteria. Another 26,978 have been found not to meet the criteria, and another 127,848 properties have yet to be evaluated against the criteria of eligibility. We do not keep track in this office of properties determined to be ineligible, but all of the properties we have submitted to the Keeper of the National Register, we have had only two returned to us as ineligible in the last 15 years.

Question 7: Are scatters, such as broken glass, tin cans, old pipe, horseshoes, and other common manufacture items considered by your national forest to be off-limits to public collecting?

Collecting any of the items you list could result in violation of ARPA if they are over 100 years old and they are of archaeological interest. Additionally, the Secretary of Agriculture's regulations (36 CFR 261) prohibit disturbing, altering, removing, etc., ANY prehistoric, historic, or archaeological resource, structure, site, artifact, or property. Whether items are of common or uncommon manufacture has little bearing on whether they are of archaeological interest, eligible for the national Register of Historic Places, or more or less historic value. For example, all of the items you list could occur at any of the more than 125,000 historic period properties so far identified and more than half of the 873 properties listed for the National Forest System lands on the National Register. Those engaged in relic collecting on public lands assumes certain amount of risk that they may unintentionally remove objects of archaeological or historic value and thus violate Federal laws and regulations designed to preserve such objects on public lands.

Question 8: How many archaeologists/historians does your Office of the National Forest Service employ? How many annual volunteers in the fields? What is your Office of the National Forest Service annual budget allocations for these activities?

The Forest Service employs about 400 archaeologists/historians on our permanent staff. In addition, we hire some temporary employees each year. They assist with archaeological surveys and other work we are required by law to perform as stewards of the archaeological and historical resources within the National Forest System. The annual budget for heritage resource program activities is about \$13.5 million. Additional funding is provided by other forest resource programs each year to pay for any archaeological surveys that may be needed before development projects may occur. We have an active volunteer program. In

1995, volunteers contributed nearly 75,000 hours serving as site stewards, assisting heritage professionals in performing archaeological surveys and excavations, historic building stabilization projects and other heritage management activities. Many of your members may be aware of the on-going programs we have for metal detectorists to participate in archaeological and historical work on a variety of national forests through our Passport In Time program and other activities.

Question 9: If a detectorist inquires at your district office where detecting can legally take place, will that person be given information as to where these areas are, and what areas the detectorist should stay out of?

Visitors inquiring at national forest offices should receive information on metal detecting within the Forest Service. Metal detecting can legally take place in most areas of the National Forest System, the key exception being archaeological and historical sites. A few national forests have issued blanket closures to metal detecting as a result of a high incident of resource damage both to historic properties and natural resources. It is the responsibility of the detectorist to avoid disturbing, altering, or removing objects that may be protected by ARPA, the Secretary of Agriculture's Regulations, etc. If one is unsure, it is best to contact one of the Forest Service heritage specialists. The Forest Service does not mark or disclose the location of archaeological or historical sites, unless they are developed and interpreted for public visitation. Regulations under ARPA and the National Historic Preservation Act prohibit the disclosure of the location of properties which might be subject to damage as a result of such disclosure.

Question 10: Is prospecting for gold, both for commercial and recreational purposes, permitted in your district or any other national forest and can a gold detector be utilized while doing so?

Prospecting for gold and other mineral deposits is permitted subject to the General Mining Law of 1872. No permits are required for prospecting and metal detectors may be used in this activity. Prospecting that involves land disturbance could require the filing of a mining plan of operations. Detectorists should bear in mind that many of the mineralized lands within the National Forest system have been "claimed" by others who have sole right to prospect and develop the mineral resources found on the claim. Detecting on another's mining claim is illadvised. It is the responsibility of the detectorist to determine if an area has been claimed. This can be done through county and Bureau of Land Management offices. Occasionally, detectorists may search for treasure they believe may be buried within Federal lands. This activity requires a treasure trove permit prior to excavating or removing any buried treasure.