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**THE BEST EVER SUMMARY CHART OF
FEDERAL LAW PERTAINING TO RECREATIONAL ROCKHOUNDING**

	BLM	USFS
Recreational Rockhounding Generally	<p>Some Allowed.</p> <ul style="list-style-type: none"> ▪ Subject to restrictions. ▪ Restrictions may vary by State Office and within any District. 	<p>Some Allowed.</p> <ul style="list-style-type: none"> ▪ Subject to restrictions. ▪ Restrictions may vary by Region and by Forest or Grassland within any Region.
Commercial Rockhounding	<p>Special Authorization Required.</p> <p>Collection of any specimens for sale or barter requires prior contract or permit.</p> <p>See 43 CFR § 8365.1-5(c).</p>	<p>Special Authorization Required.</p> <p>Commercial collecting requires prior contract or permit.</p>
Collection Methods (Allowed)	<div style="text-align: center;"></div> <p>Recreational rockhounding collection methods often vary by area. Typically, however, the following is allowed (if rockhounding is allowed):</p> <ul style="list-style-type: none"> ▪ Surface collection ▪ Small hand tools. <p>See 43 CFR § 8365.1-5(a)(3). See also, 16 U.S.C. 470aaa(1) (for common invertebrate and plant fossils).</p>	<div style="text-align: center;"></div> <p>Recreational rockhounding collection methods often vary by area. Typically, however, the following is allowed (if rockhounding is allowed):</p> <ul style="list-style-type: none"> ▪ Surface collection ▪ Small hand tools. <p>Not infrequently, recreational rockhounding is limited to surface collection only (<i>i.e.</i>, no shovels, picks, etc.).</p> <p>See 36 CFR § 228 Parts A & C. See also, 16 U.S.C. 470aaa(1) (for common invertebrate and plant fossils).</p>



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**Prohibited
Collection Methods**

Where collecting is allowed, certain collection methods often are prohibited, such as:

- Explosives
- Motorized or mechanical devices
- Heavy equipment
- Road building
- Undue or unnecessary degradation of public lands
- Undue degradation of water.

See 43 CFR § 8365.1-5(a)(3); 43 U.S.C. 1732(b). *See also*, 16 U.S.C. 470aaa(1) (for common invertebrate and plant fossils).

Where collecting is allowed, certain collection methods often are prohibited, such as:

- Explosives
- Motorized or mechanical devices
- Heavy equipment
- Road building
- Undue or unnecessary degradation of public lands
- Undue degradation of water.

See 36 CFR § 228 Parts A & C.

Increasingly, the USFS limits recreational rockhounding, with a permit, to situations where there is little or no disturbance to the ground, other resources, and the environment.



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**Specimen Collecting
Generally**

**Rocks
Gemstones
Minerals**



Often Allowed.

Recreational rockhounds often may collect:

- “Reasonable amounts”
- “Reasonable quantities”
- “Limited quantities”

There is no BLM-wide defined quantity ‘safe harbor’ for collecting.

In some areas, the petrified wood quantity is used, in other areas a descriptive volume is used – e.g., not more than can be carried in a backpack; what can fit in your trunk; a ten gallon bucket; etc. A few areas use a yearly weight limit.

Restrictions

- Specimens must be for personal enjoyment
- No selling or bartering specimens without prior contract or permit

See 43 CFR § 8365.1-5(b) & (c).

Note: BLM has authority to establish supplementary Rules (43 CFR § 8365.1-6). See, e.g., 63 Fed. Reg. 108 (Jan. 2, 1998) (rules for BLM lands in Arizona).



Often Allowed.

Recreational rockhounds often may collect:

- “Small quantities”

There is no USFS-wide defined quantity ‘safe harbor’ for collecting.

It is not uncommon for national forests to define ‘small quantities’ as hand-sized or smaller and a total volume that can fit in your pocket or a sample bag.

Restrictions

- Specimens must be for personal enjoyment
- No selling or bartering specimens

Note: USFS may require recreational rockhounds to obtain a permit (often free) prior to collecting. See, e.g., Modoc National Forest (obsidian collecting).



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Petrified Wood



Allowed.

Recreational rockhounds may collect "limited quantities" of petrified wood, defined as:

- Up to 25 pounds per day plus one piece
- But not to exceed a maximum of 250 pounds per calendar year, without a permit

Restrictions

- Specimens must be for personal use
- No selling or bartering specimens without prior contract or permit
- No pooling of quotas
- No using explosives, power equipment or heavy equipment to excavate or remove specimens
- Collecting must be done in a manner that prevents hazards to public health and safety and minimizes and mitigates environmental damage

See 43 CFR § 3622 (Free Use of Petrified Wood); 43 CFR § 8365.1-5(b)(3) & (c). See also, Act of September 28, 1962 (Pub. L. 87-713, 76 Stat. 652).

Note: BLM has authority to establish and publish additional rules. See 43 CFR § 3622.4(b).

For purchase of petrified wood for commercial purposes, see 43 CFR § 3602.10 *et seq.*



Often Allowed.

Recreational rockhounds may collect:

- "limited quantities"

The BLM rules do **NOT** control or apply to USFS-managed public lands.

There is no uniform USFS-wide defined numeric quantity 'safe harbor' for collecting petrified wood.

Restrictions

- Specimens must be for personal use
- No selling or bartering specimens
- A free-use permit may be required



See 36 CFR § 228.62(e) (Free Use of Petrified Wood).

Note: The USFS has authority to issue rules regarding collection of petrified wood and the rules may vary. See 36 CFR § 228.62(e).



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**THE BEST EVER SUMMARY CHART OF
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BLM	USFS
<p style="text-align: center;">Plant Fossils <i>(Common Plant Paleontological Resources)</i>¹</p>	<div style="text-align: center;">  Often Allowed. </div> <p>Recreational rockhounds often may 'casually collect' a:</p> <ul style="list-style-type: none"> ▪ "Reasonable amount" of common plant paleontological resources <p>There is no BLM-wide defined numeric quantity 'safe harbor' for collecting. BLM's <i>Fossils Brochure</i> (rev. 2011) states "only reasonable amounts of specimens can be collected. Specimens are small samples that are easily transportable by hand."</p> <p style="text-align: center;"><u>Restrictions</u></p> <ul style="list-style-type: none"> ▪ Specimens must be for non-commercial personal use ▪ Collected by surface collection or by using non-powered hand tools ▪ Resulting in only negligible disturbance to the Earth's surface and other resources ▪ No selling or bartering specimens without prior contract or permit <p>See Paleontological Resources Preservation Act (PRPA) of 2009. See also 43 CFR § 8365.1-5(b)(2) & (c).</p> <p>Note: BLM is required to develop rules implementing the PRPA. See 16 U.S.C. § 470aaa-9.</p>
	<div style="text-align: center;">  Often Allowed. </div> <p>Recreational rockhounds often may 'casually collect' a:</p> <ul style="list-style-type: none"> ▪ "Reasonable amount" of common plant paleontological resources <p>USFS regulations define "reasonable amount" to be a "maximum per calendar year of 100 pounds by weight, not to exceed 25 pounds per day." 36 CFR 291.5.</p> <p style="text-align: center;"><u>Restrictions</u></p> <ul style="list-style-type: none"> ▪ Specimens must be for non-commercial personal use ▪ Collected by surface collection or by using non-powered hand tools ▪ Resulting in only negligible disturbance to the Earth's surface and other resources <p>See Paleontological Resources Preservation Act (PRPA) of 2009.</p> <p>Note: See Final Rules 80 Fed. Reg. 21588 (April 17, 2015) (response to comments noting change to "reasonable amount").</p>

¹ Examples of common plant fossils include leaves, stems, cones, and seeds.



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Often Allowed.

Recreational rockhounds often may 'casually collect':

- "Reasonable amount" of common invertebrate fossils

There is no BLM-wide defined numeric quantity 'safe harbor' for collecting. BLM's *Fossils* Brochure (rev. 2011) states "only reasonable amounts of specimens can be collected. Specimens are small samples that are easily transportable by hand."

Restrictions

- Specimens must be for non-commercial personal use
- Collected by surface collection or by using non-powered hand tools
- Resulting in only negligible disturbance to the Earth's surface and other resources
- No selling or bartering specimens without prior contract or permit

See Paleontological Resources Preservation Act (PRPA) of 2009. See also 43 CFR § 8365.1-5(b)(2) & (c).

Note: BLM is required to develop rules implementing the PRPA. See 16 U.S.C. § 470aaa-9.



Often Allowed.

Recreational rockhounds often may 'casually collect':

- "Reasonable amount" of common invertebrate fossils

USFS regulations define "reasonable amount" to be a "maximum per calendar year of 100 pounds by weight, not to exceed 25 pounds per day." 36 CFR 291.5.

Restrictions

- Specimens must be for non-commercial personal use
- Collected by surface collection or by using non-powered hand tools
- Resulting in only negligible disturbance to the Earth's surface and other resources

See Paleontological Resources Preservation Act (PRPA) of 2009.

Note: See Final Rules 80 Fed. Reg. 21588 (April 17, 2015) (response to comments noting change to "reasonable amount").

**Invertebrate Fossils²
&
Invertebrate Trace
Fossils³
(Common Invertebrate
Paleontological
Resources)⁴**

² Invertebrate fossils are the fossilized remains of animals lacking a backbone.

³ Ichnofossils (trace fossils) typically are sedimentary structures consisting of a fossilized track, burrow, or tube resulting from life activities and behavior of an animal such as a track made by a worm creeping, feeding, hiding, or resting on or in soft sediment, or a footprint. Some non-sedimentary examples include skin impressions and coprolites.

⁴ Examples of common invertebrate fossils include ammonites, clams, insects, snails, and trilobites.



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**Vertebrate Fossils
&
Vertebrate Trace
Fossils⁵
(Vertebrate
Paleontological
Resources)**



Prohibited.

It is **ILLEGAL** to collect vertebrate fossils (and vertebrate trace fossils) on federal public lands without a paleontological permit. As a matter of policy, vertebrate fossils are considered significant and cannot be collected without a paleontological permit, which requires a minimum level of training and experience, provision for curation in an approved repository, and sharing of specimens. Such specimens belong to the federal government.

See, e.g., Paleontological Resources Preservation Act (PRPA) of 2009, 16 U.S.C. § 470aaa *et seq.* See also 36 CFR § 261.9(i) (USFS).

Violators are subject to civil penalties, forfeiture, and criminal penalties including fines and imprisonment. See Paleontological Resources Preservation Act (PRPA) of 2009. In addition, violators may be prosecuted under the "theft of government property" provision of 18 USC § 641 and may face a minimum fine of \$1,000 and a year in jail, and up to \$10,000 and 10 years in jail.

Meteorites



Prohibited.

Meteorites on federal public lands belong to the government (and go to the Smithsonian).

See *People of the State of California v. Giles W. Mead*, 618 F.2d 618 (9th Cir. 1980) (interpreting Antiquities Act of 1906).

May be permitted.

Pursuant to a permit, recreational rockhounds may collect meteorites for personal, hobby, educational, and noncommercial use.

Restrictions

- Permit is required
- No selling specimens

See, e.g., USFS Nebraska National Forests & Grasslands

⁵ Vertebrate fossils are the fossilized remains of any animal having a bony skeleton or backbone such as fish, amphibians, reptiles (including dinosaurs), birds, mammals, and all trace fossils from vertebrate animals such as dinosaur tracks and eggs.



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Decorative Stone⁶

May be allowed, subject to restrictions (permit, sales, payment/free use, specified volume, specified locations).

See 43 CFR § 3603 (community Pits & Common Use Areas).

May be allowed, subject to restrictions (permit, payment, specified volume, specified locations).

See 36 CFR § 228 Subpart C

**Caves
Paleontological
Resources**



Prohibited.

It is **ILLEGAL** to collect paleontological resources from significant caves on public lands, without a permit. Such collecting is prohibited by the Federal Cave Resources Protection Act, which authorizes misdemeanor-level penalties.

See 16 U.S.C. § 4301-4309 (Federal Cave Resources Protection Act)

BLM Lands. See 43 CFR § 37; 43 CFR § 8365.1-5(a).

USFS Lands. See 36 CFR § 290; 36 CFR § 261.9(j).

**Prehistoric Artifacts –
Generally**



Prohibited.

It is **ILLEGAL** to collect artifacts, including projectile points, ovate bifaces, cores, flakes, and all other material worked by prehistoric cultures and now found on public lands, without an archaeological permit. Such collecting is prohibited by the Antiquities Act of 1906 and the Archaeological Resources Protection Act of 1979.

See 16 U.S.C. § 431 *et seq.* (Antiquities Act); 16 U.S.C. § 470aa *et seq.* (ARPA).

BLM Lands. See 43 CFR § 8365.1-5(a).

USFS Lands. See 36 CFR § 261.9(g) & (h).

⁶ Decorative stone refers to flagstone, veneer stone, landscaping rock, etc.
AMERICAN ROCKHOOUNDING LAW – SUMMARY TABLE ©Gator Girl Rocks, LLC





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<p>Arrowheads</p>	<p> Prohibited.</p> <p>It is ILLEGAL to collect arrowheads from public lands without an archaeological permit. Recreational Rockhounds will NOT be allowed a permit. <i>Note:</i> the ‘exemption’ in the Archaeological Resources Protection Act of 1979 (ARPA) does NOT make surface collecting of arrowheads from public lands legal; it merely exempts such activity from <u>criminal</u> penalties under ARPA.</p> <p>BLM Lands. See 43 CFR § 8365.1-5(a)(1). See <i>also</i>, BLM Manual 8140.31D.</p> <p>USFS Lands. See 36 CFR § 261.9</p>	
<p>Petroglyphs</p>	<p> Prohibited.</p> <p>It is ILLEGAL to collect petroglyphs without an archaeological permit. Recreational Rockhounds will NOT be allowed a permit.</p> <p>BLM Lands. See 43 CFR § 8365.1-5(a).</p> <p>USFS Lands. See 36 CFR § 261.9(g) & (h).</p>	
<p>Gold Panning</p>	<p>May be allowed, subject to restrictions.</p>	<p>May be allowed, subject to restrictions.</p>