

Recreational Gold Panning In Wisconsin

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Panning for gold in Wisconsin streams and rivers has long been a pleasant outdoor recreational activity for a small group of amateur prospectors. There are minor occurrences of placer gold (deposits concentrated by weathering and erosion) to be found in most Wisconsin counties, but it is almost always in the form of small "flour" gold particles. Unlike in western States like California, there are no economic deposits of placer gold anywhere in the State and nuggets are extremely rare. The glaciers did a good a job of scraping up the few older gold deposits, grinding them into small particles and spreading them out over the landscape. Most of the small placer gold deposits in existence today are the result of reworking this glacial debris.

Mining Regulations

Recreational gold panning is not directly addressed in the existing mining laws or regulations. The statute and administrative codes regulating metallic mining activity in Wisconsin (ch. 293, Stats., and chs. NR 130, NR 131, NR 132 Wis. Adm. Code), mostly focus on commercial operations. Therefore, the Department of Natural Resources (DNR) has historically classified recreational gold panning as an unregulated exploration activity. In accordance with this designation:

A mining permit is not required from the DNR for persons engaged solely in the recreational collection of metallic ore provided the activity is limited to the use of non-mechanized methods of collection and separation.

Recreational collection is generally considered the collection of a metallic ore (including gold panning) for noncommercial purposes such as educational uses and personal collections. Collection of gold or any other metallic ore primarily for sale or profit would be defined as a commercial activity and would require a mining permit. Acceptable non-mechanical means of collection and separation would include the use of pans, screens, shovels, and small pry tools. Small, portable manual sluice boxes would be acceptable as well as the use of metal detectors. This interpretation applies not only to gold panning, but also to the recreational surface collection of any metallic ore.

More intensive collection activities involving the use of mechanical devices such as dredges or powered excavation devices would be considered prospecting and would require a permit under ch. NR 131 Wis. Adm. Code from the DNR regardless of the intent of the operator. The use of such devices to obtain metallic ore for sale or profit on an even larger scale would likely require a mining permit under ch NR 132 Wis. Adm. Code.

Water Regulations

In addition to the mining regulations, you need to be aware that the collection of gold or other minerals in waterways may also be subject to regulation under Chapter 30 Stats. and ch. NR 345 Wis. Adm. Code. While the DNR regulates the removal of any material from a streambed as dredging (either manual or mechanical), the removal of less than 2 cubic yards in any navigable waterway per year is not subject to regulation under ch. NR 345 Wis. Adm. Code. In accordance with that interpretation:

A water permit for manual dredging is not required for persons engaged in recreational gold panning provided they remove no more than 2 cubic yards of material in any given waterway per year and they do not use any mechanized means of collection.

To put that volume of material in perspective, 2 cubic yards (an area 9 feet x 6 feet x 1 foot deep) of construction-grade gravel would be the equivalent of approximately 2.5 tons (5,600 pounds) of material. Most recreational gold panning enthusiasts utilizing only hand tools would not have to worry about exceeding this limit.

If you intend to use a mechanized dredging device or plan on disturbing a larger area, please contact the Water Protection Program at <http://www.dnr.wi.gov/waterways/> prior to initiating any activity to determine if a permit is needed.

Property Issues

Before you engage in any sort of recreational panning, you also need to be aware of certain property rights issues including access and ownership of any material you might recover.

Private Land

In the case of a stream or flowage that runs through or is adjacent to privately owned property, be aware that in Wisconsin the riparian (stream bank) owners generally have property rights which extend from the bank to the center of the stream or flowage. This means you need to obtain permission from the riparian property owner before you conduct any panning on their property or you may be in violation of trespassing laws. This also means that the riparian property owner also has ownership rights to any material you might find in the streambed. When panning on private property, it is very important that you make the property owner aware of your activities and have a clear understanding of their expectations.

You may have heard that the public is allowed access to navigable waterways in Wisconsin even if they pass through privately-owned property (the “wet feet” rule). While this is generally true, be aware that this right of public access does not extend to the removal of material from the stream bed.

Public Land

The property rights of riparian landowners are also applicable to public lands. Mineral collecting on property controlled by the DNR is governed by ch. NR 45.04, Wis. Adm. Code. Under these rules, anyone wishing to collect minerals (including panning) which are on State property must first obtain a collector’s permit from the DNR’s local property manager. If a permit is granted, you will generally be limited to no more than 5 pounds of material per day and 50 pounds of material per year from any given property. To find out the

property manager of any given DNR property, the best place to start is on the WDNR website (www.dnr.state.wi.us).

However, be aware that mineral collection is not allowed on certain State properties. Properties subject to this restriction include:

- State Parks,
- State Trails,
- State Recreational Areas,
- Wild and Scenic Rivers as designated by the State, and
- State Natural Areas.

There may be other public areas where mineral collecting or panning is restricted or prohibited. Always contact the appropriate property manager before panning on public property to make sure there are no other restrictions. For details of applicable mineral collecting rules on National Forest land, you must contact the Federal property manager.


Summary

For the majority of folks who would like to spend an afternoon in the outdoors panning for a flake or two of gold, there are no permits required from the DNR. Just remember to always ask for permission and keep your tools simple (nothing with a motor).

However, please be aware that the stream bed is not just a place that might harbor gold; it is also the home for many kinds of invertebrates such as mayfly, stonefly and caddis fly nymphs that provide food for other stream dwellers such as brook trout. Try to minimize your disturbance to the stream bed by limiting your work area, carefully moving and replacing larger rocks and returning the coarse fraction of your panning back into the stream. Stream beds are a valuable natural resource and we ask that you treat them with proper care and consideration.



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Contact 608/266-2111 or Waste.Materials@wisconsin.gov for further information.

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