

GUIDELINE FOR METAL DETECTING ON PUBLIC PROPERTY (By Gary Bunyard)

As a general rule I approach public property with the idea that it is open for metal detecting unless it is prohibited by a rule, regulation, or ordinance duly passed by the governing body that is responsible for managing the property.

Public property will be managed by a federal agency, a state agency, a county body, a municipal body, or a local association. These guidelines are given as a pattern to go by, however, they are not all inclusive and I do not suggest that I have covered everything there is to know about public properties. If you have any doubt it would be best to consult with the managing entity of the property.

To start my research as to a specific property, I find out what agency or entity the property is managed by. For example is the property managed by a city or county or some other entity. If the property is managed by a federal or state agency, including LCRA, then your search is basically concluded as they do not allow metal detecting. If you are caught with metal detecting gear on any of those properties then your gear can be seized, the car you used to transport your gear onto the property can be seized, you can be fined, and perhaps you might be arrested. Please note that it is possible to request permission to metal detect a federal or state managed property and if permission is granted then the general rule stated above will be temporarily waived. If granted, permission must be in written form either by letter or as a license. A fee might be charged for this permission. The writing should include a statement of where you are allowed to hunt, when you are allowed to hunt, and who will own what you find. I have heard that LCRA might occasionally allow detecting on certain portions of an LCRA operated park during the off-season. I have never tried to get permission from any state or federal agency so I can not say that permission or a license can be obtained. However, if you ask the worst that can happen is that they say no.

For a property that is managed by a county or local entity, my first step is doing an online search of the governing board's website. Do a word search for "metal" and for "detector" and for "metal detector". It will be virtually impossible to read all of the rules and ordinances individually but I find a word search works well as long as that entity has a website. If the entity does not have a website you will need to contact the manager of that entity and ask if there are any rules or ordinances prohibiting metal detecting. For county properties in Llano County and Burnet County a word search for metal and for detector will only hit on the ordinances regarding the security metal detectors like you find at the entry of the courthouse.

If no rule or ordinance banning metal detecting is found in the word search of the website, I then inspect the grounds looking for a fence with locked gate and/or sign that metal detecting is prohibited. Some people will call someone in charge but if I do the other checks and find no ban I will just go and do my thing. If I am confronted and told to leave I will agree to leave but I will ask what the ordinance or rule number is that bans metal detecting. If I have done my research the person will have no idea how to answer that question. I might even ask who will know the answer.

As far as Llano and Burnet Counties as well as the municipalities within those counties are concerned, there are no rules or ordinances banning metal detecting within any of the respective websites. I routinely hunt in these areas without any issues so long as I respect the rights of the public to use the property without my interference and so long as I follow the Code of Ethics and restore my holes as close to original condition as possible. I even hunt on the Llano County Courthouse grounds without a problem. Use common sense. If the land is generally weeds and not well kept other than occasional mowing a small shovel would be ok. A well manicured lawn such as around a public building means extra care must be taken and your hole must be limited to as small as possible so a hand trowel should be your digging instrument.

Independent School District properties are good hunting grounds if there is no ban on detecting. In Llano ISD and Burnet ISD and Marble Falls ISD there are no rules or ordinances banning metal detecting on their websites. In Llano and Burnet the school playgrounds are open and available for detecting. However in Marble Falls the playgrounds are fenced with a locked gate. Even though there are no rules on the website it is not allowed to breach a property with a locked gate.

LCRA: lands and parks operated by the LCRA are forbidden for all metal detecting. Go to their website and word search "metal detector" and that rule that bans metal detecting will come up. HOWEVER, that rule does NOT apply to LCRA waters. I have obtained a letter from LCRA stating this fact and you can find a copy of that letter on our club website. My recommendation is that if your ankles are not under water then you are on LCRA land so no detecting is allowed, yet, if your ankles are under water then you are in the lake and you can metal detect from that point and deeper. Please note that the state antiquities law does apply so if the item you find is more than 50 years old then you need to replace it after taking a photo of that find. And again, if you ask for special permission and it is granted that is good.

I can not speak to the rules of other public lakes so for lakes that are not LCRA operated you need to do your research. Please note that many of the beachfront properties around lakes have deeds granting a certain number of feet into the normal lake area to the property owner. If this is the case then while you might be allowed to use the lake for recreational purposes, you would need permission from the landowner to metal detect the property that is in the water but was granted ownership to the landowner.

Texas rivers, creeks, streams, etc.: This is a very sticky issue. As a general rule the person who owns the property adjacent to the river owns the bottom of the river from the normal shoreline to the center of the river. Smaller waterways that are not the property line of the land will typically belong totally to the landowner. Where the river or waterway is capable of being navigated for longer distances by boats this is called “navigable waters” and the public has a right to use the waterway as well as a small amount of the adjacent shoreline despite the fact that the bottom of the waterway is owned by deed to a private person. This begs the question as to under what circumstances can a person do metal detecting in a river or waterway. As a general rule, a creek or stream that runs through a landowner’s property should be considered private property. A true river is generally accessible to the public but can you metal detect the bottom? Remember, the landowner will generally own the bottom to the middle of the river. I do not believe you can be prevented from metal detecting the bottom of a river but if you find something of value who will that item belong to? That is a question that I do not believe has been definitively answered.

I want to take the Kingsland Slab part of the Llano River as an example. That part of the river is classified as navigable water so the river from normal bank to normal bank is accessible to the public at all times. Not long ago a section of property along the river was sold and the new owner started asserting his right to close off all but the river itself to the public. This caused a big dispute between that new landowner and the folks who had been using that stretch of beach for years with permission of the old landowner. As a result the Texas Parks and Wildlife Department negotiated with the new owner a deal allowing the public to use a certain amount of beach area. With that agreement this opens up for metal detecting that part of the shoreline that is now legally accessible to the public.

The moral to this story is research, research, and research. Know what you can and can not do before you take your detector to a particular property.

As for privately owned property: Never without the landowner’s permission, preferably in writing.