

Metal Detecting Permits

The Boone County Conservation District (BCCD) is a local government agency. The District has, over time, developed an ordinance of rules and regulations that are in effect for all BCCD sites. One of these rules governs the use of metal detection equipment.

The language in the ordinance appears to suggest that patrons who would like to use metal detection equipment at BCCD sites only need to obtain a permit authorized by the Executive Director. The BCCD receives frequent requests from patrons seeking such a permit. However, There are state laws that prohibit the BCCD or its Executive Director from issuing such a permit. Because BCCD sites are owned by a government agency, the sites are subject to the regulations outlined in state and federal laws governing the protection of cultural and historic resources. Specifically, Section 106 of the National Historic Preservation Act and the Illinois State Agency Historic Resource Preservation Act govern any excavation activities that would affect cultural or historic resources. This includes the removal of any kind of artifact.

Consultations with the Illinois State Historic Preservation Agency (ISHPA) staff about requests to use metal detection equipment to find and recover metal objects have concluded that the BCCD is not authorized to issue metal detection permits. Doing so would jeopardize BCCD eligibility for state and federal grant programs and other potential penalties. Every construction project involving the disturbance of soil requires the BCCD to notify the ISHPA for review and consultation to satisfy the criteria of state and federal regulations.