

Sudbury Rock and Lapidary Society  
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**Re: ERO Posting 019-6692 – Hobby Mineral Collecting Guide**

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Please accept these comments regarding the proposed Hobby Mineral Collecting Guide posted on the Environmental Registry of Ontario (ERO) as file 019-6692. These comments are respectfully submitted on behalf of the Sudbury Rock and Lapidary Society, and incorporate feedback from members of the Sudbury Rock and Lapidary Society. They are divided into sections, each of which is identified by a subject heading and concludes with a “take-away” clause.

1. **Audience**

As of December 31, 2022, the Sudbury Rock and Lapidary Society had 65 individual memberships and 75 family memberships, for a total of 274 members. The Sudbury Rock and Lapidary Society is just one of at many such organizations in Ontario, with more than 2,500 members altogether.

Club members are not the only people who engage in hobby mineral collecting in the province. There are more than 12,000 members of Facebook groups related to rocks, minerals and fossils in Ontario, and nearly 225,000 members of the Great Lakes Rocks & Minerals Facebook group. Although this latter group is based in the United States, many of its members regularly visit the province to join Ontarians in hobby mineral and fossil collecting.

Hobby mineral collectors were aware of, and frequently referred to, the original Mineral Collecting in Ontario booklet. It laid out the original Mineral Collecting Policy established by the province in the 1990s. This is borne out by figures supplied by the Ministry of Northern Development and Mines to the Central Canadian Federation of Mineralogical Societies (CCFMS) in 2012. CCFMS was advised that between December 1, 2011, and August 31, 2012, the original Mineral Collecting in Ontario booklet was the most downloaded file from the Ministry’s website. In fact, it was downloaded 25% more often than the province’s guide to staking mining claims!

**Take-away:** There are many thousands of people who want guidance related to hobby mineral collecting in Ontario.

2. **Alignment with Government Priorities**

Hobby mineral collecting aligns well with a range of government priorities. It is an activity-based form of outdoor recreation that can be enjoyed by young and old alike. It supports a

healthy lifestyle and stimulates an appreciation of nature. It is educational, and aligns with the government's interests in promoting STEM topics for children and youths. It supports tourism spending in areas across the province. And, it enhances knowledge about the modern mineral sector and may help lead young people to pursue careers that fill some of the many job vacancies in the mineral sector.

**Take-away:** Ontario should actively support hobby mineral collecting because it aligns with many government priorities.

### 3. **Reason for Revising the 1990s Policy**

The Ministry of Northern Development and Mines undertook its revision to the policy in the original 1990s Mineral Collecting in Ontario booklet to resolve an unintended consequence of Mining Act Modernization. Through Mining Act Modernization, the mining rights for properties in Southern Ontario where the surface rights were privately held were withdrawn from staking under Section 35.1 of *the Mining Act*. This meant that hobby mineral collecting could no longer be done on these properties, even if the surface rights owner gave permission for hobby mineral collectors to do so.

The whole purpose of the revision to the policy was to once again enable hobby mineral collecting on these properties if the owner of the surface rights was agreeable. The draft of the revised policy shared with CCFMS and its member clubs in 2014 included provisions that achieved this. However, the directives in the Hobby Mineral Collecting Guide do not include these provisions. In other words, the reason for revising the original policy has been completely ignored in the current version!

**Take-away:** The new directives on hobby mineral collecting must accommodate the fundamental reason the policy was updated: allowing hobby mineral collecting where the mining rights were withdrawn under Section 35.1 of the *Mining Act*.

### 4. **Delays**

Mining Act Modernization put areas in Southern Ontario where the surface rights are privately held, but the mining rights are held by the Crown, off-limits to hobby mineral collecting in 2009 – fourteen years ago.

The Ministry began its review of the guidance for hobby mineral collectors in 2011, at the behest of the Ontario's Highlands Tourism Organization. It was concerned about the impact of Section 35.1 of the *Mining Act* on tourism related to hobby mineral collecting in its area.

CCFMS and its member clubs reviewed and commented on a draft revision of the policy in 2014 and provided comments to the Ministry of Northern Development and Mines at that time. That version did not have many of the shortcomings that exist in the version posted on the ERO for public review and comment. Nevertheless, hobby mineral collectors have been waiting for nine years for that policy (L.P. 701-1) to be completed.

**Take-away:** An updated policy that addresses the issues raised by the Sudbury Rock and Lapidary Society and other respondents is needed without further delay.

## 5. Policy versus Guide

The text in the Mineral Collecting in Ontario guide published in the 1990s describes its content as a Mineral Collecting Policy. The updated version of the guide reviewed by CCFMS and its member clubs in 2014 described a “*policy of enforcement discretion*.” The document was called “Policy L.P. 701-1”.

The document posted on the ERO for review is entitled “Hobby Mineral Collecting Guide”. It does, however, include the statement that refers to “*a policy of enforcement discretion*.”

**Take-away:** The new document should be clearly positioned as a policy, and its title revised to include its designation as Policy L.P. 701-1

## 6. Clarity of Language

One phrase that appears numerous times in the draft Mineral Collecting Guide is “open for claim registration.” It is not clear what this means. Does it refer solely to areas where claims can be staked, or does it also refer to areas where claims have already been staked? Could it – for example – be replaced by the term “not withdrawn from staking?”

There are other words or phrases that hobby mineral collectors may not understand, and other words that may need to be specifically mentioned or defined. These are addressed elsewhere in these comments.

**Take-away:** Terms including “open for claim registration” should be explained or rewritten, and a more complete Glossary such as the one in the 2014 version of the Hobby Mineral Collecting Policy should be included in the guide.

## 7. Explanation of Land Tenure

Many – or perhaps most – people do not realize that there are two rights in land. Hobby mineral collectors need to understand the distinction between surface rights and mining rights.

An explanation of this was included in the draft Mineral Collecting Policy reviewed by the CCFMS in 2014, but is missing from the version posted on the ERO. In addition, definitions of the terms mining rights and surface rights were included in the glossary of the draft Mineral Collecting Policy reviewed by the CCFMS in 2014, but are missing from the version posted on the ERO.

**Take-away:** An explanation of the terms “surface rights” and “mining rights” should be added to the body of the new guide, and to the Terms and definitions section of the new guide.

## 8. Who Can Go Hobby Mineral Collecting

Some of the people who will use the new document will be novice hobby mineral collectors, who will want to know if they – and their children – can collect.

The guide does not include any information about age limits, residency requirements (e.g., Ontario residency, or Canadian citizenship), or whether a permit or license is required.

**Take-away:** A new section should be added to explain that hobby mineral collecting can be undertaken by anyone, regardless of age or residency, and without a permit or license, if they follow the terms and conditions of the policy.

## 9. **Where Hobby Mineral Collectors Can Work**

As noted earlier, some hobby mineral collectors may not understand the term “open for claim registration.” It may cause uncertainty for collectors or lead to infractions of the mineral collecting policy if the meaning of the term is not clarified, or if the phrase is not reworded.

The document posted on the Environmental Registry outlines terms and conditions for hobby mineral collecting where either one or both of the surface rights and mining rights are privately held, but does not indicate what, if any, terms and conditions apply for hobby mineral collecting where both the surface rights and mining rights are held by the Crown.

Under the draft policy posted on the ERO, there will be more restrictions on hobby mineral collectors than on people enjoying other aspects of outdoor recreation. Hikers, berry pickers, hunters, Crown land campers, etc. are not required to seek permission from those holding mining rights to pursue their activities on mining claims. Given the limits on the amount of material that can be taken by hobby mineral collectors, it would be good if the requirement to seek the permission of the mining rights holder for hobby mineral collecting could be removed.

As noted earlier, the reason the revisions of the original 1990s Mineral Collecting in Ontario booklet was begun was to make areas with Crown mining rights in Southern Ontario, where the surface rights are privately held, available for hobby collecting again. Such availability would be subject to the agreement of the holder of the surface rights. The directives in the document posted on the ERO do not do this. An update is needed to ensure that the original intent of the revision is met.

**Take-away:** Information relating to where hobby mineral collectors can work should be clarified, and updates to encourage hobby mineral collecting and accommodate the reason for revising the 1990s mineral collecting policy must be made.

## 10. **What Hobby Mineral Collectors Can Collect**

The draft Hobby Mineral Collecting Guide posted on the ERO includes a definition of minerals. It notes that term “minerals” includes gold. It is not clear, however, whether the policy is intended to apply to gold panning or not. This could be clarified by adding “gold pan” to the list of examples of hand tools that can be used for hobby mineral collecting.

Many hobby mineral collectors actually collect fossils, not minerals. A definition of the term “fossil” was included in the glossary of the 2014 version of the policy reviewed by CCFMS but is missing from the current version. The definition should be added to the Terms and conditions section of this version, and the document should make it clear that the term “hobby mineral collecting” includes hobby fossil collecting.

Also, some hobby mineral collectors actually collect rocks, not minerals. There is no mention of rocks in the draft Hobby Mineral Collecting Guide posted on the ERO. This omission could be accommodated by adding the phrase “*and aggregates thereof*” after the words “*metallic and non-metallic minerals*” in the definition of minerals.

In addition, the 2014 version of the policy reviewed by CCFMS addressed the questions of gold panning and fossil collecting by including the phrase “*For the purpose of this Policy, the terms “panning” and “fossil collecting” are interchangeable with and mean the same thing as hobby mineral collecting.*” Adding this to the current version of the policy would help provide clarity for collectors.

**Take-away:** The additions suggested above should be included in the current policy to indicate that hobby mineral collecting encompasses gold panning and hobby fossil collecting.

## **11. Sales by Hobby Mineral Collectors**

The draft policy posted on the ERO notes that “swapping” is a part of building a personal collection. The version of the policy reviewed by CCFMS and member clubs in 2014 indicated that the “*collector does not sell, and has no intention of selling commercially the minerals collected.*” The word “commercially” is missing from the version posted on the ERO. The limit on the amount of material that a hobby mineral collector can take ensures that they are not collecting commercially.

Some collectors will sell self-collected material to another collector if the other collector doesn’t have anything they want in a trade. The material sold was not collected with the intention of a sale; and was not collected on a commercial scale. The funds from such sales are generally used to purchase other specimens from third parties to build the hobbyist’s collection.

Also, children may not have the opportunity to “swap” minerals because they have too little stock, or the quality of their stock is too low to support a trade. Collectors will, however, sell self-collected material to young collectors at bargain prices to support the youngsters’ interest in rocks, minerals, and fossils. The current provision in the draft posted on the ERO would prohibit such encouragement for young collectors.

**Take-away:** The word “commercially” should be reinstated in the clause regarding the sale of the minerals they collect to better support activities that allow hobby mineral collectors of all ages build their collections.

## **12. Incompatible Directives**

At one point, the document posted on the ERO states “*Any arrangements reached between the hobby mineral collector and the third-party interest holder regarding access, timing, extraction methods, and otherwise are considered private as between them, and the ministry has no regulatory control or involvement.*”

This directive may be appropriate when the third party interest holder has the mining rights, but it is likely not appropriate when the third party interest holder has the surface rights, but the mining rights are held by the Crown. In that case, the directive would appear to allow

hobby mineral collectors to use tools or collect more than would otherwise be allowed by the policy.

It is also likely not appropriate where the surface rights and mining rights are held separately, since it would appear to give one of the rights holders the authority to allow activities that are contrary to the rights of the other rights holder.

**Take-away:** The directive in question should be clarified such that it is consistent with directives elsewhere in the draft policy and the *Mining Act*, while respecting the interests of both rights holders.

### 13. **Resources Available**

The 2014 version of the policy reviewed by CCFMS included a section entitled “Where to Find Information.” It included a useful list of on-line resources available through various Ministry of Northern Development and Mines websites. This is missing from the Hobby Mineral Collecting Guide posted on the Environmental Registry of Ontario.

The version of the Hobby Mineral Collecting Guide posted on the ERO simply states “For any inquiries about hobby mineral collecting, please contact...” and gives the general address of the Ministry of Mines. It provides no information about what sorts of information may be available and gives no guidance on whom to contact within the ministry when seeking information.

Without such guidance, ministry staff may have to deal with an unnecessary number of inquiries from hobby mineral collectors; and hobby mineral collectors may become very frustrated with ministry staff if the employee to whom they are directed doesn’t have answers for their questions.

**Take-away:** The final policy should include an updated version of the “Where to Find Information” that was part of the 2014 Hobby Mineral Collecting Policy.

### 14. **Terms and Definitions**

There are a number of definitions in this section, most of which have been copied directly from the *Mining Act*.

There are other terms that are not included in this section that should be added. Some of these (e.g., fossils, surface rights, mining rights) have been mentioned earlier in these comments. Others were included in the Glossary of Terms in the draft policy reviewed by CCFMS member clubs in 2014, but were not included in document posted on the ERO.

In addition, it needs to be clarified that “*subsection 38 (2)*” and “*section 38.2 or 38.3*” in the definition of a mining claim comes from the *Mining Act*, not the *Aggregate Resources and Mining Modernization Act*, which is mentioned in the same entry.

**Take-away:** For the sake of clarity, certain entries under “Terms and definitions” should be added, and others should be expanded.

## 15. Guidance re Tools

The document posted on the ERO includes a list of small tools that can be used. The list includes axes. Axes are never used in mineral collecting. The list also includes small hammers. It is important to make it clear that carpenter's hammers or other such hammers can not be used. The steel in them may shatter and pose a danger to collectors who use them. Geological hammers and masonry hammers can be used safely.

Hand-held power saws are not listed as hand tools, yet they are used by many hobby mineral collectors to help ensure that minerals encased in large blocks of rock are not damaged while being collected.

**Take-away:** The list of tools should be modified to be consistent with the tools that can be safely used by collectors.

## 16. Knowledge Gaps

When the original Mineral Collecting in Ontario policy was developed in the 1990s, the government established a committee that included a representative of CCFMS and a local hobby mineral collector, as well as the government representative. The group that prepared the draft policy circulated to CCFMS and member clubs in 2014 also included a local hobby mineral collector and a staff member responsible for one of Canada's most well known hobby mineral collecting areas.

The document posted on the ERO was, however, apparently prepared without any input from the CCFMS or hobby mineral collectors. Some of the shortcomings of the current document could have been avoided, if a member of the community that will be using the document had been included in its preparation.

**Take-away:** When the document posted on the ERO is modified in response to the feedback received through the ERO, someone familiar with hobby mineral collecting should be involved.

Thank you for your consideration of these comments supplied on behalf of the Sudbury Rock and Lapidary Society.

Yours truly,



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President