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and Climate Change**

Environmental Approvals
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**Ministère de l'Environnement et
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July 3, 2014

Mr. Gordon MacKay
Director, Mineral Development and Lands Branch
Ministry of Northern Development and Mines
933 Ramsey Lake Road, B6
Sudbury ON P3E 6B5

Dear Mr. MacKay:

Thank you for the March 31, 2014 submission of the Ministry of Northern Development and Mines (MNDM) 2013 Annual Report of the Class Environmental Assessment for Activities of MNDM Under the Mining Act (Class EA) as required by section 7.1.2 of the Class EA. As noted in your submission, in addition to the summary of activities and project status updates, you have requested minor amendments to the Class EA.

On May 9 and 16, 2014 MNDM slightly revised amendment #8 in the attached Table 1 and provided the revised Figure 2 for amendment #9, and on June 5, 2014 MNDM requested two additional minor amendments.

The Environmental Approvals Branch (EAB) of the Ministry of the Environment and Climate Change (MOECC) has completed its review of the proposed minor amendments, in consultation with Ministry of Tourism, Culture and Sport staff. MOECC has concluded that several of the proposed amendments, as submitted on March 31, May 9, May 16 and June 5, 2014, are considered valid and minor amendments. MOECC has recommended that three of these amendments be modified slightly to provide additional clarity or context, and also recommends an additional amendment for clarification.

In general, the accepted minor amendments add additional clarity and guidance related to applicable sections of the Mining Act; procedural aspects for third parties; maintenance activities; Class EA process figures; equivalent EA processes; reference to the new Appendix 7 for mitigation measures; annual and emergency reporting requirements; minimum time periods for consultation and Part II Order requests; and various templates in the appendices. The amendments also add new definitions for built heritage resources, cultural heritage landscapes, archaeological sites and maintenance activities. The accepted minor amendments, with and without modifications, are detailed in Table 1, attached to this letter.

My reasons for accepting the minor amendments as listed in Table 1 are that they will not substantially change the Class EA, do not compromise environmental protection, and will improve the implementation of the Class EA by providing additional clarity and guidance.

There are two items in your request for minor amendments that MOECC will not accept at this time. The first proposes to remove the reference to section 145(2) and (5) of the Mining Act from Table 1 of the Class EA, which lists the undertakings that are subject to the Class EA. Similarly, the second proposes to remove the reference to section 145(2) from Table 4 of the Class EA, which lists the undertakings that are pre-screened as Category A and therefore do not require any further screening (per section 3.2.1 of the Class EA). MNDM's rationale for removing sections 145(2) and (5) is that these undertakings are covered by a Closure Plan and considered to be the "retirement" of an existing undertaking, hence they are exempted by O. Reg. 334 (the general exemption regulation) under the Environmental Assessment Act (EAA). MOECC requires more information to confirm if such undertakings may be subject to the EAA in certain circumstances. MOECC understands that MNDM will revisit this matter for the next annual report.

The minor amendments to the Class EA as outlined in Table 1 are approved effective immediately. Please find attached a Notice of Minor Amendment and please ensure that the Notice of Minor Amendment and the details of the amendments to the Class EA are placed on MNDM's web site or in an updated Class EA, if appropriate, within 30 days of the date of this letter along with a notice that the Class EA has been updated. Please also provide EAB with 15 hard copies of the amended Class EA within 30 days of the date of this letter, for distribution to MOECC regional and program support offices. If there are any issues with meeting this deadline, the EAB contact outlined below should be notified as soon as possible.

Should you have further questions regarding any of the above, please contact Ms. Sasha McLeod, Project Officer in the Environmental Assessment Services Section of EAB, at 416-314-8214 or by e-mail at sasha.mcleod@ontario.ca.

Yours sincerely,



Agatha Garcia-Wright
Director
Environmental Approvals Branch

Attachments

NOTICE OF MINOR AMENDMENT

CLASS ENVIRONMENTAL ASSESSMENT FOR ACTIVITIES OF THE MINISTRY OF NORTHERN DEVELOPMENT AND MINES UNDER THE MINING ACT

The Ministry of Northern Development and Mines (MNDM) proposed amendments to the Class Environmental Assessment for Activities of MNDM Under the Mining Act (Class EA).

On March 31, 2014, MNDM submitted its request to the Ministry of the Environment and Climate Change, Environmental Approvals Branch. On June 5, 2014, MNDM submitted an additional request to the Environmental Approvals Branch. The Director has determined that the minor amendments, with and without modifications, will not substantially change the Class EA, do not compromise environmental protection, and will improve the implementation of the Class EA by providing additional clarity and guidance.

Pursuant to subsection 7.2.1 of the MNDM Class EA, the minor amendments, with and without modifications, have been accepted by the Director of the Environmental Approvals Branch. A copy of the Notice of Minor Amendment has been placed in the public record file and a copy has been provided to MNDM.

The MNDM Class EA has been amended to include the following minor amendments, with and without modifications, as outlined in Table 1.

Copies of the Notice of Minor Amendment can be obtained from the public record file located at:

**The Ministry of the Environment and Climate Change
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2 St. Clair Avenue West
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(416) 314-8001 (phone)
1 (800) 461-6290 (toll free)
(416) 314-8452 (fax)**

Further information on the MNDM Class EA can be obtained at the MNDM Web Site at <http://www.mndm.gov.on.ca/en/news/mines-and-minerals/class-environmental-assessment>.

This notice is dated July 3, 2014.

Table 1: Minor Amendments for MNDM's Class Environmental Assessment for Activities of the MNDM Under the Mining Act

Item	Section & Page Reference¹	Original Text	MNDM Proposed Revision	MNDM Rationale	MOECC Response²	MOECC Rationale
1.	Table 1, 1 st row, first column p. 12	29	29. (1) and (2)	Updated text per current footnote; subsections (1) and (2) of the <i>Mining Act</i> were proclaimed in April 2013	Agree with proposed amendment	Revision is minor and incorporates existing footnote
2.	Footnote p. 12	If and when sections 29. (1) and 29. (2) of the <i>Mining Act</i> are proclaimed they will replace Section 29 in this table.	<i>Delete</i>	Same as above.	Agree with proposed amendment	Revision is minor and deletes existing footnote, which is proposed to be incorporated into item 1
3.	Footnote p. 14	MNDM is currently developing and revising certain regulations as part of its modernization of the <i>Mining Act</i> . If implemented, those changes could impact the current regulation of bulk samples, as activities associated with bulk sampling could be subject to the requirement to obtain an exploration permit issued pursuant to the as-yet unproclaimed Section 78.3 of the Act. If and when this section is proclaimed	Bulk sample permissions may be subject to the requirement to obtain an exploration permit issued under Section 78.3 of the Act. The Class EA review process for bulk samples will be coordinated with the exploration permit process in order to meet the requirements of the Class EA.	Same as above.	Agree with proposed amendment	Revision is minor and updates existing footnote

¹Note page reference refers to the **December 2012** PDF/Print edition of the Class EA

²MOECC approved wording is provided in bold lettering.

Item	Section & Page Reference ¹	Original Text	MNDM Proposed Revision	MNDM Rationale	MOECC Response ²	MOECC Rationale
		and these regulations are filed, the Class EA review process for bulk samples will be coordinated with the exploration permit process in order to meet the requirements of the Class EA.				
4.	Table 1, 2 nd row p. 17	153.2(4)	153.2(4)(b)	Correction of an error: clarifying which subsection of the <i>Mining Act</i> is the undertaking.	Agree with proposed amendment, as revised below as conferred with MNDM 153.2(4)(a) and (b)	Provides minor correction to refer to both sections of the Mining Act that are subject to the Class EA
<i>Additional amendment proposed by MOECC (#5), related to #4 above:</i>						
5.	Table 4, 2 nd last row p. 34	145. (2); 153.2 (4)	n/a	n/a	145. (2); 153.2 (4)(a)	Provides minor clarification as to which subsection of s. 153.2(4) is pre-screened as Category A
6.	Section 2.4, last Paragraph p. 28	MNDM may require third parties and partners to undertake certain procedural aspects of the Class EA process (see sections 5.0 and 6.0).	MNDM may require third parties and partners to undertake certain procedural aspects of the Class EA process such as technical cultural heritage studies or consultation.	Current text unclear as to which procedural aspects may be delegated. The two examples provided are mentioned elsewhere in the Class EA. (Note: sections 5.0 and 6.0 are about consultation and Aboriginal consultation).	Agree with proposed amendment	Adds additional clarity

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7.	Table 4 p. 34	n/a	<i>Add row:</i> (Section) 183.(1) -- Voluntary surrender of mining lands – The owner, lessee or holder of any mining rights or mining lands may surrender their lands and rights to the Crown subject to the terms set by the Minister.	Erroneously omitted from table. This section is treated the same as sections 41.(3), 81.(10), 82.(5), and 41.(3) which are already included in this table as prescreened (administrative) discretionary tenure decisions.	Agree with proposed amendment	Corrects previous omission to include activity in table of pre-screened Category A activities
8.	Table 5, 2 nd row p. 35	Is the decision related to an emergency on Crown land?	Is the decision related to emergency measures being undertaken by MNDM?	Clarifying the undertaking. Per Section 7.4, not all emergencies addressed by MNDM are on Crown land.	Agree with proposed amendment	Amendment clarifies where emergency situations can occur and it is consistent with s. 148 (Emergencies) of the Mining Act, which does not specify emergencies are only on Crown land
9.	Table 5, 3 rd row p. 36	Is the decision related to the maintenance of a partially or completely rehabilitated site?	Is the decision related to the <i>maintenance</i> of a mine hazard(s) by MNDM?	Clarifying the undertaking. Activities qualifying as “maintenance” are now defined in a new glossary entry.	Agree with proposed amendment as revised by MNDM on May 9, 2014	Amendment clarifies what maintenance activities may involve for the purpose of screening an undertaking

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10.	Figure 2 p. 49	n/a	Amend figure to better reflect process for when a project's category is changed.	Clarifying process.	Agree with proposed Figure 2 that was provided by MNDM to MOECC on May 16, 2014 (see Appendix 1 below)	Amendment clarifies which step to proceed with if an assigned project category changes from B to C after receiving public input (i.e. do not need to restart process)
11.	Table 7, 1 st row, 1 st column p. 62	Phase 1 – project identification, evaluation and preliminary planning	Phase 1 – project identification and preliminary planning	Clarifying process to avoid repetition/confusion with Phase 2.	Agree with proposed amendment	Amendment better distinguishes between purposes of phases 1 and 2
12.	Section 4.5, 4 th paragraph p. 64	Where the project of a third party is subject to another Class EA or equivalent approval process and the third party's project is conditional upon a <i>grant</i> or transfer from MNDM, the <i>grant</i> or transfer by MNDM will not be made until the other approval process is complete. If there is no other Class EA or equivalent process, the project will be assessed under MNDM's Class EA.	Where the project of a third party is subject to another Class EA or equivalent approval process, and the third party's project is conditional upon a grant or transfer from MNDM, MNDM will ensure that the requirements of its Class EA are met by the equivalent approval process and that the grant or transfer by MNDM not be made until the other approval process is complete. If there is no other Class EA or equivalent process, the project will be assessed	Clarifying process. Current text appears to be missing a reference to how MNDM will consider an equivalent process. Possible accidental omission or deletion from revisions of "Draft" Class EA. New text is also consistent with former procedures under Declaration Order MNDM-3.	Agree with proposed amendment, as revised below as conferred with MNDM Where the project of a third party is subject to another Class EA or equivalent approval process, and the third party's project is conditional upon a grant or transfer from MNDM, MNDM will ensure that the requirements of its Class EA are met, where possible , by the equivalent approval process and that the grant or transfer by MNDM not be made until the	Does not change intent and clarifies MNDM's oversight in ensuring Class EA requirements are met. MOECC revision clarifies possibility that there may not be other equivalent approval processes

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			under MNDM's Class EA.		other approval process is complete. If there is no other Class EA or equivalent process, the project will be assessed under MNDM's Class EA.	
13.	Section 4.6.1, 2 nd and 3 rd paragraphs p. 65	<p>Examples of typical mitigation measures that MNDM could use to address potential negative environmental effects are listed below. The list is not exhaustive and is provided to illustrate how MNDM may respond to concerns and/or comply with requirements of provincial or federal legislation (e.g., Fisheries Act, Endangered Species Act, Ontario Heritage Act, Public Lands Act, etc.), including the Mine Rehabilitation Code of Ontario.</p> <p>Mitigation measures may include:</p> <ul style="list-style-type: none"> • timing restrictions 	See Appendix 7 for examples of typical <i>mitigation measures</i> that MNDM could use to address potential negative environmental effects.	Current text is redundant with addition of new Appendix 7 describing potential environmental effects and mitigation measures (note: appendix pending MOECC approval).	Agree with proposed amendment	With approval of new Appendix 7, this text can be replaced with reference to the appendix

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		<p>to avoid disruption to residents, other users, or species;</p> <ul style="list-style-type: none"> • a notice (and schedule, if possible) to affected surface rights owners of the project; • terms and conditions applied to a discretionary tenure decision, (e.g., requirements to hold annual public meetings about the project and/or to provide MNDM with opportunity to review proposed work on an annual basis); • provisions to protect cultural heritage resources, (e.g., requirements to avoid ground disturbance in areas with potential cultural heritage resources); and • modifications to 				

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		the boundary of a proposed land disposition to exclude any sensitive features.				
14.	Section 7.1.2 Annual Reporting p. 77	<ul style="list-style-type: none"> the cost of the project (where applicable) 	<i>Delete</i>	<p>“Cost” was included in the Class EA as per MOECC’s Class EA code of practice (2009). This is not relevant to MNDM undertakings: projects are not triggered by nor based on cost, MNDM does not collect this information from third party applicants, and the cost of an MNDM undertaking has no bearing or impact on potential environmental effects.</p>	Agree with proposed amendment	Removal of this reporting requirement will not impact implementation of the Class EA. Further, other Class EAs do not require reporting of project costs in annual reports, and MOECC EAB understands this requirement primarily applies to the MEA Class EA

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15.	Section 7.4.2.1, 4 th and 5 th bullets p. 80	<p>An <i>emergency</i> incident report (Appendix 8) will be prepared and will:</p> <p>...</p> <ul style="list-style-type: none"> • describe the results of the action(s) taken and the resulting environmental effects (if any); and • describe any future remedial actions and monitoring efforts, if required. 	<p>An <i>emergency</i> incident report (Appendix 8) will be prepared and will:</p> <p>...</p> <ul style="list-style-type: none"> • describe the results of the action(s) taken and the resulting environmental effects (if any); • describe any future remedial actions and monitoring efforts, if required; and • be sent to the Director of MOECC's Environmental Approvals Branch. 	Clarifying process. Current text doesn't state what to do with the completed report.	<p>Agree with proposed amendment with revision:</p> <ul style="list-style-type: none"> • be sent to the nearest MOECC regional and district office, with a copy to the Director of MOECC's Environmental Approvals Branch 	Promotes information sharing and reporting to MOECC. Revision is intended to ensure MOECC local offices are informed. This approach is consistent with other Class EAs
16.	Section 7.5.1, 2 nd paragraph p. 81	After the Notice of Completion has been released, a person with a concern has a minimum of 30 calendar days to request that the Minister of the Environment make a Part II Order...	After the Notice of Completion has been released, a person with a concern has a minimum of 30 calendar days (or the length of the review period) to request that the Minister of the Environment make a Part II Order...	Clarifying process. Current text is misleading; the "30 days" refers to the length of the review period, which may, at MNDM's discretion, be longer than 30 days.	Agree with proposed amendment	Clarifies time available for people to make a PIIO request

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17.	Appendix 1 (Glossary) p. 88	<p>Cultural heritage resources: include built heritage resources, cultural heritage landscapes, and archaeological sites.</p> <ul style="list-style-type: none"> • Built heritage resources means one or more significant buildings (including fixtures or equipment located in or forming part of a building), structures, earthworks, monuments, installations, or remains that have cultural heritage value. • Cultural heritage landscape means a defined geographical area that human activity has modified and that has cultural heritage value. Such an area involves one or more groupings of 	<p>Cultural heritage resources: include built heritage resources, cultural heritage landscapes and archaeological sites:</p> <ul style="list-style-type: none"> • Built heritage resources: a building, structure, monument, installation or any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Aboriginal community. • Cultural heritage landscapes: defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, 	Updated definition per finalized Heritage Management Process and Provincial Policy Statement.	Agree with proposed amendment	Updates the definitions to be consistent with the Provincial Policy Statement, 2014. MTCS reports the definitions are also consistent with MTCS advice

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		<p>individual heritage features, such as structures, spaces, archaeological sites, and natural elements, which together form a significant type of heritage form distinct from that of its constituent elements or parts. Heritage conservation districts designated under the Ontario Heritage Act, villages, parks, gardens, battlefields, main streets and neighbourhoods, cemeteries, trails, and industrial complexes of cultural heritage value are some examples.</p> <ul style="list-style-type: none"> • Archaeological site means any property that contains an artifact or any other physical evidence 	<p>including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples include heritage conservation districts, villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance, areas recognized by federal or international designation authorities (e.g., a</p>			

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		of past human use or activity that is of cultural heritage value or interest. Marine archaeological site means an archaeological site that is fully or partially submerged or that lies below or partially below the high-water mark of any body of water.	National Historic Site or District designation, or a UNESCO World Heritage Site). <ul style="list-style-type: none"> Archaeological sites: any property that contains an artifact or any other physical evidence of past human use or activity that is of cultural heritage value or interest. 			
18.	Appendix 3, 3 rd paragraph p. 104	For discretionary rehabilitation activities the screening process...	For discretionary rehabilitation activities that are not <i>emergency undertakings</i> or maintenance activities, the screening process...	Clarifying procedure.	Agree with proposed amendment	Clarifies what is already in the Class EA per Table 5, that emergency or maintenance activities do not go through screening
19.	Appendix 6, Category B Statement of Completion Template, 4 th paragraph p. 146	MNDM will implement the <project> as planned.	MNDM will proceed with the <project or disposition> as planned.	Clarifying process. While MNDM does “implement” discretionary rehabilitation activities, MNDM does not “implement” the discretionary tenure decision beyond issuing the disposition.	Agree with proposed amendment	Clarifies MNDM’s role in the Class EA for the Statement of Completion template
20.	Appendix 6, Category C or D	Same as above	Same as above	Same as above	Agree with proposed amendment	Clarifies MNDM’s role in the Class EA for the

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	Statement of Completion Template p. 147	MNDM will implement the <project> as planned.	MNDM will proceed with the <project or disposition> as planned.	Clarifying process. While MNDM does “implement” discretionary rehabilitation activities, MNDM does not “implement” the discretionary tenure decision beyond issuing the disposition.		Statement of Completion template
21.	In general	All references to <30 day calendar days> consultation period(s).	“... < minimum 30 calendar days>...”	Clarifying procedure. Thirty calendar days is the minimum length of time for a consultation period.	Agree with proposed amendment	Improves clarity and consistency in length of consultation and does not limit consultation opportunities for the public
Additional proposed amendments provided to MOECC June 5, 2014:						
22.	Table 1	n/a	Add row: Section 164.(10) – Failure to comply with an order – The Minister may take such action as he or she considers appropriate to rehabilitate a mine hazard.	Erroneously omitted from table. This section is similar to 147.(2) (“Crown intervention to rehabilitate a mine hazard”) which is already included in Table 1.	Agree with proposed amendment	While this amendment adds a new undertaking to the Class EA, MOECC agrees it is a minor amendment because it does not have a significant effect on the screening, categorization or project review processes of the Class EA.
23.	Appendix 1: Glossary	n/a	Maintenance: Refers to the upkeep, repair, replacement and/or other actions	Clarifying the undertaking. (Please refer to line 10 in Appendix 1 of 2013	Agree with proposed amendment	Improves clarity of what constitutes a maintenance activity for the purpose of

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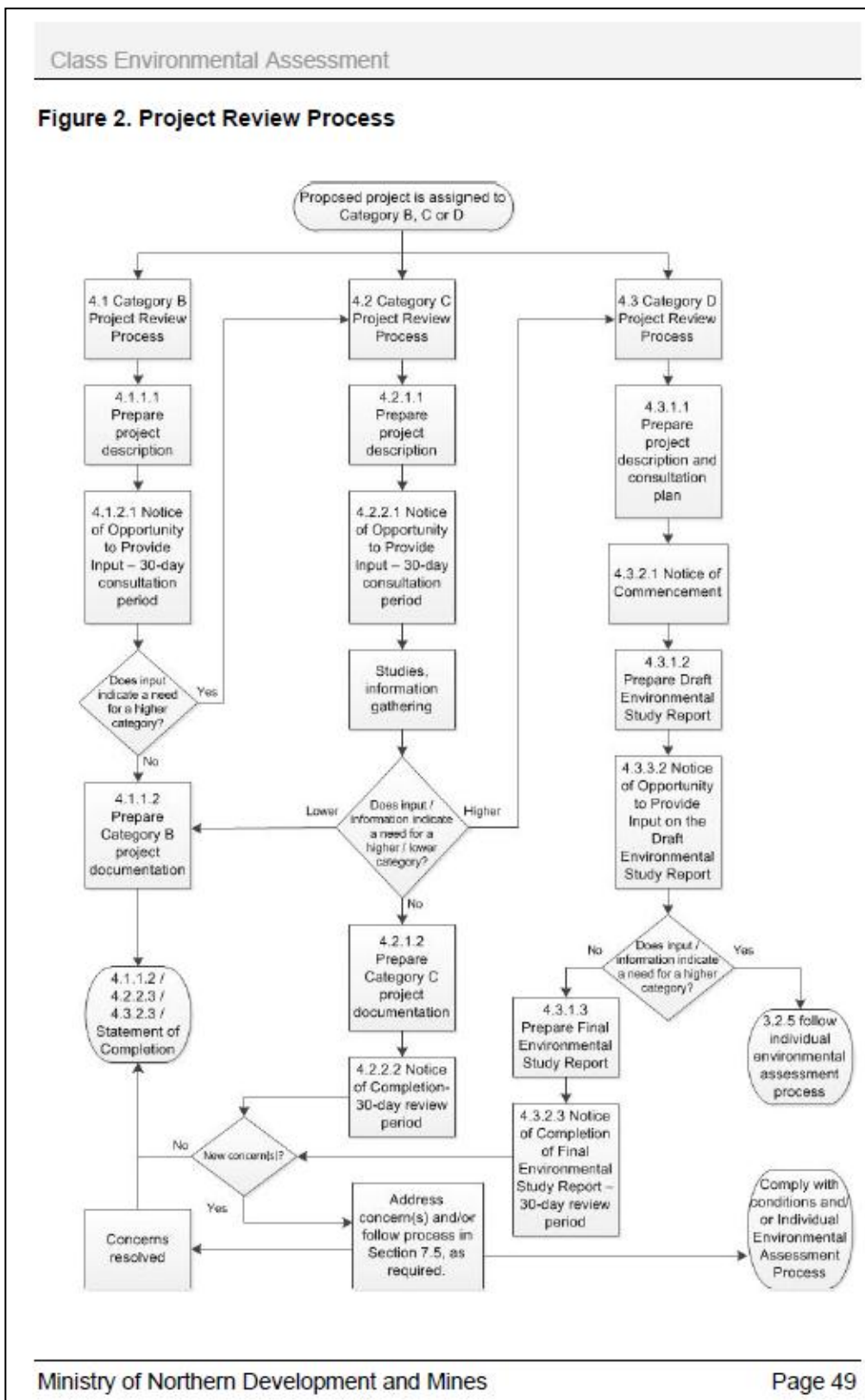
Item	Section & Page Reference ¹	Original Text	MNDM Proposed Revision	MNDM Rationale	MOECC Response ²	MOECC Rationale
			<p>taken to retard the natural deterioration of a pre-existing control(s) around a mine hazard(s) where the existing footprint remains unchanged and there is little risk for negative environmental effects (e.g., impacts to endangered species or cultural heritage resources) or public concern. Examples include: replacing fences or shaft caps; backfilling previously filled shafts, trenches, etc. where slumping has occurred; repairing tailings dam structures; clearing debris out of spillways; operation and/or repair of a treatment works; upgrading a fence or a shaft cap barrier through backfilling, etc.</p>	<p>Annual Report). MNDM will also make related minor changes throughout the Class EA (e.g. italicizing “maintenance”).</p>		<p>Class EA Category A screening</p>

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Appendix 1

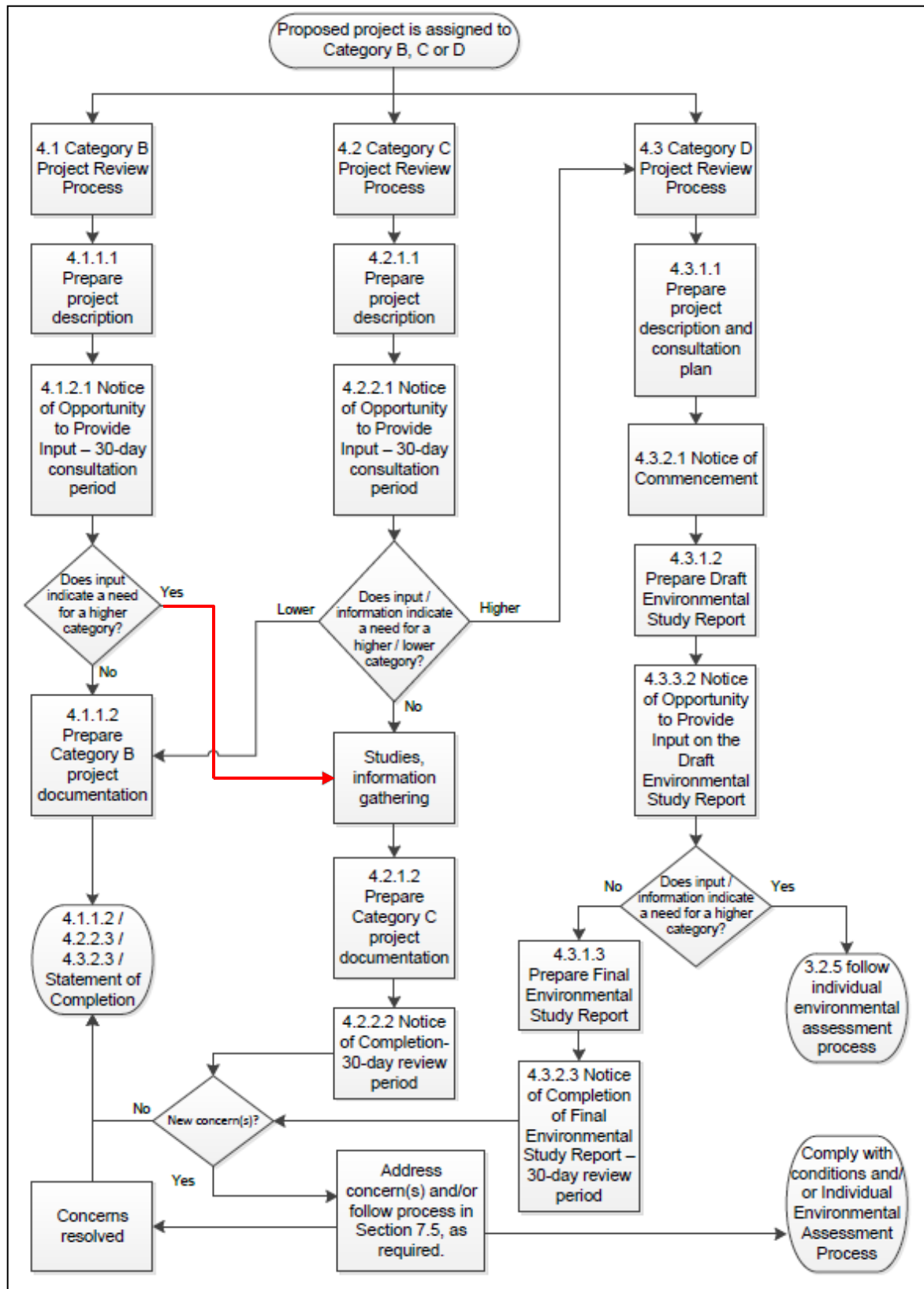
Current Figure 2 – found on page 49 of MNDM Class EA



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Proposed new Figure 2 – with new location of arrow in red



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