

**ACTION PLAN IMPLEMENTATION STATUS UPDATE
REPORT TO THE AUDIT COMMITTEE
AS OF JUNE 30, 2013**

LED			
<i>Audit of Environmental and Contaminated Sites Management (South of 60)</i>			
<i>APPROVAL DATE: 06-22-2012</i>			
PROJECT RECOMMENDATIONS	ACTION PLAN	EXPECTED COMPLETION DATE	PROGRAM RESPONSE
	<p>engagement framework and DG-level steering committee terms of reference; define environmental aspects; conduct gap analysis; and outline scope of EMS.</p> <ul style="list-style-type: none"> • Phase 2 "Policy Modernization and Systems Integration" – Modernize existing policies, procedures and tools; integrate environmental consideration into existing departmental systems. • Phase 3 "Implementation and Operation" – Develop training, communication and awareness materials and deliver to all staff with environment management responsibilities. <p>The Department (LED and IOGC) plans to take the following steps as part of developing a strategy to address roles, responsibilities/ accountabilities and budget source and level funding for the</p>	<p>March 2014</p> <p>October 2014</p> <p>March 2013</p>	

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areas where new regulations may be developed to close gaps.	development process and modernization of AANDC's environmental policy framework. A preliminary assessment of internal resource requirements will be undertaken when options to close the regulatory gap are presented to senior management.	October 2012	
3. The Audit and Evaluation Sector recommends the Assistant Deputy Minister, Lands and Economic Development should develop a Contaminated Sites Management Program Liability Estimation Guide/Standard that is consistent with public sector accounting standards and TBS requirements and implement a communications and training strategy to ensure regional environmental officers understand the distinction between cost estimates and liability estimates and have the skills and capacity to correctly	The Lands and Environmental Management Branch will be developing a Contaminated Sites Management Program (CSMP) Liability Estimation Guide/Standard. The CFO sector will provide financial expertise in the development of the guide as required. The Lands and Environmental Management Branch will be preparing a communications and training strategy to ensure the regional environmental officers understand their roles and responsibilities related to environmental liabilities and have	March 2013	Status: Update/Rationale: As of 30/06/2013: A Contaminated Sites Management Program Liability Estimation Guide/Standard was completed in March 2013 and forwarded to CFO. The CSM Program and CFO are currently weighing different options that include whether to seek approval for another event, design on-line training components for this complex initiative, or to use a combination of both. AES: On-going. The recommendation will be closed upon completion of the

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calculate these figures.	the skills and capacity to correctly calculate environmental site liabilities. The CFO sector will provide assistance with the development of the training as required.		communication and training strategy for the CSMP Liability Estimation Guide/Standard.
4. The Audit and Evaluation Sector recommends the Assistant Deputy Minister, Lands and Economic Development should develop a requirement within FNITP for a First Nation to submit an environmental mitigation status report at project close-out in order to receive current and future project funding, similar to hold-backs on reports for financial statements.	<p>For Contaminated Sites, First Nations report to regions through Data Collection Instruments (DCI) reporting requirements on a quarterly basis or at 6 month intervals and at the end of the fiscal year reporting. The DCI is only a FNITP requirement; the more important deliverable for Contaminated Sites is the report, which comes through on the Funding Amendment as the approved scope of work. However, if DCI's and appropriate documents are not submitted then funding will be held back.</p> <p>There are currently no DCI's for mitigation reports related to Environmental Assessments. It is up to the department to ensure that an environmental assessment is completed as per the requirements</p>	March 2013	<p>Status: Completed - request to close.</p> <p>Update/Rationale: As of 30/06/2013:</p> <p>For Contaminated Sites, First Nations report to regions through Data Collection Instruments (DCI) requirements on a quarterly basis or at 6 months intervals and at the end of the fiscal year. The DCI is only a First Nation and Inuit Transfer Payment (FNITP) requirement; the more important deliverable for Contaminated Sites is the report which comes from the funding amendment based on the approved Scope of Work. However, if DCI's and appropriate documents are not submitted then funding will be held back.</p> <p>In addition, the department completed an analysis of the impacts of the changes to the <i>Canadian Environmental Assessment Act</i>,</p>

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	<p>of the <i>Canadian Environmental Assessment Act</i>. The department is also responsible for ensuring mitigation measures are identified within the EA report and included in the Terms & Conditions of approvals (e.g. project funding agreements, and land permits). Parliament is currently reviewing Bill C-38 an omnibus bill entitled the "<i>Jobs, Growth and Long-Term Prosperity Act</i>", which was introduced in the House of Commons on April 26, 2012. The Responsible Resource Development initiative under Bill C-38 includes specific legislative changes to the <i>Canadian Environmental Assessment Act</i>. This could change the approach required for assessing environmental impacts of projects and activities on reserve. LED is leading a Task Team to create a new regime to ensure mitigation of environmental impacts will occur.</p> <p>Monitoring and enforcing the Terms and Conditions of an approval is up to the</p>		<p>2012 on program areas. In response to these changes the department identified the Integrated Environmental Management System (IEMS) as the preferred option for tracking environmental reviews as required under section 67 of the <i>Canadian Environmental Assessment Act, 2012</i> and any associated mitigation measures in relation to projects covered by the new Act. The system will identify any mitigation measures that will inform the department's determination on the significance of environmental effects associated with the physical activities. Additionally, Environment Officers are required to incorporate them into the terms and conditions of their authorizations including funding. LED has worked with the Federal Lands Working Group comprised of all federal lands departments to ensure a consistent federal reporting process, CFO on the information and technology management requirements including DCI's and finally, the Corporate Secretary Branch to deal with access to information and privacy matters on the Environmental Management Approach (EMA) file.</p>

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	<p>departmental authority responsible for the approval (e.g. Lands/Aboriginal Business Development Program/IOGC/etc.). Projects often involve one time funding, which will make a FNITP tracking approach difficult. The department is exploring options for managing information in relation to mitigation measures in order to satisfy the reporting requirement identified in the <i>Canadian Environmental Assessment Act 2012</i> coming into effect. The enforcement of mitigation measures is often difficult due to the limitations within the <i>Indian Act</i>. Serious violations may be subject to environmental legislative penalties found under other federal legislation such as <i>Species at Risk Act (SARA)</i>, <i>Canadian Environmental Protection Act (CEPA)</i>, and <i>Fisheries Act</i>.</p>		<p>AES: Fully Implemented. The recommendation will be closed. Closed.</p>

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	CFO, TPCOE will work with LED to understand recommend the best approach and who should be involved to achieve their objective(s) for this action.		
5. The Audit and Evaluation Sector recommends the Assistant Deputy Minister, Lands and Economic Development should define a departmental position on the enforcement of lease, permit and other environmental regulatory requirements, identify mechanisms to enforce these requirements, and provide adequate levels of training and staffing to enable the Department to fulfill its enforcement roles and responsibilities.	<p>Through the EMS process, the department will scope out its environmental responsibilities with respect to leases, permits and regulatory requirements and will modernize its environmental policy framework accordingly. Further instruction on applying corrective measures to ensure lease and permit provisions are followed may be developed through directives or procedures. An analysis of training requirements associated with the above will be undertaken.</p> <p>A revised action plan, with milestones leading up to the planned implementation date of October 2013, will be presented to Audit Committee once it has been reviewed and approved by</p>	October 2013	

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	the national EMS working group.		
6. The Audit and Evaluation Sector recommends the Assistant Deputy Minister, Lands and Economic Development should conduct a needs assessment exercise to determine the environmental management training needs of First Nations (inclusive of FNLMA and non-FNLMA First Nations) and align budget to identified needs.	<p>LEMB and Community Opportunities Branch will work jointly to develop a needs assessment strategy for environmental management, monitoring and compliance of FNLM and non-FNLM First Nations under a departmental Environmental Management System in order to align identified budget needs.</p> <p>Currently, training in relation to environmental management is provided to First Nations participating under the Reserve Land and Environment Management Program. Two environmental courses are provided by the University of Saskatchewan and environmental components in relation to specific land management instruments are included in the technical</p>	March 2013	<p>Status:</p> <p>Update/Rationale: As of 30/06/2013:</p> <p>Supporting FNLM First Nations in building the capacity for environmental assessment and protection, the new Operational Funding Formula provides each First Nation with an additional \$75,000 each year for two years to develop and manage their land and environment laws. In addition, the Lands Advisory Board Resource Centre is funded to provide capacity training and assistance to FNLM First Nations. Delivering training and</p>

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	<p>training delivered by the National Aboriginal Lands Managers Association. Training support provided by external service providers such as the National Aboriginal Lands Managers Association and the University of Saskatchewan will be reviewed and adjusted based on evolving needs of First Nation communities.</p> <p>As part of the new FNLM funding formula, each First Nation is funded at least \$200,000/year plus an additional \$75,000/year for two years to develop and manage their land/environment. In addition, FNLM funds the Lands Advisory Board Resource Centre, who, in addition to other responsibilities, is funded to provide capacity training and assistance to FNLM First Nations. This Board is responsible to undertake training and assistance</p>		<p>assistance to FNLM First Nations, the Resource Centre has developed specialized courses on decision-making, governance and control over reserve lands and resources required under a Land Code.</p>

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	<p>for First Nations in the FNLM Regime. This training includes specialized courses on decision-making, governance and control over reserve lands and resources required under a Land Code. This on-line training is expected to be launched FY 2012-13.</p> <p>LEAF's current funding allocation provides a base amount (\$25K) and the remaining balance to each region is based on population. It funds projects based on the eligibility criteria such as awareness sessions on environmental regulatory compliance, pollution prevention and environmental management of land and community assets. The new strategic direction of LEAF to align with the development of the EMS will provide the same base amount of funding and as of April 2012, projects will be funded based on</p>		<p>AANDC regional staff work directly with LEAF recipients during both the proposal and project management phases and as such are aware of FN training needs.</p> <p>The LEAF program has focused nearly 50% of its funding on waste management projects, which was a key gap identified as part of the EMS gap analysis process and a key Departmental priority.</p> <p>AES: on-going. The recommendation will be closed upon completion of the needs assessment.</p>

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	incentives that are top priorities in both the OAG and the Environmental Tracker. This re-focus will link LEAF and EMS, and will provide awareness sessions on an on-going basis.		