

**ACTION PLAN IMPLEMENTATION STATUS UPDATE**  
**REPORT TO THE EVALUATION, PERFORMANCE MEASUREMENT AND REVIEW COMMITTEE - AS OF SEPTEMBER 30<sup>th</sup>,**  
**2010**

Lands and Economic Development and Resolution and Individual Affairs			
Summative Evaluation of the Implementation of the <i>First Nation Oil and Gas and Moneys Management Act (2009087)</i>			
<i>APPROVAL DATE: 05/14/2010</i>			
PROJECT RECOMMENDATIONS	ACTION PLAN	EXPECTED COMPLETION DATE	PROGRAM RESPONSE
<p>1. Based on the evaluation findings, INAC (specifically IOGC) should determine the feasibility of continuing with the implementation of the oil and gas management portion of FNOGMMA.</p>	<p>Lands and Economic Development (LED)/IOGC will prepare materials to engage in a Senior Policy discussion on the options and feasibility of continuing with the implementation of the oil and gas management portion of FNOGMMA.</p>	<p>Presentation to the Senior Policy Committee June 22, 2010</p>	<p><b>Status: Close</b></p> <p><b>Update/Rationale:</b> <b>As of 30/09/2010:</b></p> <p>Presented material and engaged in discussions with Senior Policy Committee on June 22, 2010. Their recommendation was to summarize material and continue the discussion with the Minister which is anticipated in October – November.</p> <p><b>AES:</b> Close- Fully Implemented</p>
<p>2. Before further implementation of the oil and gas management portion of FNOGMMA and to inform future implementation of the moneys portion of FNOGMMA, INAC should build on the evaluation findings and address the following targeted issues:</p> <p>a) The needs of provinces for their participation in the implementation of FNOGMMA (specifically IOGC).</p> <p>b) Improve its understanding of First Nation priorities and interests with respect to oil and gas management on reserves, the risk and benefits to First Nations opting into the FNOGMMA, and the relationship between FNOGMMA and the modernization of <i>the Indian Oil</i></p>	<p>a. IOGC will engage the oil and gas producing provinces to confirm procedural or legislative changes required to facilitate the continued implementation of the oil and gas component of FNOGMMA.</p> <p>b. IOGC will conduct outreach to interested First Nations as well as actively promote the availability of the oil and gas management component to other First Nations that may be interested to gauge interest and potential uptake as well as to identify both benefits</p>	<p>Confirm with oil and gas provinces by June 15, 2010</p> <p>Active outreach and promoting to oil and gas First Nations that may be interested over summer of 2010.</p> <p>March 31, 2011</p>	<p>Update/Rationale: As of 30/09/2010:</p> <p>2a – Continuing discussions with the Province of Alberta to address and to identify procedural issues possibly impacting the implementation of Enforcement Agreements.</p> <p>2b – Since the ultimate decision as to the future direction has not yet been made we did not conduct an outreach to and gas producing First Nation to determine the level of interest. However we have received two unsolicited BCR's from Orion Lake First Nation and Beaver lake Cree Nation requesting entrance into the oil and gas</p>

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<p><i>and Gas Act</i> as well as potential litigation as an alternative to FNOGMMA (specifically IOGC).</p> <p>c) Take into consideration the lessons learned and best practices (particularly related to readiness, capacity development, and governance) of other optional legislation, including the <i>First Nation Land Management Act</i>, the <i>First Nation Commercial and Industrial Development Act</i>, and the <i>First Nation Fiscal and Statistical Management Act</i> (Individual Affairs Branch (IAB) and IOGC).</p>	<p>and potential issues that First Nations may foresee. Key to this outreach:</p> <ul style="list-style-type: none"> <li>- is the explanation of the new <i>Indian Oil and Gas Act</i> regime under development – that it is more prescriptive than the current regime with much less room to exercise discretion; and</li> <li>- are enhancements / legislative changes, which are contemplated.</li> </ul> <p>c. IOGC and Indian Moneys, Estates and Treaty Annuities (IMETA) will conduct an analysis of the other optional legislative programs to learn and understand if there are related 'lessons learned' or 'best practices', which can be used and transferred to the delivery of the moneys management and or the oil and gas management portions of FNOGMMA.</p>		<p>component of FNOGMMA.</p> <p>AES: Underway</p>
<p>3. INAC (IAB and IOGC, if applicable) should develop a process for assessing the specific capacity needs of individual First Nations as well as risk factors that could affect their completion of the FNOGMMA process. This process should also include a method to develop mitigation strategies related to the identified capacity needs and potential success factors of individual First Nations.</p>	<p>IOGC has developed a document entitled 'Governance and Operational Guideline for Developing a Business Plan' as part of the Oil and Gas Implementation Policy. Additionally, IMETA (IAB) developed a document entitled "FNOGMMA Moneys Management Implementation Policy" which contains a process and criteria for assessing financial management capacity of a First Nation.</p> <p>IOGC and IMETA will review and update their respective Implementation Policies as</p>	<p>Preliminary Review for input into an Memorandum to Cabinet completed by June 30, 2010</p> <p>Detailed Review completed by</p>	<p><b>Update/Rationale: As of 30/09/2010:</b></p> <p>There is no longer a renewal requirement for FNOGMMA. The initial review of the Oil and Gas Implementation Policy revealed that there may be a change required (or an exception granted to Siksika) to the timing for the completion of a Sec. 43. Enforcement Agreement with the provinces, which the policy suggests is prior to the Band conducting a vote. Further assessment of the 'Governance and Operational Guideline for the Developing a Business Plan' will be conducted through</p>

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	needed to include the specific capacity needs of First Nations and address the risk and success factors that could affect individual First Nation completion of the FNOGMMA process; and a method to develop viable mitigation strategies.	October 2010	discussion with the Consultant used by Siksika for their recently submitted Business Plan.  <b>AES:</b> Underway (On Time)
4. INAC (Individual Affairs Branch and IOGC if applicable) should incorporate FNOGMMA's long-term outcomes (particularly related to the broader economic, governance and capacity outcomes) and more details on program activities and outputs into a performance measurement strategy, which should then be implemented to track the performance of the program. Only if the objectives of the moneys and the oil and gas portions of FNOGMMA are dramatically different, should INAC consider separate authorities for the two components.	IOGC and IMETA will develop a Performance Measurement Framework for FNOGMMA. This will include a logic model and performance measurement indicators for the desired outcomes and outputs, taking into account any program changes resulting from the previous recommendations.	Completed and integrated into TB Submission by January 31, 2011	<b>Update/Rationale: As of 30/09/2010:</b>  On hold pending decision to open up FNOGMMA.  <b>AES:</b> Pending Implementation