

ACTION PLAN IMPLEMENTATION STATUS UPDATE
REPORT TO THE EVALUATION, PERFORMANCE MEASUREMENT AND REVIEW COMMITTEE - AS OF MARCH 31, 2012

Lands and Economic Development and Resolution and Individual Affairs

Summative Evaluation of the Implementation of the *First Nations Oil and Gas and Moneys Management Act (2009087)*

APPROVAL DATE: 05/14/2010

PROJECT RECOMMENDATIONS	ACTION PLAN	EXPECTED COMPLETION DATE	PROGRAM RESPONSE
1. Based on the evaluation findings, AANDC (specifically IOGC) should determine the feasibility of continuing with the implementation of the oil and gas management portion of FNOGMMA.	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.	Presentation to the Senior Policy Committee June 22, 2010	<p>Status: Delayed</p> <p>Update/Rationale: As of 31/03/2012:</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.</p> <p>A briefing to the Minister will be scheduled once the Indian Oil and Gas regulations (under the <i>Indian Oil and Gas Act</i>) are completed and First Nations have had the opportunity to weigh the benefits of the new regulations versus the feasibility of FNOGMMA. Should a First Nation come forward as a proponent of the Act in the interim, a briefing to the Minister will be considered at that time.</p> <p>AES: Overtaken by events-recommend to close.</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, AANDC should	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.	Confirm with oil and gas provinces by June 15, 2010	<p>Status: Delayed</p> <p>Update/Rationale: As of 31/03/2012:</p> <p>2a-Engagement with provinces on procedural</p>

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<p>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 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</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 and potential issues that First Nations may foresee. Key to this outreach:</p> <ul style="list-style-type: none"> - 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 - are enhancements / legislative changes, which are contemplated. <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</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>or legislative changes required to facilitate the implementation of FNOGMMA will be undertaken once the Indian Oil and Gas regulations (under the <i>Indian Oil and Gas Act</i>) are finalized and only when proponent First Nation(s) commit to opting into FNOGMMA.</p> <p>2b- Outreach and promotion of the benefits of the oil and gas component of FNOGMMA are on hold until the Indian Oil and Gas regulations (under the <i>Indian Oil and Gas Act</i>) are finalized.</p> <p>2c- IMETA will continue its review of other optional legislative programs to learn and understand if there are related 'lessons learned' or 'best practices' that can inform the delivery of the moneys management regime component of FNOGMMA (in accordance with its Treasury Board terms and conditions).</p> <p>AES: Overall, continued work on these Action Plans items are on hold pending a decision to continue with the oil and gas portion of FNOGMMA.</p> <p>Where work has continued, the results</p>

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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).	FNOGMMA.		should be documented and provided in final update. Recommend to close, with final update Sept 30 th , 2012.
3. AANDC (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.	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. IOGC and IMETA will review and update their respective Implementation Policies as needed to include the specific capacity needs of First Nations and address	Preliminary Review for input into a Memorandum to Cabinet completed by June 30, 2010 Detailed Review completed by October 2010	Status: No Action Update/Rationale: As of 31/03/2012: LED- No further work on the implementation policy pertaining to the oil and gas components of FNOGMMA until the Indian Oil and Gas regulations (under the <i>Indian Oil and Gas Act</i>) are completed or when proponent First Nation(s) commit to opting into FNOGMMA.. Status: Request to close RIA - Has reviewed and updated the FNOGMMA Moneys Management

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	the risk and success factors that could affect individual First Nation completion of the FNOGMMA process; and a method to develop viable mitigation strategies.		<p>Implementation Policy in line with its Treasury Board authority, which has resulted in an updated Payment Agreement template and updated Intake Committee roles and responsibilities. In relation to risk and success factors affecting individual First Nations completion of the FNOGMMA moneys management process barriers have been identified in the legislation that can only be addressed through legislative change.</p> <p>AES: Work related to the IOGC Implementation Policy is on hold pending the decision to continue with the oil and gas portion of FNOGMMA.</p> <p>The update to the IMETA Implementation Policy is behind schedule. Please provide documentation to AES on the noted management barriers and, in particular, substantiate why they can only be addressed by legislative change.</p> <p>The status of this action item should remain open for both IOGC and IMETA pending the completion of further work.</p>
4. AANDC (Individual Affairs	IOGC and IMETA will develop a	Completed and	Status: Underway

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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 AANDC consider separate authorities for the two components.	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.	integrated into TBS document January 31, 2011	<p>Update/Rationale: As of 31/03/2012:</p> <p>LED- Work will begin on the Performance Measurement Strategy for FNOGMMA in 2014.</p> <p>RIA- Performance Measurement elements (e.g. outputs, outcomes and associated performance indicators) for the Moneys Management component of FNOGMMA are in development. These elements will form part of a larger Performance Measurement Strategy for Indian Moneys, Estates and Treaty Annuities (IMETA) programming of which FNOGMMA Moneys Management is a part. Development of a Performance Measurement Strategy for IMETA is expected to begin after the current evaluation is complete (anticipated for June 2012).</p> <p>AES: Performance Measurement Strategy for FNOGMMA is in progress. Recommend to close.</p>