



Muskoday First Nation

Environmental Management and Protection Plan



Prepared for: Muskoday First Nation (MFN)

ENACTED BY MFN MEMBERS ON:	November 27, 2018
RATIFIED BY CHIEF AND COUNCIL ON:	November 26, 2018
AMENDED BY LANDS DEPARTMENT ON:	July 17, 2018



Table of Contents

	Page
TABLE OF CONTENTS	I
LIST OF GUIDANCE DOCUMENTS	II
1.0 INTRODUCTION	1
2.0 ORGANIZATIONAL STRUCTURE	1
3.0 ENVIRONMENTAL LAW SYSTEM	3
3.1 Environmental Protection Law Development	3
3.2 Environmental Assessment Law Development	3
4.0 STRATEGIC DIRECTION	4
4.1 Future Development Priorities and Goals	4
4.2 Self Government	5
4.3 Schedule	5
5.0 ADMINISTRATIVE MANAGEMENT & SERVICING AGREEMENT	7
6.0 EMPP SYSTEM COMPONENTS	8
6.1 Guidance Documents	8
6.2 Supporting Land Laws, ByLaws, and Zoning Regulation	8
6.3 Management Policies and Standards	8
6.4 Departmental Operations	9
6.5 Environmental Justice	10
6.5.1 Dispute Resolution	10
6.6 Education and Community Outreach	11
6.6.1 Communication Plan	12
6.7 EMPP Audit	12



List of Guidance Documents

Guidance Document A

Administrative System

Guidance Document B

Monitoring, Inspections, and Investigations

Guidance Document C

Compliance and Enforcement

Guidance Document D

Education, Awareness, and Training

1.0 INTRODUCTION

This Environmental Management and Protection Plan (EMPP) has been developed to manage and proactively protect Muskoday First Nation (MFN, Muskoday) lands from environmental impacts. Muskoday has developed this EMPP as part of the foundation for the overall environmental protection plan under the First Nation Land Management (FNLM) Regime. The EMPP outlines the framework, policies, procedures, and standards that will assist and guide MFN staff and members in protecting their land, natural resources, and people. There are a variety of components that contribute to and make up the EMPP. The following figure presents each of these items and serves to illustrate the contribution that each has to the system and plan.

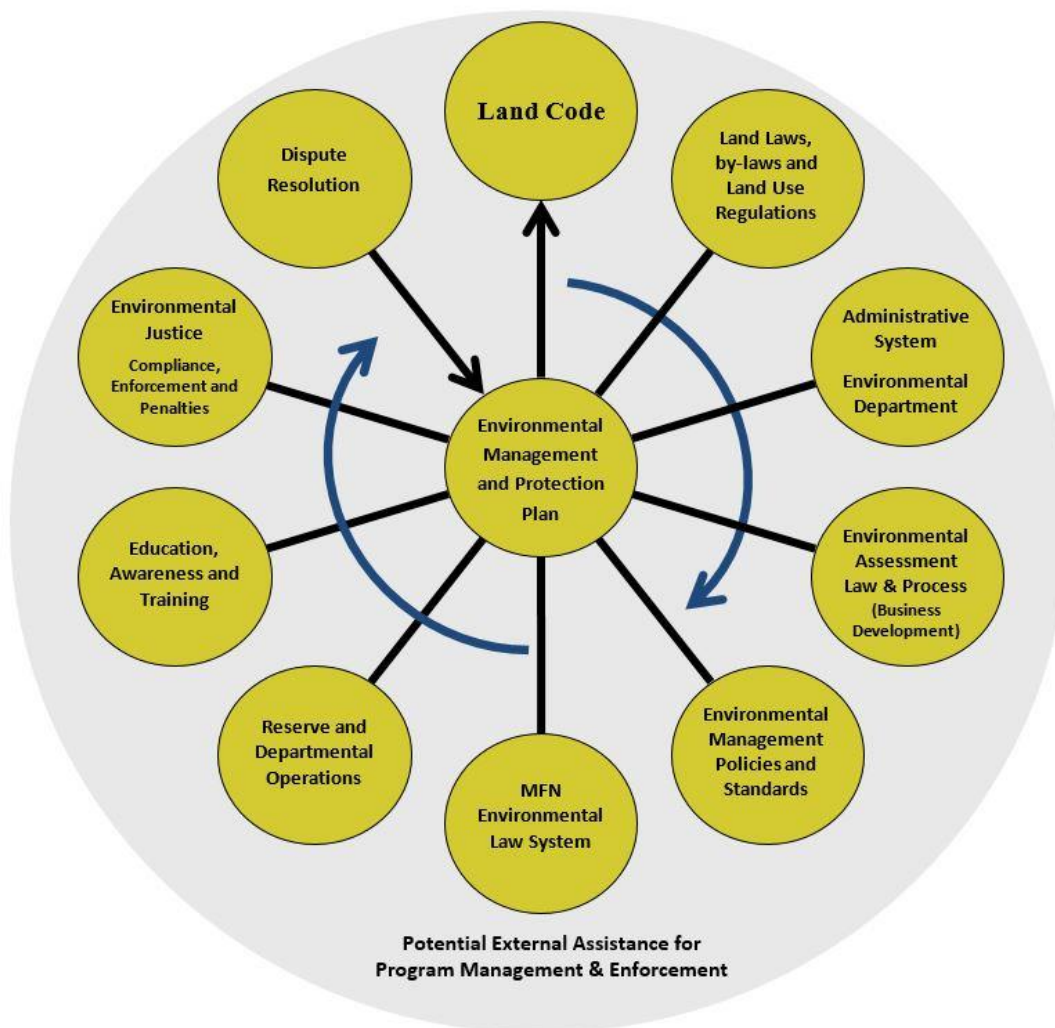


Figure 1: EMPP



The nature of Muskoday’s EMPP and overall environmental system is based on the following statements, which exemplify the spirit of MFN.

Muskoday First Nation Lands Environmental Plan Environmental Policy Statement

Respect for the Spiritual value of the earth and gift of the Creator is an integral part of the Muskoday First Nation’s view of the environment. Muskoday First Nation is committed to managing community activities, community lands, and community resources so as to minimize the effects on Mother Earth and to ensure the ability of future generations to grow and prosper.

Environmental Management Agreement (EMA) Step 1

Community Environmental Vision Statement

The Muskoday First Nation is a leader in environmental stewardship in harmony and balance with the environment, respecting cultural and traditional values; ensuring a clean, green, and free environment for its people.

EMA Step 1 Community Environmental Mission Statement

The Muskoday First Nation will Respect, Protect, Manage, and Promote the environment, and the lands under Muskoday First Nation control through traditional knowledge and utilization of technology to reduce environmental impact for present and future generations.

Overall, the EMPP provides a framework and roadmap for MFN’s environmental protection initiatives. The EMPP also serves as an operational guide to MFN staff, members, and any person given authority by MFN to assist or act toward managing, preserving, and protecting MFN land.

The EMPP communicates the right and authority that Muskoday has for governance over its lands. The EMPP may be used as a tool to help communicate that authority to other governments, businesses, institutions, and the general public.



2.0 ORGANIZATIONAL STRUCTURE

The Muskoday environmental plan is intended to support existing environmental law and consists of a collection of administration, management, compliance, and enforcement processes. The environmental plan and system is setup to protect and preserve MFN lands, natural resources, and people, while ensuring that economic and socio-economic development flourishes within MFN. The two foundational components of the Muskoday Environmental system are Muskoday's EMPP and Environmental Protection Law System.

The MFN Chief and Council have the overall authority for decisions made regarding the development, implementation, and operation of the EMPP and Muskoday's Environmental Plan. Focused, ongoing development and operation of the EMPP and Environmental System is handled primarily by the MFN Lands Department. The MFN Lands Advisory Committee (LAC) is responsible for addressing the needs of the community with respect to the land, environment, and resources.

In order to effectively implement, manage, and operate the MFN environmental system, an organizational structure has been established. The organizational structure for MFN's EMPP and environmental Law system is outlined in Figure 2 on the following page.

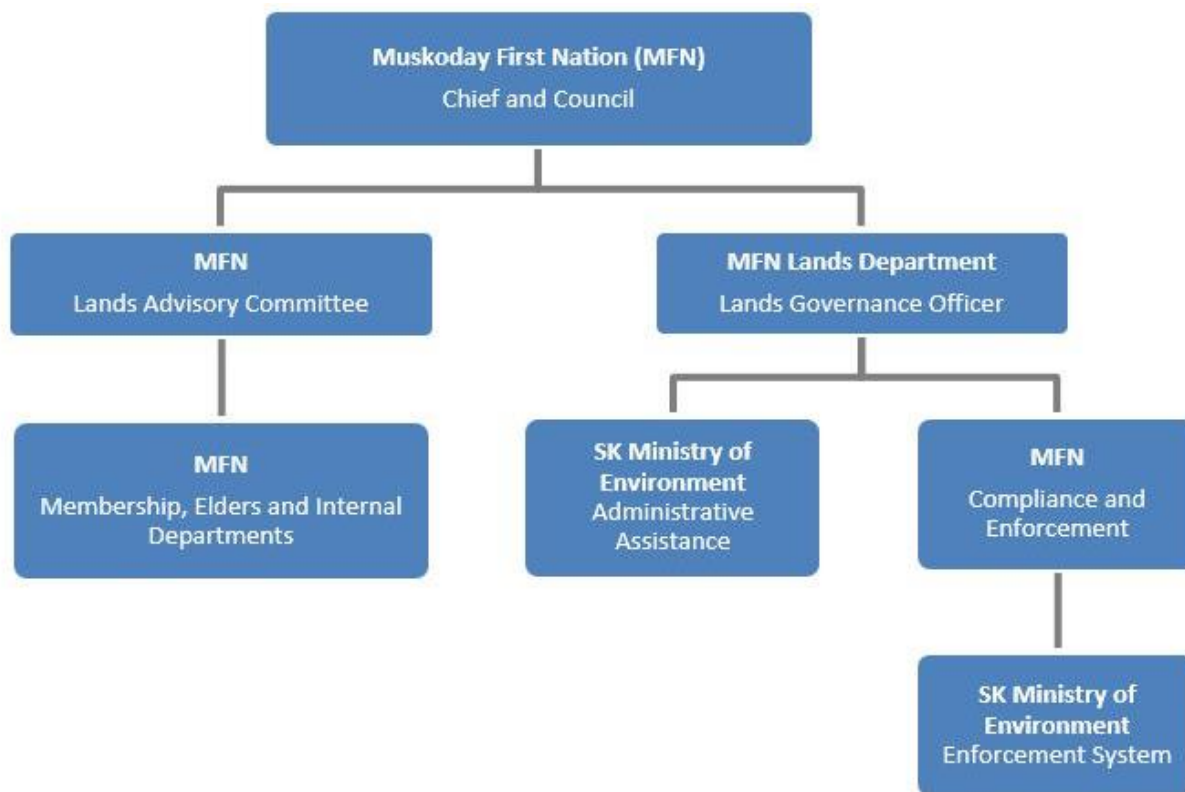


Figure 2: Muskoday First Nation EMPP Organizational Structure

There are many groups and people involved in the development and management of MFN’s Environmental Plan and the ongoing operation of the EMPP under Muskoday environmental Law.

Several community groups including internal departments, committees, youth, and elders may each play a special role in ensuring the successful and ongoing operation of the Environmental Plan.

A system rooted in local tradition and culture while at the same time relevant to current economic development practices and recognized environmental standards is one that will function effectively. For Muskoday’s Environmental Plan, the EMPP, and Environmental Law System to work, the community must take ownership and make it their own. The elders within the community are individuals with knowledge of the history, traditions, customs, values, and beliefs of MFN peoples. The wisdom and experience held by MFN’s elders are an important source of wisdom and direction for the MFN people.



3.0 ENVIRONMENTAL LAW SYSTEM

To best manage and protect Muskoday lands, MFN has chosen to harmonize its environmental Law and enforcement system with existing environmental legislation in place in the province of Saskatchewan (SK). Muskoday has the inherent right to govern Muskoday lands and the powers in relation to those lands are recognized by the Framework Agreement on First Nations Land Management. Muskoday's Environmental Protection Law will be the foundation for their environmental Law system and adopts the existing province of Saskatchewan (SK) environmental legislation, including the Saskatchewan Environmental Acts and Regulations. Principal among the adopted legislation is the SK Environmental Management and Protection Act, 2010 (EMPA) and the Saskatchewan Environmental Code (the Code).

Land Code

The MFN Land Code, ratified 21 January 1998 and amended in 2007 sets out the principles, rules, and structures that apply to all MFN lands and resources. The Land Code contains the requirements for making laws, protecting land, land administration, interest, and licenses in land, dispute resolution, and other matters.

Reference:

- *MFN Land Code and Enacted Amendments*

3.1 ENVIRONMENTAL PROTECTION LAW DEVELOPMENT

MFN has the option of creating their own Environmental Laws as a means of managing, preserving, and protecting their environment for use by future generations. Existing Laws have been, and future Laws will be developed under the Framework Agreement on First Nation Land Management and the Muskoday First Nation Land Code.

3.2 ENVIRONMENTAL ASSESSMENT LAW DEVELOPMENT

Muskoday has not currently developed an Environmental Assessment (EA) Law under its Land Code. The Canadian Environmental Assessment Act (CEAA) is in effect for potential and proposed developments on MFN lands.

A dedicated MFN EA Law may be developed in the future by Muskoday to address reserve and development specific goals and priorities on Muskoday lands.



4.0 STRATEGIC DIRECTION

Muskoday wishes to establish a balance between the preservation and protection of Mother Earth and supporting continued social and economic development within MFN lands. The overall goal is to provide healthy and sustainable economic opportunities for Muskoday membership while cultivating the spirit of self-sufficiency by working together, living off the land, and ensuring the same for future generations.

Muskoday First Nation has developed several internal documents and studies relating to community and land use planning, environmental management, and development on reserve lands. Referenced documents include:

- Muskoday First Nation Environmental Management System
- Muskoday First Nation Land Use Plan, 2015

The purpose of these documents is to develop an informed, consistent, clear, and structured approach to future economic and socio-economic development while ensuring that reserve lands are being protected. This EMPP has been created to support Muskoday's development, conservation, protection, management, use, and possession of land and interests and licenses, in relation to MFN land.

4.1 FUTURE DEVELOPMENT PRIORITIES AND GOALS

Goals and objectives related to environmental management and protection of MFN lands have been established by MFN. Development of specific policies, processes and actions to address and respond to potential future environmental issues and concerns is an ongoing initiative that MFN will pursue to continue to meet changing needs and priorities for environmental protection and management on reserve lands. These priorities and goals should be evaluated on a regular basis to monitor and measure progress and to ensure that they remain consistent with the ever-evolving environmental plan and EMPP.

There are many potential environmental concerns that may affect MFN lands now and in the future. Enacting comprehensive and rigorous environmental policies to help protect MFN lands is an effective way to manage these potential concerns. In addition to the legislation adopted under the EMPP, there may be additional laws that MFN may want to develop and incorporate in the future. The following is a list of general priorities for ongoing development within the environmental plan and also specific developmental goals:



- MFN Environmental Assessment Process
- Environmental Assessment Law
- Additional environmental Law adoption under the MFN Environmental Protection Law
- Additional internal policy development as required
- Additional Guidance Document Development to address emerging areas/concerns
- Development of an Environmental Department to administer and manage the regime
- Internal capacity development and expansion to meet growing needs of the community
- Future development of a comprehensive environmental compliance and enforcement system
- Creation of a MFN Environmental Enforcement Officer Position

4.2 SELF GOVERNMENT

The EMPP is currently operating under the MFN Land Code. Muskoday is not currently considering transitioning from the MFN Land Code to Self-Government in the near future, but there is the potential to pursue Self-Government in the next 5-10 years. Potential future transition to a self-government structure will require a full review of MFN’s environmental plan and Law system to ensure that the two processes work harmoniously together.

4.3 SCHEDULE

In order to effectively proceed with development alongside operation of the EMPP and Muskoday’s overall Environmental plan and Environmental Law system, a schedule and strategy for future actions has been developed. This will aid in preparing work programs, budgets, funding applications, and staffing plans in the future. A ten year forecast was prepared during the original EMPP development process and is presented on the following page. The schedule is subject to change and priorities and goals shift during ongoing operation and development:



2016/2017	2017/2018	2018/2019	2019/2020	Initial Environmental Law System & EMPP in Effect	2020-2025	2026
-Cursory analysis and review of potential SK Environmental Laws (Protection and EA) to consider for adoption	-Thorough review of selected SK environmental Laws & SK EA Law -Initial drafting of Environmental Laws & EA Law/Process	-Laws Reviewed and enacted by membership -Operation of MFN Law System and EA process	-Fully implement Law System -Additional Law System development		-Additional Law System development and transition and amendments for Self-Government	Operating MFN Environmental Law System
-Initial EMPP development, draft by March 2017 -Existing Documentation Review and incorporation	-Review and approval of EMPP by membership and C&C -Finalization and prep for implementation	-Full rollout of EMPP under Framework Agreement starting April 2018 -Internal audit, year end	-Operation of EMPP with Laws and Enforcement -2 nd Internal audit, year end		-Additional EMPP Development -External audit of EMPP 2020 -Transition to Self-Government 2022-2025	Operating Environmental Management and Protection Plan
Development under the Framework Agreement			Self-Government Negotiations, drafting and dev with Canada / FNLM Transition 2021-2025		Operating Self-Government	

Figure 3: Muskoday First Nation Environmental Plan Development Schedule



5.0 ADMINISTRATIVE MANAGEMENT & SERVICING AGREEMENT

In the spirit and intention of the Framework Agreement Muskoday is contemplating entering into an Administrative Management and Servicing Agreement (AMSA) with the province of Saskatchewan and the Saskatchewan Ministry of Environment (SMOE).

Muskoday's focus and intention is to harmonize their respective Environmental Plan and processes with the involvement of the Province of Saskatchewan. This applies to where both MFN and Saskatchewan agree to participate, to promote effective and consistent environmental systems and processes and to avoid uncertainty and duplication.

Under the AMSA the SMOE will provide management, compliance and enforcement assistance to MFN to effectively manage and protect land and natural resources on Muskoday Reserve land. Adoption of SK Environmental Law and processes and engaging the SK Government to provide management, enforcement, and compliance services is an efficient and novel approach to operation of MFN's Environmental Law Plan both under the Framework Agreement and Self-Government.

The SMOE has an extensive compliance and enforcement system in place, which currently works to manage and protect the whole of Saskatchewan and enforce existing environmental standards and legislation. The intention of the AMSA is to outline the operational services related to MFN's Environmental Law System and their EMPP. Muskoday will leverage existing expertise, knowledge, and resources within the government of Saskatchewan to efficiently manage and protect its lands. The current EMPP Administrative System Guidance Document and the future EMPP SK AMSA Guidance Document will further outline the roles and responsibilities of each group and how they relate to the overall administration, management, education, compliance, and enforcement of MFN Law and policy.

Reference:

- *Administrative System Guidance Document*
- *SK AMSA Guidance Document*



6.0 EMPP SYSTEM COMPONENTS

The purpose of the EMPP is to provide guidance towards the environmental protection of MFN lands through objectives, processes, and procedures. The EMPP is a guide for the implementation of mitigation measures and follow up actions and describes best practices and regulatory requirements.

6.1 GUIDANCE DOCUMENTS

The EMPP contains information to aid in responding to identified environmental issues and concerns on Reserve land. In addition to the main EMPP document, several Guidance Documents have been prepared to further assist and direct MFN and any other entity given authority or retained by Muskoday toward addressing environmental concerns on MFN Reserve lands.

The following is a list of guidance documents that have been prepared as part of the EMPP. These documents are included in the overall EMPP and are attached. The guidance documents are intended to be dynamic and may be continually updated and changed as the MFN Environmental Plan is developed and as the MFN community grows and progresses.

- Guidance Document A (Administrative System)
- Guidance Document B (Monitoring, Inspections & Investigations)
- Guidance Document C (Compliance & Enforcement)
- Guidance Document D (Education, Awareness & Training)

6.2 SUPPORTING LAND LAWS, BYLAWS, AND ZONING REGULATION

To date, MFN does not have any Reserve specific bylaws pertaining to environmental protection. Future laws may be developed by MFN and any future law should be referenced and included in the overall EMPP.

6.3 MANAGEMENT POLICIES AND STANDARDS

The historical Environmental Management Agreement (EMA) Step 1 included a community and environmental scan of MFN lands and resources. A comprehensive list of environmental issues that affect MFN lands was developed by the LAC through review of previous studies and with community input. Six key environmental issues on MFN lands were identified and included:



- Solid Waste Management
- Sewage Treatment and Disposal
- Fuel Storage Management
- Environmental Emergency Management
- Surface and Groundwater Protection
- Agricultural Management

Day to day policies and direction have been developed to allow responsive internal action to address potential issues related to these areas. These policies and actions were developed in part from the EMA Step 2 document. The future Operational Management Activities Guidance Document will outline these policies and practices.

Reference:

- *EMA Step 1 and Step 2 documents*

6.4 DEPARTMENTAL OPERATIONS

There are a total of six band programs or departments that provide specific services to MFN and the community. Every program and their respective department have specific operational standards and procedures that exist within their mandates. However, each program may not have specific policy or procedures that relate to environmental protection. Therefore, there is the potential or opportunity for an environmental component to be included in the procedures and tasks performed by these entities. The successful and effective implementation and operation of MFN's EMPP requires that every facet of the MFN government and organizational structure be committed to protecting MFN lands, natural resources, band members, and the environment.

The programs and entities that operate within MFN's administrative structure include:

- Economic Development
- Health & Community Services
- Education
- Public Works and Housing
- Lands
- Finance



The Lands Department will work with each MFN organization to develop specific environmental initiatives and policies. These initiatives and policies will serve to add environmental considerations to existing policy and procedures as part of an ongoing effort to align MFN departmental operations with the MFN EMPP.

6.5 ENVIRONMENTAL JUSTICE

Compliance with legislated environmental laws is essential in the operation of MFN's EMPP. Proactive compliance measures such as education, awareness, and training may foster voluntary compliance, which is the overall goal of MFN's environmental justice system. Voluntary compliance is also in line with the guiding principles of the SMOE Compliance Management Framework.

Muskoday plans to engage with the Province of Saskatchewan for external enforcement assistance of MFN Law. The details of the enforcement arrangement are provided in the AMSA. Further information regarding how the AMSA will integrate with the EMPP is provided in the Compliance and Enforcement Guidance Document.

In addition to the external enforcement and services that the SMOE will be providing to Muskoday, there are also several internal mechanisms and processes in place to assist the Lands Department in compelling compliance with MFN Environmental policy and law. Muskoday endeavors to have its Laws respected and followed through a clear and consistent policy of mandatory compliance through education, prevention, and finally enforcement. The Muskoday Restorative Justice program will play a key role in ensuring that compliance is handled in accordance with MFN traditions and customs. Details of the internal compliance framework are also provided in the Compliance and Enforcement Guidance Document.

Reference:

- *SK AMSA*
- *Compliance and Enforcement Guidance Document*

6.5.1 Dispute Resolution

MFN intends that dispute resolution should take the form of informal discussions, between parties involved in the dispute, wherever possible. All persons are entitled to possess and reside upon MFN lands and occupy lands in a harmonious manner regarding the rights of others. Further provisions for dispute resolution, regarding land related matters, are provided



for in the MFN Land Code in Section 30, Local Dispute Resolution Systems. Further development of dispute resolution, as it relates to environmental matters or the MFN Environmental Protection Law, will be performed by the Lands Department in coordination with the Saskatchewan Ministry of Environment as appropriate.

Reference:

- *MFN Land Code: Section 30*

6.6 EDUCATION AND COMMUNITY OUTREACH

The goal of MFN environmental protection plan can best be achieved with the understanding and support of the MFN community. The environmental priorities and direction on how Muskoday has chosen to proceed with environmental protection is based on ongoing community input and support.

Education is a pivotal component to the success of the EMPP. Both internal and external education regarding established policy, processes, traditional practices, and the application of the adopted provincial legislation will be required.

Educational and outreach programs play a key role in effectively managing and protecting MFN lands. It is vital to educate the community regarding environmental management issues that have the potential to adversely impact MFN lands. Education will take on a variety of forms to help ensure increased awareness and retention by MFN band members, MFN staff, and the local business community and groups. To best serve band members and to preserve MFN's values and cultural diversity, education initiatives will be rooted in traditional practices and include aspects of cultural awareness.

Community outreach programs will be used to provide a venue for community members to express their concerns and suggestions. Community outreach programs will also help to ensure that decisions will incorporate the community's vision. Engaging and educating children about the environment will nurture environmental protection of MFN lands for future generations.

The EMPP Education, Awareness, and Training Guidance document outlines the EMPP plan for education and awareness.

Reference:

- *Education, Awareness, and Training Guidance Document*



6.6.1 Communication Plan

A communication plan involving the use of social media, website postings, newsletters, and flyers to promote engagement in elders meetings, community meetings, youth groups, workshops, and open houses will be required as part of the EMPP. This plan will be developed in coordination with the Muskoday Education department and amended from time to time.

6.7 EMPP AUDIT

An audit tool has been developed to assist the Lands Department in completing an internal Environmental Management Plan Audit and Review (EMPAR) of the EMPP on an annual basis. The purpose of the EMPAR is to objectively review the EMPP and ensure that the Lands Department and EMPP are operating effectively and efficiently. An external audit is also to be completed by some third party every three years.

The EMPAR is meant to address potential problematic issues within the EMPP and Muskoday's environmental plan including management elements, resources, plan operability, effectiveness, and success. Further information on the EMPAR is included in the Administrative System Guidance Document.