

**Flying Dust  
First Nation**



# **Flying Dust First Nation Environmental Management Plan**

*Confidential Information for the*  
**Flying Dust First Nation Community**

**Prepared For:**

FLYING DUST FIRST NATION  
8001 Flying Dust Reserve  
SK, S9X 1T8  
Meadow Lake, Saskatchewan

**Prepared By:**

PINTER & Associates Ltd.

31 March 2020

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Funding was provided by First Nations Land Management Resource Center Inc.



***“Land is the foundation for the social, spiritual, environmental, and economic health of all peoples”***

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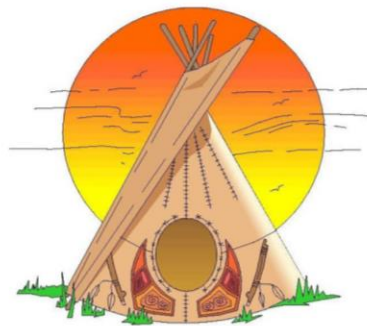
## Acknowledgements

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The Flying Dust First Nation (FDFN) Environmental Management Plan (EMP) was made possible through funding received from the First Nations Land Management Resource Center (FNLMRC). The purpose of this EMP is to ensure sustainable growth and a strong future for our community. The past Director of Lands and Resources, Mr. Darwin Derocher, Mr. Patrick Derocher (Special Projects Coordinator), and the FDFN Lands Department was responsible for administering and organizing the preparation of the EMP. Chief Jeremy Norman and Council members, the Elders, and members of Flying Dust First Nation played significant roles in the planning process.

The Flying Dust Lands and Resource Commission ensured that the EMP was consistent with Flying Dust community values and aspirations and that all pressing environmental issues were properly identified and addressed.

PINTER & Associates Ltd. provided technical support in preparing the EMP. PINTER was responsible for working with the Director of Lands and Resources and the Lands Department to conduct community engagements, prepare presentations, and the drafting and revision of the EMP. The draft document was reviewed by staff from the First Nations Land Management Resource Center.



"MAMAWICHIHOWIN EKWA KEHEYAK  
OKISKINOHAMAKWIN KAKASKIHTANANAW  
KASOKSIHTAMASOWAK MIYOMACIHOWIN EKWA  
WICISOWIN IYINITO AYISINIWIYAK"

*"Through teamwork and the teachings of our  
Elders, we will build a strong, healthy and self-  
sufficient Nation".*



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## Glossary of Abbreviations

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DFDN	-	Flying Dust First Nation
EMP	-	Environmental Management Plan
FNLM	-	First Nation Land Management
EMPIAR	-	Environmental Management Plan Implementation & Annual Review
SMOE	-	Saskatchewan Ministry of Environment
SK MOE	-	Saskatchewan Ministry of Environment
AMSA	-	Administrative Management and Servicing Agreement
LRC	-	Lands and Resources Commission
LMP	-	Land Management Provisions
ESR	-	Environmental Screening Report
EA	-	Environmental Assessment
CEAA	-	Canadian Environmental Assessment Act
ISC	-	Indigenous Service Canada
SK	-	Saskatchewan
CEPA	-	Canadian Environmental Protection Act
SARA	-	Species at Risk Act
EMPA	-	Environmental Management and Protection Act
SEQG	-	Saskatchewan Environmental Quality Guidelines
QP	-	Qualified Person
NCSCS	-	National Classification System for Contaminated Sites
MOU	-	Memorandum of Understanding
SAML	-	Saskatchewan Air Monitory Lab
SWF	-	Saskatchewan Wildlife Federation
ERP	-	Emergency Response Plan
ERC	-	Emergency Response Coordinator
CSO	-	Community Safety Officer

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# **BACKGROUND & PLAN DEVELOPMENT METHODS**

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Flying Dust First Nation (FDFN) is dedicated to the sustainable growth and strong future of our community. We have existed in peace with our respective lands, the animals, and the Creator since time immemorial. We believe in protecting our lands and the environment, including all the elements such as “earth (**askiy**), water (**nipiy**), wind (**yotin**), and fire (**iskotêw**)”.

We have created this Environmental Management Plan (EMP) to manage, ensure a healthy environment, and to proactively protect our lands from environmental impacts. Our forefathers respected our lands and created environmental laws based on a Great Law, traditional teachings, and diverse community practices to protect our community’s resources for future generations. These environmental laws were used in their day-to-day lives based on ways of knowing – “*To just know what to do and what not to do*” and “*Common Sense*”.

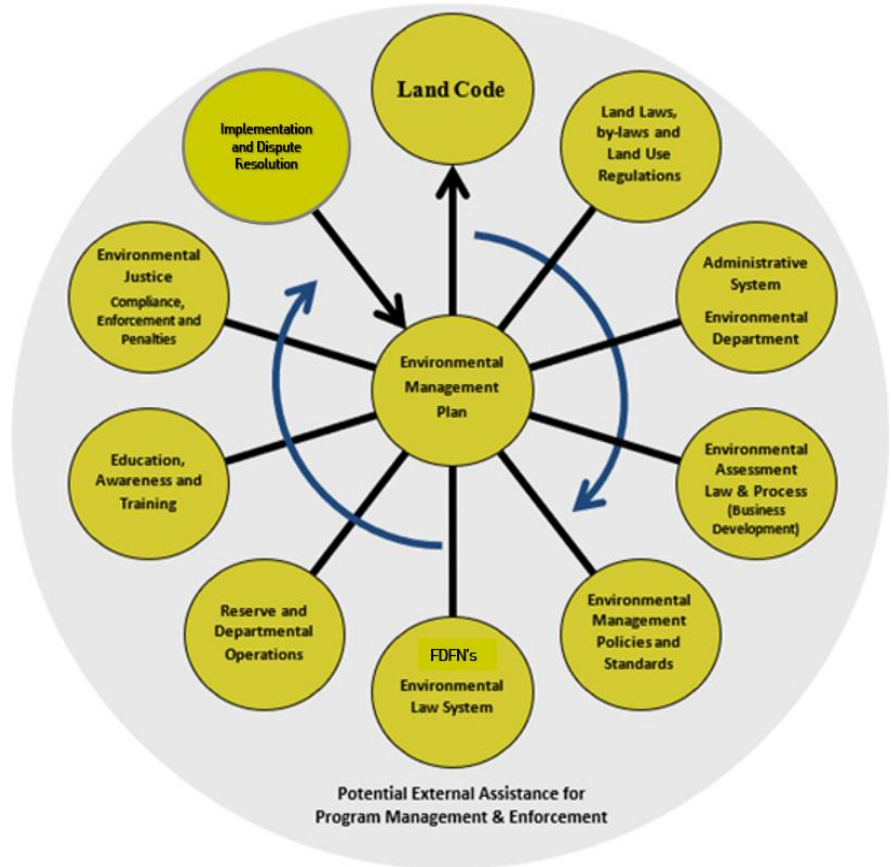
We wish to honour them through this EMP, by acknowledging our role as the current caretakers of our lands. We believe that the older generation have borrowed the lands from our children “the next generation”, and it is our responsibility to keep it safe for descendants. In doing so, we recognize the important role we, the current caretakers of the land, play in ensuring a healthy and prosperous future for our children and generations to come.



### **1.1. FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT**

FDFN has developed this EMP as part of the foundation for our overall environmental management and protection system permitted by the Framework Agreement on First Nation Land Management (Framework Agreement). In June 2013, the Flying Dust Land Code was ratified and took effect on 07 October 2013. The Land Code was drafted pursuant to the Framework Agreement. Under this Land Code, we have the power to make laws with respect to development, conservation, protection,

management and administration of our reserve lands. The EMP identifies environmental issues and outlines the framework, policies, procedures, and standards that will assist and guide FDFN staff and members in protecting our land, natural resources and people. This EMP will assist FDFN in managing our Lands in an environmentally and culturally sustainable manner.



**Figure 1:** Flying Dust First Nation Environmental Management Plan Structure

Figure 1 presents the overall vision for our EMP, including all suggested components. Each component of the EMP will be developed with consideration of our future Environmental Law Regime. Harmonization between all aspects of the EMP and our proposed future Environmental Law Regime will be a strong consideration in this EMP.

**1.2. ENVIRONMENTAL GOVERNANCE AND COLLABORATION**

Flying Dust First Nation is committed to working with Federal and Provincial jurisdictions on the management, protection, and preservation of our lands, natural resources, and people. Flying Dust shares our borders and access to land with local municipalities and the province. Cooperation and collaboration with our local municipal and provincial neighbors is an essential aspect of good land management for Flying Dust. Our community is in the process of developing an agreement to work with the Province of Saskatchewan and the Saskatchewan Ministry of Environment on the harmonization of our future Environmental Laws with that of



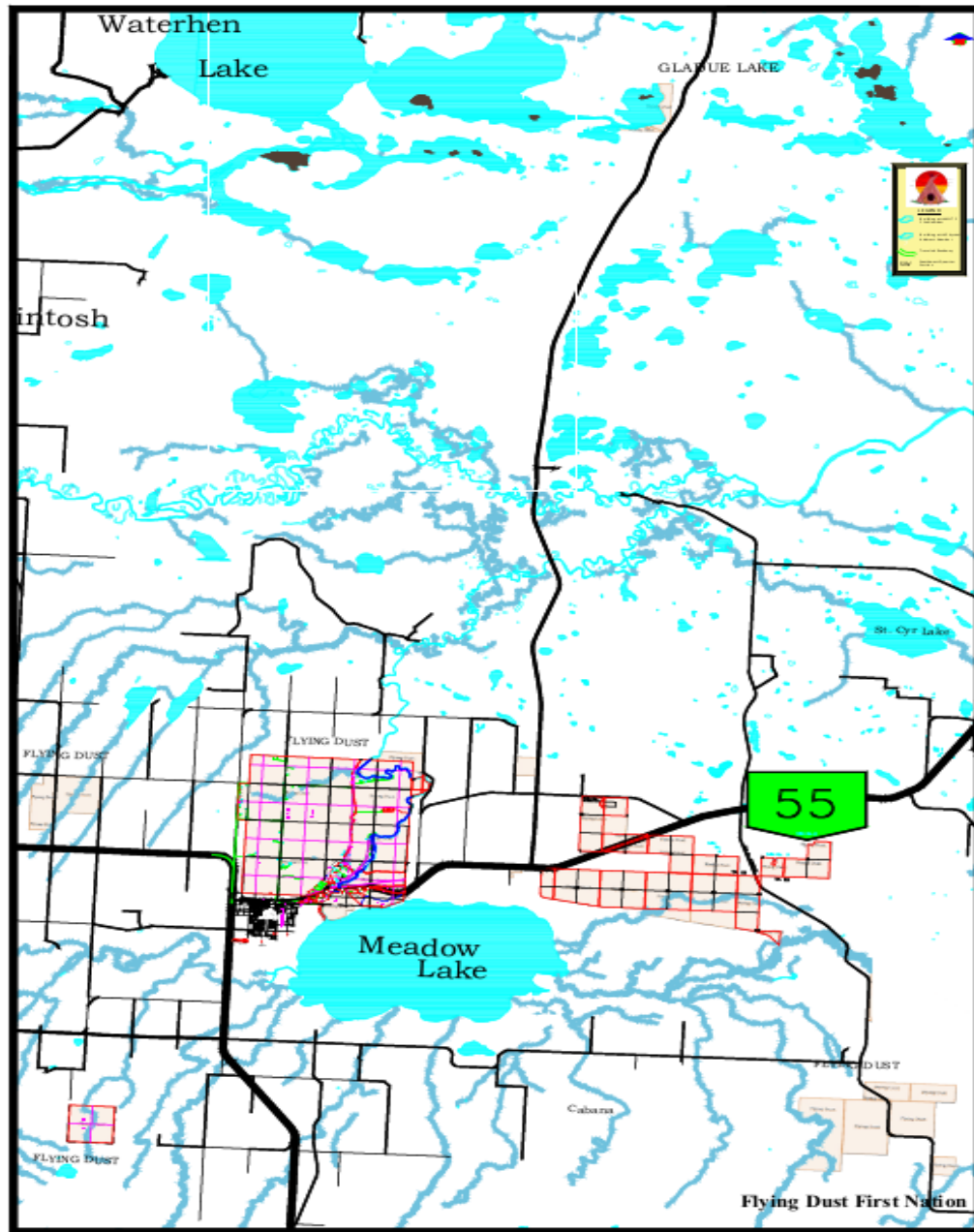
the province as well as the retaining compliance and enforcement assistance from Saskatchewan on an as-requested basis. Details of this agreement and the working relationship between Flying Dust and Saskatchewan will be integrated into our EMP as they are developed. Further information is presented in Section 5 of this EMP.

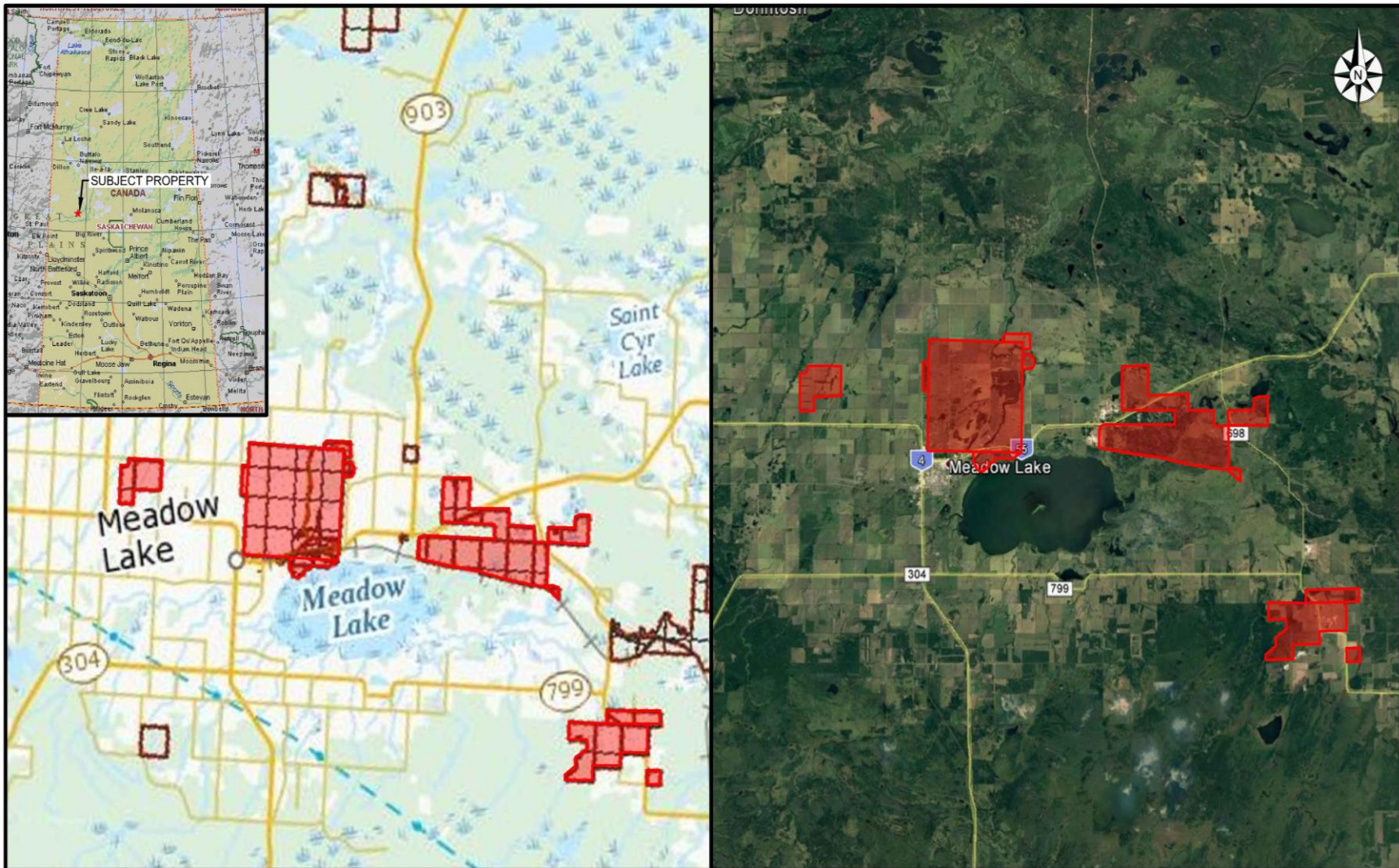
### **1.3. SCOPE**

The EMP is developed as an operational manual to be used by FDFN to manage activities and related environmental features that have the potential to impact the environment and health of people on Flying Dust lands.

### 1.3.1. Location and Access

The core area of the Flying Dust First Nation is located in Northwestern Saskatchewan (SK). The community is located directly northeast of the city of Meadow Lake and approximately 260 kilometers (km) northwest of Prince Albert, and approximately 160 km north of North Battleford. The community currently consists of 10 reserves (thus 105, 105A, 105B, 105C, 105D, 105E, 105F, 105H, 105I, 105J, 105L, 105O and 105S) of land totaling approximately 7,764.32 hectares (19,185.64 acres).





*Figure 2: FDFN Site Locations*





### 1.3.2. Population & Regional Ecology

FDNF has a membership of approximately 1,500 people, with approximately 900 people living off-reserve and 600 people residing on reserve lands. The community is governed by an elected chief who is supported by four elected councilors. The chief and councilors serve four-year terms.

The community is in the physiographic region known as the Meadow Lake Plain. Glacial erosion is evident in the level landscapes, glacial flutings, and stony nature of the till in the area. The community lies within the Boreal Transition ecoregion and covers a range of different ecosystems and ecoregions within Saskatchewan. The Meadow River runs northeast-southwest through the community and the landscape is primarily characterized by trembling aspen, with balsam poplar, tall shrubs, and mixed herbs. Due to fires, white spruce and balsam fir are poorly represented. Willow, black spruce, tamarack, and sedges can be found in poorly-drained areas. Over 70% of the region is occupied by farmland dominated by spring wheat, oilseeds, and hay. The region also contains numerous small lakes, ponds, and sloughs. The region provides habitat for a variety of animal species, including white-tailed deer, black bear, moose, beaver, coyote, snowshoe hare, and cottontail; and critical habitat for numerous migrant bird species<sup>1</sup>.

### 1.3.3. Community Organizational Chart

The EMP will aid FDNF in achieving its environmental management goals. The organizational chart below will help to clarify the internal vision and flow of responsibility to help ensure we can reach our goals.

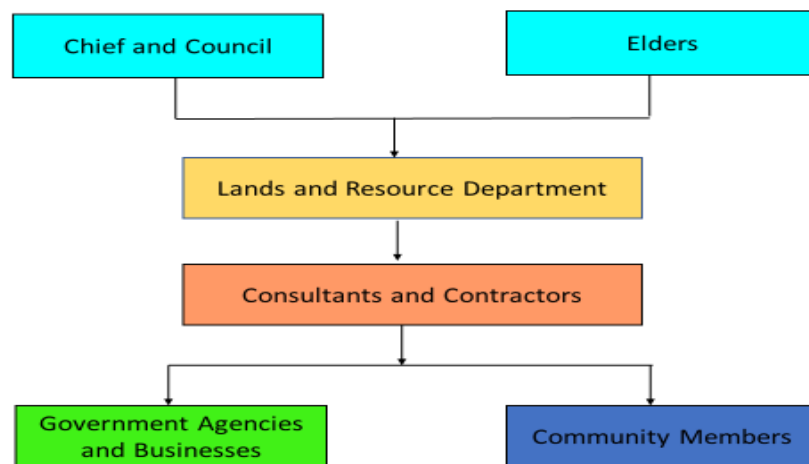


Figure 3: FDNF Community Organizational Chart for EMP

<sup>1</sup> *The Ecoregions of Saskatchewan; Acton D.F., Padbury G.A., Stushnoff C.T., Canadian Plains Research Centre, University of Regina; March 1998; pages 104-118*



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## 2.0 GOAL, OBJECTIVES, AND ADMINISTRATION OF THE EMP

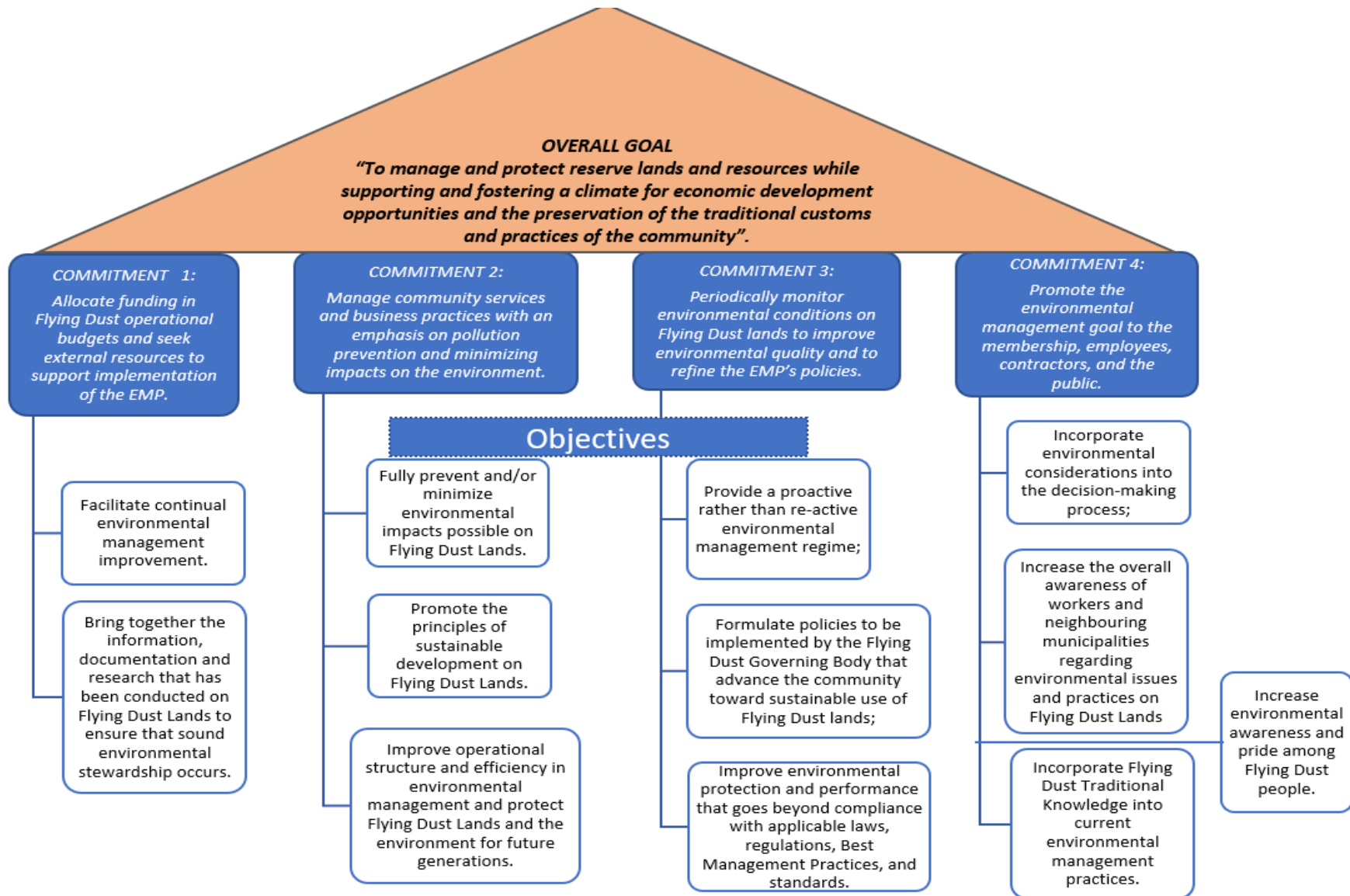
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### 2.1. GOAL OF THE EMP

The purpose of the EMP is to assist Flying Dust:

*“To manage and protect reserve lands and resources while supporting and fostering a climate for economic development opportunities and the preservation of the traditional customs and practices of the community. The EMP will additionally act as a “roadmap” or guide to help indicate, identify and respond to specific environmental issues on-reserve.”*

The EMP is an important tool in managing Flying Dust lands. To achieve these goals, FDFN seeks to achieve the objectives through the following commitments as listed in Figure 3, below.



**Figure 4:** Goals and Objectives for the EMP



## 2.2. EMP OUTLINE

This Environmental Management Plan has been organized in four main parts, including:

- **PART 1: Background and Plan Development Methods:** This part of the EMP provides an introduction to the planning process, reviews the key community characteristics, describes the community's goals and objectives for this plan, presents the community values and cultural considerations for the EMP, and PLAN development methods.
- **PART 2: Operational Management Guidance Document** - This part focuses on the day-to-day monitoring, inspections, and activities that will help create the highest level of efficiency in this plan. Specific problem areas identified by FDFN members are listed, and guiding policies, actions, and practices in the everyday operations to support FDFN's environmental management goals are provided to help protect FDFN Reserve Lands.
- **PART 3: Implementation, Education & Training** - This part of the EMP outlines an action and implementation plan for FDFN. The section provides the information on how the EMP will be implemented in the community, including what qualifications are required for the environmental officer, what should be considered in setting up an environmental department, the violation structure and compliance measures available, interim penalties for undeveloped laws, and education, awareness and training that should be completed to support the continuous implementation of the EMP.
- **PART 4: Administrative Guidance Document** - This final part of the EMP presents the day-to-day administration tasks associated with the EMP.

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## 3.0 EMP DEVELOPMENT METHODOLOGY

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### 3.1. INTRODUCTION

A multi-staged approach was taken for the development of the EMP to ensure that the goals and objectives meet the needs and requirements of Flying Dust and its community members. The development of the EMP included a collaborative approach to gather invaluable knowledge and input from Flying Dust community members, which helped guide the identification of the top environmental management priorities on Flying Dust Lands.

Flying Dust and Muskeg Lake Cree Nation have been providing each other with support and guidance through this process and will continue to do so in the implementation process of this EMP.

The following initial tasks were completed to provide important background information necessary for the development of the EMP:

- Review of existing literature related to environmental features and activities associated with Flying Dust lands.
- Community engagement.
- Compilation of existing legislative guidelines, policies, regulations, best management practices (BMPs), and applicable standards.

### 3.2. DOCUMENT REVIEW

To develop an understanding of the existing baseline conditions, and to assist in identifying key environmental priorities on Flying Dust Lands, several documents were reviewed. Some of the documents reviewed include, but are not limited to, Flying Dust's:

- Preliminary Water Supply Study (2004).
- Land Law for Use Occupancy (2014).
- Land Use Law (2016).
- Comprehensive Community Plan (2017).
- FNLM Phase I, Phase II (2015), Phase III (2017 – on-going) ESAs.
- Addition to Reserve Phase I ESAs (2016 - 2020).
- Environmental Screening Reports for developments (2016 – 2020).

- Solid Waste Management Feasibility Study (2018).
- Land Development - Community Validation and Consultation Plan (2012).
- Water Treatment Plant Feasibility Report (2015).
- Land Code 2013.
- Emergency Response Plan FDB Fuels, Meadow Lake.
- Market Garden Expansion Geotechnical Report.
- Meadow Lake Tribal Council Water Treatment Report.
- FDFN Duty to consult processes.
- Regional Waste Management Study Report.

To date, a number of site investigations have been completed or are on-going on Flying Dust lands to identify present and potential environmental management issues, particularly related to site contamination. These documents should be reviewed upon completion and added to the available literature and document database associated with the EMP.

### **3.3. COMMUNITY ENGAGEMENT**

The method used to identify the environmental issues and concerns of FDFN included three separate community engagement sessions conducted within the community on 25 March and 01 May 2019. There were two sessions, which included a morning session (specifically for elders and interested/available community members), and an evening session, where the whole community met to discuss and contribute to the development of the EMP. A follow-up session for school-aged children was conducted on 01 May 2019, which was held during the community's Earth Day celebration.

Community members were informed in advance about the engagement sessions via notice on community websites, social media platforms, and through a Canada Post physical mailout to each residence with '5 days' notice before the event. Approximately 220 notices were sent out through Canada Post to every house in Flying Dust First Nation.



*Figure 5: Community Engagement Session on Earth Day*

### 3.3.1. World Café

The engagement session consisted of a PowerPoint presentation, followed by breakout sessions in the format of a World Café<sup>1</sup>. The “World Café” approach is a data collection method in qualitative research. It is a positive way of engaging people to have discussions about issues that genuinely matter to them.

A total of approximately 5 questions were posed to the breakout groups for consideration. The questions related to how each member viewed their local environment and the issues or solutions they felt were appropriate. Participants were encouraged to write down their thoughts, and doodle or draw key ideas on large white cardboard sheets that were provide at each breakout table.

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<sup>1</sup> Biondo, P. D., King, S., Minhas, B., Fassbender, K., & Simon, J. E. (2019). *How to increase public participation in advance care planning: findings from a World Café to elicit community group perspectives. BMC public health, 19(1), 679.*



*Figure 6:* World Café session with Flying Dust First Nation members



*Figure 7:* An interactive session among members

### **3.3.2. Community Engagement Results**

The details of the community engagement results will be presented in the Operational Management Guidance Section of this document.

### **3.4. DATA ANALYSIS**

A collection of responses from the community was solicited and received during community engagement events. Individual and group written responses were analyzed,





as well as the artistic contributions from the youths, using a thematic analysis methodology<sup>2</sup>. A manual coding method was adopted, and the initial coding involved searching through the responses for themes and patterns, with additional coding used to refine the work. Thematic analysis was used because of its flexibility. Results from the community engagement sessions were utilized in the drafting and development of this EMP.

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<sup>2</sup> Braun, V., Clarke, V., Hayfield, N., & Terry, G. (2018). *Thematic analysis. Handbook of research methods in health social sciences, 1-18.*



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## 4.0

# COMMUNITY VALUES & CULTURAL CONSIDERATIONS

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As Cree people, we cannot predict the seasons nor mother-nature's change; however, we can plan according to the seasons, changes in nature and its compassion on us, and this will in turn, help us to preserve it. For thousands of years, our surrounding environment has been our source of food, shelter, and clothing. Our forefathers worked tirelessly to protect our environment and we are looking forward to doing the same for the future of Flying Dust First Nation.

We are working with our leaders and elders daily to assist us in various valuable aspects to protect our lands. Our elders are valuable, skillful, talented, and willing to pass down Cree knowledge to us, and their complete involvement in this EMP will make it a success. Our leaders will lead the way to a brighter future for our Nation.

We believe that creating balance in our lives can only be reached through living harmoniously with the universe. We believe that we live a balanced life if we live harmoniously



with all living things, by not indulging in activities that will harm or affect our environment. These learned traits form a way of life held in common by our people. Learned similarities in speech, behaviour, livelihood and society bind us together.

The management and preservation of our lands, resources, and traditional territory is a priority in FDFN operations, and we hope that these beliefs, and our way of life, is intertwined in the spirit and management of this EMP.

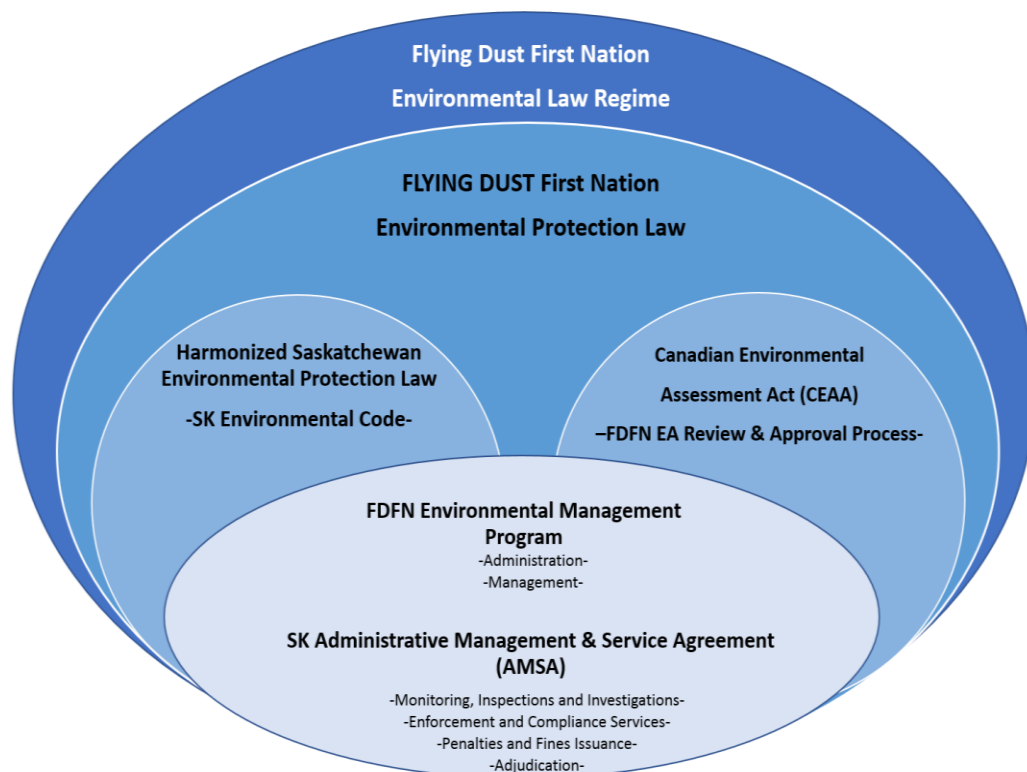
## 5.0

# ENVIRONMENTAL LAW REGIME

### 5.1. ENVIRONMENTAL LAW REGIME

The FDFN Environmental Law Regime has been developed by the FDFN Lands Department and Lands and Resource Commission (LRC). Flying Dust has chosen to mirror its Environmental Law and Enforcement Regime with existing environmental legislation in place in the province of Saskatchewan (SK) through adoption by reference of SK Laws. **Section 5.2** speaks of the specifics of the FDFN Environmental Protection Law and the harmonization and adoption of Saskatchewan environmental legislation. It is important to note that choosing to mirror the SK environmental legislations is not a requirement FDFN. FDFN has the authority to develop its laws.

The diagram below presents the overall vision and structure for FDFN’s Environmental Law Regime. There are two main components to the Regime: Environmental Protection Law and Environmental Assessment Law.



**Figure 8:** FDFN Environmental Law Regime



The Law regime is intended to help inform, and outline to, both band and non-band member residents, businesses, and off-reserve entities, which actions are acceptable and unacceptable regarding the occupancy, use and interaction with FDFN lands, natural resources and environment.

Ensuring that FDFN retains final authority and discretion regarding environmental protection and assessment on FDFN lands was a priority during EMP and Environmental Law Regime development.

### **5.1.1. Compliance and Enforcement**

Overall compliance, enforcement, and management of FDFN Laws is governed and directed by the FDFN Environmental Protection Law and is handled by the FDFN Lands Department. In order to be as effective as possible, Flying Dust will retain the services of the Government of Saskatchewan and the Saskatchewan Ministry of Environment (SMOE) for operational compliance and enforcement assistance.

An Administrative Management and Servicing Agreement (AMSA) is intended to be developed and will be in place and will outline how the SMOE is to manage and enforce FDFN's Environmental Laws on Reserve Lands. Details of the AMSA and appointed authority will be discussed in the Administrative Regime and SK AMSA Document.

Further details on compliance and enforcement under the EMP are also provided in the Operational Management section of this document.

## **5.2. ENVIRONMENTAL PROTECTION LAW**

The Chief and Council of the Flying Dust First Nation have an inherent right to govern FDFN lands, and the powers in relation to those lands are recognized by the First Nations Land Management Act. The FDFN Environmental Protection Law will be created to serve, protect and assert control over developments affecting FDFN members and lands, territories and resources.

Several pieces of environmental legislation from the Province of Saskatchewan will be adopted by reference within the Flying Dust First Nation Environmental Protection Law. This is meant to align Flying Dust's Environmental Law Regime with that of the Province of Saskatchewan.



Flying Dust's Environmental Protection Law is the foundation for FDFN's Environmental Law Regime and will enable FDFN to maintain and strengthen its institutions, culture and traditions, and to promote their development in accordance with the FDFN's aspirations and needs. The Flying Dust First Nation Environmental Protection Law is administered by the FDFN Lands Department with support and guidance from our elders and the elected community leadership.

### **5.2.1. Adopted Provincial Protection Law**

The following is a list of current SK provincial legislation that will be adopted by reference under the FDFN Environmental Protection Law:

- The Environmental Management and Protection Act, 2010.
- Environmental Management and Protection (General) Regulations.
- Environmental Management and Protection (Saskatchewan Environmental Code Adoption) Regulations.
- Hazardous Substances and Waste Dangerous Goods Regulations.
- Public Health Act, 1994.
- Private Sewage Works Regulations.
- Sanitation Regulations.
- Shoreland Pollution Control Regulations.

All occupants, businesses, governments and visitors on FDFN land are bound to comply with the enacted FDFN Environmental Law and the adopted SK environmental provisions. A full list of existing SK environmental legislation is included online<sup>3</sup> for reference.

### **5.2.2. Legislative Review**

As part of the law adoption process, a cursory review of SK environmental laws that were priorities for adoption was completed under direction of Flying Dust. The purpose of the law review was to provide a summary and brief report that outlined any potential issues, limitations or impacts on FDFN's authority regarding management of its land and resources once SK Provincial Environmental Laws were adopted.

Areas or sections of note were outlined in the report to ensure that FDFN had a complete understanding and view of how adopted legislation would, from a technical

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<sup>3</sup> <http://environment.gov.sk.ca/legislation/>



perspective, affect operation, management and protection of FDFN lands under the First Nation Land Management (FNLM) Regime and future governance structures. Recommendations and conclusions of this review were referenced during the development and creation of FDFN's Environmental Protection Law and Law regime.

A copy of the review is provided for reference in **Appendix A**.

#### 5.2.2.1. SK Legislation

Two principle pieces of legislation that have been adopted by Flying Dust are the Environmental Management and Protection Act, and the Environmental Code.

##### **EMPA**

The Environmental Management and Protection Act (EMPA, 2010) protects the air, land and water resources of the province through regulating and controlling potentially harmful activities and substances. A copy is available online<sup>4</sup> for reference.

##### **Environmental Code**

The Saskatchewan Environmental Code is a living document and is designed to provide clarity for activities regulated by Saskatchewan's four main environmental Acts: The Environmental Management and Protection Act 2010, The Forest Resources Management Amendment Act 2010, The Management and Reduction of Greenhouse Gases Act, and the Environmental Assessment Act. The Code allows the SMOE to be less involved in how individual operations or activities are carried out than it has been in the past. It represents a shift toward Results Based Objectives, which broadly describe the results and overall outcomes that the SMOE requires regulated parties to meet. A consolidated copy of the SK Environmental Code is available online<sup>5</sup> for FDFN reference.

#### 5.2.2.2. Future Laws for Development Consideration

As Flying Dust grows, the need to protect and preserve our land from potential environmental harm become apparent, additional Law may need to be developed or incorporated into the overall FDFN Environmental Law Regime.

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<sup>4</sup> <http://www.publications.gov.sk.ca/details.cfm?p=31893&cl=5>

<sup>5</sup> <http://www.publications.gov.sk.ca/details.cfm?p=78246&cl=2>



There is a total of 11 Acts and various associated Regulations in force within Saskatchewan Environmental Law. At this time FDFN has only chosen to focus on the included Laws as adopted within the FDFN Environmental Protection Law. The SK Environmental Laws not currently in force on FDFN lands pertain to a variety of different areas and serve to regulate specific industry and activities not currently in place or not forecasted to be a focus for FDFN at this time.

Regular review of FDFN's Environmental Law Regime will be completed by the LRC and the Lands Department to ensure that economic development activities and potential areas of growth are properly regulated as they arise on Flying Dust lands.

A list of existing SK environmental legislation not currently in effect on FDFN lands under the FDFN Environmental Protection Law is included in **Appendix B** for reference and future consideration.

### **5.3. ENVIRONMENTAL ASSESSMENT (EA) LAW**

Flying Dust is currently subject to the laws and provisions of the Canadian Environmental Assessment Act (CEAA) for proposed development on FDFN lands. Under the FNLM Regime, Flying Dust has the authority to develop its own Environmental Assessment (EA) Law. In addition to CEAA, existing Saskatchewan provincial EA Law is the most appropriate statute to reference and would fit with FDFN's direction to align its Environmental Law Regime with the province of Saskatchewan.

At this time, FDFN has decided to postpone review and potential adoption or adaptation of the Provincial Environmental Assessment Act and resulting Regulations and provisions.

#### **5.3.1. FDFN Environmental Assessment Process**

In addition to CEAA, Flying Dust has its own internal EA process in place within the Land Department to screen and assess potential small-scale developments on FDFN lands. The principle component of the current process is completion of an Environmental Screening Report (ESR). The ESR is a screening tool for small-scale developments employed by Indigenous Service Canada (ISC) under CEAA.



Flying Dust currently retains external consultants to assist with completion of ESRs for potential developments on FDFN lands. Large-scale projects proposed for development on FDFN lands that meet the listed triggers within CEAA would be subject to a full EA review.

### **5.3.2. FDFN Environmental Assessment Law Development**

There is the potential for future development of a specific FDFN EA Law and process that would pertain to FDFN-specific developments on Flying Dust lands.

Law development at that time would include an evaluation and comparison of Flying Dust's existing environmental assessment tool for developments, including Environmental Screening Reports (ESR) to the SK Provincial process. A thorough review of the Provincial EA Act and processes from a Flying Dust perspective regarding planned and future development on Flying Dust lands would assist in developing a potential EA Law framework. The decision to adopt the Provincial EA Law or incorporate relevant portions of it to FDFN's EA Law and process would follow the same steps as undertaken for the FDFN Environmental Protection Law.

FDFN may also choose to draft their own novel FDFN-Specific environmental Assessment Law and Process without referencing the SK provincial process and Law.

## **5.4. FEDERAL ENVIRONMENTAL LAW**

Under the Framework Agreement, Operational First Nations have the authority and ability to create their environmental Laws. The First Nation Environmental Protection Laws must meet or exceed any environmental protection Law in the Province in which they reside.

Regardless of the environmental Laws created under the First Nation Land Management (FNLN) Regime, certain Federal Environmental Laws still apply on Flying Dust reserve lands. Enforcement and management assistance for these Federally-regulated Laws is provided by the Government of Canada, Environment Canada (EC) and Indigenous Service Canada (ISC).

### **5.4.1. Federal Laws**

FDFN is bound by the following specific Federal Laws and Federal Environmental Laws (excluding Section 21 of the Framework Agreement on First Nation Land





Management). The following is a list of Federal environmental legislation that is most relevant and in application<sup>6</sup> on FDFN lands:

- Canadian Environmental Protection Act (CEPA, 1999)
- Canadian Environmental Assessment Act
- Fisheries Act
- Species at Risk Act (SARA)
- Migratory Birds Convention Act (MBCA, 1994)
- Environmental Enforcement Act
- Indian Oil and Gas Act
- Emergencies Act
- First Nations Safe Drinking Water Act

Federal environmental legislation is broad and does not provide a comprehensive means of regulating or protecting FDFN lands from environmental hazards or concerns. Under the FNLM Regime, FDFN as an operational Nation has exercised its authority to develop its own Environmental Law Regime as outlined in this document.

**---- End of Section 1 of 4 ----**

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<sup>6</sup> *There are additional Federal environmental protection Laws in place; however, not all apply to FDFN land considering its geographic location. A full list of Laws is available here:*  
<https://www.ec.gc.ca/default.asp?lang=En&n=E826924C-1>



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# **OPERATIONAL MANAGEMENT GUIDANCE DOCUMENT**

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## 6.0

# MONITORING, INSPECTIONS & INVESTIGATION

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### 6.1. GENERAL PROVISIONS

Flying Dust First Nation plans to adopt the existing Saskatchewan environmental protection legislation in the future. This legislation includes the Environmental Management and Protection Act (EMPA, 2010) and the Saskatchewan Environmental Code (Code). To effectively administer the Flying Dust EMP, the Lands Department must work closely with the Saskatchewan Ministry of Environment (SMOE, the Ministry) to ensure that individuals, companies, and agencies residing and operating on Flying Dust lands comply and are maintaining compliance with Flying Dust environmental legislation.



The Code and applicable standards are an integral component of FDFN's EMP and include provisions for monitoring, inspections, and investigations. The Code standards are legal documents that establish specifications, procedures, criteria, practices, and establish a minimum benchmark to promote effective environmental management. The legislation and the Code will be utilized by FDFN to aid in protecting their people, lands, and environment.

#### 6.1.1. Compliance Assurance

The SMOE, with the assistance of the Lands Department, will be responsible for ensuring conformity with regulatory requirements by initiating monitoring, inspections, investigations, and reviews as they pertain to FDFN land and established environmental goals. An Administrative Management and Servicing Agreement (AMSA) will also be established in the future between FDFN and the SMOE to outline the specific responsibilities of each party regarding compliance and enforcement on FDFN Lands.

Where applicable, additional assistance can also be obtained from other FDFN departments, FDFN Elders, as well as from sources outside of the community. Outside sources may include external consultants, local tribal council representatives, Lands Advisory Board Resource Center (LABRC), Provincial or Federal enforcement and health officers, or in some cases, enforcement personnel from other First Nations. In certain cases, FDFN may draft agreements with owners and operators to carry out self-regulation and reporting for compliance purposes.

## 6.2. MONITORING

Monitoring requirements are established within the adopted Saskatchewan (SK) Environmental Legislation and the Code<sup>7</sup> and will be communicated to each individual owner and/or operator in writing as part of their lease agreement and/or land permit. Monitoring may be required at any property or facility to establish the current environmental conditions. Monitoring may be required as a temporary measure in response to a change in conditions, or on an ongoing basis as required by a permit. Monitoring may also be required by the SMOE in response to an investigation.



### 6.2.1. Monitoring Schedule

Monitoring events will occur on a prescribed schedule mandated within the Code or developed by the FDFN Lands Department and the SMOE with consideration for specific contaminants and/or site conditions.

### 6.2.2. Administration and Operational Components

All monitoring reports will be kept on file, in digital format, with the Lands Department. Monitoring reports with parameters that exceed the Saskatchewan

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<sup>7</sup> <http://www.saskatchewan.ca/business/environmental-protection-and-sustainability/environmental-code>

Environmental Quality Guidelines (SEQG) must be submitted to the SMOE for review using the online portal<sup>8</sup>.

It shall be the responsibility of the operator or permit holder to carry out monitoring as per the permit or legislative requirements. The Lands Department, with assistance from the SMOE, will review monitoring reports to ensure compliance. Additional external assistance may be obtained to help interpret and review reports where necessary. Where the owner and/or operator of a property or facility does not comply with monitoring requirements, the Lands Department shall be empowered to prescribe monitoring on that site as required and as directed by the SMOE. Any costs associated with this action may be charged to the site owner and/or operator.



Monitoring events typically consist of collecting physical samples of any type of material that is regulated under Saskatchewan Legislation, and submitting the samples for laboratory analysis. A Qualified Person (QP), as defined by the Code, or SMOE conservation/environmental protection officers must carry out monitoring activities to eliminate conflicts of interest and provide an objective approach to data collection. QPs are either members of a class of persons set out in the Code or an individual designated by the Minister.

### 6.3. INSPECTIONS

Inspections are conducted under the EMP to measure, test, or ascertain whether specified requirements and standards as set out in the FDFN Environmental Protection Law or under FDFN permit or leases are being met.

Regular inspections are a key component of the EMP and will help to ensure that the Saskatchewan legislation, as well as any permit conditions, are complied with. Inspections may be completed by the FDFN Lands Department or any person

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<sup>8</sup> <https://envrbrportal.crm.saskatchewan.ca/login/>

authorized by the Lands Department. A copy of all inspection reports is to remain on file, in digital format, with the Lands Department in accordance with the FDFN record and information management policy as set out in the Administration section 2.3.

### **6.3.1. Frequency and Triggers for Inspection**

The frequency, duration, and level of inspection required are determined on a case-by-case basis by the Lands Department and the SMOE. It is recommended that all sites be inspected at minimum of once per year. Inspections will be carried out in response to information or complaints received by the Lands Department or SMOE. All complaints, whether written or verbal, shall be documented and recorded by the Lands Department and will be reported to the Ministry if warranted.

### **6.3.2. Discharge and Discovery Reporting**

Inspections must comply with the Discharge and Discovery Reporting Chapter of the Code. Any discharge of a substance that may cause or is causing an adverse impact to the environment must be reported. The Discharge and Discovery Reporting Standard of the Code contains a list of the substances and the associated discharged quantities or volumes that trigger a report to the SMOE. Discharges include spills and accidental releases, as well as intentional releases of a substance into the environment<sup>9</sup>.



In addition to reporting discharges following a formal inspection, FDFN members and people carrying out work on FDFN lands are obligated to report discharges to the SMOE.

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<sup>9</sup> “Reporting of a discharge is the legal obligation of any person with knowledge of the discharge of a deleterious substance to the environment.”

Discoveries of historical releases into the environment must also be reported. Reporting of a discovery is the legal obligation of any person who owns or occupies land on which a substance is discovered and every person who discovers a substance while conducting work. Reporting of a discovery is also a legal obligation for any police/peace officer, employee of a municipality, the band, or government agency who is aware of the discovery. Discovery reports must include laboratory analysis to confirm the presence of contaminants where available.

A copy of the SMOE Environmental Code Chapter on Discharge and Discovery Reporting is attached in **Appendix C**.

The SMOE Discharge and Discovery Reporting Standard is also attached in **Appendix C**.

## **6.4. INVESTIGATIONS**

Investigations will be prescribed by the SMOE following Discharge and Discovery Reporting or verified complaints of EMP non-compliance. Investigations may include inquiries or examination of sites, operations, businesses, or individuals that exist, reside, or do business on FDFN lands.

Investigations are the process of gathering information about an incident, the resulting environmental and/or human health impact, and possible violation of FDFN environmental legislation or permit/lease terms or conditions. The principle objective in any investigation will be to secure the facts and properly document any findings for future reference and evaluation. External agencies may be required to assist with investigations.

### **6.4.1. Required Information**

The formal investigative procedure carried out by the SMOE, with the assistance of the Lands Department or any FDFN designate, will vary based on the site, situation, conditions, and nature of the inquiry. Investigations will be documented in an investigation report developed in accordance with the Site Assessment Chapter of the Code.

A copy of the Code Site Assessment Chapter is provided in **Appendix C**.

As per the Site Assessment Chapter of the Code, the following information, at a minimum, must be collected and retained in all investigations/site assessments:



- All field notes related to the site assessment.
- All raw data used to prepare the site assessment report.
- All correspondence and records respecting the site assessment.
- All information used to complete the National Classification System for Contaminated Sites (NCSCS) Spreadsheet.
- Records of any environmental sampling, analysis, or monitoring that has been completed.
- Any certificate received from a QP.

Additional information may be required for some investigations and reports. Further, detailed information about investigations is available in the Site Assessment Chapter of the Code.



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## 7.0

# OPERATIONAL MANAGEMENT ACTIVITIES

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### 7.1. INTRODUCTION

The lists of issues provided below were generated and provided by FDFN community members during discussions held at community engagement events in the spring of 2019. The issues, potential directives, and future management and implementation of proposed operational activities may be added to over time as our community grows and develops under our Land Code and pursues economic prosperity while ensuring the preservation and protection of our lands, natural resources, the environment, and our people.

### 7.2. WATER MANAGEMENT AND PROTECTION

The objective of this section is to provide guidance regarding the management and protection of groundwater and potable water sources on reserve lands and to present background for the lands staff and internal departments. The intent of FDFN's water protection policy is to manage land use and practices adjacent to wells, water well construction standards, and abandonment and decommissioning of water wells. Furthermore, this section serves to help ensure that groundwater resources on reserve lands are treated with understanding and respect and utilized in an appropriate manner in order to protect them from potential contamination. Compliance and enforcement of adopted Saskatchewan Provincial Laws related to groundwater protection and management will be provided by the SMOE under the SK AMSA.

#### 7.2.1. Water Management Issues Identified

Our community has outlined the following issues, actions, policy, and best practices as steps that will contribute to our water management and protection initiatives.

The issues include:

- Road runoff (ie. Salt, petroleum hydrocarbons, and other vehicular fluids).
- Unidentified sources of contamination.
- Lack of control over drinking water management issues. FDFN currently relies on the City of Meadow Lake for drinking water.
- Flooding and beaver control problems.
- Inadequate financial and human resources to support drinking water production.



## 7.2.2. Directives

### 7.2.2.1. Policy

The FDFN will:

- Encourage all surrounding businesses, farmlands, and new construction to follow best use practices as provided on the Water Security Agency website<sup>10</sup>.
- Increase vegetation around waterbodies to decrease sedimentation, and to filter contaminants.
- Require new development to employ environmentally and economically sound drainage management approaches.
- Create a source water protection plan to identify unidentified sources of contamination.
- Raise and pursue funds to construct a community owned water treatment plant.
- Inform boat operators of the need to reduce and manage bilge discharges in the Meadow River, and of ways to reduce risks of spillage during boat fueling.



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<sup>10</sup> <https://www.wsask.ca/Search/?q=guide>

- Educate and train members on effective methods for controlling beavers (eg: how to construct beaver bafflers, rapping heavy mesh hardware cloth around trees, trapping, etc.). Inform community members about Flying Dust water management policies and ways that members can manage runoff.

7.2.2.2. Community Compliance and Enforcement

The previously listed directives in Section 8.1.2 address FDFN’s approach to long-term water quality protection. The following table lists examples of potential emergencies and possible responses<sup>11</sup> to provide guidance and insight into how to best protect FDFN water and manage water-related issues.

**Table 1: Contamination of water source from spills or a vehicle accident**

<b>ACTIONS</b>	<ul style="list-style-type: none"> <li>• Shut down main water pumps.</li> <li>• Notify the Lands and Resources Commission and Chief and council at FDFN.</li> <li>• Contact government agencies for advice and assistance.</li> <li>• Contact local media for public service announcement.</li> <li>• Make arrangements for an alternate water source to be made available to system users if necessary — e.g., bottled water, bulk hauler, storage tank, etc.</li> <li>• Purge and disinfect lines (as directed). Refer to the system’s standard operating procedures after corrections have been made.</li> <li>• Document it in the EMP Review tool.</li> </ul>
<b>CONTACT</b>	<ul style="list-style-type: none"> <li>• Local health practitioners including the Environmental Health Officer (EHO), Drinking Water Officer, Tribal Council representative, Indigenous Services Canada, Environment Canada, Provincial Emergency Preparedness Branch, Fisheries and Oceans Canada, and others as necessary, depending on severity.</li> <li>• Call Spill Control Center - (800)-667-7525 or submit a spill report.</li> </ul>

<sup>11</sup> [https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ-ENR/STAGING/texte-text/drinking\\_1398282020731\\_eng.pdf](https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ-ENR/STAGING/texte-text/drinking_1398282020731_eng.pdf)



**Table 2: Flooding, earthquakes, snow/windstorm, fire, act of vandalism or terrorism**

<p><b>ACTIONS</b></p>	<ul style="list-style-type: none"> <li>• Notify the Chief and Council.</li> <li>• Notify all users regarding the potential for water contamination, etc.</li> <li>• Notify all users to boil suspect water to a “rolling boil” (approximately 2 minutes) or to disinfect the water as recommended by the local health official.</li> <li>• Contact government agencies for advice and assistance.</li> <li>• Make arrangements for an alternate water source to be made available to system users if necessary — e.g. bottled water, bulk hauler, storage tank, etc.</li> <li>• Purge and disinfect lines (as directed) after conditions return to normal.</li> </ul>
<p><b>CONTACT</b></p>	<ul style="list-style-type: none"> <li>• Local health practitioners including the Environmental Health Officer (EHO), Drinking Water Officer, Tribal Council representative, Indigenous Services Canada, Environment Canada, Provincial Emergency Preparedness Branch, Fisheries and Oceans Canada, and others as necessary, depending on severity.</li> </ul>

7.2.2.3. SK MOE Enforcement

The following Saskatchewan Provincial legislation as adopted under the Flying Dust’s Environmental Protection Law, relates to the management of waterworks and water for human consumption and human hygiene. Federal legislation also applies on Reserve land.

Legislation:

- *Canadian Environmental Protection Act, 1999*
- *The Environmental Management and Protection Act, 2010*
- *Application Regulations*
- *The Waterworks and Sewage Works Regulations*

**7.2.3. Practices and Operations for Water Wells**

Permits will be issued for all new wells that are to be constructed on FDFN lands by the Lands Department. These will be used to assess land-use practices around the well,

purpose of the well and proposed functional life of the well. Permits will be issued in accordance with provisions set out in the FDFN Environmental Laws.

#### **7.2.4. Water Well Construction Standards**

Construction of wells should follow all standards set out in the adopted Provincial Regulations.

#### **7.2.5. Abandonment and Decommissioning of Water Wells**

Water well permits will require that all well owners are responsible for filing a written notice to the Band and for sealing any abandoned well according the Band-defined “decommissioning practices”, as prescribed in the Saskatchewan Water Security Agency well decommissioning documents<sup>12</sup>.

### **7.3. AGRICULTURAL PRACTICES**

The objective of this section is to provide guidance regarding agricultural practices on Flying Dust Lands.

#### **7.3.1. Identified Issues Related to Agricultural Practices**

FDFN has identified the following environmental issues related to agricultural practices:

- Fertilizers are not to be stored within a minimum of 10 meters (33 feet) from a water source or water bodies.
- Mixing/loading of chemicals should not occur within 1 m of water source or waterbodies.
- Fertilizer runoff, plowing, burning, and soil management.
- The use of aircrafts for aerial application of pesticides or fertilizers.



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<sup>12</sup> <https://www.wsask.ca/Water-Info/Ground-Water/Abandonment-Test-Holes-and-Wells--/>



### 7.3.2. Directives

#### 7.3.2.1. Policy

The FDFN will take the following actions, subject to having adequate financial and other resources. The FDFN will:

- Assemble a set of preferred agricultural practices intended to allow for productive farming, the protection of soils and water quality, and respect for neighbours and ecosystems.
- Provide an agricultural practice guide to prospective farmers and gardeners on Flying Dust lands.
- Seek opportunities to encourage farmers on property adjacent to Flying Dust lands to adopt FDFN's recommended agricultural practices.
- Encourage all farmers on Flying Dust lands to pursue and subsequently maintain organic certifications.
- Inform community members about Flying Dust's agricultural practices policy.

#### 7.3.2.2. Community Compliance and Enforcement

##### **Agricultural Chemical Usage**

Chemicals may only be applied based on the standards set out in the Pest Control Products Act<sup>13</sup> and Pest Control Products Regulations and using best farming practices.

- All agricultural chemicals are to be used according to manufacturer's recommendations and the disposal of chemical containers on reserve lands will be prohibited. Permits/land leases are to be issued by the Band to cultivate agricultural lands, and any agricultural activity on reserve land must comply with this process.
- Advance notice of the Laws affecting agricultural chemical usage and disposal of chemical containers will be given at the time of issuing/renewing the land lease/land permit. Advance notice will also be given in the community newsletter.

##### **Land Management for Livestock Operations**

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<sup>13</sup> <http://laws-lois.justice.gc.ca/eng/acts/P-9.01/>



Intensive livestock operations as defined in the Agriculture Operations Act<sup>14</sup> will not be permitted on FDFN lands. The Lands Department will inspect and monitor, via Band personnel or consultant, agriculture and livestock operations on a random basis. Inspections will be documented and kept on file at the Lands Department to ensure compliant, effective, and efficient operations.

Flying Dust is committing its lands to Bison operation, and the code of practice for the care and handling of Bison as stated by the Canadian Bison Association<sup>15</sup> will be followed for the management and control of Bison on FDFN lands.

### **Control of Invasive Plants**

The Saskatchewan Weed Control Act<sup>16</sup> is to be used as a reference for the management and control of noxious weeds on FDFN lands.

#### 7.3.2.3. Community Compliance and Enforcement

A formal Memorandum of Understanding (MOU) and Mutual Aid Agreement will be signed with the City of Meadow Lake Fire & Protective Services by Flying Dust to bolster fire response capabilities on-reserve.

## 7.4. AIR QUALITY

Air quality is a measure of the state of the air around us and the air that we breathe. Good air quality refers to air that is unpolluted, clear, and clean. Poor air quality refers to polluted air that has the potential to be harmful to human health or the environment. The NorSask Sawmill, Meadow Lake Pulp Industry<sup>17</sup>, and Meadow Lake OSB Ltd Partnership operate adjacent to our reserve lands, which means that our lands are more likely to experience a buildup of contaminants in the air.<sup>18</sup> Locally, the main sources of poor air quality within FDFN lands are related to industrial and agricultural activities.

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<sup>14</sup> <http://www.publications.gov.sk.ca/details.cfm?p=362>

<sup>15</sup> [https://www.nfacc.ca/pdfs/codes/bison\\_code\\_of\\_practice.pdf](https://www.nfacc.ca/pdfs/codes/bison_code_of_practice.pdf)

<sup>16</sup> <http://www.publications.gov.sk.ca/details.cfm?p=31364>

<sup>17</sup> <https://watershedsentinel.ca/articles/the-pulp-pollution-primer/>

<sup>18</sup> [https://www2.gov.bc.ca/assets/gov/environment/research-monitoring-and-reporting/reporting/reporting-documents/environmental-protection-docs/compliance/2018-02-02-sawmill\\_audit\\_report.pdf](https://www2.gov.bc.ca/assets/gov/environment/research-monitoring-and-reporting/reporting/reporting-documents/environmental-protection-docs/compliance/2018-02-02-sawmill_audit_report.pdf)

#### **7.4.1. Identified Issues Related to Air Quality**

FDNF has identified the following environmental issues related to air quality:

- Fumes from neighbouring pulp mill and dust control on-reserve.
- Waste Incineration from off-reserve industries.
- Emissions and by-products produced from burning used (scrap) tires by individuals within and outside the FDNF lands.
- Pungent smell from Stock Yards.

#### **7.4.2. Directives**

Managing the air quality associated with these operations (e.g., air emissions such as dust, and air pollution associated with vehicle emissions and industries) can help to improve the air we breathe and allow for a healthier environment. While there are limitations for improving air quality on FDNF lands due to neighbouring industries, we can still control the quality of our emissions and act as stewards of the environment to promote air quality.

##### **7.4.2.1. Policy**

The FDNF will:

- Become more involved in the regional air quality decision-making process as follows:
  - ✓ Establish baseline conditions based on the work done by regional agencies to date.
  - ✓ Draw upon the existing regional air quality monitoring network to characterize/monitor air quality moving forward.
- Lessees shall abstain from the burning of inorganic and organic materials relative to agricultural practices on Flying Dust lands.
- Create and enforce a process to manage air emissions from new developments.
- Meet with local farmers and Ministry of Agriculture staff to discuss ways of reducing odour from manure spreading and pungent smells from stock yards.
- Educate members and generate awareness on air quality issues and management strategies for our community and neighbours.

##### **7.4.2.2. Community Compliance and Enforcement**

The odour issues identified on FDNF lands can be monitored and reported by FDNF members to the Saskatchewan Ministry of Environment, which handles air



quality-related complaints, including odour, smoke, dust, and other emissions. The Ministry also operates a mobile air monitoring vehicle called the Saskatchewan Air Monitory Lab (SAML)<sup>19</sup>. Individuals concerned about air quality should contact the FDFN Lands Department. Locations for monitoring are identified by industrial emission concerns, by public complaints, for emergency monitoring, and at general locations where air quality is unknown.

## **7.5. LIQUID WASTE DISPOSAL**

The objective of this section is to provide guidance regarding sewage treatment and disposal on reserve lands and to provide guidance for internal departments and community members. Liquid waste are liquids such as wastewater, fats, oils or grease, used oil, liquids, solids, gases, or sludges and hazardous household liquids that are hazardous or potentially harmful to human health or the environment. Laws related to sewage works, and wastewater management will be provided by the SMOE under the SK AMSA.

The following Saskatchewan Provincial Legislation will be adopted under the Flying Dust Environmental Protection Law, relating to the management of sewage and wastewater on FDFN reserve lands.

### Legislation:

- *Canadian Environmental Protection Act, 1999.*
- *The Environmental Management and Protection Act, 2010.*
- *Public Health Act.*

### Application Regulations:

- *The Waterworks and Sewage Works Regulations.*
- *Private Sewage Works Regulations.*
- *Sanitation Regulations.*
- *The Shoreland Pollution Control Regulations.*

### **7.5.1. Identified Issues Related to Sewage Waste Disposal**

FDFN has identified the following sewage waste management issues:

- Illegal dumping.

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<sup>19</sup> Enquiries line @ 1-800-567-4224 or email: [center.enquiry@gov.sk.ca](mailto:center.enquiry@gov.sk.ca)



- No oversight of individual ground disposal and septic tank systems resulting in unknown/unregulated discharge.

## **7.5.2. Directives**

### **7.5.2.1. Policy**

The FDFN will take the following actions, subject to having adequate financial and other resources. The FDFN will:

- Actively enforce the law against illegal dumping, including providing a contact number where FDFN members can report illegal dumping on Flying Dust lands.
- Meet with industrial operators on-reserve to discuss environmentally-sound methods for disposing of liquid waste on FDFN lands.

### **7.5.2.2. Community Compliance and Enforcement**

Administrative controls and standards will be developed as part of the First Nation's environmental regime in order to effectively implement, develop, control and manage the specific sewage management Laws put into place under the EMP. The SMOE will administer the Saskatchewan wastewater environmental protection Laws adopted by FDFN.

Federal laws and standards related to wastewater and sewage management will also be observed and adhered to by FDFN. The Lands Department will work with the Public Works Department regarding Federal laws.

## **7.5.3. Lagoon**

All wastewater treatment systems will be required to comply with Standards as set out in the adopted Saskatchewan Water Regulations.

Training standards for operators will be based on the Provincial Requirements.

## **7.5.4. Small-Scale Systems**

Saskatchewan Onsite Wastewater Disposal Guide<sup>20</sup> will be the standard for design, installation and maintenance of small-scale sewage treatment systems.

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<sup>20</sup>

<http://www.saskatchewan.ca/~media/files/health/health%20and%20healthy%20living/health>

### **7.5.5. Sewage and Wastewater Disposal Guidelines**

All new developments on FDFN lands are to be designed so that they are able to connect to the FDFN sewage and wastewater disposal system. In the event that there is a concern or issue preventing or discouraging the connection to the disposal system, the Lands Department and Public Works Departments must be consulted by the project initiator to determine an acceptable solution.

### **7.5.6. Discharge and Discovery**

Any known sewage or wastewater discharges to the environment should be reported to the Lands and Resource Department and/or the emergency response coordinator once identified or discovered. Containment of discharged substances is the principle concern and is to be carried out in coordination with the FDFN Public Works Department as soon as possible.

## **7.6. SOLID WASTE HANDLING AND DISPOSAL**

The objective of this section is to provide guidance regarding solid waste management and disposal on reserve lands and to provide guidance for internal departments and community members. Solid waste is waste that is produced by residential, commercial, institutional, demolition, land clearing, or construction sources. Waste management is the collection, transport, processing or disposal, managing and monitoring of waste materials. Community engagement indicated that members feel that waste and other materials are not being disposed of properly, suggesting a lack of education and community awareness. Compliance and enforcement of adopted Saskatchewan Provincial Laws related to solid waste management will be provided by the SMOE under the SK AMSA.

The following Saskatchewan Provincial Legislation will be adopted under the Flying Dust Environmental Protection Law, relating to the management of sewage and wastewater on FDFN reserve lands.

#### Legislation:

- *Canadian Environmental Protection Act, 1999 (CEPA, 1999).*
- *Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations.*

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[%20topics%20awareness%20and%20prevention/home%20community%20safety/environmental%20health%20leg/onsite-wastewater-disposal-guide-jan-2009.pdf](#)

- *Interprovincial Movement of Hazardous Waste Regulations.*
- *The Environmental Management and Protection Act, 2010.*
- *Public Health Act.*

Application Regulations:

- *Sanitation Regulations.*
- *The Municipal Refuse Management Regulations.*
- *The Shoreland Pollution Control Regulations.*

### 7.6.1. Identified Issues Related to Solid Waste Handling and Disposal

DFDN has identified the following solid waste management issues:

- Improper waste disposal causing harm to the environment. (eg: vehicles dumped at the riverbank located close to Old Bob’s fuel).
- Illegal dumping.
- No recycling programs.



### 7.6.2. Directives

#### 7.6.2.1. Policy

The DFDN will take the following actions, subject to having adequate financial and other resources. The DFDN will:

- Adopt a law prohibiting dumping of garbage on reserve, including provisions to regulate dumping of construction waste and storage of derelict vehicles and appliances.
- Ensure that waste collection services are provided by an



authorized waste contractor and the collected waste must be disposed of at an appropriately licensed waste facility (e.g., Landfill, Transfer Station, Composting Facility and/or Material Recovery Facility).

- Actively enforce the law against illegal dumping, including providing a contact number where FDFN members can report illegal dumping on Flying Dust lands.
- Facilitate and regularly encourage solid waste reduction and increased recycling among FDFN members, on-reserve businesses, and band administration.
- Establish a recycling program with the FDFN community.
- The illegal burial of waste is prohibited under the Indian Reserve Waste Disposal Regulations (Section 3) and will not occur on FDFN Lands, except in accordance with a permit issued under Section 5 of the Indian Reserve Waste Disposal Regulations.
- Develop community waste management awareness through education and outreach programs.

#### 7.6.2.2. Community Compliance and Enforcement

Administrative controls and standards will be developed as part of the First Nation's environmental regime in order to effectively implement, develop, control and manage the specific sewage management Laws put into place under the EMP. The SMOE will administer the Saskatchewan wastewater environmental protection Laws adopted by FDFN.

Federal laws and standards related to solid waste management will also be observed and adhered to by FDFN. The Lands Department will work with the Public Works Department regarding Federal laws.

### 7.7. WILDLIFE AND NATURAL HABITAT

The objective of this section is to provide guidance regarding wildlife and natural habitat on FDFN reserve lands. Compliance and enforcement of fish and fish habitat will be provided with the support of the Saskatchewan Wildlife Federation<sup>21</sup> (SWF), a leader in the fisheries enhancement and restoration in Saskatchewan. Nature Saskatchewan<sup>22</sup> has resources that will help in protecting the natural habitat of FDFN.

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<sup>21</sup> <https://swf.sk.ca/>

<sup>22</sup> <https://www.naturesask.ca/>

### 7.7.1. Identified Issues Related to Wildlife and Natural Habitat

Flying Dust has identified the following issues:

- Water pollution. We no longer fish in the river because the fish taste bitter.
- Damage to fish habitat caused by development such as the Pulp Mill and the City of Meadow Lake Sewage.
- Overfishing for commercial and recreational purposes.
- Less focus on preserving culturally-significant areas to protect wildlife and natural habitat.
- Forest fires.
- Unauthorized tree cutting.

### 7.7.2. Directives

#### 7.7.2.1. Policy

The FDFN will take the following actions, subject to having adequate financial and other resources. The FDFN will:

- Prepare guidelines and procedures for protecting fish habitat, emphasizing protection of riparian vegetation and improving quality of water runoff.
- Review proposed development plans to ensure that they protect fish habitat and riparian areas.
- Prepare information for FDFN members about respectful treatment of fish, annual fish harvesting guidelines, ways of protecting fish habitat, and managing bilge discharge.

#### 7.7.2.2. Community Compliance and Enforcement

The community response plan for fish, wildlife and habitat emergencies should be directed to the SWF.

Saskatchewan Wildlife  
Federation Central Office: To  
report an injured fish or dead  
fish call: 1-800-667-7561 or  
Visit:

[saskatchewan.ca/tip](http://saskatchewan.ca/tip) or  
<https://swf.sk.ca/contact-us/>

### 7.8. SPECIES OF CONCERN

FDFN has identified the following environmental issues that affect species of concern:

- Hunting and excessive poaching (illegal hunting/over hunting from outfitters or capturing of wild animals) affecting the environment.
- Climate change leading to plants and animals experiencing habitat loss due to increased greenhouse emissions and alteration in breeding and feeding patterns to survive.
- Air pollution causing acid rains and endangering plants that rely on rainwater to survive. Some air pollutants harm plants and animals directly or harm the habitat, food or water that plants and animals need to survive.
- Deforestation (thus, cutting down of trees) destroying the habitat of plants and animal species.

The following species are recognized by FDFN as ones of concern:

- Bees
- Pelican birds
- Sweet grass
- Rat root
- Eagles
- Sage
- Red willow

### 7.8.1. Species of Concern Issues Identified

To protect plant and animal species, FDFN will ensure that:

- Valued, threatened and, or endangered species (as stated in **section 8.8**) of FDFN lands are protected.
- Fishers and hunters do not overfish or overkill.
- Potential developments do not harm valued or at-risk species.
- Pollution from neighbouring Pulp Mill and the City of Meadow Lake Sewage, deforestation, climate change and other natural occurrences do not harm valued or at-risk species.



#### 7.8.1.1. Policy

The FDFN will take the following actions, subject to having adequate financial and other resources. The FDFN will:

- Apply federal laws and FDFN policies to minimize adverse effects of development and other human activities on native vegetation, plant communities, wildlife, wildlife habitat, and species at risk.
- Require valued or at-risk species surveys to be conducted, or check documented records with lands department before proceeding with developments that have the potential of adversely affecting species at risk or other species valued by the FDFN.
- Take appropriate action if a project has the potential to affect valued or at-risk species; such actions are to be consistent with applicable legislation and FDFN goals and objectives.
- Seek opportunities to improve the ecological function of FDFN lands, including enhancing habitat for valued and at-risk species and plant communities.
- Inform community members about the protection of valued or at-risk species on FDFN lands.



#### 7.8.1.2. Community Compliance and Enforcement

FDFN will rely on community elders, professional biologists and environmental consultants to advise with respect to wildlife. The Lands and Resources Department will use other potential sources of information and advice on wildlife including wildlife service providers, wildlife rehabilitators and other local experts, as well as relevant agency staff (e.g., Ministry of Natural Resources and Forestry, Canadian Wildlife Service) if needed.

#### **What to do during construction**





During the construction of buildings and structures that will directly or indirectly affect species at risk, the FDFN Lands Department will ensure that the contractor of the project is privy to the following information, and that it is clearly conveyed to on-site staff as part of the project-specific wildlife protocol, via handouts and/or on-site briefings:

- Schedule for pre-construction activities such as inspections for wildlife or endangered species, installation of protective fencing, pre-stressing, and on-site briefings for contractors.
- Description of wildlife mitigation measures to be used during construction, including:
  - ✓ Identification of any natural areas, trees or other features to be retained.
  - ✓ Placement and specifications of required protection measures (e.g., fencing, signs).
  - ✓ Phasing and direction of site clearing activities.
  - ✓ Any recommendations regarding internal access routes for vehicles and other heavy equipment.
  - ✓ Guidance on how to deal with wildlife encounters, including any species-at-risk that may be present, and arrangements for dealing with injured or orphaned wildlife. This guidance would be summarized briefly in a handout suitable for quick reference by on-site staff.

#### 7.8.1.3. Ministry of Environment Enforcement

Although no law will be drafted for FDFN, Federal laws and application regulations affecting species at risk still apply, including:

- Fisheries Act.<sup>23</sup>
- Species at Risk Act (SARA).<sup>24</sup>
- Migratory Bird Convention Act – Migratory Bird Regulations.<sup>25</sup>
- Endangered Species Act.

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<sup>23</sup> <http://laws-lois.justice.gc.ca/eng/acts/F-14/>

<sup>24</sup> <http://laws-lois.justice.gc.ca/eng/acts/S-15.3/>

<sup>25</sup> [http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.%2C\\_c.\\_1035/](http://laws-lois.justice.gc.ca/eng/regulations/C.R.C.%2C_c._1035/)

## 7.9. FUEL STORAGE

The objectives of this section are to describe current fuel storage practices on reserve lands and to provide guidance for internal departments to continue with responsible fuel storage tank management practices. Compliance and enforcement of adopted Saskatchewan Provincial Laws related to fuel storage, discharge and remediation will be provided by the SMOE under the SK AMSA.

The following Saskatchewan Provincial Legislation, as adopted under the Flying Dust EMP Law, relates to the management of fuel use and storage on FDFN reserve lands. Federal legislation also applies on reserve land.

### Legislation:

- *Canadian Environmental Protection Act, 1999*
- *The Environmental Management and Protection Act, 2010*

### Application Regulations:

- *The Federal Petroleum and Allied Petroleum Products Storage Tanks Regulations*
- *The Hazardous Substances and Waste Dangerous Goods Regulations*
- *The Used Petroleum and Antifreeze Products Collection Regulations*

### 7.9.1. Identified Issues Related to Fuel Storage

Fuel use and storage on Flying Dust lands raises issues related to managing potential spills and risks associated with petroleum fuels and natural gas distribution.

The main environmental issue identified under this aspect is the lack of law enforcement to help reduce pollution from salvage vehicle oil and fuel spills. There are currently no assigned personnel in the Lands Department in charge of enforcing laws that protect the reserve lands from oil and gas pollution.

### 7.9.2. Directives

#### 7.9.2.1. Policy

The FDFN will take the following actions, subject to having adequate financial and other resources.

The FDFN will:



- Negotiate agreements with the City of Meadow Lake to respond to fuel spills and cleanup services.
- Ensure that fuel storage and use on reserves complies with the Environmental Code of Practice for Aboveground and Underground Storage Tank systems containing Petroleum and Allied Petroleum Products (Canadian Council of Ministers of the Environment), and the National Fire Code of Canada.
- Prohibit placement of fuel storage tanks and dispensing facilities within 15 m of waterbodies.
- Ensure that fuel tanks and dispensing facilities have spill containment and that spill kits are available nearby.
- Ensure that personnel of businesses on Flying Dust lands are trained in fuel spill response.
- Require that all businesses on Flying Dust lands prepare and submit a fuel and lubricant management plan for approval by Flying Dust Lands Department staff before they are allowed to operate.
- Require commercial boats operating on Flying Dust lands to be equipped with bilge filtration systems or well-maintained oil absorbent pads.
- Inform community members about the risks of fuel spills and bilge discharges, about environmentally-sound use of fuel and lubricants, and about natural gas safety.

#### 7.9.2.2. Community Compliance and Enforcement

FDNF will not develop its own fuel management law at this time, but will rely on application of FDNF's policies, applicable guidelines, and compliance with the provincial and federal regulations. Fuel storage tanks on FDNF lands must comply with the legislations and applications.

Aboveground tanks located on residential and agricultural properties that are not used for commercial purposes are exempt from the adopted SK regulations; however, good management practices should be applied to all fuel storage. Prior to construction or upgrading of any non-residential fuel storage facilities, approval must be granted by the SMOE.



Should a fuel management law be required in the future, examples from other jurisdictions will be examined.

## **7.10. ENVIRONMENTAL EMERGENCIES**

The objective of this section is to provide guidance during potential environmental emergencies (including but not limited to fires, floods, landslides, spills from roads or rail accidents) on reserve lands and to provide guidance for internal departments and community members. Compliance and enforcement of adopted Saskatchewan Provincial Laws related to hazardous substances will be provided by the SMOE under the SK AMSA.

The following Saskatchewan Provincial legislation, as adopted under the Flying Dust Environmental Protection Law, relates to the management of hazardous substances on FDFN reserve lands and potential related emergency situations. Federal legislation also applies.

### Legislation:

- *Canadian Environmental Protection Act, 1999*
- *The Environmental Management and Protection Act, 2010*

### Application Regulations:

- *The Hazardous Substances and Waste Dangerous Goods Legislations*

### **7.10.1. Environmental Emergencies Issues Identified**

FDFN has identified issues related to environmental emergencies:

- Unidentified chemical spills.
- Forest Fires.
- Blizzards.
- Lack of law enforcement on oil and gas industries located on/off-reserve land.
- Lack of enforcement personnel.
- Lack of environmental emergency response plans.

### **7.10.2. Policy**

The Flying Dust Nation will:

- Assign a staff member to be Emergency Response Coordinator for the community. The Coordinator will be the first point of contact in the event of an environmental emergency and will have appropriate training to be able to take appropriate action as necessary.
- Have up-to-date emergency response documents from major industrial operators on or near Flying Dust lands readily available to the Coordinators.
- Develop an Emergency Response Plan (ERP) for FDFN. Prepare and periodically update step-by-step guidelines for responding to environmental emergencies that could occur on Flying Dust land.
- Develop laws/enforcements to guide the transportation of dangerous goods in/around Flying Dust lands.
- Negotiate agreements with the City of Meadow Lake for the provision of emergency response, hazardous material response, and fire protection.
- Ensure that the coordinators report spills as required under applicable federal regulations (Canadian Environmental Protection Act and Transportation of Dangerous Goods Act).
- Inform community members about FDFN's emergency response procedures and explain appropriate action to be taken by individuals or households if an environmental emergency occurs.



### 7.10.3. Emergency Contact Information

SASKATCHEWAN PUBLIC SAFETY AGENCY	(306) 787-3774
AMBULANCE	9-1-1 or 306-975-8300
FIRE	9-1-1 or 306-975-3030
RCMP (rural)	306-310-7267
MAJOR SPILL RESPONSE	1-800-667-7525 (Saskatchewan Ministry of Environment) *
POISON CONTROL	1-866-454-1212 or 306-655-1010
POLICE	9-1-1
EMERGENCY ELECTRICAL	1-306-310-2220 or 306-310-2220 (SaskPower)
NATURAL GAS	1-888-700-0427 or 306-975-8500 (SaskEnergy)

### 7.10.4. Community Compliance and Enforcement

#### **Emergency Response Coordinator**

An Emergency Response Coordinator (ERC) is to be appointed by FDFN. The Emergency Response Coordinator will be the first point of contact in the event of an environmental emergency (such as flooding, landslides etc ) and will have the appropriate training to take appropriate action as necessary.

#### **DFDN Responsibilities**

In order to support the Emergency Response Coordinator, FDFN should have up-to-date evacuation plans and procedures for all internal departments and community facilities. Emergency muster points or meeting locations should be identified and marked ahead of time, so community members know where to go in the case of an emergency (such as flooding, landslides, etc).

In addition, all Health and Safety programs for contractors working on FDFN lands should be reviewed by the LRC, Lands Department or Public Works Department prior to contractors being allowed to commence work on-reserve.

#### **Miscellaneous Reporting**

The SK Ministry of Environment has a number of phone numbers and contact options available for reporting environmental and emergency-related concerns, incidents or suspected/known law violations. FDFN is to contact the SMOE in any listed situation.



Confidential, on-line reporting is also available and is to be utilized by FDFN when available: [www.environment.gov.sk.ca/tipweb](http://www.environment.gov.sk.ca/tipweb)

### **7.10.5. Fuel Spills**

A fuel spill may be the result of a traffic accident, an operator incident while refueling a vehicle or a storage tank, or a fuel storage tank leak.

#### **7.10.5.1. Minor Fuel Spill Response**

A minor spill is considered to be small enough to be cleaned up using an emergency spill kit. The following procedures should be followed by all FDFN personnel responding to a small fuel spill of 50 litres (L) or less.

- Remove all workers, customers, and bystanders from the immediate vicinity of the spill.
- Be aware of potential ignition sources in the vicinity of the spill.
- If safe to do so, stop the source of the spill. If applicable, turn off nozzles or valves from the spill source. If a container has been punctured, use a plug, putty, or material to plug the puncture. If the spill source cannot be stopped, catch the flowing liquid using a pan, pail, or any type of container available.
- Use sorbents to immediately contain and absorb as much of the spilled product as possible. Sorbents may include kitty litter, sand, saw dust, wood chips, synthetic sorbent pads, or dirt. Sorbents should be applied from the perimeter (outside) of the spill, towards the center of the spill.
- Identify the direction that the spill is moving and build barriers in the flow direction to prevent spilled material from entering waterbodies, drains, drainage ditches, and the surrounding environment. Spills should also be directed away from buildings and building foundations.
- Brooms should be used to sweep up the sorbent material. Material should be placed onto plastic sheeting or into sealed buckets, barrels, or garbage bins.
- Fresh sorbent material should be re-spread on the spill site to control any residual fuel.



- Following the spill, the date and time of the spill, the product and volume of product spilled, and the steps taken to clean up the spill must be documented. The spill should be reported to the Saskatchewan Ministry of Environment, 1-800-667-7525.

#### 7.10.5.2. Major Fuel Spill Response

A major spill is a spill that cannot be safely contained with the materials available at the site of the spill and/or threatens to enter the groundwater system or migrate and further endanger the environment. Typically, any spill larger than 50 L is considered a large spill.

The following procedures should be followed by all FDFN personnel responding to a large fuel spill of more than 50 L.

1. Remove all workers, customers, and bystanders from the immediate vicinity of the spill, to an area upwind and up-gradient from the spill.
2. Be aware of potential ignition sources in the vicinity of the spill.
3. If safe to do so, stop the source of the spill. If applicable, activate emergency switches or breakers that supply power to fuel pumps.
4. Contact the Saskatchewan Ministry of Environment at 1-800-667-7525.
5. Use sorbents to immediately contain and absorb as much of the spilled product as possible. Sorbents may include kitty litter, sand, saw dust, wood chips, synthetic sorbent pads, or dirt. Sorbents should be applied from the perimeter (outside) of the spill towards the center of the spill.
6. Identify the direction that the spill is moving and build barriers in the flow direction to prevent spilled material from entering waterbodies, drains, drainage ditches, and the surrounding environment. Spills should also be directed away from buildings and building foundations.
7. Document the extents of the spill using photographs and sketches.
8. Following the spill, the date and time of the spill, the product and volume of product spilled, and the steps taken to clean up the spill must be documented.

**---- End of Section 2 of 4 ----**





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# **IMPLEMENTATION, EDUCATION & TRAINING GUIDANCE DOCUMENT**

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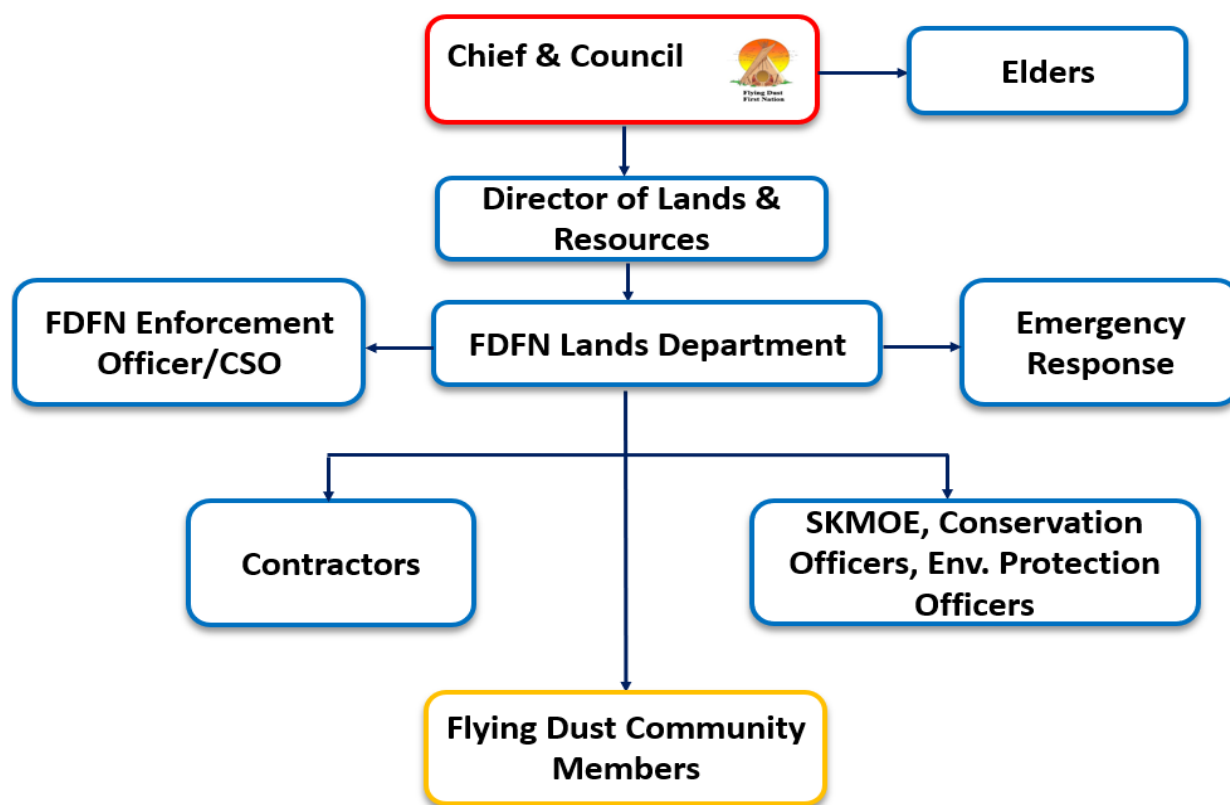


## 8.0

## IMPLEMENTATION

Implementation is a critical aspect of this EMP and Flying Dust’s governing body bears responsibility for decisions made by the Nation.

The Lands and Resources Department of Flying Dust has the main responsibility regarding the ongoing development, updating, operation, and implementation of the EMP. The following chart outlines the hierarchy of entities who have authority and decision-making powers over the implementation of the EMP. See the flow chart below:



*Figure 9:* EMP Implementation flow chart

The implementation strategies below will assist in putting the EMP into full effect.

### 8.1. GENERAL CONSIDERATIONS

The EMP is a comprehensive plan that provides guidelines, best management practices, resources and strategies to assist Flying Dust First Nation in the management and



protection of its lands, resources, and people. It is intended to be the vision and provide a set of long-term environmental goals for the future of the community.

### **8.1.1. Establish FDFN Environmental Department/Officer**

The FDFN Lands Department currently does not have an environmental enforcement officer or community champion to implement this EMP, however staff from the Lands and Resources Department will be relied on to implement this plan. Roles and responsibilities will be assigned to staff by the Director of Lands and Resources.

Additional staffing resources will be required to ensure that the Department is fully functional and can manage the additional workload and responsibilities. Some potential positions could include:

- Enforcement/Development Officer
- Environmental Technician(s)
- Environmental Officer

It is important to note that FDFN has a Community Safety Officer (CSO) who will be taking on some of the roles and responsibilities of the above-listed positions. Though this is meant to be a temporary route, it is hoped that the potential positions listed above will become permanent roles, to enable the individual holding the position to function efficiently.

### **8.1.2. Obligations for Implementation**

Per the approval of the EMP by Chief and Council, or any amendment to the EMP, Flying Dust and all entities or parties on Flying Dust First Nation (FDFN) lands must follow the EMP and utilize guidelines and strategies to guide the future land development activities in a way that promotes environmental stewardship.

## **8.2. FDFN ALLEGED VIOLATION STRUCTURE & COMPLIANCE MEASURES**

To promote compliance and corporate responsibility, while delivering the most effective and efficient solutions in protecting our Reserve Lands, the following tools are intended to be utilized by the FDFN Lands Department, their designates, or FDFN security officers to notify entities of potential, suspected, or identified contravention of FDFN Land Management Provisions or Flying Dust Environmental Protection Law.



Flying Dust is in favour of pursuing a voluntary compliance framework similar to the SMOE's compliance and enforcement approach. In situations where these compliance measures are not effective to compel notified entities to return to compliance, additional community directed measures/tools are made available to FDFN. SMOE enforcement actions will ensue in situations where internal compliance measures have failed, or in response to repeat offenders or potential environmental emergencies.

Enforcement actions and potential penalties under Saskatchewan Environmental Law are provided by the SMOE as detailed in this EMP and will be enforced by the FDFN lands department.

### **8.2.1. Contravention Notice (CN)**

FDFN or its designate may issue a notice of contravention on a first infraction of any Land Management Provisions (LMP) (a policy or statement listed in the EMP that is not a recognized law) or section of the FDFN Environmental Protection Law. The notice will indicate the action or actions that are in contravention of a particular FDFN LMP or the FDFN Environmental Protection Law, as well as the section of the provision that has been contravened.

Contravention Notices will be considered as an initial means of compliance assurance and will be recorded by FDFN or its designate and will be kept on-file with the Lands Department for future reference.

A template form for issuing Contravention Notices is attached in **Appendix C**.

### **8.2.2. Cease and Desist Order (CDO)**

Cease and Desist Orders (CDOs) will be used as an additional compliance tool when initial warnings have not compelled entities toward compliance. CDOs may be issued to any individual, company, or agency that is in contravention of any portion or section of a FDFN LMP or the FDFN Environmental Protection Law.

CDOs are most commonly issued to larger entities such as businesses or companies. The CDO will consist of a formal written notice of the contravention and will indicate the requirement for the individual, business, or agency to immediately cease the action or process that contravenes FDFN LMP or Environmental Law. The CDO will direct the accused to take measures to return to compliance. No penalty is associated with the CDO; however, failure to comply with a CDO may result in an offence under



adopted Saskatchewan Environmental Legislation that will be processed by the SMOE through summary conviction and possible court action. A copy of the relevant and referenced section(s) of FDFN Environmental Law that have been contravened will be attached to the CDO form when it is served to offenders.

A copy of the CDO form is attached in **Appendix C**.

### **8.2.3. Additional Requirements**

The FDFN Enforcement Officer, Lands Department staff, or designate under the discretion and direction of the FDFN Lands Department and the Chief and Council may, in addition to an issued CDO, require the accused to perform one or all the following items:

- Take such action to avoid committing the same infraction of the specified FDFN Environmental Protection Law and from committing or causing future harm to the environment.
- Take such action to restore and/or remediate FDFN lands or the environment from damage caused by that individual, company or agency.
- Commit to, or make restitution, as outlined in Section 8.2.4 of this document, to any person or the community at large that has suffered damages related to the contravention.

### **8.2.4. Restitution Order (RO)**

FDFN is committed to building our Environmental Laws on a foundation of traditional values and practices. We will employ traditional methods of remedy to address contraventions of established Environmental Law. One method that will be employed is the concept of restitution as a remedy to environmental infractions. This method may be employed alone or in conjunction with Cease and Desist Orders (CDOs), Environmental Safeguard Orders, or alternative environmental actions as set out in this document.

Restitution, as it relates to FDFN Environmental Laws and compliance with those laws, is intended to relieve the suffering of the land and its people and to afford justice to both. Measures of restitution will provide for re-establishment, as much as is possible, of the condition that existed prior to the environmental violation or infraction. Restitution is also meant to promote a sense of responsibility in offenders. Restitution



actions should allow offenders to acknowledge the harm done to the community, the land and the environment.

A Restitution Order (RO), as it applies to the Flying Dust EMP, is defined as a demand for compensation against an individual, company, or agency that has contravened a FDFN Environment Law or LMP. Compensation in this situation does not allude to a monetary penalty under Saskatchewan Environmental Legislation. The order will require that the individual, company, or agency perform an act or provide a means of restoration or compensation to the community, FDFN lands, or the natural environment.

### **Restitution Committee**

The typical contents and requirements included in each Restitution Order will be determined and developed by a sub-committee of the FDFN Lands Department or the FDFN Lands and Resource Commission (LRC). The sub-committee will be known as the Restitution Committee and will be comprised of a cross-section of FDFN band members from different sectors of the community to reflect the views and opinions of all facets of the FDFN community.

Restitution Orders will be written and issued to individuals, companies, or agencies in situations where monetary compensation is deemed to be inadequate for proper resolution of Environmental Law infractions. The application and administration of Restitution Orders will be handled by the Restitution Committee at the discretion of the Lands Department and the LRC. The Lands Department and LRC retain ultimate jurisdiction over Restitution Orders. Restitution Orders will be served to offenders by FDFN or its chosen designate for a given situation.

An example of the FDFN Restitution Order is attached in **Appendix C**.

#### **8.2.5. Environmental Safeguard Order (ESO)**

If the Lands Department or FDFN designate believes that a pollutant may have been released, is being released, or is known to have been released, an Environmental Safeguard Order (ESO) may be issued. An ESO is like a Restitution Order but is specific to potential or known pollutant releases. ESOs are to be primarily used as preemptive compliance tools to notify or instruct suspected polluters ahead of potential pollutant releases. The steps and protection measures outlined in the Order will reflect



what the Lands Department considers necessary to protect the environment due to an unauthorized release.

A copy of the ESO form is available in **Appendix C**.

### **8.3. INTERNAL IMPLEMENTATION GUIDE AND ANNUAL REVIEW**

The FDFN EMP Environmental Management Plan Implementation and Annual Review (EMPIAR) tool, available in the Administration Policy Document and provided in **Appendix G** pertains to the operation and success of FDFN internal and external compliance and enforcement provisions and activities.

The implementation guide and review tool is intended to assist FDFN with identifying and highlighting the best practices and/or potential issues with compliance and enforcement measures through the yearly implementation of the EMP.

The EMPIAR is meant to provide FDFN environmental and lands staff with a monthly guide on what activities and tasks should be completed and addressed.

At the end of each calendar year, staff are required to complete a review of the EMPIAR to understand what tasks were and were not completed throughout the year. A simple 1 point per task score system has been created to help provide a yearly metric and total score for the previous year's efforts.

It is recommended that a yearly internal and three-year external review is completed. This review will help the community identify compliance and enforcement tasks that need to be considered and implemented by the Lands Department to continually strengthen and improve the compliance and enforcement process.

### **8.4. INTERIM PENALTIES FOR UNDEVELOPED LAWS**

FDFN is committed to building their Environmental Law Regime on a foundation of traditional values and practices, while harmonizing the Regime with the Province of Saskatchewan. FDFN will employ traditional methods of remedy to address contraventions of established Environmental Protection Laws where possible.

The FDFN Environmental Protection Law adopts several pieces of SK Environmental Legislation; however, not every SK Environmental Law is included. Flying Dust will be developing additional Law in the future. During the interim period, until each specific component of the existing suite of Saskatchewan environmental protection



Laws are incorporated into the FDFN Environmental Protection Law, Flying Dust will adopt all fines and penalties that exist under the Saskatchewan Environmental Legislation and its associated Acts and Regulations in regard to FDFN lands and resources.

## 8.5. IMPLEMENTATION SCHEDULE

This document aims to provide detailed guidance for the lands department, Chief and Council, and contractors in the implementation phase of the EMP. The implementation stage must be executed according to the regulations and rules relevant to the EMP.

An Implementation Schedule has been designed to assist Flying Dust First Nation with establishing clear timelines for activities recommended in the EMP. The timeline summarizes the recommended activities of the EMP and has organized these into a series of timeframes including foundation activities, short-term activities, medium-term activities, and long-term activities. The table also identifies specific timeframes within specific fiscal years for the implementation of these activities. Below is a summary of the long-term Implementation Schedule.

**Table 3:** Summary of the Long-Term Implementation Schedule

<b>Actions</b>	<b>Timeframe</b>
Preliminary	2019-2020
Short-Term	2020-2022
Medium-Term	2021-2024
Long-Term	2024 and beyond

A copy of the long-term Implementation Schedule Template is attached in **Appendix D**.



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## 9.0

## GENERAL PROVISIONS

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The objective of the Education, Awareness and Training section is to provide tools and guidance for the Lands Department, other internal Flying Dust First Nation (FDFN, Flying Dust) departments and any other entity involved in the implementation or operation of the EMP or Flying Dust's overall Environmental Regime.

Education is the cornerstone of ensuring compliance of the FDFN EMP. Nurturing and growth of environmental education and awareness in the community will help to promote and safeguard the sustainability of FDFN lands for the use of future generations. Ensuring compliance with the FDFN EMP and its associated procedures and policies is one of the primary objectives of the Lands Department and the responsibility of the Director of Lands and Resources, their designate and the Lands and Resources Commission (LRC). The purpose of this guidance document is to provide the Lands Department with guidance on selecting the appropriate tools to help educate and communicate the overall vision and composition of the EMP and sustainable, environmentally sound actions, practices and activities, which will in turn promote voluntary compliance with the EMP.

### 9.1. ENVIRONMENTAL AWARENESS

Environmental awareness is a key factor in the success of the EMP in promoting environmental protection and sustainability. Creating awareness of the environment and how the FDFN people interact with and impact the land is a significant objective of the EMP. By focusing on educating community members on their ability to influence the environment, they can understand how their actions today will impact the futures of those who follow. The current generation will have the opportunity to protect, preserve, and improve FDFN lands and the environment for generations to come.



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## 10.0

## EDUCATION

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General environmental education will focus on the goals and initiatives defined in the EMP as well as understanding the adopted Saskatchewan (SK) environmental legislation. The concept of the environment as a whole and on how humans interact with the environment will be taught and promoted on FDFN lands. Raising awareness of the potential impacts that day-to-day activities and actions may have on FDFN, as well as off-reserve lands, will be communicated through education channels. The concepts of recycling, composting, and waste management will be a focus of EMP education and will coincide with the Saskatchewan Environmental Legislation. Education programs and initiatives will also convey best practices regarding solid waste, fuel storage and spill response, sewage and wastewater disposal, groundwater protection, and agricultural chemical use.

The main issue identified for this is the lack of education on environmental issues on reserve lands. FDFN need to equip members with the basic tools on how to protect the reserve lands, and this can be done through effective education and knowledge sharing.

### 10.1.1. Directives

#### 10.1.1.1. Community Education and Awareness

Efforts to manage identified environmental issues will include education and outreach programs to reach FDFN members and businesses active on Flying Dust lands. To ensure effective environmental management, it is important to educate community members regarding environmental matters and provide ongoing community engagement during and after planning processes.

The FDFN, during community engagements, will:

Ensure that members' knowledge about Flying Dust lands, resources, traditional use sites, and history is part of the environmental management process.

- Let members know that their suggestions and comments are being heard and recorded.
- Ensure that consistent information is conveyed to increase the understanding and meaningful involvement through decision-making processes.

- Assure that decisions reflect the community's values and visions.

#### 10.1.1.2. Policy

FDFN will:

- Create outreach and education materials to inform Flying Dust members about the goals and actions associated with improving community quality through environmental management planning, land use and development planning, tree protection, air quality, and noise control. This will be done through the Lands and Resources Department.



- FDFN will connect with community organizations and municipalities to increase awareness and share ideas on best practices that will help reduce environmental impacts. This will be done through the Lands and Resources Department.



- FDFN will implement a hands-on approach to education for sustainability through the curriculum at each year level and whole school events such as Tree Planting and Earth Day Celebrations. Student learning will focus on taking action within the school and wider community. This will be done through course content and school activities.



### 10.1.1.3. Community Compliance and Enforcement

#### **Communication plan**

Before initiating an education and outreach initiative and deciding which tools and techniques will be used, it is important to establish a plan that will include, but not be limited to, the following components:

- Overall strategy.
- Goals and objectives.
- Target audience(s).
- Communication methods
  - ✓ Is there a preferred method for reaching each target group?
  - ✓ Has this method been used in the past?
  - ✓ If not, what other methods should be used? Communication methods are listed.
- Timeline.
- Roles and responsibilities.
- Budget.

***Table 4: When to use and not use education and outreach techniques***

Technique	Audience	When to use	When not to use
<i>Advertising and Broadcast information</i>			
Social media (Facebook, twitter, etc.)	Youth and broad community	<ul style="list-style-type: none"> <li>• For announcing events</li> <li>• To engage the youth</li> </ul>	<ul style="list-style-type: none"> <li>• For those who do not use social media</li> </ul>
Website advertising	Broad community	<ul style="list-style-type: none"> <li>• To reach businesses, industry, government, and many community members</li> </ul>	<ul style="list-style-type: none"> <li>• If the website cannot be updated regularly</li> <li>• For those with limited internet access</li> <li>• If information is not to be shared beyond the community</li> </ul>
Notices, flyers, Newsletter or bulletin or posters	Broad community	<ul style="list-style-type: none"> <li>• When an event is planned and member input is needed</li> <li>• To announce events, provide contact information, and general inquiries</li> </ul>	<ul style="list-style-type: none"> <li>• If they cannot be posted in public places or be handed out before the event</li> <li>• If the deadline is passed</li> <li>•</li> </ul>
Brochures or pamphlets	Broad community	<ul style="list-style-type: none"> <li>• When information is more complex and needs to be distributed through mail outs or emails</li> </ul>	<ul style="list-style-type: none"> <li>• If the information exceeds four pages</li> </ul>
<i>Targeted information and discussion</i>			
Community meetings	Broad community	<p>Before, during, and after an initiative To balance “information in” and “information out”</p>	<p>If adequate funding is unavailable</p> <p>If meeting topics do not interest the entire community</p>

Technique	Audience	When to use	When not to use
Elders meeting	Elders	When information and ideas are needed on traditional practices	When short meetings are planned, not allowing time for discussion
Advisory committee meeting	Advisory committees	To track the progress of an initiative or event with a group of 5 – 10 people	When community input or Council decisions are needed
Youth group	Youth	For youth-only topics for informal discussion When visual and creative materials can be used (e.g., art, maps, music, videos, etc.)	If information shared will not interest youth
PowerPoint presentations tailored to specific meetings	Broad community or groups	If content is complex and benefits from visual reinforcement To highlight key points, make connections between topics, and create a framework for presenting content	When in-depth discussion is needed In family or small-group settings If lots of text needs to be reviewed
Open house	Broad community	Presenting information (“information out”) One-on-one discussions (“information in”) Distributing written summaries or surveys	If group discussions are needed for detailed input If specific groups are to be contacted
Surveys or questionnaires	Broad community	For anonymous feedback When quick feedback and comments are needed To measure awareness and feelings	If too many questions must be asked If answers rely on in-depth knowledge of a topic and such information cannot be provided.

Hard copies of the EMP document are very relevant for the plan. Hard copies of the completed document will be made available at the Lands and Resources Department office. A brief summary brochure will be prepared listing the major policies and actions, and outlining the purpose of the EMP. This summary is intended for distribution to community members, government agencies, contractors, and others. The brochure will also describe how readers can access the full EMP, either online or in print.



## 10.2. EDUCATION SECTORS

### 10.2.1. Youth

The children attending the Flying Dust Elementary School are the future of the community. Childhood is the most impressionable life stage and lifelong positive environmental habits can be imparted and learned during this critical time. Education of children has the greatest potential for impact on future practices, conservation, and protection of FDFN lands and the natural environment. Children also have the greatest potential to make changes and impact the environment throughout their lives.



The Flying Dust Kopahawakenum Elementary School is viewed as the starting point of education in the community. Children at the school can be nurtured and immersed in the Cree Culture, which is a stepping stone to a lifelong relationship with the environment. The pre-kindergarten program, which incorporates language and culture into the school, is an ideal opportunity to continue educating youth regarding the environment. In addition, children attending the before and aftercare program can be exposed to activities that enrich an understanding of the natural environment and how humans interact with the environment.

The FDFN Post-Secondary Program is another channel to allow students to pursue careers in protecting the environment. The Lands Department will work with the School Administration to implement and promote environmental education through all levels of the education program from pre-school age through to Grade 4.

### 10.2.2. Community

All FDFN community members, including on and off-reserve members, are responsible for the sustainability of the environment in which they live. Community members will play an important role in educating each other and in educating future generations. The Lands Department will work with Elders and Traditional Knowledge groups to ensure that the knowledge of community members regarding culture, FDFN lands, traditional sites and history is passed on to the community. The sharing of knowledge amongst community members will not only assist in achieving environmental protection, but it will also strengthen community spirit.



### 10.2.3. Interdepartmental

The EMP requires the support and commitment from all FDFN authorities and departments to be effective. Therefore, it is important that all departments on FDFN lands be informed of the EMP, its purpose, and how it relates to their day-to-day operations as well as the larger-scale operation of FDFN. Departments and their staff will receive adequate education and training to ensure that they are best-suited to assist with the development and operation of the EMP.

### 10.2.4. Business Community

The local business community, which includes businesses, companies, corporations, crown corporations, and agricultural activities, as well as construction activities and public works, has the greatest potential for environmental impact to FDFN lands. Given the size and nature of commercial and industrial businesses and operations, it is essential that these entities are properly informed of FDFN Environmental Law and the overall Environmental Regime.

The Lands Department will work together with these entities to ensure that they are properly educated and made aware of FDFN's EMP, new policies, standards, and guidelines. Businesses should be educated on the EMP and the applicable sections of the Saskatchewan Environmental Code when applying for permits and/or leases. Ensuring adequate education of the business sector will mitigate potential adverse



impacts to FDFN lands that are attributed to the business sector. Mitigating adverse impacts will, in turn, result in time, resource, and financial savings for FDFN.

#### **10.2.5. Surrounding Rural and Urban Municipalities**

FDFN has a long history of working with neighbouring communities. FDFN is located in proximity to the City of Meadow Lake, SK. The City of Meadow Lake and other surrounding municipalities represent a large population of people and businesses that interact and influence day-to-day activities on FDFN lands. In continuing with the Spirit of Alliance, it is vital that the City of Meadow Lake and surrounding municipalities be informed and educated regarding FDFN's environmental initiatives related to their EMP. Through partnerships with FDFN, these municipalities may be subject to FDFN's laws and policies and working together will ensure protection of FDFN lands.

### **10.3. TRADITIONAL AND LOCAL KNOWLEDGE**

As already demonstrated at the Flying Dust Elementary School, the use of FDFN traditional knowledge, experience, and teaching practices play a vital role in communicating educational initiatives. The crucial role that Elders hold in supporting both formal and informal education is invaluable. Elders are vital in the education process, from infancy to adulthood. Elders will be consulted and involved in education initiatives to impart tradition, knowledge, culture, values, and lessons to the current and future generations.

The culture and history of FDFN are the building blocks of the community and will serve as the foundation for communicating the principles and processes of the EMP. Culture sets out the boundaries and structure in which individuals and groups interact with one another and will ultimately determine the best practices for communication and education. As part of FDFN's cultural identity, the traditional Cree language represents the historical means of communication on-reserve. The Cree language will therefore be utilized whenever possible to convey messages and teachings related to the EMP.



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## 11.0

## AWARENESS

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Educational initiatives will embrace historical knowledge and culture, while integrating and utilizing available technology to help facilitate the communication of the goals of the EMP. Table 4 in Section 10.1.1.3 of this EMP also provides direction on the most appropriate type of communication and engagement medium to employ in a variety of situations and for different audiences within the community.

### 11.1. COMMUNITY MEETINGS OR GATHERINGS

Community meetings or gatherings are an important and valuable method of providing education related to the EMP. These events will ensure that members' knowledge of FDFN lands, traditional use sites, and history, is part of the EMP process. Community meetings and gatherings will ensure members know that their suggestions and feedback are being heard, which will in turn strengthen the overall community spirit.

#### 11.1.1. Community Meetings

Community meetings will be formal in nature and will occur with the purpose of accomplishing a specific task such as voting on an environmental initiative or for disseminating specific information related to the FDFN EMP. Facilitating input from the community will ensure that decisions reflect the community's vision and values.



#### 11.1.2. Community Gatherings

Community gatherings will typically be less formal in structure than meetings and allow for public presentation of environmental information regarding the EMP or environmental awareness material. Other methods of engaging the local community or local municipalities may be developed and facilitated by the Lands Department for the purpose of educating and promoting the FDFN EMP.

### 11.2. SOCIAL AND DIGITAL MEDIA

Social and digital media has become an important and effective means of engaging people and distributing information to large groups. Social media is integral in

educating the youth in today's society and has the ability to either specifically direct information or provide for a passive flow of information to people. The versatility and robust nature of social media, combined with an increasing level of access and adoption by all generational demographics, makes it a powerful promotional and educational tool for FDFN.

There are countless different services available that may be defined as social media or other digital portals; however, given the adoption rate of these services it benefits the FDFN Lands Department staff to direct their efforts toward those services most adopted by the FDFN and surrounding municipality populations. The following is a list of social media services that are recommended for promotion and education of EMP-related information on FDFN lands:

- Facebook
- Twitter
- Instagram
- YouTube
- Blogs and message boards
- Email distribution lists or mailouts
- Community, departmental, or municipal websites – FDFN member portal

### **11.3. CONVENTIONAL NEWS, EDUCATION, AND PROMOTIONAL PORTALS**

Aside from current digital means of promoting and educating people, such as social media and websites, there are other conventional means of contacting, educating and delivering education, news and informative messages to people. Traditional methods of communication, such as those referenced below, are more likely to reach older generations of people within the FDFN community. These traditional methods of communication can also be more engaging and effective at delivering messages to people as they often employ personal interaction.

Given that social and digital media will be received primarily by the younger generation, both methods of education and promotion should be utilized in conjunction with each other. The following is a list of news, education, and promotional channels that the Lands Department should evaluate for use to circulate information related to the EMP and environmental education:

- Newspapers
- Television
- Brochures or pamphlets
- Community or business informational mailouts
- Radio
- Door-to-door surveys
- Booths at local community gathering/shopping locations
- Parades, rallies and PowWows
- Telephone surveys or promotional calls
- Billboards, signs, notices, posters and banners. Some possible suggestions for visibility purposes include the following:
  - ✓ use bright papers to ensure that it is visible
  - ✓ use readable, large type so that the message can be read by everybody.

#### **11.4. EVOLVING AND FUTURE EDUCATION**

As new technologies are developed, there will be new and more compelling methods of communication and distribution of information available to FDFN. It will be the responsibility of the Lands Department, in conjunction with the FDFN Education Program and Department, to determine the most effective method of delivering and circulating education and informational content to the FDFN community, business community, and surrounding municipalities. These future methods will be used to provide compelling avenues for education and promotion of the EMP.

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## 12.0

## TRAINING

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Training will be a tool used to transfer knowledge, understanding, and practical skills related to the FDFN EMP. Training is an effective method of conveying knowledge and skills to people with the goal of improving their performance, understanding, capability, and/or capacity. The Lands Department will assess the need and requirement for training programs related to EMP education on reserve lands. Training will be initially focused toward FDFN departmental staff.

Training may take the form of any of the following, as well as other forms not specified here:

- On-the-job training and development.
- Culturally-focused training.
- Land Based Training
- Instructional, workshop or classroom-based training.
- Electronic or computer-aided training.

### 12.1. WORKSHOPS

Workshops are an interactive approach to providing education related to the EMP. Workshops can be either courses, seminars, or a series of meetings with the intent of providing information on specific environmental or operational content. Workshops provide for interaction and exchange of information between the facilitator and participants and between the participants themselves. Workshops may be set up or offered to a variety of recipients including businesses, community members, groups, or interdepartmental staff. The Lands Department will be empowered to determine where workshops are most appropriate or effective for providing education.

### 12.2. SPECIFIC TRAINING REQUIREMENTS

There are numerous departments, groups, people and entities that will be involved in the ongoing development, implementation, operation, education, compliance and enforcement of FDFN's overall Environmental Regime, Environmental Law Regime and the EMP.

The following people, groups and departments will require position-specific training to ensure that they are fully aware of the content, complexity and comprehensive nature of the FDFN Environmental Regime, Environmental Law Regime, and EMP. These individuals are the foundation from which the community, internal departments, surrounding municipalities, and the business community will draw knowledge regarding environmental management and protection of FDFN lands. They include:

- Chief and Council.
- FDFN Lands Department.
- Director of Lands and Resources.
- Lands Advisory Committee.
- Departmental Managers.
- FDFN Enforcement.
- Emergency Response Coordinator.

Beyond general awareness and understanding of the FDFN Environmental Law Regime and EMP, some of these people will require additional, specific training regarding management, administration, and operation of the EMP, as well as technical knowledge of environmental issues and concerns. FDFN has engaged the Government of Saskatchewan to provide compliance and enforcement assistance for the SK legislation adopted under the FDFN Environmental Protection Law. Specific education and training on the content of adopted SK legislation, as well as how the SK Environmental Code operates, are essential to ensure that FDFN and the SMOE can work collaboratively into the future. In turn, representatives and staff from the SMOE will also need to be educated and trained on the FDFN Environmental Regime and EMP.

An EMP training matrix is attached in **Appendix E**. The matrix outlines required and suggested environmental and EMP-related training for a number of essential positions within the FDFN administration and entities associated with the EMP.

### **12.3. EMP TRAINING PROGRAM**

The Lands Department is responsible for developing a formal training program for FDFN personnel involved with the EMP. The department should also continue to look into and develop additional training as the Regime continues to grow and expand. This



will help to ensure that internal human resources are up-to-date and properly educated. Training records and documentation are to be organized and stored digitally with the Lands Department.

A training tracking form is available in **Appendix F** for recording and tracking acquired training.

As FDFN begins to implement the EMP, there are going to be employment opportunities for FDFN members in the areas of environmental management. To maximize these opportunities and to ensure that FDFN members are considered first for hiring opportunities on jobs related to environmental management, FDFN will build community capacity through the following:

- Identify suitable candidates to take part in environmental training programs both for short-term and long-term employment (e.g., Environmental Officer).
- Allocate specific funding to train FDFN members.
- Maintain a database of personnel who have completed environmental training programs related to the EMP.

The following provides a list of schools and environmental training programs relevant to the implementation of the EMP.

#### **University of Saskatchewan**

- Environment and Society (Bachelor of Arts & Science - 4 years).
- Environmental Biology (Bachelor of Science - 4 years).
- Environmental Earth Science (4 years).
- Environmental Engineering (4 years).
- Toxicology (4 years).
- Sustainability.

#### **Saskatchewan Polytechnic:**

- Resource and Environmental Law (Diploma) (70 weeks).
- Radiation and Environmental Monitoring Technician (36 weeks).



### **Eco Canada BEAHR Training Programs<sup>26</sup>:**

- Environmental Monitoring Coordinator (EMC) Research and/or Regulatory (3 to 7 weeks).
- Environmental Core Skills Modules (3 weeks).
- Environmental Site Assessment Assistant (ESAA) (4 weeks).
- Local Environmental Coordinator (LEC) (12 weeks).
- Solid Waste Coordinator (SWC) (5 weeks).
- Certificate of Environmental Planning and Administration (16 weeks).

Other demonstrative presentations such as the ones listed below can also be gradually inculcated into FDFN community meetings:

- How to recycle.
- How to compost food waste.
- How to use spill kits.

**----End of Section 3 of 4---**

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<sup>26</sup> <https://www.eco.ca/employment-programs/youth-placement/>



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# **ADMINISTRATIVE GUIDANCE DOCUMENT**

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## 13.0

## EMP ADMINISTRATION

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The EMP is a living document that must evolve in response to changing environmental, operational and legislative conditions. The following section outlines administrative tasks associated with the EMP.

### 13.1.1. Records and Information Management

Document control is a critical process for compliance and is a means to keep track of documents, processes, and procedures. It directs who can view documents and what can be done with them, regardless of where the document is found. The purpose is to ensure that everyone has easy access to and uses the correct and most up-to-date versions. The best management practices, processes and procedures can change over time, which will require amendments and updates to the EMP. Therefore, it is important that documents related to the EMP are controlled to ensure that only the current versions of the documents are referred to and used.

To help ensure that the EMP and related documents remain current and that only the most up-to-date versions are used, the following document control measures will be implemented:

- Include a date and version number on all documents.
- Review all documents on a pre-determined schedule.
- Revise documents as required.
- Obtain appropriate approvals and signoffs on all revised documents prior to issuing or re-issuing.
- Remove and destroy/recycle all outdated documents.
- Retain paper copies of administrative documents, emails or enforcement compliance measure forms for a minimum of 20 years prior to destruction or disposal.
- Maintain an electronic master copy at the Lands & Resources Department Office.
- Save all electronic files on a central server. An external backup of the server must be made on a weekly basis and kept off-site to ensure a safe and secure copy of all FDFN digital records.
- Store all EMP records in hard copy and/or on an electronic data record system.

### 13.1.2. Annual EMP Review

An annual review includes examining or formally assessing the processes, programs, projects, or persons in charge of the EMP with the possibility or intention of instituting change if necessary. Reviews may be utilized for proactively requiring compliance with the established EMP policies or guidelines. The Flying Dust's Director of Lands and Resources or their designate is responsible for ensuring that the EMP and related documents are reviewed, updated, and maintained as appropriate. To



meet this commitment, the Director of Lands and Resources or their designate will lead an annual review of the EMP and related documents and record the results and findings in an Annual EMP Review Report, which will be presented to Chief and Council (see Annual EMP Review Meeting below).

The review will include, but will not be limited to:

- An assessment of the EMP for adequacy, accuracy and relevance and will include any recommended amendments.
- An assessment of the EMP goals, objectives and targets and the degree to which they are being met.
- The success of the EMP implementation plan including recommendations for improvement.
- The effectiveness of the document control and recommended changes.

The areas that will require attention for the annual review of the FDFN Lands Department and the EMP operations and activities will include, but will not be limited to:

- Administrative System, Lands Department Tasks and Operations.
- An Administrative Management and Servicing Agreement (AMSA) *\*Future potential agreement with Province of Saskatchewan\**.
- Monitoring, Inspections and Investigations.
- EMP Compliance and Enforcement Measures.
- Education, Awareness, and Training Development and Initiatives.

External reviews, completed by an external consultant or external agency, will be completed every third year. The purpose of the external review is to provide an objective review of the EMP. Externally reviewing the administration and management of the EMP regularly will allow evaluation of progress towards the goals and objectives established by FDFN.

### 13.1.3. Review Process

A formal review tool has been developed for use by the FDFN Lands Department, the Saskatchewan Ministry of Environment (SMOE) and external agencies for both internal and external EMP review. The tool is attached in **Appendix G**. The results of each annual internal review are to be recorded and kept on file by the Lands Department for future use and review.

- a. EMP reviews are to be completed by the Lands Department each calendar year on or before December 15<sup>th</sup>.
- b. The tool is to be completed in its entirety by a member of the Lands Department or any other authorized entity.
- c. Corrective actions to address noted deficiencies or concerns and program improvement initiatives are to be identified by the reviewer and drafted into an annual Corrective Action Plan (CAP) for use by the Lands Department. The CAP template is included in the Environmental Management Plan Implementation and Annual Review (EMPIAR) tool.
- d. A brief “State of the Environment” Report will be provided to Chief and Council in addition to the results of the annual review report.

\* Additional guidance and instruction are provided within the EMPIAR tool in **Appendix G**.

### 13.1.4. Amendments

Amendments to the EMP will be completed as follows:

- As necessary, each amendment will be presented first to the LRC for review and then to Flying Dust Chief and Council for review, adoption and approval for implementation.
- Any amendments will be printed, signed, and circulated to relevant personnel (e.g., Managers) and posted.

### 13.1.5. Roles and Responsibilities

#### 13.1.5.1. Chief and Council

The main role of the FDFN Chief and Council regarding the EMP is to:

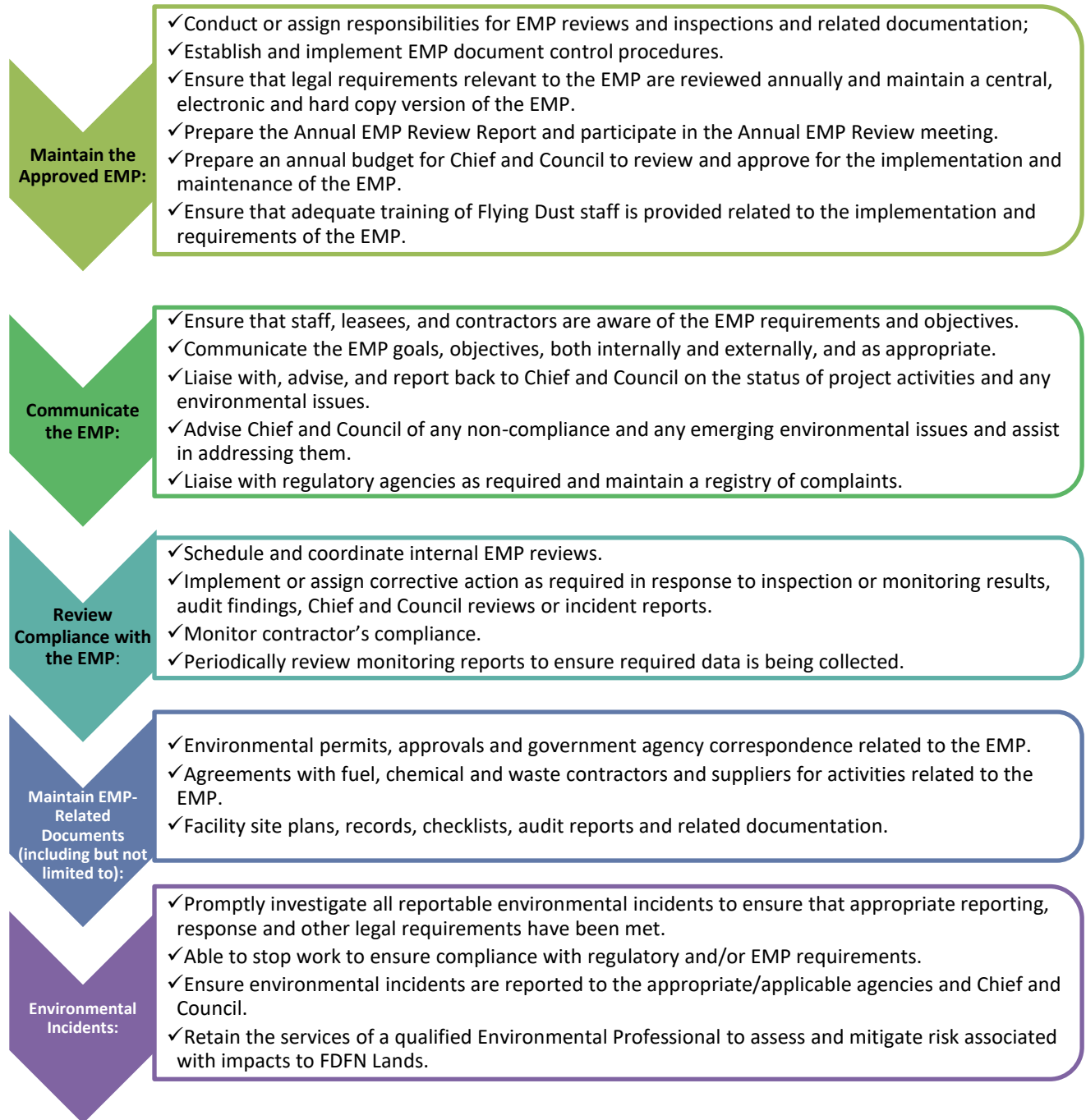
- Establish and define the overall organizational structure, including roles, responsibilities, and authorities to effectively implement and maintain the EMP.
- Provide/authorize the availability of equipment, training, human resources, and funding necessary to implement and maintain the EMP.



- Endorse and support the goals and actions in the EMP, participate in community outreach events, and work to resolve conflicts that may arise during plan implementation.
- Participate annually in the EMP Review Meeting.

#### 13.1.5.2. Lands and Resources Department

The FDFN Lands Department and the Director of Lands and Resources or their designate are responsible for completing day-to-day administrative tasks associated with the ongoing operation of the FDFN Environmental System and EMP. The Lands and Resources Department is ultimately responsible for the following tasks. Chief and council and/or the band manager have the authority to delegate procedural aspects to department staff and/or other FDFN departments, contractors and agencies as appropriate. The roles and responsibilities of the Lands and Resources Department can be found in Figure 10, below.



**Figure 10:** Roles and Responsibilities of the Lands and Resources Department

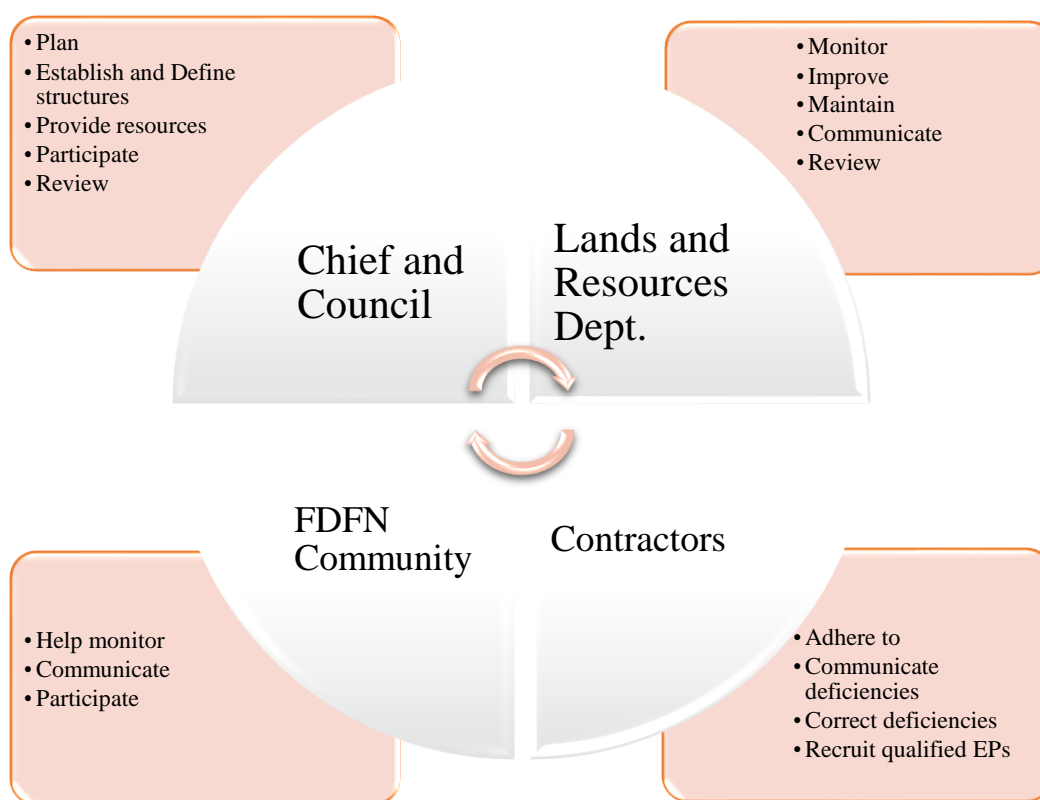
### 13.1.5.3. Contractors

It is the responsibility of the contractors to:

- Adhere to the requirements set out in the EMP and other applicable legislation.

- Communicate environmental responsibilities and requirements of this EMP to their staff and sub-contractors and record that communication.
- Ensure all members of their staff and sub-contractors are trained to prevent or mitigate environmental impacts.
- Ensure all labour, equipment, and materials are available to execute the project activities and respond to environmental incidents.
- Correct deficiencies and any non-compliance items raised by Flying Dust First Nation.
- Retain the services of a Qualified Environmental Professional to assess and mitigate risk associated with impacts to the environment.

The EMP process is a continuous improvement cycle. The cycle repeats, and continuous improvement occurs.



*Figure 11:* The Continuous Improvement Cycle.

### 13.1.6. External Engagements

External parties, including but not limited to neighbouring communities and the provincial and federal government, will be engaged for the various aspects of the EMP implementation process. Assistance from external legal counsel and environmental consultants may also be retained by FDFN for the ongoing development of our EMP. Other FDFN departments may also be required to provide input and resources toward program and Law development. FDFN, as a growing nation, may not have all the



needed resources to support various areas of the EMP. To help ensure that the EMP is implemented according to the acceptable standards, all external parties, both private and public, will be involved to help with the process. The following external agencies have the responsibility to provide the below-listed services:

Saskatchewan Ministry of Environment –

- Provides guidance and information on provincially-regulated activities.
- Coordinates with FDFN community.
- Provides compliance and enforcement assistance on request.
- Upholds provincial standards and policies.

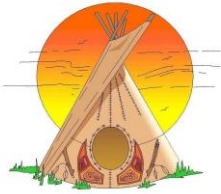
ISC and other federal –

- Coordinates federal assistance for all areas of band operation with FDFN internal land management.
- Provides compliance and enforcement assistance on request.
- Upholds federal standards and policies.

Local government –

- Communicate and coordinate with FDFN on land management.
- Upholds local municipal standards and policies.

**-----End of Section 4 of 4-----**

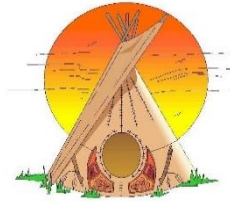


**Flying Dust  
First Nation**

## **Appendix A**

### **Legislative Review**





**Flying Dust  
First Nation**

**REVIEW of SASKATCHEWAN MINISTRY OF ENVIRONMENT  
ENVIRONMENTAL LEGISLATION and ENVIRONMENTAL CODE  
for PROPOSED  
FLYING DUST FIRST NATION ADOPTION BY REFERENCE**

Prepared For: Flying Dust First Nation

<b>Prepared by:</b>	<b>PINTER &amp; Associates Ltd.</b>
<b>Date:</b>	<b>June 2019</b>

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### **OUT OF SCOPE - SASKATCHEWAN ENVIRONMENTAL LEGISLATION -**

The following is a list of Saskatchewan Environmental Legislation, including associated regulations, currently in effect that is not included in the Flying Dust First Nation Environmental Protection Law.

- The Conservation Easements Act
- The Ecological Reserves Act
- The Fisheries Act (Saskatchewan), 1994
- The Forestry Professions Act
- The Forest Resources Management Act
- The Natural Resources Act
- The Provincial Lands Act
- The Sale or Lease of Certain Lands Act
- The Water Appeal Board Act
- The Wildlife Act, 1998
- The Wildlife Habitat Protection Act

Copies of these Laws are available online for reference:

<http://www.publications.gov.sk.ca/details.cfm?p=31893&cl=5>



## List of Legislation

The following is a list of legislation including Acts and Regulations, which are administered by the Saskatchewan Ministry of Environment (SMOE) and that are being reviewed for consideration by Flying Dust First Nation (FDN). Not all these Acts and Regulations may align in whole with FDN's intent and direction for Environmental Protection under their proposed Environmental Management and Protection Regime. A full list including brief descriptions of each Act can be found on the SMOE website: <http://environment.gov.sk.ca/legislation/>

- The Environmental Management and Protection Act, 2010

### **Pursuant Regulations**

- The Hazardous Substances and Waste Dangerous Goods Regulations
- The Municipal Refuse Management Regulations
- The PCB Waste Storage Regulations
- The Mineral Industry Environmental Protection Regulations, 1996
- The Scrap Tire Management Regulations, 2017
- The Waste Paint Management Regulations
- The Waste Electronic Equipment Regulations
- The Household Packaging and Paper Stewardship Program Regulations
- The Used Petroleum and Antifreeze Products Collection Regulations
- The Environmental Management and Protection (General) Regulations
- The Environmental Management and Protection (Saskatchewan Environmental Code Adoption) Regulations
- The Waterworks and Sewage Works Regulations

### **Omitted Legislation**

Flying Dust is planning to postpone review and adoption of the Provincial Environmental Assessment Act and resulting Regulations and provisions at this time as the Federal Canadian Environmental Assessment Act (CEAA) still applies on First Nation Land. Therefore, the Environmental Assessment (EA) Act was not included in this review.

- The Environmental Assessment Act



In addition to omitting the EA Act from this review the following legislation administered by the SMOE is also excluded from this review at the present time. Future review and consideration of these Acts and their pursuant Regulations may occur at the direction of FDFN.

- The Agricultural Packaging Product Waste Stewardship Regulations
- The Conservation Easements Act
- The Ecological Reserves Act
- The Fisheries Act (Saskatchewan), 1994
- The Forestry Professions Act
- The Forest Resources Management Act
- The Litter Control Regulations, 1973
- The Natural Resources Act
- The Provincial Lands Act
- The Sale or Lease of Certain Lands Act
- The Water Appeal Board Act
- The Wildlife Act, 1998
- The Wildlife Habitat Protection Act



## 1.0 Introduction

Flying Dust First Nation intends to create an Environmental Land Law under their Land Code. This Land Law is intended to be the foundation for FDFN’s Environmental Law Regime. FDFN is planning to adopt by reference, the province of Saskatchewan (SK) environmental Laws. This report presents the results of a cursory clause by clause review of Saskatchewan environmental Laws from an FDFN perspective with a focus on the technical components of the Laws. The purpose of this review and report is to identify and outline any potential areas or clauses of concern within the SK environmental Laws, which may interfere or hinder FDFN’s authority and/or ability to control, govern or administer FDFN community lands and resources where they are intended to be used by and benefit FDFN members. This report is to be used by FDFN during adoption of SK environmental legislation as a resource and reference.

Particular areas or sections of note are also outlined in this report to ensure that FDFN has a complete understanding and view of how adopted legislation will, from a technical perspective, affect operation, management and protection of FDFN lands under the First Nation Land Management (FNLM) Regime and future governance structures.

## 2.0 Review Methodology

This review will focus on the legislation outlined in the “List of Legislation” as presented in the preceding pages. The FDFN Land Code, 2013 and its amendments serve as the foundation and enabling statute for FDFN environmental Law. This review will also highlight any potential concerns or conflicts as they relate to the current FDFN Land Code.

This review is mainly technical in nature and is meant to provide FDFN with context and insight into how the SK environmental legislation will affect the management and protection of FDFN lands. Particular “Items of Note” will be presented and are meant to direct focus and understanding of certain aspects and clauses of SK environmental Law that FDFN need to be aware of prior to Law adoption.

“Potential Concerns” identified during this technical review will also be presented and outlined in the report. These clauses or sections of the reviewed Laws are of particular concern as they relate to FDFN’s environmental priorities, consistency with the FDFN Land Code and also the proposed FDFN environmental regime. Items identified as potential concerns will need to be addressed by FDFN prior to Law adoption. This report will provide recommendations to assist in alleviating concerns with



specific sections of the SK environmental Laws and provide advice on which, if any sections of Law, should be excluded from adoption.

### 3.0 Legislation Review

The following SK Act and the 12 pursuant regulations coincide with the stated focus and priority under FDFN's Law adoption plan. Each Law is briefly described and particular "Items of Note" and identified "Potential Concerns" are outlined for review by FDFN.

#### Items of Note

Each section below outlines a list of items contained in the corresponding legislation. FDFN is encouraged to look into and review each highlighted section so that they are aware of and consider the implications of those clauses within each piece of legislation ahead of adoption of any specific Law. An internet link and web address are imbedded in the list of legislation found on page 1.

#### **3.1 Environmental Management and Protection Act**

The Environmental Management and Protection Act (EMPA, 2010) protects the air, land and water resources of the province through regulating and controlling potentially harmful activities and substances.

#### Items of Note

The following is a list of items contained in the above legislation that FDFN should be aware of and consider ahead of adoption of this Law.

- a) *Section 3 (1)*: Ministerial responsibilities grant the minister broad powers to create, develop, adopt, co-ordinate and implement a number of items. However, FDFN would need to specifically adopt any changes beyond what is originally adopted by FDFN Law.
- b) *Section 3(2)(g)*: Minister may: Provide information to the public on.
- c) *Sections 9 and 10*: Duty to report and take immediate action, FDFN members would be subject to this duty as well.
- d) *Section 35(3)*: Generally the Minister of Environment has the authority issue environmental protection orders requiring a variety of tasks (Section 56), issue an Air control order (Section 54) and to require responsible parties, owners and operators of waterworks or sewage works (Section 35) to either cease operations, operate within compliance of set regulations or as specified in a ministerial order, extend or alter said operation, construct or install additional works or conduct an investigation or gather data for review. In order to protect human health or the environment.





- e) *Section 49(c)*: You can dispose of waste on your own land if that waste is generated there, unless it is a hazardous substance (Section 50(3))
- f) *Section 81*: Environment officers allowed entry on to land to carry out duties, without warrant.
- g) *Section 83*: Generally, all data related to EMPA is public information.

### **Potential Concerns**

There are no potential technical concerns with sections of this legislation noted. There are, however, public disclosure provisions that DFDN should be aware of and if necessary, confirm the SK MOE's intent with respect to activities on DFDN lands.

## **3.2 The Hazardous Substances and Waste Dangerous Goods Regulations**

The Hazardous Substances and Waste Dangerous Goods Regulations define what substances are considered hazardous and outlines the regulations for the storage of hazardous substances.

### **Items of Note**

The following is a list of items contained in the above legislation that DFDN should be aware of and consider ahead of adoption of this Law.

- a) *Section 13(1)(e)*: the owner/operator of a storage facility must maintain a copy of the facility emergency response contingency plans, including proposed actions in response to potential accidents related to the operation of the storage facility. This applies to gas stations.

### **Potential Concerns**

There are no potential technical concerns with sections of this legislation noted.

## **3.3 The Municipal Refuse Management Regulations**

The Municipal Refuse Management Regulations outline the disposal and management of solid waste.

### **Items of Note**

The following is a list of items contained in the above legislation that DFDN should be aware of and consider ahead of adoption of this Law.

- a) *Section 9(1)*: no burning of any refuse without a permit. This includes garbage and yard clippings.



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### **Potential Concerns**

There are no potential technical concerns with sections of this legislation noted.

### **3.4 The PCB Waste Storage Regulations**

The PCB Waste Storage Regulations outline the storage of polychlorinated biphenyl (PCB) wastes that exceed the following quantities: 1 kg or more of PCBs, 100 L or more of liquid PCB waste, or 100 kg or more of solid PCB waste).

### **Items of Note**

It is unlikely that these regulations would affect FDFN, unless large scale replacement of fluorescent lighting in older homes/buildings is planned.

### **Potential Concerns**

There are no potential technical concerns with sections of this legislation noted.

### **3.5 The Mineral Industry Environmental Protection Regulations, 1996**

The Mineral Industry Environmental Protection Regulations focus on the regulation and management of existing mines and future or current pollutant control facilities associated with mining or mineral exploration.

### **Items of Note**

Due to the current absence of mining on FDFN lands, the Mineral Industry Environmental Protection Regulations do not currently apply. However, they may be applicable for future opportunities on Reserve land. In particular the construction, operation and decommissioning of potential pollutant control facilities that would be associated with any pollutant arising from any mining operations or exploration activities for any minerals would need to comply with these regulations.

### **Potential Concerns**

There are no potential technical concerns with sections of this legislation noted.

### **3.6 The Scrap Tire Management Regulations**

The Scrap Tire Management Regulations outline the product management program for retailers selling and distributing tires.



**Items of Note**

There are no specific items contained in the above legislation that FDFN should be aware of and consider, from a technical perspective, ahead of adoption of this Law.

**Potential Concerns**

There are no potential technical concerns with sections of this legislation.

**3.7 The Waste Paint Management Regulations**

The Waste Paint Management Regulations outline the general process, procedures and requirements for all sellers to have a product management program. It also outlines the process for registering and operating a waste paint product management program within SK.

**Items of Note**

There are no specific items contained in the above legislation that FDFN should be aware of and consider, from a technical perspective, ahead of adoption of this Law.

**Potential Concerns**

There are no potential technical concerns with sections of this legislation.

**3.8 The Waste Electronic Equipment Regulations**

The Waste Electronic Equipment Regulations outline the general process, procedures and requirements for all sellers to have a product management program. It also outlines the process for registering and operating a waste electronic product management program within SK.

**Items of Note**

There are no specific items contained in the above legislation that FDFN need specifically consider, from a technical perspective, ahead of adoption of this Law.

**Potential Concerns**

There are no potential technical concerns with sections of this legislation.

**3.9 The Household Packaging and Paper Stewardship Program Regulations**

The Household Packaging and Paper Stewardship Program Regulations generally outline the requirements for stewards (Section 3), brand owners or importers, to support or initiate a product management program for the collection and recycling of residentially generated waste packaging and paper.



### **Items of Note**

There are no specific items contained in the above legislation that DFDN need specifically consider, from a technical perspective, ahead of adoption of this Law.

### **Potential Concerns**

There are no potential technical concerns with sections of this legislation.

## **3.10 The Used Petroleum and Antifreeze Products Collection Regulations**

The Used Petroleum and Antifreeze Products Collection Regulations outline the requirements regarding the need for first sellers to have a product management program, which is to address collection, transportation and final treatment of fluids and containers.

### **Items of Note**

The following is a list of items contained in the above legislation that DFDN should be aware of and consider ahead of adoption of this Law.

- a) *Section 19*: Prohibits the disposal or discharge of used petroleum and antifreeze products by several methods.

### **Potential Concerns**

There are no potential technical concerns with sections of this legislation.

## **3.11 The Environmental Management and Protection (General) Regulations**

The Environmental Management and Protection (General) Regulations address several aspects of EMPA including shoreline alteration, discharges of substances at or near water, certain facilities requiring permits, the beverage container program, air quality, orphaned environmentally impacted sites and administrative penalties.

### **Items of Note**

There are no specific items contained in the above legislation that DFDN need specifically consider, from a technical perspective, ahead of adoption of this Law.

### **Potential Concerns**

There are no potential technical concerns identified with sections of this legislation.



### **3.12 The Environmental Management and Protection (Saskatchewan Environmental Code Adoption) Regulations**

The Environmental Management and Protection (Saskatchewan Environmental Code Adoption) Regulations formally adopts the Environmental Code and the various Code chapters. It also serves to repeal a number of previous Regulations under EMPA including:

- The Clean Air Regulations
- The Environmental Spill Control Regulations
- The Halocarbon Control Regulations
- The Litter Control Designation Regulations
- The Potash Refining Air Emissions Regulations

#### **Items of Note**

The Environmental Management and Protection (Saskatchewan Environmental Code Adoption) Regulations serves as the foundation for the SK Environmental Code. The sections from the Regulations are directly referenced and included in the Code itself among other notes of information. This report provides a focused review on the Code itself, given the direct inclusion of the Regulations in the Code.

Section 4.0 presents the results of the technical review of the Code components.

#### **Potential Concerns**

There are no potential technical concerns with sections of this legislation noted.

### **3.13 The Waterworks and Sewage Works Regulations**

The Waterworks and Sewage Works Regulations include the standards associated with sewage effluent discharge, water for human consumption and human hygiene, and the regulations and reporting obligations related to the operation of sewage works and waterworks.

#### **Items of Note**

The following is a list of items contained in the above legislation that FDFN should be aware of and consider ahead of adoption of this Law.

- a) *Section 32(6)*: The permittee of a waterworks mentioned in clause 17(1)(e) supplying water intended or used for human consumptive use and constructed and permitted for operation on



or before December 31, 2005, shall complete an independent engineering assessment of the waterworks.

- b) *Section 32(7)*: The permittee of any waterworks or water pipeline shall complete an independent engineering assessment of the waterworks or water pipeline in accordance with subsection (8) if the waterworks or water pipeline:
- (a) Supplies water intended or used for human consumptive use.
- c) *Section 37(7)*: Subject to subsection (8), any laboratory that conducts any analysis of water samples from a waterworks shall, within seven days after the date of completion of the analysis, report the results of the analysis to:
- (a) The permittee of the waterworks; and
  - (b) The minister.
- d) *Section 58(1)*: In each year, not later than June 30, the board shall provide an annual report to the minister for the previous fiscal year that includes:
- (a) The number of applications for certification and for certification renewals, certifications and renewals granted, certifications and renewals denied, and hearings by the board;
  - (b) The total number of operators with valid certificates, their names, their levels of certification, and their places of employment;
  - (c) An annual audited financial statement; and
  - (d) Any other information the minister may request.
- (2) An annual report mentioned in subsection (1) is a public document.

### **Potential Concerns**

There are no potential technical concerns identified with sections of this legislation.



## 4.0 Environmental Code Review

The Saskatchewan Environmental Code is a living document and is designed to provide clarity for activities regulated by Saskatchewan's four main environmental Acts: The Environmental Management and Protection Act 2010, The Forest Resources Management Amendment Act 2010, The Management and Reduction of Greenhouse Gases Act and the Environmental Assessment Act. The Code allows the SMOE to be less involved, on how individual operations or activities are carried out, than it has been in the past. It represents a shift toward Results Based Objectives, which broadly describe the results and overall outcomes that the SMOE requires regulated parties to meet.

A consolidated copy of the SK Environmental Code is available here for reference:

<http://environment.gov.sk.ca/adx/asp/adxGetMedia.aspx?DocID=f50902aa-6efc-438f-b4c7-89a3b83c94c2&MediaID=583ea907-21e4-4830-a9aa-ef91ebae8e90&Filename=Consolidated+Saskatchewan+Environmental+Code+November+2014.pdf&=English>

### **Items of Note**

The following is a list of items contained in the above legislation that DFDN should be aware of and consider ahead of adoption of this Law.

- a) In regard to discharge and discovery reporting, every person, including contractors, police officers, and DFDN residents are obligated to report discoveries.
- b) The Minister now has the ability to *require* site assessments and/or corrective action plans under EMPA, 2010.
- c) The Ministry will file all acceptable site assessments, corrective action plans received in the electronic registry; in the future, the site assessments will, with some restrictions, be publically accessible.

### **Potential Concerns**

There are no potential technical concerns with the SK environmental Code at this time. The Code uses well established and accepted technical standards from across Canada to provide a high level of environmental regulation and protection for people and natural resources.



## 5.0 Recommendations

There are a few areas of note related to the proposed SK Environmental laws for adoption by Flying Dust. The following recommendations are proposed to assist FDFN in addressing concerns and to help to notify and also educate FDFN members regarding authority of the SMOE associated with adoption and adherence to certain aspects of SK Environmental Laws.

- There are numerous responsibilities and implied duties for all SK residents associated with the SK Environmental Laws. Once adopted by FDFN, these responsibilities and duties will also be imposed on FDFN members and any person entering or doing business on Flying Dust land. It will be imperative that a comprehensive, yet accessible education program and initiative be undertaken to properly inform and notify FDFN members of the general responsibilities that will be imposed following adoption of SK environmental Law.
- Access to the whole of the SK environment list of services, operational capabilities and resources is a large benefit to FDFN by adopting SK environmental legislation. Assistance and enforcement by SK Environment officers is a key component to FDFN's proposed environmental regime. SK enforcement officers will have specific powers and authority to enter onto FDFN lands in order to carry out environmental protection duties and responsibilities. It is recommended that communication and understanding between existing on and off Reserve enforcement bodies and the SK environmental enforcement branch be established and the community educated regarding this arrangement as part of Law adoption.
- It is recommended that FDFN carry out specific consultation with the SK Water Security Agency (WSA) regarding the provisions and requirements within *The Waterworks and Sewage Works Regulations*. There are a number of requirements under these regulations that will need to be integrated into FDFN's current water and wastewater management operations. Assistance and guidance from the WSA will provide a streamlined transition for FDFN.
- It is recommended that a review of the legislation listed above should be undertaken by a Lawyer familiar with environmental Law and the First Nation Land Management Agreement. The review will help to identify any potential legal concerns or issues that may conflict with FDFN's Land Code or that may affect or hinder FDFN's authority and/or ability to control, govern or administer FDFN community lands and resources.





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## 6.0 Conclusions

This cursory technical review of EMPA, 2010 and its pursuant regulations is meant to provide FDFN with some guidance as to potential issues or concerns regarding adoption of Saskatchewan’s environmental legislative regime. FDFN desires to harmonize their proposed environmental regime with that of the Province of Saskatchewan; therefore, full adoption of chosen SK Environmental Law is the most appropriate course of action.

One item of note outlined above mentions that the Minister of Environment does have broad powers under EMPA to create, develop, adopt, co-ordinate and implement a number of items. However, this should not hinder FDFN’s authority as any amendment to SK Law will need to be reviewed by FDFN prior to inclusion in their Laws after initial adoption of SK legislation.

Overall there does not appear to be any serious concerns regarding the technical components of the reviewed SK environmental legislation at this time. There are no sections of the legislation that have been identified to have a potential to interfere or hinder FDFN’s authority and/or ability to control, govern or administer FDFN community lands and resources from a technical perspective.



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## 7.0 Closure

This report has been prepared by PINTER & Associates Ltd. for the exclusive use of Flying Dust First Nation. In conducting this review and in rendering our findings and conclusions, PINTER & Associates Ltd. gives the benefit of its best judgment based on its experience and in accordance with generally accepted professional standards. Any use that a third party makes of this report, or any reliance on or decisions to be made based on it, are the responsibility of such third parties. PINTER & Associates Ltd. accepts no responsibility for damages, if any suffered by any third party, as a result of decisions made, or actions based on this report.



## **OUT OF SCOPE - SASKATCHEWAN ENVIRONMENTAL LEGISLATION -**

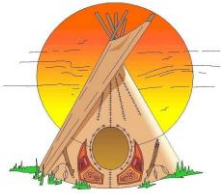
The following is a list of Saskatchewan Environmental Legislation, including associated regulations, currently in effect that is not included in the Flying Dust First Nation Environmental Protection Law.

- The Conservation Easements Act
- The Ecological Reserves Act
- The Fisheries Act (Saskatchewan), 1994
- The Forestry Professions Act
- The Forest Resources Management Act
- The Natural Resources Act
- The Provincial Lands Act
- The Sale or Lease of Certain Lands Act
- The Water Appeal Board Act
- The Wildlife Act, 1998
- The Wildlife Habitat Protection Act

Copies of these Laws are available online for reference:

<http://www.publications.gov.sk.ca/details.cfm?p=31893&cl=5>





**Flying Dust  
First Nation**

## **Appendix B**

**SK SMOE References**

# DISCHARGE AND DISCOVERY REPORTING

Adopted pursuant to *The Environmental Management and Protection Act, 2010*

## Purpose

- 1-1** This chapter sets out the requirements pursuant to section 9 of the Act for reporting a **discharge** of a **substance** that may cause or is causing an **adverse effect** or for reporting a discovery of such a substance.

### Information Note

This chapter comes into force on June 1, 2015.

In accordance with section 84 of the Act, it is an offence to fail to comply with the code.

## When to report a discharge

- 1-2** The discharge of a substance must be reported if:
- (a) the substance may cause or is causing an adverse effect; or
  - (b) the substance meets the criteria set out in Table 1 of the Discharge and Discovery Reporting Standard for that substance.

### Information Note

In accordance with section 8 of the Act, a discharge is not required to be reported if the discharge is expressly authorized pursuant to any of the following provided that the substance discharged is in a quantity, concentration or level, or at a rate of release that does not exceed what is expressly authorized by any of the following:

- (a) the Act or the regulations;
- (b) any other Act, Act of the Parliament of Canada or the regulations made pursuant to any other Act or Act of the Parliament of Canada;
- (c) any approval, permit, licence or order issued or made pursuant to:
  - (i) the Act or the regulations; or
  - (ii) any other Act, Act of the Parliament of Canada or the regulations made pursuant to any other Act or Act of the Parliament of Canada;
- (d) the Saskatchewan Environmental Code; or
- (e) an accepted environmental protection plan.

**Information Note****Who reports a discharge**

In accordance with section 9 of the Act, the following persons have an obligation to report a discharge:

- (a) every person who discharges, or allows the discharge of, a substance into the environment that may cause or is causing an adverse effect;
- (b) a police officer or employee of a municipality or government agency who is informed of or who investigates a discharge of a substance into the environment that may cause or is causing an adverse effect. (A police officer or employee is not required to report a discharge if he or she has reasonable grounds to believe that the discharge has been reported by another person.)

**When to report a discovery**

**1-3** The discovery of a substance must be reported if:

- (a) the substance may cause or is causing an adverse effect;
- (b) the substance discovered is in a quantity or concentration that could pose a serious risk to the **environment** or public health or safety; or
- (c) the substance meets the criteria set out in Table 2 of the Discharge and Discovery Reporting Standard for the applicable media with respect to that substance.

**Information Note****Who reports a discovery**

In accordance with section 9 of the Act, the following persons have an obligation to report a discovery:

- (a) every person who owns or occupies land on which a substance is discovered;
- (b) every person who discovers a substance while conducting work;
- (c) a police officer or employee of a municipality or government agency who is informed of or who investigates a discovery of a substance into the environment that may cause or is causing an adverse effect. (A police officer or employee is not required to report a discovery if he or she has reasonable grounds to believe that the discovery has been reported by another person.)

**Immediate report to minister in certain circumstances**

**1-4(1)** Subject to subsection (2), every **person** required to report a discharge pursuant to section 1-2, or a discovery pursuant to clause 1-3(b), shall:

- (a) immediately report the discharge or discovery to the **minister**;
- (b) include the following information in the report, if the information is known or can be readily obtained by that person:
  - (i) the location and time of the discharge or discovery;
  - (ii) in the case of a discharge, whether the discharge was the result of a transportation incident or an incident at a facility;

- (iii) the type and quantity of the substance discharged or discovered;
  - (iv) if a fire is associated with the discharge or discovery;
  - (v) if an accountability system has been established for all responders on the scene to ensure that persons responding to an incident are accounted for when entering and leaving the incident;
  - (vi) if an incident command has been established and a recognized hierarchy of command is in place to manage the incident;
  - (vii) if an emergency response assistance plan required by the *Transportation of Dangerous Goods Act, 1992 (Canada)* has been implemented;
  - (viii) if fish-bearing waters may be or are affected;
  - (ix) if potable water may be or is affected;
  - (x) the distance to the nearest body of [water](#) or storm drain;
  - (xi) the distance to the nearest occupied building;
  - (xii) the details of any action taken or proposed to be taken on the area affected by the discharge or discovery;
  - (xiii) a physical description of the area, and the surrounding area, in which the discharge occurred or discovery was made; and
- (c) provide the minister with any other information or material respecting the discharge or discovery that the minister may reasonably require.
- (2) Subsection (1) does not apply to a person who reports a discharge in accordance with:
- (a) any approval, [permit](#), licence or order issued or made pursuant to the Act or any regulations made pursuant to the Act; and
  - (b) an [accepted environmental protection plan](#).

**Information Note**

A person may immediately report a discharge or discovery to the minister:

- (1) by telephone at 1-800-667-7525 (24-hours toll free in Canada); or
- (2) in person by attending a Saskatchewan Ministry of Environment office during regular office hours. A list of office locations can be requested from:
  - Saskatchewan Ministry of Environment
  - 1-800-567-4224 (toll free in Canada)
  - Centre.Inquiry@gov.sk.ca

### Follow-up written report required when immediate report made pursuant to section 1-4

- 1-5(1)** Subject to subsection (2), every person required to immediately report a discharge or discovery to the minister pursuant to subsection 1-4(1) shall, within 30 days after providing that report, provide the minister with:
- (a) a completed Saskatchewan Discharge or Discovery Report Form; and
  - (b) any other information or material respecting the discharge or discovery that the minister may reasonably require.
- (2) Subsection (1) does not apply to:
- (a) a police officer or an employee of a [municipality](#) or [government agency](#) who is informed of or who investigates a discharge or discovery; or
  - (b) a person who provides a report of the discharge pursuant to *The Oil and Gas Conservation Act* or *The Pipelines Act, 1998*.

### Report of discovery to minister within 30 days in certain circumstances

- 1-6(1)** Subject to subsection (2), every person required to report a discovery pursuant to clause 1-3(a) or (c) shall:
- (a) report the discovery to the minister within 30 days by providing the minister with a completed Saskatchewan Discharge or Discovery Report Form; and
  - (b) provide the minister with any other information or material respecting the discovery that the minister may reasonably require.
- (2) Subsection (1) does not apply to a person who reports a discharge in accordance with:
- (a) any approval, permit, licence or order issued or made pursuant to the Act or any regulations made pursuant to the Act; and
  - (b) an accepted environmental protection plan.

#### Information Note

The Saskatchewan Discharge or Discovery Report Form may be obtained:

- (1) electronically by using the following link: [www.environment.gov.sk.ca](http://www.environment.gov.sk.ca); or
- (2) by requesting a form from the Saskatchewan Ministry of Environment at:  
Saskatchewan Ministry of Environment  
1-800-567-4224 (toll free in Canada)  
[Centre.Inquiry@gov.sk.ca](mailto:Centre.Inquiry@gov.sk.ca)

The completed form may be submitted to the minister in accordance with the directions set out in the form.



### Obligation to report to others in certain circumstances

- 1-7(1)** Every person required to report a discharge pursuant to section 1-2 shall, as soon as is reasonably practicable, report the discharge:
- (a) subject to subsection (3), to any owner of land that is affected by the discharge; and
  - (b) in consultation with the minister, to any person who may be affected by the discharge.
- (2) Every person who owns land on which a substance is discovered and who is required to report a discovery pursuant to section 1-3 shall, as soon as is reasonably practicable, report the discovery:
- (a) subject to subsection (3), to any owner of adjacent land that is affected by the discharge; and
  - (b) in consultation with the minister, to any person who may be affected by the discharge.
- (3) A report mentioned in clause (1)(a) or (2)(a) is not required to be made to any owner who is a [person responsible](#).

### Joint report

- 1-8** If more than one person is required to submit a report, a joint report may be prepared and submitted.

## Glossary of Terms

### Act

*The Environmental Management and Protection Act, 2010.*

### Discharge and Discovery Reporting Standard

The Discharge and Discovery Reporting Standard, as established by the minister on November 15, 2012, and adopted pursuant to the Adoption of Standards Chapter.

## Standards Referenced in this Chapter

The following standard, adopted pursuant to the Adoption of Standards Chapter, is referenced in this chapter:

- Discharge and Discovery Reporting Standard

# Discharge and Discovery Reporting Standard

Saskatchewan Environmental Code

November 15, 2012



Government  
of  
Saskatchewan

## Discharge and Discovery Reporting Standard

### A DEFINITIONS

- (1) In this Standard the following words and phrases have the following meanings:
  - (a) “**Class**” means a class established by the *Transportation of Dangerous Goods Act* (Canada) and the regulations enacted pursuant to that Act;
  - (b) “**industrial waste**” means as defined in *The Environmental Management and Protection Act, 2010* and the Substance Characterization Chapter;
  - (c) “**offsite**” means not onsite;
  - (d) “**onsite**” means on and completely contained within the boundaries of the property owned or occupied by the owner of a substance;
  - (e) “**subsurface loss**” means any release below ground surface as a result of a failure of a means of containment;
  - (f) “**means of containment**” is any container and associated piping or appurtenances used to contain a substance that may cause an adverse effect.

### B REPORT

- (1) For the purpose of complying with the Discharge and Discovery Reporting Chapter of the Saskatchewan Environment Code, a report shall be made in accordance with the requirements of the Act and as set out in the Discharge and Discovery Reporting Chapter.

#### Information Note

There is no obligation to report a discovery in instances where a site assessment identifies a substance of potential concern above the level set out in Table 2 of the Discharge and Discovery Reporting Standard at a site for which a report had been previously provided to the minister. If the discovery is unrelated to the original report (e.g., as a result of a discharge that occurred after the original assessment/report) then a new report as set out in 1-6 of the Discharge and Discovery Reporting Chapter is required.

There is no obligation to report the intentional, lawful and prudent use of a substance that is generally recognized as accepted, ordinary and normal. This includes fugitive emissions resulting from commissioning, operating, or decommissioning a works.

Delineation of substances of potential concern are limited to those anthropogenic substances identified, known to be present, or that may be reasonably expected to be present in soil, ground water or surface water based on past or present land use at the site.

There is no obligation to report a discovery in instances where it can be clearly demonstrated by the person responsible that an exceedance of the Table 2 level is due to naturally elevated (i.e. non-anthropogenic) background levels for the substance of potential concern. Where there is insufficient, or no, evidence of naturally elevated background levels for a substance of potential concern, a report as set out in 1-6 of the Discharge and Discovery Reporting Chapter is required.

The Discharge and Discovery Reporting Standard sets standards for the reporting of discharges and discoveries of substances and is not intended to establish a limit, standard, criteria or condition that is deemed to cause an adverse effect under section 2(2) of the Act. The user is cautioned that there may be an adverse effect at the site where there is an exceedance of the reportable concentration values if that value is applicable to the effected

media, pathway, and land use as set out in the applicable table of the Saskatchewan Environmental Quality Standard. Reportable concentrations are intended as a trigger for further assessment and analysis at a potentially impacted site.

**Table 1 Discharge Reporting Quantities**

<b>SASKATCHEWAN - REPORTABLE QUANTITIES</b>			
<b>Substance</b>	<b>Hazard Type</b>	<b>ONSITE</b>	<b>OFFSITE</b>
		<b>Reportable Quantity (in 24 hours unless otherwise noted)</b>	<b>Reportable Quantity (in 24 hours unless otherwise noted)</b>
Class 1	Explosives	Any quantity that could pose a public safety risk or 50 kilograms	Any quantity that could pose a public safety risk or 50 kilograms
Class 2.1	Compressed Gas: Flammable	Any quantity that could pose a public safety risk; 50 kilograms; or a sustained release of 10 minutes or more	Any quantity that could pose a public safety risk; 50 kilograms; or a sustained release of 10 minutes or more
Class 2.2	Compressed Gas: non-Halocarbon containing (including Oxygen)	Any quantity that could pose a public safety risk or a sustained release of 10 minutes or more	Any quantity that could pose a public safety risk or a sustained release of 10 minutes or more
Class 2.2	Compressed Gas: Halocarbon containing	Any quantity that could pose a public safety risk or 100 kilograms	Any quantity that could pose a public safety risk or 100 kilograms
Class 2.3	Compressed Gas: Toxic	Any quantity any time	Any quantity any time
Class 3	Flammable Liquids	500 litres or any subsurface loss	200 litres or any subsurface loss
Class 4	Flammable/Reactive Solids	100 kilograms	25 kilograms
Class 5.1 Packing Groups I and II	Oxidizer	50 kilograms or 50 litres	2.5 kilograms or 2.5 litres
Class 5.1 Packing Group III	Oxidizer	100 kilograms or 100 litres	50 kilograms or 50 litres
Class 5.2	Organic Peroxide	2.5 kilograms or 2.5 litres	1 kilogram or 1 litre
Class 6.1 Packing Groups I	Acute Toxic	2.5 kilograms or 2.5 litres	1 kilogram or 1 litre
Class 6.1 Packing Groups II and III	Acute Toxic	10 kilograms or 10 litres	5 kilograms or 5 litres
Class 6.2	Infectious	All	All
Class 7	Radioactive	Any quantity that could pose a risk to human health, or the environment	An emission level greater than the emission level established in section 20 of the <i>Packaging and Transport of Nuclear</i>

<b>SASKATCHEWAN - REPORTABLE QUANTITIES</b>			
<b>Substance</b>	<b>Hazard Type</b>	<b>ONSITE</b>	<b>OFFSITE</b>
		<b>Reportable Quantity (in 24 hours unless otherwise noted)</b>	<b>Reportable Quantity (in 24 hours unless otherwise noted)</b>
			<i>Substances Regulations (Canada)</i>
Class 8	Corrosive	10 kilograms or 10 litres	5 kilograms or 5 litres
Class 9.1	Miscellaneous except PCB mixtures	100 kilograms	25 kilograms or 25 litres
Class 9.1	PCB Mixtures	50 grams net PCB content	50 grams net PCB content
Class 9.2	Aquatic Toxic	1 kilogram or 1 litre	1 kilogram or 1 litre
Class 9.3	Wastes: Chronic Toxic	10 kilograms or 10 litres	5 kilograms or 5 litres
Plant-based oils and fuels (Not Hazard Class 3), (e.g. canola, sunflower, linseed oils, bio-diesel)	Environmental	500 litres	250 litres
Glycols (inhibited and uninhibited) (e.g. antifreeze, heat transfer fluids)	Environmental	100 litres	50 litres
Non-Class 3 Petroleum Substances (e.g. new and used lubricating oils, mineral oils, hydraulic fluids)	Environmental	500 litres	200 litres
Industrial Wastes	Environmental	1,000 kilograms or 1000 litres	500 kilograms or 500 litres
Sewage	Environmental	Not applicable	300 litres

**Table 1 Discharge Reporting Quantities (cont'd)**

<b>SASKATCHEWAN - REPORTABLE QUANTITIES</b>			
<b>The following reporting quantities are for discharges of substances subject to the requirements of <i>The Oil and Gas Conservation Act</i> and <i>The Oil and Gas Conservation Regulations, 2012</i></b>			
<b>Substance</b>	<b>Hazard Type</b>	<b>ONSITE</b>	<b>OFFSITE</b>
		<b>Reportable Quantity (in 24 hours unless otherwise noted)</b>	<b>Reportable Quantity (in 24 hours unless otherwise noted)</b>
Emulsion	Environmental	2,000 litres	Any quantity any time
Refined chemicals used in or in association with the maintenance, production or operation of a well, facility, pipeline or flowline	Environmental	500 litres	Any quantity any time
oil, salt water, condensate, oil and gas waste or product	Environmental	2,000 litres	Any quantity any time
Hydrogen sulphide	Toxic gas	1,000 ppm or 1 mole/Kmole	1,000 ppm or 1 mole/Kmole
Drilling Wastes/Frac Wastes/Oil Byproducts (Oily Produced Sands)	Environmental	2,000 litres	Any amount

**TABLE 2 Reportable Concentrations**

Substance of Potential Concern	Reportable Concentrations					
	Soils (mg/kg)	Ref	Groundwater (µg/L)	Ref	Surface Water (µg/L)	Ref
<b>Halogenated Aliphatics</b>						
Tetrachloroethylene	0.1	ii	30	i	30	v
Trichloroethylene	0.054	i	5	i	5	v
<b>Herbicides and Pesticides</b>						
Glyphosate	0.049	i	65	i	280	v
Lindane	0.11	i	0.01	i	-	
<b>General and Inorganic Parameters</b>						
Nitrate	-		3,000	i	45,000	v
Nitrite	-		60	iv	3,000	v
pH	6 - 8.5 (paste)	ii	-		-	
<b>Metalloids</b>						
Boron	2	i	500	i	1000	v
Arsenic	12	ii	50	i	10	v
<b>Metals</b>						
Cadmium	1.4	ii	5	i	5	v
Chromium, Trivalent	64	ii	4.9	i	-	
Chromium, Hexavalent	0.4	i	1	i	50	v
Copper	63	ii	7	i	1000	v
Lead	70	i	10	i	10	v
Mercury	6.6	ii	0.005	i	1	v
Nickel	50	ii	-		-	
Vanadium	130	ii	-		-	
<b>Petroleum Hydrocarbons</b>						
Benzene	0.046	i	5	i	5	v
Toluene	0.12	i	24	i	24	v
Ethylbenzene	0.11	i	2.4	i	1.6	v
Xylene	12	i	300	i	20	v
F1	30	iii	810	i	-	
F2	150	iii	1100	i	-	
F3	300	iii	-		-	
F4	2,800	iii	-		-	

**NOTES:**

**NOTES:**  
**Abbreviations**  
 - No Value

- Reference:**
- (i) Value obtained from Alberta Tier 1 Soil and Groundwater Remediation Guidelines, May 2014.
  - (ii) Value obtained from Canadian Soil Quality Guidelines for the Protection of Environmental and Human Health; Factsheets.
  - (iii) Value obtained from Canada-Wide Standards for Petroleum Hydrocarbons in Soil, January 2008.
  - (iv) Value obtained from FCSAP, The Federal Interim Groundwater Quality Guidelines, November 2012.
  - (v) Value obtained from Health Canada Guidelines for Canadian Drinking Water Quality Summary Table, October 2014.

## SITE ASSESSMENT

Adopted pursuant to *The Environmental Management and Protection Act, 2010*

### PART 1 – General

#### Purpose

**1-1** This chapter sets out the requirements for [site assessments](#) required by the [minister](#) pursuant to section 13 of the Act.

#### Information Note

This chapter comes into force on June 1, 2015.

In accordance with section 84 of the Act, it is an offence to fail to comply with the code.

#### Compliance

**1-2** Every [person](#) required to conduct a site assessment shall comply with all the requirements established pursuant to:

- (a) Part 1; and
- (b) either:
  - (i) Part 2; or
  - (ii) Part 3.

#### Qualified persons and certificates

**1-3(1)** For the purposes of clause 2(1)(bb) of the Act, in this chapter “**qualified person**” means:

- (a) for the purposes of certifying an [environmental protection plan](#) and CAN/CSA Z769-00 (R2013) - Phase II Environmental Site Assessment report:
  - (i) a person licensed to practise professional engineering or professional geoscience pursuant to *The Engineering and Geoscience Professions Act*;
  - (ii) a person who is a practising member as defined in *The Agrologists Act, 1994*;
  - (iii) a person who is an applied science technologist pursuant to *The Saskatchewan Applied Science Technologists and Technicians Act* and who has 8 years of experience in site assessment that is recognized by the Saskatchewan Applied Science Technologists and Technicians; or
  - (iv) an individual who is designated by the minister or who is a member of a class of persons designated by the minister pursuant to the Act to undertake that activity;

- (b) for the purposes of completing a visual site assessment:
    - (i) a person who holds a bachelor's degree in science or a diploma in applied science or engineering technology from a post-secondary institution; or
    - (ii) any person mentioned in clause (c);
  - (c) for the purposes of certifying the quality assurance and quality control sampling and analytical procedures:
    - (i) a person who is an applied science technologist or certified technician pursuant to *The Saskatchewan Applied Science Technologists and Technicians Act*; or
    - (ii) any person mentioned in subclause (a)(i), (ii) or (iv).
- (2) Every person required to conduct a site assessment shall ensure that any certificate provided by a qualified person in accordance with this chapter satisfies the requirements set out in the Qualified Person Certification Standard.

**Information Note**

The identification of a person as a qualified person does not entitle that person to engage in an activity if that activity is within the exclusive scope of practice of a profession and that person is not a member of that profession.

**Environmental samples and laboratory analysis**

- 1-4(1)** Subject to subsection (2), every person required to conduct a site assessment shall ensure that environmental samples are:
- (a) collected, preserved, stored, handled or analysed in accordance with a method approved by a standards-setting organization; and
  - (b) if analysed by a laboratory, analysed by a laboratory accredited pursuant to the requirements of the Canadian Association for Laboratory Accreditation in accordance with the parameters for which the laboratory has been accredited.
- (2) If no parameter-specific environmental sampling method or analytical method accreditation process exists, every person required to conduct a site assessment shall ensure that a qualified person provides a certificate stating that, in his or her opinion, the quality assurance and quality control for sampling and analytical procedures produce accurate, precise and reliable results.

**Information Note**

Standards-setting organizations include bodies such as the Standards Council of Canada, the Canadian Standards Association, the Underwriters Laboratories of Canada, the International Organization for Standardization, the American Society for Testing and Materials (ASTM) International and the United States Environmental Protection Agency.



## General records

- 1-5(1)** Every person required to conduct a site assessment shall ensure that the following records are kept and retained for at least 7 years from the date the record was created:
- (a) all field notes related to the site assessment;
  - (b) all raw data used to prepare the site assessment;
  - (c) all correspondence and records respecting the site assessment, including any reports sent to a person pursuant to section 1-8 and any access agreements that are entered into with any person;
  - (d) all information used to complete the National Classification System for Contaminated Sites Spreadsheet;
  - (e) records of any environmental sampling, analysis or monitoring that has been conducted, including:
    - (i) the results of any environmental analysis;
    - (ii) the date, location and time of environmental sampling or monitoring;
    - (iii) the name of the person collecting the environmental sample;
    - (iv) an identification of the environmental sample type;
    - (v) the date of analysis of the environmental sample;
    - (vi) the sampling method used;
    - (vii) the name of the laboratory that performed the analysis of the environmental sample;
    - (viii) the name of the person responsible for performing the analysis of the environmental sample; and
    - (ix) the quality assurance and quality control records of any environmental samples;
  - (f) any certificate received from a qualified person;
  - (g) any other records mentioned in Part 2 or Part 3.
- (2) Every person required to conduct a site assessment shall ensure that the records required to be kept pursuant to this section are made available to the minister on request.

## National classification system for contaminated sites spreadsheet

- 1-6** Every person required to conduct a site assessment shall, within 30 days after completing the site assessment:
- (a) complete a National Classification System for Contaminated Sites Spreadsheet in the form provided by the minister; and
  - (b) submit the form mentioned in clause (a) to the minister.

**Information Note**

A person may request a National Classification System for Contaminated Sites Spreadsheet from the minister:

- (1) electronically by using the following link: [www.environment.gov.sk.ca](http://www.environment.gov.sk.ca); or
- (2) by requesting a form from the Saskatchewan Ministry of Environment at:  
Saskatchewan Ministry of Environment  
1-800-567-4224 (toll free in Canada)  
Centre.Inquiry@gov.sk.ca

The completed form may be submitted to the minister in accordance with the directions set out in the form.

**Identification of substances of potential concern at an environmentally impacted site**

- 1-7** Every person required to conduct a site assessment at an **environmentally impacted site** shall identify the vertical and horizontal limits of the **substances** of potential concern to the point where the concentration of those substances is at or below:
- (a) the concentration for the particular substance set out in Table 2 of the Discharge and Discovery Reporting Standard; or
  - (b) any concentration acceptable to the minister, which will only be set by the minister after consultation with the person required to conduct the site assessment.

**Reporting obligations**

- 1-8(1)** The site assessment report required pursuant to Part 2 or 3 must:
- (a) clearly identify any substance mentioned in section 1-7 whose concentration meets or exceeds the limits set out in Table 2 of the Discharge and Discovery Reporting Standard;
  - (b) if a concentration acceptable to the minister pursuant to clause 1-7(b) was used, include an explanation as to why the concentration was used; and
  - (c) if the site is an environmentally impacted site, include a statement to that effect.
- (2) Every person required to conduct a site assessment shall, as soon as is reasonably practicable after the site assessment is complete, send a report to the following persons advising that he or she is affected by one or more substances of potential concern:
- (a) any owner of land that is being affected by one or more substances of potential concern;
  - (b) in consultation with the minister, any other person.

## PART 2 – Alternative Solutions

### Information Note

Part 2 applies to every person required to conduct a site assessment who has elected to comply with Part 2.

### Results-based objective

- 2-1(1) The results-based objective of this chapter is to limit the probability of unacceptable **adverse effects** resulting from the activity addressed by this chapter.
- (2) The results-based objective mentioned in subsection (1) must be satisfied by:
- (a) confirming the presence, characterization, location and extent of any substance that may cause or is causing an adverse effect in an area of land or **water** by taking reasonable and prudent measures to:
    - (i) assess information at the site, including identifying:
      - (A) the sources of the substances that may cause or are causing an adverse effect;
      - (B) the geological and hydrogeological conditions;
      - (C) any transport pathway for substances that may cause or are causing an adverse effect; and
      - (D) any potential receptors;
    - (ii) develop a plan to sample for any substance that may cause or is causing an adverse effect;
    - (iii) plan a site investigation appropriate to the level of complexity and severity of the adverse effect; and
    - (iv) conduct the site assessment;
  - (b) ensuring that the site assessment is conducted in a safe and acceptable manner by taking reasonable and prudent measures to:
    - (i) minimize any additional adverse effects; and
    - (ii) minimize human contact with any substance that may cause or is causing an adverse effect;
  - (c) taking reasonable and prudent measures to:
    - (i) interpret, evaluate and document the data gathered during site assessments;
    - (ii) provide a scientifically defensible framework for the preparation of a **corrective action plan**; and
    - (iii) ensure that the written site assessment report mentioned in section 2-2 includes the information mentioned in subclauses (i) and (ii); and
  - (d) taking reasonable and prudent measures to include components on monitoring, recording and reporting.

## Alternative solution

**2-2** Every person required to conduct a site assessment shall:

- (a) have an environmental protection plan prepared that sets out the methods that will be employed to satisfy the results-based objective described in section 2-1;
- (b) ensure that a qualified person provides a certificate stating that, in his or her opinion, the methods and components in the environmental protection plan, if carried out in accordance with that plan, will satisfy the results-based objective described in section 2-1; and
- (c) submit the following documents to the minister:
  - (i) the environmental protection plan for acceptance pursuant to section 27 of the Act;
  - (ii) the certificate from a qualified person obtained pursuant to clause (b).

### Information Note

The environmental protection plan, and the certificate(s) from the qualified person, may be submitted to the minister:

- (1) electronically by using the following link: [www.environment.gov.sk.ca](http://www.environment.gov.sk.ca); or
- (2) by sending the documents to a Saskatchewan Ministry of Environment office. A list of office locations can be requested from:

Saskatchewan Ministry of Environment  
1-800-567-4224 (toll free in Canada)  
Centre.Inquiry@gov.sk.ca

In accordance with section 27 of the Act, the minister may accept the environmental protection plan, accept the environmental protection plan and impose terms and conditions or refuse to accept the environmental protection plan.

## PART 3 – Acceptable Solution

### Information Note

The environmental protection plan, and the certificate(s) from the qualified person, may be submitted to the minister:

- (1) electronically by using the following link: [www.environment.gov.sk.ca](http://www.environment.gov.sk.ca); or
- (2) by sending the documents to a Saskatchewan Ministry of Environment office. A list of office locations can be requested from:

Saskatchewan Ministry of Environment  
1-800-567-4224 (toll free in Canada)  
Centre.Inquiry@gov.sk.ca

In accordance with section 27 of the Act, the minister may accept the environmental protection plan, accept the environmental protection plan and impose terms and conditions or refuse to accept the environmental protection plan.

### Acceptable solution

- 3-1(1) Subject to subsection (2), every person required to conduct a site assessment shall ensure that:
  - (a) a qualified person completes the Visual Site Assessment Checklist in accordance with the Visual Site Assessment Standard;
  - (b) the Visual Site Assessment Checklist is submitted to the minister immediately after it is completed; and
  - (c) if the Visual Site Assessment Checklist identifies a need for further assessment, a site assessment is conducted in accordance with subsection (3) or Part 2.
- (2) A person is not required to comply with subsection (1) if the person conducts a site assessment in accordance with subsection (3) or Part 2.
- (3) If a person has elected to conduct a site assessment in accordance with this subsection, or if a site assessment is required pursuant to clause (1)(c), the person conducting the site assessment shall ensure that:
  - (a) the site assessment is conducted in a manner that satisfies the requirements set out in the CAN/CSA-Z769-00 (R2013) - Phase II Environmental Site Assessment standard;
  - (b) a site assessment report is prepared that satisfies the requirements set out in the CAN/CSA-Z769-00 (R2013) - Phase II Environmental Site Assessment standard;
  - (c) a qualified person provides a certificate stating that, in his or her opinion, the report satisfies the requirements set out in the CAN/CSA-Z769-00 (R2013) - Phase II Environmental Site Assessment standard; and

- (d) the following documents are submitted to the minister:
  - (i) the site assessment report mentioned in clause (b);
  - (ii) the certificate from a qualified person:
    - (A) obtained pursuant to subsection 1-4(2), if any; and
    - (B) obtained pursuant to clause (c).

**Information Note**

In accordance with section 13 of the Act, if the minister is not satisfied with the site assessment, the minister may direct the person who submitted the site assessment to conduct a further investigation in the manner directed by the minister.

The site assessment report, and the certificate(s) from the qualified person, may be submitted to the minister:

- (1) electronically by using the following link: [www.environment.gov.sk.ca](http://www.environment.gov.sk.ca); or
- (2) by sending the documents to a Saskatchewan Ministry of Environment office. A list of office locations can be requested from:

Saskatchewan Ministry of Environment  
1-800-567-4224 (toll free in Canada)  
[Centre.Inquiry@gov.sk.ca](mailto:Centre.Inquiry@gov.sk.ca)

## Glossary of Terms

**Act**

*The Environmental Management and Protection Act, 2010.*

**CAN/CSA-Z769-00 (R2013) - Phase II Environmental Site Assessment standard**

The CAN/CSA-Z769-00 (R2013) - Phase II Environmental Site Assessment standard, as established by the Canadian Standards Association, and adopted pursuant to the Adoption of Standards Chapter.

**Discharge and Discovery Reporting Standard**

The Discharge and Discovery Reporting Standard, as established by the minister on November 15, 2012, and adopted pursuant to the Adoption of Standards Chapter.

### National Classification System for Contaminated Sites Spreadsheet

Appendices 1 to 6 of the CCME. 2008. National Classification System for Contaminated Sites: Guidance Document. Canadian Council of Ministers of the Environment, Winnipeg.

### Qualified Person Certification Standard

The Qualified Person Certification Standard, as established by the minister on November 15, 2012, and adopted pursuant to the Adoption of Standards Chapter.

### Substances of potential concern

Any anthropogenic substance found in soil, sediments [ground water](#) or [surface water](#) that is present in a concentration that meets or exceeds the limits for a particular substance set out in Table 2 of the Discharge and Discovery Reporting Standard.

### Visual Site Assessment Checklist

The Visual Site Assessment Checklist included in section B of the Visual Site Assessment Standard.

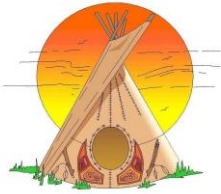
### Visual Site Assessment Standard

The Visual Site Assessment Standard, as established by the minister on November 15, 2012, and adopted pursuant to the Adoption of Standards Chapter.

## Standards Referenced in this Chapter

The following standards, adopted pursuant to the Adoption of Standards Chapter, are referenced in this chapter:

- CAN/CSA-Z769-00 (R2013) - Phase II Environmental Site Assessment
- Discharge and Discovery Reporting Standard
- Qualified Person Certification Standard
- Visual Site Assessment Standard



**Flying Dust  
First Nation**

## **Appendix C**

### **Community Compliance Tools**





<b>Contravention Notice</b> <b style="color: red;">Flying Dust First Nation</b> <b style="color: blue;">Environmental Management Plan Program</b>	<b>Notice/File No.</b>  CN _____
---	--

*Pursuant to Section 8.2.1 of the Flying Dust First Nation (FDFN) Environmental Management Plan (EMP), the appointed FDFN designate issues this Contravention Notice.*

**Summary of Communication with Suspect:**

**The Suspect has been Instructed to do the Following:**

**Follow up Communication with Suspect:**

Date:	Comments:	Communication By:	Completed?	
			Yes	No
			Yes	No

**Suspect Information and Contravention History**

Suspect's Name:	Date of Warning/Discussion:	
Suspect's Address (number and street):		
Municipality:	Province:	Postal Code:

**Contrary to FDFN Land Management Provision (LMP):**

**OR**

Contrary to Section:	Subsection:	<b>FDFN Environmental Protection Law</b>
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Brief description of act leading to suspected contravention:

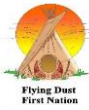
Location of suspected Contravention:

Is this the first time that a notice of contravention has been issued to this suspect?	Yes	No
If no, was the previous notice of contravention in regard to the same violation?	Yes	No
If yes, what is the Notice/File No. for the previous occurrence?	Previous Notice/File No.	

*Use this form to document an occurrence where a contravention notice was issued to an individual, company or government agency in regard to contravention of any FDFN LMP or the FDFN Environmental Protection Law*

<b>First Name &amp; Last Name</b> Suspect	<b>Date:</b>
--	--------------

<b>First Name &amp; Last Name</b> Appointed FDFN Designate	
---	--



<b>Cease and Desist Order</b> <b style="color: red;">Flying Dust First Nation</b> <b style="color: blue;">Environmental Management Plan Program</b>	<b>CDO No:</b>  CDO_____
---	--------------------------------

Pursuant to Section 8.2.2 of the Flying Dust First Nation (FDFN) Environmental Management Plan (EMP), the appointed FDFN designate/manager issues this Cease and Desist Order under authority of the FDFN Lands Department.

\_\_\_\_\_ are hereby served with this notice of Cease and Desist  
on \_\_\_\_\_ (dd/mm/yyyy)

<b>1. Contravention Information</b>	
<b>FDFN Land Management Provision (LMP) in contravention:</b>	
<b>OR</b>	
<b>Adopted SK Law under the FDFN Environmental Protection Law in contravention:</b>	
Section No. of Law that has been contravened:	
Specific action that necessitated this cease and desist order:	
Specific action/process that must be stopped:	
Date, time and Location of identified action/occurrence:	Date: _____ (dd/mm/yyyy) Time: _____ Location: _____
Required remedial action to return to compliance:	
Date remedial action is required by:	Date: _____ (dd/mm/yyyy)
<b>2. Suspect/Entity Information</b>	
Name and address of the individual, company or agency in contravention of Law:	Name: _____ Address: _____

Pursuant to the FDFN EMP, the appointed designate or manager is of the opinion that the aforementioned individual, company or agency has committed, or is committing, an act, or has pursued, or is pursuing, a course of conduct that is in contravention of a FDFN LMP or the FDFN Environmental Protection Law and this action might reasonably be expected to result in harm or a negative effect on FDFN lands, resources, to FDFN Band members or the surrounding environment.

The designate/manager gives notice in writing of their intention to order the named individual, company or agency to cease or refrain from doing any act or pursuing any course of conduct, identified by the designate/manager or to perform such acts that, in the opinion of the designate/manager, are necessary to remedy the situation. Within 14 days of receiving the notice, the offending individual, company or agency may request, in writing, that the FDFN Lands Department hold a hearing regarding the stated contravention before the designate/manager takes any action described in the notice.

This Cease and Desist Order shall take effect immediately upon receipt. The individual, company or agency identified shall stop immediately, the corresponding action that is in contravention of the noted FDFN LMP or SK Environmental Law.

Further contravention of the identified FDFN Environmental Law shall result in, at minimum, possible cessation of a current FDFN Lands Department issued permit or alternative environmental measure as detailed in the FDFN EMP.

<b>First Name &amp; Last Name</b> Offender	<b>Date:</b>
<b>First Name &amp; Last Name</b> Appointed FDFN Designate	<b>Date:</b>



**Restitution Order**  
**Flying Dust First Nation**  
**Environmental Management Plan Program**

RO No:

RO\_\_\_\_\_

Pursuant to Section 8.2.4 of the Flying Dust First Nation (FDFN) Environmental Management Plan (EMP) Program, the appointed FDFN designate/manager issues this Restitution Order on behalf of the FDFN Restitution Committee.

\_\_\_\_\_ are hereby served with this notice of required restitution action

on \_\_\_\_\_ (dd/mm/yyyy)

The designate/manager gives notice in writing of FDFN’s intention to order the named individual, company or agency to conform with the required restitution measures detailed in this order.

**1. Contravention Information**

**FDFN Land Management Provision (LMP) in contravention:**

OR

**Adopted SK Law under the FDFN Environmental Protection Law in contravention:**

Section No. of Law that has been contravened:

Specific action that necessitated this Restitution Order

Date and Location of identified action/occurrence:

Date: \_\_\_\_\_(dd/mm/yyyy)

Location: \_\_\_\_\_

Required Restitution action/measure, clean up or compensation:

Specific provisions related to this Restitution order:

Date restitution actions are required by:

Date: \_\_\_\_\_(dd/mm/yyyy)

**2. Contact Information**

Name and Address of Business or Group/Entity in contravention of Law:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name of employee(s)/member(s) that carried out the identified contravention:

Within 14 days of receiving the notice, an individual, company or agency may request, in writing, that the FDFN Lands Department hold a hearing regarding the stated contravention before the designate/manager takes any action described in the notice.

This Restitution Order shall take effect immediately upon receipt. The individual, company or agency identified above, shall comply with all requirements detailed in this notice. Restitution measures should be carried out by the named offender as soon as possible following receipt of this order and completed by specified date unless an extension or alternate date is granted by FDFN.

Further contravention of the identified LMP or the FDFN Environmental Protection Law shall result in, at minimum, enforcement actions or the issuance of a monetary fine or other punishments in accordance with the provisions listed in the adopted Saskatchewan Environmental legislation under the FDFN Environmental Protection Law.

\_\_\_\_\_  
**First Name & Last Name**  
Offender

\_\_\_\_\_  
**Date:**

\_\_\_\_\_  
**First Name & Last Name**  
Appointed FDFN Designate

\_\_\_\_\_  
**Date:**



**Environmental Safeguard Order**  
**Flying Dust First Nation**  
**Environmental Management Plan Program**

ESO No:

ESO \_\_\_\_\_

Pursuant to Section 8.2.5 of the Flying Dust First Nation (FDFN) Environmental Management Plan (EMP) Program, FDFN or their appointed designate issues this Environmental Safeguard Order on behalf of the FDFN Lands Department and Lands Advisory Committee.

\_\_\_\_\_ are hereby served with this notice of required environmental protection action  
on \_\_\_\_\_ (dd/mm/yyyy)

**1. Pollutant Release Occurrence Information**

<b>Name and description of product/pollutant:</b>	Name: _____
	Description: _____
Specific action or information that necessitated this Environmental Safeguard Order	_____
Date and Location of identified action/occurrence:	Date: _____ (dd/mm/yyyy) Location: _____
Required environmental safeguard action/measure, clean up or steps to be taken:	_____
Specific provisions related to this Environmental Safeguard order:	_____
Date protection actions are required by:	Date: _____ (dd/mm/yyyy)

**2. Contact Information**

Name and Address of Business or Group/Entity responsible for pollutant:	Name: _____ Address: _____
Name of employee(s)/member(s) that carried out the identified occurrence:	_____

FDFN or their designate gives notice in writing of FDFN’s intention to order the named individual, company or agency to conform with the required environmental safeguard measures detailed in this order in regard to a known or suspected pollutant release.

Within 14 days of receiving the notice, an individual, company or agency may request, in writing, that the FDFN Lands Department hold a hearing regarding the stated safeguard order before the designate takes any action described in the notice.

This Environmental Safeguard Order shall take effect immediately upon receipt. The individual, company or agency identified above, shall comply with all requirements detailed in this notice. Specified actions, prevention measures, steps or clean up measures should be carried out by the named suspect as soon as possible following receipt of this order.

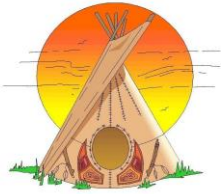
Further occurrences shall result in, at minimum, the issuance of a monetary fine or other punishments as determined by the FDFN Lands Department in accordance with the adopted Saskatchewan Environmental Legislation within the FDFN Environmental Protection Law.

\_\_\_\_\_  
**First Name & Last Name**  
Suspect

\_\_\_\_\_  
**Date:**

\_\_\_\_\_  
**First Name & Last Name**  
Appointed FDFN Designate

\_\_\_\_\_  
**Date:**

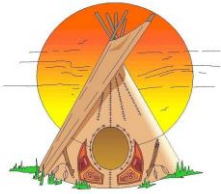


**Flying Dust  
First Nation**

## **Appendix D**

### **Implementation Schedule**





**Flying Dust  
First Nation**

## **Appendix E**

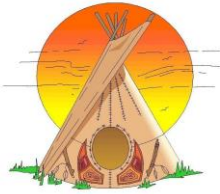
### **EMP Training Matrix**

**Appendix F - Environmental Regime and EMP Training**

**Legend:** 1: Required Training  
 2: Potential/Recommended Training

<b>Training Topic or Program</b>	<b>Chief and Council</b>	<b>Lands Advisory Committee</b>	<b>Lands Department</b>	<b>Executive Land Manager</b>	<b>FDFN EPO/Enforcement</b>	<b>SMOE</b>	<b>External Consultants</b>
<b>Environmental Regime and Law Regime Training</b>							
FDFN Environmental Regime Overview Workshop	1	1	1	1	1	1	2
EMP Program Overview Workshop	1	1	1	1	1	1	2
FDFN Environmental Protection Law and LMP Workshop			1	1	1	2	
FDFN Internal Compliance Program Workshop			1	1	1	2	
EMPAR Internal Audit Training Workshop			1	1	1	2	
<b>SMOE - Law, Monitoring, Compliance and Enforcement</b>							
SMOE Law and Environmental Code Workshop	1	2	1	1	1		
SMOE Compliance and Enforcement Regime Workshop		2	1	1	1		
SMOE Monitoring, Inspection and Investigation Training		2	2	1	1		
SMOE Internal Administration Overview Workshop		2	2	1	1		
<b>External Diploma and Degree Programs</b>							
SK Polytechnic - Resource and Environmental Law					2		
SK Polytechnic - Aboriginal Police Preparation					2		
SK Polytechnic - Indigenous Peacekeeping					2		
Lethbridge College-Conservation Enforcement					2		
Lethbridge College-Natural Resource Compliance					2		
Lethbridge-Criminal Justice Studies for Aboriginal Learners					2		
1st Aid and CPR Training	1	1	1	1	1	1	1

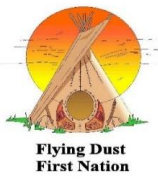




**Flying Dust  
First Nation**

## **Appendix F**

### **EMP Training & Tracking Form**



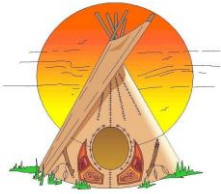
## FDFN Environmental Management Plan Personnel Training Record

Personnel Information	
Name:	
Position:	
Department/Organization:	
Email:	
Date:	
EMP/Environmental Regime Position/Involvement:	

Mandatory Training Requirements			
Training/Certification	Date Completed	Review Date*	Scanned Copy on File
EMP Program Overview Workshop			
FDFN Internal Compliance Program Workshop			
FDFN Environmental Protection Law Workshop			
SMOE Law and Environmental Code Workshop			
SMOE Compliance and Enforcement Framework Workshop			
EMPAR Internal Audit Training			
SMOE Monitoring, Inspection and Investigation Training			
Other:			

\*Internal program workshop review should be completed every year to ensure personnel are up to date with training and program changes.

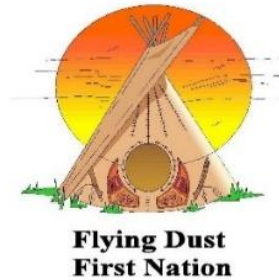
<b>Executive Land Manager/EMP Manager Signature:</b>	<b>Date:</b>
<b>FDFN/External Personnel Signature:</b>	<b>Date:</b>



**Flying Dust  
First Nation**

## **Appendix G**

**EMPIAR – Review Tool**

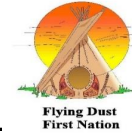


## **Flying Dust First Nation**

### **Environmental Management Plan**

# **Environmental Management Plan Implementation & Annual Review (EMPIAR)**

## **Implementation Guide**



### EMPIAR - Annual Review Information Sheet

Review Date(s)	Location (where the review took place):

**Type of Review**

<input type="checkbox"/>	Internal
<input type="checkbox"/>	External
<input type="checkbox"/>	Training
<input type="checkbox"/>	Baseline

**Type of Review**

<input type="checkbox"/>	Manager
<input type="checkbox"/>	LAC/EPO
<input type="checkbox"/>	Consultant
<input type="checkbox"/>	Other

**Training Verification**

	<i>Previous Training</i>	<i>Date</i>	<i>Name</i>
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			

**Flying Dust First Nation - EMP**

FDFN Lands Department

Address: \_\_\_\_\_ City: \_\_\_\_\_ Province: SK

Postal Code: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Key Contact: \_\_\_\_\_ Current Number of Dept. Employees: \_\_\_\_\_

Environmental Management Plan Implementation & Annual Review  
(EMPIAR)

**Reviewer Information**

Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Email: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

City: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Cell Number: \_\_\_\_\_



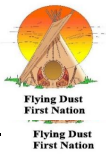


<b>C) 3rd Quarter (July to September) - Implementation Guide</b>		<i>Possible score</i>	<i>Starting Date</i>	<i>Date Completed</i>	<i>Points Awarded</i>
<b>C1.0</b>	<b>July</b>				
1.1	Are FDFN compliance forms filed in an accessible location?	1			
1.2	Are Environmental Department and Land Committee employees maintaining training requirements?	1			
1.3	Are compliance/enforcement communications between FDFN and the SMOE being documented?	1			
1.4	Are SMOE CO's requesting validation of reported information prior to taking enforcement actions?	1			
<b>C2.0</b>	<b>August</b>				
2.1	Are Lands department/EMP management employee training records up to date?	1			
2.2	Are paper documents stored in a fire safe area?	1			
2.3	Has there been any Environmental awareness via conventional news channels this year?	1			
<b>C3.0</b>	<b>September</b>				
3.1	Have education and communication initiatives regarding the EMP been completed this year?	1			
3.2	Has an annual review of all Land Management Provisions (LMP) been completed by FDFN?	1			
3.3	Is the resitution committee meeting on a prescribed basis to assess and determine actions?	1			
3.4	Has the Land Department developed a plan and schedule for future educational initiatives?	1			
3.5	Has there been any directed community engagement this year at community events or meetings?	1			
<b>Total</b>		12			
<b>Reviewer's Comments</b>					





<b>D) 4th Quarter (October to December) - Implementation Guide</b>		<i>Possible score</i>	<i>Starting Date</i>	<i>Date Completed</i>	<i>Points Awarded</i>
<b>D1.0</b>	<b>October</b>				
1.1	Has the Lands Department completed environmental awareness activities this year?	1			
1.2	Are Lands department/EMP management employee training records up to date?	1			
1.3	Are issued compliance forms being reviewed by the Lands Department on a monthly basis?	1			
<b>D2.0</b>	<b>November</b>				
2.1	Have FDFN compliance personnel conducted a yearly checkup meeting with the SMOE?	1			
2.2	Are priorities and development tasks for the upcoming year drafted and scheduled?	1			
2.3	Are forecasts for the upcoming year regarding funding, human and resource requirements set?	1			
<b>D3.0</b>	<b>December</b>				
3.1	Has the annual inspection schedule been drafted for the upcoming year with the SMOE?	1			
3.2	Are all internal inspection reports available in digital format at the Lands Department?	1			
3.3	Have all discovered discharges been reported to the SMOE as directed by the Env Code?	1			
3.4	Has an annual review of the entire EMP been completed by the lands department?	1			
3.5	Has an annual compliance planning model been developed with the SMOE?	1			
3.6	Are forecasts for the upcoming year regarding funding, human and resource requirements set?	1			
3.7	Has a Corrective Action Plan (CAP) been completed to address identified deficiencies this year?	1			
<b>Total</b>		13			
<b>Reviewer's Comments</b>					



**Flying Dust First Nation  
 Environmental Management Plan**



**EMPIAR Annual - Summary Evaluation**

<b>Flying Dust First Nation</b>		<b>Auditor</b>			<b>Date of EMPIAR Review:</b>	
Section	Section Title	Possible Points	Actual Points	Minimum Standard	EMPIAR Review Comments	
1	1st Quarter (January to March)	12		6		
2	2nd Quarter (April to June)	12		6		
3	3rd Quarter (July to September)	12		6		
4	4th Quarter (October to December)	13		6.5		
Total Points for Audit:		49				

**Minimum Standard**  
 75% overall and 50% minimum in each section

$$\frac{\text{Actual Points} \times 100}{\text{Possible Points}} = \boxed{\phantom{00}} \%$$

**Standard Achieved**  
 Yes     No

EMPIAR Reviewer's Signature: \_\_\_\_\_

FDFN Dept. Manager Name: \_\_\_\_\_

Dept. Manager Signature: \_\_\_\_\_

Goal for next Environment (EMPIAR)  %

Next Audit Date: \_\_\_\_\_

**Annual Review Summary**

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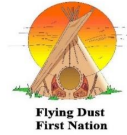


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**Flying Dust First Nation  
Environmental Management Plan**



**EMPIAR - Corrective Action Plan**

<b>Flying Dust First Nation EMP/Env Plan Review</b>	<b>Auditor:</b>	<b>Date of EMPIAR Review:</b>	
Review Score: <input type="text"/> %	Goal for Next Year's Audit: <input type="text"/> %	Type of Review Completed: Internal <input type="checkbox"/>	External <input type="checkbox"/>

CAP Task	EMP Section/Quarter	Description of Corrective Action to Take Place	Person Responsible	Completion Date	Follow Up Date *
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					

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EMPAR Reviewer's Signature: \_\_\_\_\_

\*Minimum follow date should take place 2 months before next annual audit

FDFN Dept. Manager Name: \_\_\_\_\_

Dept. Manager Signature: \_\_\_\_\_

**CAP Comments**

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