

**SCHEDULE “A”  
TO THE TRIPARTITE AGREEMENT TO FACILITATE THE  
MUSCOWPETUNG SAULTEAUX FLOODING CLAIM SETTLEMENT AGREEMENT**

**TERMS OF REFERENCE FOR ENVIRONMENTAL BASELINE STUDY OF  
EASEMENT LANDS**

**1.0 INTRODUCTION**

In the early 1940s Canada constructed a control structure at the outlet of Echo Lake in the Qu’Appelle Valley (the “Structure”). The Muscowpetung Saulteaux First Nation alleged that the Structure caused unauthorized flooding on its reserve lands and Canada agreed to accept the claim as a Specific Claim for negotiation. As part of Canada’s offer to settle the Specific Claim, and Saskatchewan’s participation to address certain issues arising outside the Specific Claim, Saskatchewan agreed to hold an easement for future flooding of reserve land and an Easement has been granted over the area identified on the Survey Plan attached as Schedule A.

The parties have agreed that on the termination of the Easement, the Easement Lands will be restored to the condition that they were in at the time of the granting of the Easement. Saskatchewan has agreed to complete an environmental baseline study of the Easement Lands to determine their current condition.

**2.0 TERMS OF REFERENCE**

**Definitions**

Notwithstanding the definitions in the Tripartite Agreement, for the purposes of these Terms of Reference:

- (a) **“Easement”** means the right granted by Canada to the Saskatchewan Watershed Authority to flood the Easement Lands through operation of the Structure;
- (b) **“Easement Lands”** means those reserve lands identified as Easement Lands on the Survey Plan attached as Schedule A.

**Objectives**

The objective of the Environmental Baseline Study is to document the current environmental condition of the Easement Lands, including soil conditions, ecological classification and land use. The Study will include adjacent lands that may be adversely affected by flooding of the Easement lands or where there are activities or conditions on those adjacent

lands that may influence the condition of the Easement Lands. The Environmental Baseline Study shall be one of the documents used to set the terms of reference for a decommissioning and restoration plan to be prepared on termination of the Easement.

### **Study Area**

The study area is the Easement Lands as shown on the Survey Plan. It should be noted that for so long as the structure is operated and the Easement is in effect, water levels shall, in the normal course, be maintained at approximately 1572 feet (479.146 m) above sea level (ASL) during the operating season. This is considered to be the Full Supply Level for Pasqua Lake.

On the Muscowpetung Saulteaux Reserve, the area around the lake and river is comprised of beach and natural shoreline, marsh and pasture. The Easement Lands will have each of these types of shorelines and uplands. It should also be noted that part of the Easement Lands will be below the Full Supply Level, which would mean that these lands are flooded on an annual basis. Operation of the Structure extends the natural spring flooding by keeping water at the Full Supply Level for a period of several months during the operating season. In the fall, the logs in the Structure are removed to allow the water to flow naturally. The environmental baseline assessment of the lands below the Full Supply Level may be different from the uplands area. Therefore, the accurate position and elevation of the Muscowpetung Saulteaux Reserve boundary versus the Full Supply Level will need to be plotted, and this information used in the Environmental Baseline Study.

The area around Pasqua Lake within the Muscowpetung Saulteaux Reserve is shown in Figure 1.



**Figure 1 Muscowpetung Saulteaux Reserve on Pasqua Lake**

### **Study Design**

The Environmental Baseline study will be comprised of three main tasks:

- a literature review;
- field surveys to collect baseline data; and
- preparing the Environmental Baseline Report.

### **Literature Review**

The initial literature review and resulting report may include:

- existing site plans and diagrams;
- aerial photographs, satellite imagery and maps;
- summaries of engineering and scientific reports;

- previous environmental and audit reports relevant to the Muscowpetung Saulteaux reserve and Easement Lands;
- local information sources (e.g. municipal archives and public libraries);
- information received from the Muscowpetung Saulteaux First Nation;
- federal and provincial government file information; and
- such other information as determined by the consultant in consultation with Saskatchewan, Canada and the Muscowpetung Saulteaux First Nation.

The literature review should summarize the available information and assess the adequacy of the data to document the current conditions of the Easement Lands. This information will be used to guide the field studies.

### **Baseline Field Surveys**

Field studies will be conducted to collect samples to analyze and document the physical, chemical and ecological attributes of the Easement Lands and to document the current land use. For proposal evaluation purposes, it is assumed that these types of field studies will be necessary to accomplish the Environmental Baseline Study.

#### ***Terrain and Soils***

The consultant shall review pertinent literature and data sources to acquire information on the nature of terrain and soils on the Easement Lands and adjacent lands. Following the literature review, a field program will be completed on the Easement Lands to:

- analyze and document the soil characteristics within the Easement Lands, as well as control areas outside the Easement Lands, using the criteria outlined in the CanSIS manual and The Canadian System of Soil Classification;
- analyze and record any identified sign or sources of pollutants or contaminants in the soil and to determine the level of contamination;
- obtain information related to topography and drainage patterns (e.g., how it relates to possible groundwater flow and direction of surface runoff) within and adjacent to the Easement Lands (i.e., are there drainage pathways that are potential sources or vectors for the deposit materials in the Easement Lands);
- provide a general description of adjacent properties and water resources;
- identify areas with known slope stability or shoreline erosion concerns; and
- undertake any other additional research and analysis as may be necessary to complete the foregoing.

#### ***Vegetation***

The consultant shall search provincial and federal information sources to delineate vegetation communities. Following the literature review, a field program will be completed to:

- classify vegetation communities and species composition within the Easement Lands and adjacent lands.

### ***Ecological Classification***

Using the information gathered during the literature review and baseline studies, the Easement Lands will be assigned ecological land classifications. The classifications may be based on information such as The Ecoregions of Saskatchewan or the Canadian Land Inventory System or a combination of classification methods.

### ***Land Use***

The consultant shall search appropriate data sources and conduct interviews to identify present land use activities that occur on or influence the Easement Lands. Baseline data should be collected or compiled and mapped to:

- identify existing land use activities that may impact soils or the environmental conditions on the Easement Lands (e.g., livestock and agricultural operations, lagoons, drainage ditches or water runs, wells). Features to be identified may also be located outside the Easement Lands; and
- engage the Muscowpetung Saulteaux First Nation as to present land use (e.g., sacred places, burial grounds, traditional use plant collection areas, and hunting/trapping/fishing camps).

### **Deliverables**

The primary deliverable of the Environmental Baseline Study is an Environmental Baseline Report that will include the results of the literature review and field work to:

- analyze and document the physical, chemical and ecological attributes associated with the Easement Lands; and
- characterize the current uses and condition of the Easement Lands.

In completing the Environmental Baseline Report, the consultant shall include within the report a listing and summary of all data sources reviewed and documented together with a summary of all laboratory and scientific test results conducted on the Easement Lands.

### **Schedule**

The schedule for the project is predicted to occur over the course of a year, in order to allow field sampling to occur during specific and appropriate environmental window periods. A basic schedule includes:

1. response to the RFP;
2. the awarding of the contract;
3. permitting and field work;
4. drafting of the Environmental Baseline Report;

5. Client review draft of the Environmental Baseline Report; and
6. \_\_\_\_\_ completion of the Environmental Baseline Report.

**SCHEDULE "A"**  
**EASEMENT LANDS**

All that portion of the Muscowpetung Indian Reserve number 80 shown as Flood Claim Easement on the

**PLAN OF SURVEY SHOWING FLOOD CLAIM EASEMENT AFFECTING**

**PLAN 176 CLSR,**

**PLAN 1931 CLSR,**

**PLAN 55144 CLSR,**

**PLAN 58648 CLSR,**

**PLAN 58938 CLSR,**

**SECTIONS 14 TO 19, TP. 21, R. 16, W2M. AND ADJOINING ROAD ALLOWANCES**

**MUSCOWPETUNG INDIAN RESERVE NO. 80**

**PROVINCE OF SASKATCHEWAN**

Containing 460.83hectares (1138.73acres) more or less.

Signed by Ronald J. Eichel C.L.S., S.L.S. on the 13th day of August, 2012