**GLOSSARY OF TERMS**

**Federal/Provincial Environmental Protection Laws**

**CONTAMINANT**

Any physical, chemical, biological or radiological substance in air, soil or water that has an adverse effect. Any chemical substance whose concentration exceeds background concentrations, or which is not naturally occurring in the environment.

**CONTAMINATED SITES**

A contaminated site is defined as a site at which substances occur at concentrations: (1) above background levels and pose or are likely to pose an immediate or long-term hazard to human health or the environment, or (2) exceeding levels specified in policies and regulations.

**CONTAMINATION**

Contamination: the introduction into soil, air or water of a chemical, organic or radioactive material or live organism that will adversely affect the quality of that medium.

**CRITERIA**

**Criteria**: Numerical value(s) or narrative statements for a physical, chemical, or biological characteristic of water, biota, soil, or sediment that must not be exceeded to protect, maintain, and improve the specific uses of soil, sediment, and water (Canadian Council of Ministers of the Environment (CCME), 1999).

**DEVELOPMENTAL**

When referring to the *Framework Agreement* “developmental” means those First Nations who are signatories to the Framework Agreement and who are developing a Land Code, an Individual Agreement with Canada, and a community approval process to ratify the *Framework Agreement*, Land Code and Individual Agreement through a vote of the eligible voters.

**ENVIRONMENTAL ASSESSMENT**

According to the International Association of Impact Assessments, an EA is

“the process of identifying, predicting, evaluating and mitigating the biophysical, social and other relevant effects of development proposals prior to major decisions being taken and commitments made.”

An EA examines effects of proposed projects on soil, air quality, water quality and supply, fisheries, wildlife, traffic, noise, community health, economic development, archaeology and a variety of other social, economic and environmental topics. A well-designed EA assesses the “cumulative effects” of a proposed project combined with other past and proposed future human activities. Ways of avoiding or reducing impacts are identified in an EA.

An EA is a planning tool, a means of reviewing the effects of proposed development, a process of community engagement and an instrument for complying with regulatory requirements. After considering federal and provincial environmental assessment processes, an operational First Nation can design an efficient EA regime that is beneficial to the environment and to the quality of development occurring on reserves.

**ENVIRONMENTAL MANAGEMENT PLAN (EMP)**

An Environmental Management Plan defines a First Nation’s approach to important environmental issues and organizes actions to achieve specified environmental goals.

**ENVIRONMENTAL PROTECTION**

Environmental protection is defined as the efforts made to identify, remediate and prevent contamination of soil, water and air, and to reduce attendant risks to environmental and human health and safety. The adverse effects of exposure to contaminants may result from direct or indirect contamination of soils, water, and air from hazardous materials and uncontrolled exposure to those contaminants.

**FIRST NATION LAND**

"First Nation land", in respect of a First Nation, means all or part of a reserve that the

First Nation describes in its land code.

***FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT***

The *Framework Agreement on First Nation Land Management* is a government-to-government agreement. The Framework Agreement is an initiative for First Nations to opt out of the land management sections of the *Indian Act* and take over responsibility for the management and control of their reserve lands and resources. The Framework Agreement sets out the principal components of this new land management process.

The *Framework Agreement* provides First Nations with the option to manage their reserve lands under their own Land Codes. Until a First Nation community develops and approves a Land Code to take control of its reserve lands and resources, federal administration of their reserve lands continues under the Indian Act. The Framework Agreement is not a treaty and does not affect treaty rights or other constitutional rights of the First Nations.

**GROUNDWATER**

Groundwater means all subsurface water that occurs beneath the water table in rocks and geologic formations that are fully saturated.

**GUIDELINE**

Generic numerical concentrations or narrative statements recommended as being the upper limits necessary to protect and maintain the specified uses of air, water, sediment, soil, or wildlife. These values are not legally binding (CCME, 1999).

***INDIAN ACT***

The *Indian Act* is Canadian federal legislation, first passed in 1876, and amended several times since. It sets out certain federal government obligations and regulates the management of Indian reserve lands, Indian moneys and other resources. Among its many provisions, the *Indian Act* currently requires the Minister of Indian Affairs and Northern Development to manage certain moneys belonging to First Nations and Indian lands and to approve or disallow First Nations by-laws.

**INDIVIDUAL AGREEMENT**

An Individual Agreement between each community and Canada will be negotiated to deal with such matters as: the reserve lands to be managed by the First Nation, the specifics of the transfer of the administration of land from Canada to the First Nation, e.g. the interests in land held by Canada that are to be transferred to the First Nation, the transfer of revenues and an interim environmental assessment process, and the funding to be provided by Canada to the First Nation for land management.

**LAND CODE**

A Land Code will be the basic land law of the First Nation and will replace the land management provisions of the Indian Act. The Land Code will be drafted by the First Nation and will make provision for the following matters: identifying the reserve lands to be managed by the First Nation (called “First Nation land”), the general rules and procedures for the use and occupation of these lands by First Nation members and others, financial accountability for revenues from the lands (except oil and gas revenues, which continue under federal law), the making and publishing of First Nation land laws, the conflict of interest rules, a community process to develop rules and procedures applicable to land on the breakdown of a marriage, a dispute resolution process, procedures by which the First Nation can grant interests in land or acquire lands for community purposes, the delegation of land management responsibilities, and the procedure for amending the Land Code.

**LANDS ADVISORY BOARD RESOURCE CENTRE**

Under the *Framework Agreement*, the First Nations have established a LABRC to assist the First Nations in implementing their own land management regimes. The LABRC is the technical body intended to support First Nations in the developmental and operational phases implementing the *Framework Agreement*

The LABRC’s functions are:

* Developing model land codes, laws and land management systems
* Developing model agreements for use between First Nations and other authorities and institutions, including public utilities and private organizations
* On request of a First Nation, assisting the First Nation in developing and implementing its land code, laws, land management systems and environmental assessment and protection regimes -assisting a verifier when requested by the verifier
* Establishing a resource centre, curricula and training programs for managers and others who perform functions pursuant to a land code
* On request of a First Nation encountering difficulties relating to the management of its First Nation lands, helping the First Nation in obtaining the expertise necessary to resolve the difficulty
* Proposing regulations for First Nation land registration

**OBJECTIVE**

Numerical concentrations or narrative statements that have been established after considering site-specific conditions. Objectives are intended to protect and maintain a specified use of a resource, such as water, soil, or sediment, at a particular site (CCME, 1999). Objectives are not enforceable.

**OPERATIONAL**

When referring to the *Framework Agreement* “operational” means a First Nation which has ratified its Land Code and the Land Code is in **force**.

**REMEDIATION**

Remediation is defined by Environment Canada as the improvement of a contaminated site to prevent, minimize or mitigate damage to human health or the environment.

Remediation involves the development and application of a planned approach that removes, destroys, contains or otherwise reduces the availability of contaminants to receptors of concern. Remediation may involve clean-up of contaminants, or “risk management” that limits exposure to contaminants that are not or cannot be removed.

**RESERVE**

The *Constitution Act of 1867 Section 91 (24)* - "Indians and lands reserved for Indians":

* Creates a distinction between Indian reserve lands and other lands in Canada
* Provides that Indians and reserve lands are a federal responsibility
* Gives the federal government exclusive jurisdiction over reserve lands
* Provides that only Parliament can legislate with regard to the use of reserve lands

The basic legal framework underlying reserves is:

* The underlying legal title to reserves belongs to the federal Crown
* How the reserve was created (e.g. before or after Confederation in 1867)
* Pursuant to section 2 of the *Indian Act*, reserves are set aside by the Crown in Right of Canada for the use and benefit of a First Nation

The *Framework Agreement* (see Section 4) clarifies that reserve lands under a Land Code will continue to be reserves within the meaning of the *Indian Act* and that any reserve, title to which is vested in Canada, and managed by a First Nation under a Land Code, will continue to be vested in Canada for the use and benefit of the respective First Nation for which it was set apart.

**RISK MANAGEMENT**

Risk management is the selection and implementation of a strategy of control of risk, followed by monitoring and evaluation of the effectiveness of that strategy.

Risk management may include direct remedial actions or other strategies that reduce the probability, intensity, frequency or duration of the exposure to contamination. The latter may include institutional controls such as zoning designations, land use restrictions, or orders. The decision to select a particular strategy may involve considering the information obtained from a risk assessment. Implementation typically involves a commitment of resources and communication with affected parties. Monitoring and evaluation may include environmental sampling, post-remedial surveillance, protective epidemiology, and analysis of new health risk information, as well as ensuring compliance.

**SEDIMENT**

Any particulate matter that can be transported by fluid flow and which eventually is deposited as a layer of solid particles on the bed or bottom of a body of water or other liquid. (source: <https://www.sciencedaily.com/terms/sediment.htm>)

**STANDARDS**

A legally enforceable numerical limit, i.e., parts per billion of contaminant allowed in water or soil, or a narrative statement, such as in a regulation, statute, contract, or other legally binding document, that has been adopted from a criterion or an objective (CCME, 1999).

**SURFACE WATER**

Surface water flows on the surface of the ground. Surface water includes the water in lakes, rivers and wetlands.