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Terminology and Definitions

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OFFICE DES EAUX DU NUNAVUT

GUIDE MANAGEMENT

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Water Licensing Process Flowcharts and Time Charts (in colour and black and white)

Important Notes

1. *This Guide presents information about the Nunavut Water Board (NWB or Board) and its process in a plain language format for the purpose of public education and assistance to parties involved in the process. However, it should be noted that the legal responsibilities of parties involved in the water licensing process are as established under the Nunavut Land Claims Agreement (NLCA), the Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA or Act), and the applicable regulations. All parties are responsible for ensuring they comply with the applicable legal responsibilities imposed under these provisions. To the extent that this Guide is inconsistent or in conflict with the applicable legal requirements, the obligations as set out in the relevant acts and regulations shall govern. Any descriptions of the responsibilities of the parties contained in this Guide are of a general nature only and are not offered or intended as a substitute for professional legal advice or the specific direction of the NWB in any given case.*
2. *In the event of a conflict between the Guides and the NLCA, the NWNSRTA or the applicable regulations, the NLCA, NWNSRTA, and the applicable regulations prevail.*
3. *The abbreviations ‘NWB’ and ‘Board’ are used interchangeably throughout this document to refer to the Nunavut Water Board.*
4. *Versions of the NWB Guides are available in English from the NWB electronic public registry. Translated versions will be made available upon request. (See NWB Contact Information at the end of this Guide.)*

1. What are the definitions of the terminology commonly used by the NWB?

The following definitions are derived from sections 1.1.1 and 13.1.1 of the *Nunavut Land Claims Agreement (NLCA)* (indicated by italics), section 2 and 4 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA)* and section 2 of the *Northwest Territories Water Regulations (NTWR)* (indicated by bold font), or through general use by the NWB (plain font).

Act (or “NWNSRTA”)	Means the <i>Nunavut Waters and Nunavut Surface Rights Tribunal Act</i> , R.S.C. 2002.
Agreement (or “NLCA”)	Means the land claims agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada that was ratified, given effect and declared valid by the <i>Nunavut Land Claims Agreement Act</i>, which came into force on July 9, 1993, and includes any amendments to that agreement made under the agreement.
Applicant	Means the individual or organization who has filed an application with the Nunavut Water Board.
Application	Means a written request to the Board to exercise its power under the Act.

Appurtenant Undertaking	Means an undertaking in relation to which a use of waters or a deposit of waste is permitted by a licence.
Assignee	Means the person or organization to whom a licence is being transferred.
Assignor	Means the person or organization who holds a licence and wishes to make a transfer.
<i>Bed (of a body of water)</i>	<i>Means lands covered so long by water as to wrest it from vegetation or as to mark a distinct character upon the vegetation where it extends into the water or upon the soil itself.</i>
Board (“NWB”)	Means the Nunavut Water Board established by section 14 [of the Act].
<i>Crown Lands</i>	<i>Means lands belonging to Her Majesty or in respect of which Government has the power of disposition.</i>
Designated Inuit Organization (“DIO”)	Means: (a) except in the case of the jointly owned lands referred to in section 40.2.8 of the Agreement, (i) Tunngavik, or (ii) in respect of a provision of this Act referred to in Schedule 1, any organization designated in the public record maintained by Tunngavik under the Agreement as being responsible for any function under the corresponding provision or provisions of the Agreement referred to in that Schedule; or (b) in the case of the jointly owned lands referred to in section 40.2.8 of the Agreement, Makivik acting jointly with the organization determined under paragraph (a).
Distribution List	Means a list compiled, on a project-by-project basis, as to which information and correspondence is forwarded relating to any developments in the processing of a specific application.
Document	Means anything in printed form, and telecommunication or electronic transmission capable of being reduced to a printed format, and video or audio tape recordings.
Domestic Purpose	Means the use of waters for the following purposes: (a) household requirements, including sanitation and fire prevention; (b) the watering of domestic animals; or (c) the irrigation of a garden that adjoins a dwelling-house and is not ordinarily used in the growth of produce for market.

<i>Drainage Basin</i>	<i>Means a geographical area determined by the watershed limits of the systems of water, including surface and underground water, flowing into a common terminus.</i>
Elder	Means any member of the community recognized as such in accordance with local culture, customs and traditions or someone recognized for their experience in Inuit culture, customs and knowledge.
Groundwater	Means all water in a zone of saturation beneath the land surface, regardless of its origin.
Hearing	Means a hearing on an application, the hearing of a motion or a written hearing.
Information Request	Means a written request for information or particulars made by the Board or from one party to another.
Instream Use	Means a use of waters by a person, other than for a domestic purpose or as described in paragraph (a), (b), or (c) of the definition “use”, to earn income or for subsistence purposes.
Intervener	Means any interested party intending to participate in a Board hearing, intending to play a role regarding any issues raised by the application, either by questioning other parties or by bringing forward their own evidence.
Inuit	Means those persons enrolled from time to time under the terms of Article 35 of the [Nunavut Land Claims Agreement] and includes, in the case of the jointly owned lands referred to in section 40.2.8 of the Agreement, the Inuit of northern Quebec.
Inuit of Northern Quebec	Means the Inuit of northern Quebec within the meaning of the James Bay and Northern Quebec Agreement that was approved, given effect and declared valid by the <i>James Bay and Northern Quebec Native Claims Settlement Act, S.C. 1976-77, c.32.</i>
<i>Inuit Owned Lands (“IOL”)</i>	<i>Means</i> <i>(a) those lands that vest in the DIO as Inuit Owned Lands pursuant to section 19.3.1 [of the Agreement], and</i> <i>(b) any lands that are vested in, acquired by or re-acquired by the DIO as Inuit Owned Lands from time to time pursuant to the Agreement.</i>
Inuit Qaujimagatuqangit (“IQ”)	Means what Inuit have always known. Inuit knowledge includes not only what has been handed down from the past, but what is contemporary and changing.
Inuktitut	Means the Inuktitut language and includes Inuinagtuun.
<i>Lands</i>	<i>Does not include water but includes lands covered by water, whether in the onshore or offshore.</i>

Licence	Means, unless the context otherwise requires, a type A or type B licence, in accordance with the criteria prescribed by the regulations, issued for the use of waters or the deposit of waste, or both, in Nunavut under section 42 [of the Act].
Licensee	Means a person [or associated registered company] to whom a licence is issued or assigned.
Makivik	Means the corporation established by <i>An Act respecting the Makivik Corporation</i>, R.S.Q., c. s-18.1, and representing the Inuit of northern Quebec.
<i>Marine areas</i>	<i>Means that part of Canada’s internal waters or territorial sea, whether open or ice-covered, lying within the Nunavut Settlement Area, but does not include inland waters. For greater certainty, the reference to internal waters or territorial sea includes the seabed and subsoil below those internal waters or territorial sea.</i>
Mineral Right	Means a right to explore for, develop, produce or transport minerals, other than specified substances.
<i>Minerals</i>	<i>Means precious and base metals and other non-living, naturally occurring substances whether solid, liquid or gaseous, excluding water but including coal and petroleum.</i>
Minister	<i>Means, for purposes of the Agreement, a Minister of the Government of Canada or a member of the Executive Council appointed as Minister, as the context requires, responsible for the subject matter referred to, and</i> means [for purposes of the Act], the Minister of Indian Affairs and Northern Development.
Motion	Means a request by an interested party for a ruling or order in a proceeding or in a pending proceeding or a motion of the Board.
<i>National Park</i>	<i>Means</i> <i>(a) an area that has been formally and fully dedicated as a National Park or National Marine Park under the National Parks Act, or</i> <i>(b) a National Park Reserve, with respect to the provision of Part 4 of Article 8 and other provisions providing Inuit with the opportunity to secure benefits from the establishment, planning and management of a National Park in the Nunavut Settlement Area.</i>
<i>National Park Reserve</i>	<i>Means an area that has been set aside as a reserve for a National Park under the National Parks Act.</i>
Nunavut Impact Review Board (“NIRB”)	Means the Nunavut Impact Review Board referred to in section 12.2.1 of the Agreement.
Nunavut Planning Commission (“NPC”)	Means the Nunavut Planning Commission referred to in section 11.4.1 of the Agreement.
Nunavut Wildlife Management Board (“NWMB”)	Means the Nunavut Wildlife Management Board referred to in section 5.2.1 of the Agreement.

Nunavut Settlement Area (“NSA”)	Means the area described in section 3.1.1 [of the Agreement].
Operator	Means a person or the authorized representative of such a person who has rights to explore, develop, produce or transport minerals, other than specified substances, in or on or under Inuit Owned Lands.
Ordinary High Water Mark or Bank	Of a body of water means the limit or edge of its bed.
Park	Means a National Park or a Territorial Park.
Party	Means the Applicant and any DIOs, Intervener, or the Public involved in the licensing process.
Project Certificate (“PC”)	Means a certificate issued by NIRB pursuant to sections 12.5.12 and 12.6.17 of the Agreement.
Project Proposal	Means a physical work that a proponent proposes to construct, operate, modify, decommission, abandon or otherwise carry out, or a physical activity that a proponent proposes to undertake or otherwise carry out, such work or activity being within the Nunavut Settlement Area, except as provided in section 12.11.1 [of the Agreement].
Proponent	In respect of a project proposal, means the person, body or government authority that proposes the project.
Public	Means any potentially affected person in potentially affected communities, which includes individual members of an affected community, as well as organized community interest groups.
Public Registry	Means the place where records are kept, which are accessible to the public. NWB maintains hardcopies of records in the Gjoa Haven, NU office, and also electronic records on an FTP site at: ftp://ftp.nwb-oen.ca
Regulations (“NTWR”)	Means the Northwest Territories Water Regulations, S.O.R./93-303 . Note that by Order in Council SOR/2002-253 section 5 of the NTWR do not apply in Nunavut.
Regulatory Authority	Means a body or person responsible under any federal or territorial law for issuing a licence, permit or other authorization required for a project to proceed but does not include a local government.
Rules	Means the Rules of Practice and Procedure for a Public Hearing, May 11, 2005.
Specified Substances	Means construction stone, sand, gravel, limestone, marble, gypsum, shale, clay volcanic ash, earth, soil, diatomaceous earth, ochre, marl, peat and carving stone.
Traditional Knowledge	Cumulative body of knowledge, practice and belief, evolving by adaptive processes and handed down through generations by cultural transmission. Specific Inuit Traditional Knowledge is referred to as Inuit Qaujimagatuqangit.

Translation	Means written communication transcribed from one language to another. Translation may include Inuktitut, Inuinaqtuun, other Inuit dialects, Canadian official languages, or any other languages deemed relevant for the purposes of the Board.
Tunngavik (“NTI”)	Means Nunavut Tunngavik Incorporated, a corporation without share capital incorporated under Part II of the <i>Canada Corporations Act</i>, R.S.C. 1970, c. C-32, and any successor to that corporation.
Undertaking	Means an undertaking in respect of which water is to be used or waste is to be deposited, of a type set out in Schedule II [of the Regulations].
Use	<p>In relation to waters, means a direct or indirect use of any kind, including, but not limited to:</p> <ul style="list-style-type: none"> (a) any use of water power and geothermal resources; (b) any diversion or obstruction of waters; (c) any alteration of flow of waters; and (d) any alteration of the bed or banks of a river, stream, lake or other body of water, whether or not the body of water is seasonal. <p>However, it does not include navigation or any other use connected with shipping activities that are governed by the <i>Canada Shipping Act, 2001</i>.</p>
Waste	<p>Means any substance that, by itself or in combination with other substances found in water, would have the effect of altering the quality of any water to which the substance is added to an extent that is detrimental to its use by people or by any animal, fish or plant, or any water that would have that effect because of the quantity or concentration of the substances contained in it or because it has been treated or changed, by heat or other means, and includes:</p> <ul style="list-style-type: none"> (a) any substance or water that, for the purposes of the <i>Canada Water Act</i>, is deemed to be waste; (b) any substance or class of substances specified by the regulations; (c) water containing any substance or class of substances in a quantity or concentration that is equal to or greater than that prescribed by the regulations; and (d) water that has been subjected to a treatment or change described by the regulations.

<i>Water</i>	<i>Means waters in any river, stream, lake or other body of inland waters on the surface or under ground in the Nunavut Settlement Area, and includes ice and all inland ground waters, but does not include water or ice in marine areas.</i>
Watercourse	Means a natural watercourse, body of water or water supply, whether usually containing water or not, and includes groundwater, springs, swamps and gulches.

2. What acronyms are commonly used by the NWB?

AA	Authorizing Agency
ABA	Acid Base Accounting
AMD	Acid Mine Drainage
AP	Acid Potential
A&R	Abandonment and Restoration
ARD	Acid Rock Drainage
ANFO	Ammonium Nitrate and Fuel Oil
BOD	Biological Oxygen Demand
BTEX	Benzene, Toluene, Ethyl-benzene and Xylene
CEA	Cumulative Environmental Assessment
CCME	Canadian Council Ministry of the Environment
CFU	Colony Forming Units
COD	Chemical Oxygen Demand
CWQS	Canadian Water Quality Standards
DFO	Department of Fisheries and Oceans Canada
DIO	Designated Inuit Organization
DO	Dissolved Oxygen
DSG	Dam Safety Guidelines
DSI	Dam Safety Inspection
DSR	Dam Safety Review
EC	Environment Canada
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
EPP	Emergency Preparedness Plan
ERSCP	Emergency Response and Spill Contingency Plan
GN-DoE	Government Nunavut – Department of Environment
GN-CGS	Government Nunavut – Department of Community Government and Services
GN-CLEY	Government of Nunavut – Department of Culture, Language, Elders and Youth
HDPE	High Density Polyethylene
FTP	File Transfer Protocol
IIBA	Inuit Impact Benefit Agreement
INAC	Indian and Northern Affairs Canada <small>(also known as DIAND)</small>
IOL	Inuit Owned Lands
IQ	Inuit Qaujimajatuqangit
IR	Information Request
LPA	Local Project Area
MSDS	Material Safety Data Sheet
MAC	Maximum Acceptable Concentration
MCE	Maximum Credible Earthquake
MDE	Maximum Design Earthquake
MMER	Metal Mining Effluent Regulations
NLCA	Nunavut Land Claims Agreement
NP	Neutralization Potential
NNP	Net Neutralization Potential

NPR	Neutralization Potential Ratio
NIRB	Nunavut Impact Review Board
NLCA	Nunavut Land Claims Agreement
NPC	Nunavut Planning Commission
NTI	Nunavut Tunngavik Incorporated
NTWR	Northwest Territories Waters Regulations
NWB	Nunavut Water Board
NWNSRTA	Nunavut Waters Nunavut Surface Rights Tribunal Act
NWPP	Navigable Waters Protection Program
NSA	Nunavut Settlement Area
NTU	Nephelometric Turbidity Unit
O&M	Operation and Maintenance
PAH	Polycyclic Aromatic Hydrocarbons
PC	Project Certificate
PCB	Poly-Chlorinated Biphenyl
PMF	Probable Maximum Flood
PMP	Probable Maximum Precipitation
POP	Persistent Organic Pollutant
PSIR	Project Specific Information Requirements
PVC	Polyvinyl Chloride
QA	Quality Assurance
QC	Quality Control
RBC	Rotating Biological Contactor
RPA	Regional Project Area
SIG	Supplemental Information Guideline
SS	Suspended Solids
TDS	Total Dissolved Solids
TKN	Total Kjeldahl Nitrogen
TOC	Total Organic Carbon
TOD	Total Oxygen Demand
TS	Total Solids
TSP	Total Suspended Particulates
TSS	Total Suspended Solids
TK	Traditional Knowledge
UTM	Universal Transverse Mercator
UV	Ultraviolet Light
VOC	Volatile Organic Compound
VEC	Valued Ecosystem Component
WHMIS	Workplace Hazardous Material Information System

3. How do I contact the NWB?

If you have any questions regarding the content of this Guide contact the NWB. The NWB's Licensing Administration department is the first point of contact and will direct inquiries accordingly. The NWB's contact information is:

Nunavut Water Board
P.O. Box 119
Gjoa Haven, Nunavut
X0B 1J0

Phone: (867) 360-6338
Fax: (867) 360-6369
E-mail: licensing@nwb.oen.ca
Website: <http://www.nwb-oen.ca>

All correspondence with the NWB related to a water licence application or approved licence must reference the application or licence number, the project name and the applicant's name. E-mail correspondence must include this information in the e-mail subject line.

FTP Site: ftp://ftp.nwb-oen.ca Username: public Password: registry
