

The Corporation of the Township of Huron-Kinloss



BY-LAW

2021-106

Being a By-law to Adopt a Terms of Reference for the Township of Huron-Kinloss and the Nuclear Waste Management Organization Primary Significant Neighbouring Community Working Group

WHEREAS the *Municipal Act S.O. 2001, c 25, Section 5(3)*, as amended provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by By-law;

AND WHEREAS The Township of Huron-Kinloss Procedural By-Law 2019-155 as amended Section 10 provides that Ad-Hoc Committees may be established by Council to consider a specific matter of municipal concern;

AND WHEREAS Council deems it advisable to establish a Terms of Reference for the Township of Huron-Kinloss and the Nuclear Waste Management Organization Primary Significant Neighbouring Community Working Group to govern the composition and responsibility of the Committee;

NOW THEREFORE the Council of The Corporation of the Township of Huron-Kinloss enacts as follows:

- 1.0 That The Corporation of the Township of Huron-Kinloss Council hereby approves the Terms of Reference for Township of Huron-Kinloss and the Nuclear Waste Management Organization Primary Significant Neighbouring Community Working Group which is attached as Schedule "A" and forms part of this By-Law
- 2.0 This By-law shall come into full force and effect upon final passage.
- 3.0 This By-law may be cited as the "Terms of Reference Huron-Kinloss NWMO Primary Significant Neighbouring Community Working Group By-Law"

READ a FIRST and SECOND TIME this 20th day of September, 2021.

READ a THIRD TIME and FINALLY PASSED this 20th day of September, 2021

Original signed by:
Mitch Twolan, Mayor

Original signed by:
Emily Dance, Clerk

Township of Huron-Kinloss / NWMO (the Parties) Primary Significant Neighbouring Community Working Group

Terms of Reference

CONTEXT & MANDATE:

The Nuclear Waste Management Organization (NWMO) is implementing Canada's plan for used nuclear fuel, known as Adaptive Phased Management (APM) for the long-term management of Canada's used nuclear fuel, including, a collaborative process to select a site where Canada's used nuclear fuel can be safely contained and isolated in a deep geological repository (DGR).

The Parties wish to set out the basis and foundation of their ongoing dialogue and work in advancing their respective due diligence reviews and engagement on the APM project in the South Bruce potential siting area.

Canada's plan will only proceed in an area that can be demonstrated as safe and has informed and willing hosts. To meet this criteria, together with potential siting area communities and Huron Kinloss as a Primary Significant Neighbouring Community (PSNC), NWMO is exploring the potential for partnerships, determining criteria for willingness and looking at how the project could enhance community well-being in these areas.

The NWMO is committed to working with other municipal, First Nation and Metis communities in potential siting areas.

The NWMO has selected South Bruce as one of two potential siting communities to host the project for the DGR and has signed agreements to secure over 1,500 acres of land with landowners in South Bruce and the Township of Huron-Kinloss (Huron-Kinloss) (the Secured Lands).

The NWMO lands in Huron-Kinloss are not being considered for the potential repository site, however, NWMO acknowledges that Huron-Kinloss directly abuts South Bruce and will be particularly directly impacted by the DGR given Huron-Kinloss' immediate close proximity to the DGR site.

Given these principles, outcomes and direct impacts, Huron-Kinloss is considered as a PSNC for the DGR should South Bruce be selected.

Huron-Kinloss is committed to carrying out its due diligence on the DGR project to determine how its municipality, residents, farms, tourists and businesses will be best protected and served in determining whether Huron-Kinloss can support the DGR as a PSNC.

Huron-Kinloss also is prepared to consider being part of a broader regional support in the area for the DGR within the County of Bruce subject to satisfying Huron-Kinloss' ongoing due diligence requirements.

The activities of the working group shall include, but not limited to:

1. To further explore the Adaptive Phased Management project and explore what it would mean in Huron-Kinloss if the APM project were implemented in South Bruce, including, how it might come together in a broader coalition to implement the project.
2. This Working Group will also explore:
 - the potential role for and impacts on Huron-Kinloss as a PSNC and consider how the APM project might be implemented in order to align with the priorities and objectives of Huron-Kinloss; and
 - how the broader area beyond South Bruce and Huron-Kinloss would be involved (e.g. the County of Bruce).
3. The Working Group will exercise all reasonable efforts to adhere to the “principles to guide discussions” as set out in the April 2018 “Guiding principles for exploring partnership – Community conversations update” (the “**Guiding Principles**”), namely:
 - Safety must be the priority.
 - Trust must be maintained. Discussions need to be respectful, open, transparent, and collaborative.
 - Clear communication is essential. Discussions and statements about the project need to be clear, concise and accurate.
 - Informed decision-making is critical.
 - Discussions must be inclusive. All perspectives must be considered.
 - Community well-being is important and must be discussed. There must be a broad benefit across the community now and in the future.
 - Regional well-being is important and must be discussed. There must be a broad benefit to the region now and in the future.

A copy of the Guiding Principles is attached hereto at Schedule “A”.

GOALS/DELIVERABLES:

- (a) Development and ongoing refinement of the Township of Huron-Kinloss /NWMO Strategic Project Plan and associated activities to support Huron-Kinloss as a PSNC. Without limiting the generality of the foregoing, Huron-Kinloss and NWMO will work together to understand, explore and formulate how the APM project could foster well-being in Huron-Kinloss including exploring benefits arising from the project and the potential for:

- optimizing and directing economic benefits for the municipality and its residents, farms and businesses;
 - identifying and quantifying support for new businesses and farms; and
 - identifying and quantifying requirements for the renewal and/or development of new local infrastructure in Huron-Kinloss to serve the DGR project.
- (b) work together to ensure that Huron-Kinloss’ questions and concerns with respect to potential impacts and benefits in Huron-Kinloss arising from the project are addressed through funding provided by NWMO and the commencement and completion of third-party due diligence studies and reports. The Parties acknowledge that the Huron-Kinloss specific studies and reports may be included as part of the comprehensive community studies to be conducted in the South Bruce potential siting areas. NWMO acknowledges Huron-Kinloss’ request for studies includes the potential impacts on Huron-Kinloss property values (public and private lands), DGR environment reports and other studies the Parties may determine which will be included in Working Group discussions.
- (c) work together to explore the near and longer term investments in the community related to the APM project, including, the negotiation of a benefits agreement if South Bruce is selected to host the project.
- (d) explore the consideration to be received, including financial compensation, to be paid by NWMO to Huron-Kinloss should South Bruce not be selected as the DGR site or another milestone as may be agreed to by the Parties.

TERM OF WORK GROUP:

- 2021-2023

MEMBERSHIP:

- Huron-Kinloss: Mayor, Deputy Mayor, CAO or designate, Legal Representation, other staff and subject experts may be invited to attend when appropriate.
- NWMO: Vice President, Site Selection; Site Director, South Bruce; Partnership Manager, and advisors, as appropriate

CURRENT REPRESENTATIVES:

- Township: Mayor Mitch Twolan, Deputy Mayor Don Murray, CAO Mary-Rose Walden, Mark Rodger, Borden Ladner Gervais LLP
- NWMO: Lise Morton (Vice President, Site Selection); Tareq Al-Zabet (Site Director – South Bruce); Chris Hachey (Partnership Manager)

Huron-Kinloss and NWMO may agree to invite representatives from other organizations from time to time, including the Municipality of South Bruce.

ACCOUNTABILITY:

- Accountable to the Council of the Township and to the NWMO Executive Committee, respectively.

AUTHORITY:

- The scope of the work is to propose a framework and list of milestones (including scope, timelines, resources & budgets) for further dialogue and decision-making.
- The Working Group has no decision-making authority. Recommendations to Council in the form of resolutions are required.
- Any information or actions that binds the Corporation will require Council’s approval.

MEETINGS:

- Monthly, or as agreed to by the Working Group.

RESOURCES AND BUDGET:

- Budgets are developed by both the Huron-Kinloss and NWMO on an annual and as needed basis. All agreed to and approved funding is provided by NWMO.

RECORDS:

- Agendas will be prepared by the NWMO and distributed to the group ensuring members are given sufficient time for review and preparation.
- A representative from the Working Group will take meeting notes and circulate such meeting notes to the members of the working group of the Township and the Partnership Manager of the NWMO.

REPORTING:

- The Working Group will provide updates to Council quarterly.

CONFIDENTIALITY:

Subject to the *Municipal Freedom of Information and Protection of Privacy Act* (“**MFIPPA**”), the Township and the NWMO will not disclose the information arising from this Working Group without the consent of the other party. The NWMO acknowledges and agrees that the Township is subject to MFIPPA and that MFIPPA applies to and governs all confidential information in the custody or control of the Township (“**MFIPPA Records**”) and may, subject to MFIPPA, require the disclosure of such MFIPPA Records to third parties.

Huron-Kinloss acknowledges that the NWMO will share the areas of discussion of the Working Group with the Municipality of South Bruce in order to support collaboration and coordination for the advancement of the APM project.

AMENDMENTS:

Terms to be reviewed and amended as required.