



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	September 19, 2022
SUBJECT:	Chedoke Creek Remediation - HW.22.08 (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Cari Vanderperk Director, Watershed Management Public Works Department
SIGNATURE:	

The City of Hamilton was served a Director's Order by the Ministry of the Environment, Conservation and Parks (MECP) on December 4, 2020, as a result of the Main/King combined sewer overflow discharge that occurred over a four-year period and was discovered and stopped in July 2018. The goal of the Order is to improve the condition of Chedoke Creek and Cootes Paradise.

The City's general contractor, Milestone Environmental Contracting Inc., began mobilizing equipment and preparing the Dredge Material Management Area (DMMA) at the end of July with the initial plan to begin the targeted dredge work the week of August 22nd. On August 18th members of the Haudenosaunee Development Institute (HDI) who represent the Haudenosaunee Confederacy Chief's Council, arrived on site at the Kay Drage Park Bridge and stated they were exercising their treaty rights to attend the site.

Contractor access to a large portion of the work site where the DMMA was being constructed was impacted and the contractor was not able to resume work in a safe manner. HDI expressed concerns regarding consultation and engagement as well as the City not obtaining their consent to complete this project and other projects across the City. The HDI also requested that the City offer capacity funding for representatives of their community to engage in environmental monitoring throughout the course of the project. City staff paused the project on August 23rd while more fulsome discussions took place. At the same time staff prepared a report to the September 7th General Issues Committee meeting to obtain authority to negotiate and execute such agreements. Estimated costs associated with the work stoppage to date are in the order of \$380,000.

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

Please be advised that construction work in preparation for the targeted dredging of Chedoke Creek will resume on Wednesday, September 21, 2022, with the in-water dredging work to commence four to five days later. This is further to the information that was provided at the September 7, 2022 General Issues Committee in Report PW19008(q) and the recommendations adopted from Report PW19008(r).

The recommendations from Report PW19008(r) authorize staff to continue consultations with the Mississaugas of the Credit First Nation, the Huron-Wendat Nation, the Six Nations of the Grand River, and the Haudenosaunee Confederacy Chiefs Council (through their representative agency, the HDI) on the Chedoke Creek Remediation Project.

The recommendations also authorize staff to negotiate and enter into agreements, where appropriate, to provide for Indigenous Environmental Monitors to attend the work site throughout the duration of the project. Staff have reached out to each First Nation community who have been consulted throughout the project to discuss their participation in Environmental Monitoring and the terms of any necessary agreements, which staff plan to have in place prior to the in-water dredging work commencing.

While ongoing and meaningful consultation and project monitoring are important to all parties, ensuring the safety of all project participants is paramount. To that end, staff have worked with the contractor to prepare a site safety plan that supports the continuation of the work.

Staff have met with representatives from the MECP to discuss this issue and to keep them informed of the status of the project. Formal notification of the project continuation will be sent to the MECP as well as the various permitting agencies, and community partners later today. A media release will also be issued.

In addition, during the above noted General Issues Committee meeting the City received a letter from Gilbert's LLP, the Legal Counsel representing the HDI. This letter, attached as Appendix "A" to this Communications Update HW.22.08, was received by Council on September 14, 2022 and staff were directed to respond. The response letter is attached as Appendix "B" to this Communications Update HW.22.08.

As always, we will continue to keep members of Council informed with regular updates as we move ahead with the scheduled dredging work.

For regular updates on project progress please reference the story map on the Chedoke Creek Remediation website at www.hamilton.ca/chedokecreekremediation.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Letter to City from Gilbert's LLP Dated September 7, 2022

Appendix "B" – Letter to Gilbert's LLP from City Dated September 19, 2022