

HOMEOWNER IMPACT STATEMENT

Hogpen Creek Sedimentation Crisis — Duval County, Florida

Submitted in Support of FDEP Complaint Regarding Unpermitted Discharge of Sediment and Pollutants into Hogpen Creek via the City of Jacksonville's Sandalwood Canal Stormwater System

Prepared by: The Residents and Property Owners of Hogpen Creek, Jacksonville, Florida

Date: __, 2026

Version: 3.4 (Enhanced — San Pablo Road unpermitted construction as ongoing pattern evidence, homeowner perspective on missed opportunity, Ellis settlement specifics with claimed vs. settled amounts, enforcement-focused language, Consent Order framework, future-homeowner positioning, 2010 City admission, 2024 hydrographic survey, Ordinance 2023-0149 cost-shifting)

TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION:

We, the undersigned homeowners and property owners along Hogpen Creek in Jacksonville, Duval County, Florida, respectfully submit this Homeowner Impact Statement in support of a formal complaint requesting **enforcement action** regarding the ongoing, unpermitted discharge of sediment, muck, and pollutants into Hogpen Creek from the City of Jacksonville's Sandalwood Canal stormwater management system.

This statement documents the collective harm suffered by approximately **111 residential property owners** whose homes border Hogpen Creek — a tidal waterway that has been systematically degraded over the past two decades by the City's failure to maintain its stormwater infrastructure. The impacts are not theoretical. They are visible, measurable, and devastating.

Most importantly, we now know we are not the first community to be harmed by this system. In 2010, another property owner at the junction of Sandalwood Canal and Hogpen Creek sued the City of Jacksonville for the very same infrastructure failures we document today. An independent professional engineer confirmed the City's responsibility. The City settled that claim in 2023 — not by fixing the infrastructure, but by paying \$60,000 to dismiss it. Hogpen Creek remains unfixed. We remain at risk. **This is not an isolated incident. It is a pattern — one that repeats because the City has never faced meaningful consequences for breaking it.**

I. BACKGROUND: THE SOURCE OF THE CRISIS

Hogpen Creek is a tidal tributary of the Intracoastal Waterway in Jacksonville, Florida. The creek is directly influenced by the **Sandalwood Canal**, a City-maintained and operated stormwater management system that collects runoff from a surrounding area of **approximately 11 square miles**

between Beach Boulevard and Atlantic Boulevard. The Sandalwood Canal ultimately discharges into Hogpen Creek, making the creek a downstream receiving body for City infrastructure.

The sedimentation crisis in Hogpen Creek is not a natural phenomenon. It is the direct and documented result of the City of Jacksonville's failure to:

- Maintain the silt ponds at the terminus of the Sandalwood Canal
- Implement ongoing sediment control measures
- Address increased stormwater runoff from City-approved development (including the San Pablo Road expansion)
- Conduct any maintenance dredging since the original 2003–2005 dredging project
- **Construct all four canal weirs required under its own SJRWMD permit** — the City built only three of the four required, omitting the one closest to Hogpen Creek
- **Act on the findings of an independent engineering report** (Devo Engineering, 2014) that documented the direct link between the City's Sandalwood Canal modifications and accelerated erosion and sedimentation downstream

The City itself acknowledged this responsibility in 2003 when it enacted Ordinance 2003-873-E, authorizing a \$2,373,477 dredging project and contributing **59% of the total cost (\$1,395,664)** directly from the **"Sandalwood Canal/Flood Control" budget account**. This was a direct legislative acknowledgment that the Sandalwood Canal system was the source of the sedimentation. It was the **only time in City history** that an exception was made to the standard 12% City contribution rule under the Waterways Dredging Assessment Program — because the evidence of City responsibility was overwhelming.

The City acknowledged the same responsibility again in its 2007 SJRWMD permit application, which stated that the Sandalwood Canal improvements were designed for the **"reduction in sediment transport and deposition to the downstream Hogpen Creek."** The City knew. It wrote it down. It permitted it. And then it failed to follow through.

In 2010, the City went even further — it formally admitted responsibility and paid a cost-share for dredging. This wasn't just awareness or acknowledgment. The City paid money because it admitted it was the cause. This proves a **14+ year pattern** of the City knowing it was responsible, admitting it was responsible, paying because it was responsible — and still refusing to fix the underlying infrastructure. They admitted fault in 2003. They admitted fault again in 2010. They have never fixed the root cause.

For **19 years since that dredging was completed (2005-2024)**, the City has done nothing to address the root cause. The sedimentation has returned — worse than before. Meanwhile, the City has had multiple opportunities to reverse course and has chosen not to. This is the pattern we document below.

II. ECONOMIC IMPACTS

A. Catastrophic Property Value Losses

The single most devastating economic impact to Hogpen Creek homeowners is the **reclassification of our properties from "Deep Water" to "Tidal Access"** on real estate assessments and appraisals.

In the Jacksonville real estate market, “Deep Water” waterfront property — meaning navigable water with sufficient depth for boat operation at all tidal stages — commands a premium of approximately **\$100 per square foot** over “Tidal Access” property, which indicates water frontage without reliable navigability.

Due to the sedimentation crisis:

- **Large portions of Hogpen Creek are now exposed during low tide**, with sediment and muck visible on the creek bottom
- Boats cannot operate at low tide in significant stretches of the creek
- Properties that were purchased and appraised as “Deep Water” now function — and are increasingly assessed — as “Tidal Access”
- The collective estimated property value loss across the approximately 150+ affected homes is **\$25 million to \$30 million**

This is not a speculative figure. It is based on the well-documented per-square-foot differential between Deep Water and Tidal Access waterfront property in the Jacksonville market.

“Hogpen Creek is facing an environmental crisis because of the increasing sediment/sand build up, which is at its worst close to San Pablo, where Hogpen Creek meets the Sandalwood Canal; there, you can literally walk across Hogpen Creek at low tide.”

— Hogpen Creek homeowner, in correspondence to Jacksonville City Council (September 2025)

B. Loss of Family Equity and Financial Mobility

For most of our homeowners, their property is their single largest financial asset. The loss of Deep Water status has:

- Reduced home equity by tens of thousands of dollars per household
- Impaired ability to refinance mortgages
- Reduced or eliminated the premium that waterfront buyers expect
- Made some properties functionally unsaleable at fair market value
- Trapped homeowners who purchased at Deep Water prices in properties that now appraise at Tidal Access values

C. Tax Revenue Losses to the City of Jacksonville

The economic harm extends beyond individual homeowners. Based on the estimated \$25–\$30 million in collective property value loss, the City of Jacksonville is forfeiting an estimated **\$275,000 to \$360,000 annually** in property tax revenue — revenue that could fund the very maintenance the City has neglected. This represents a self-inflicted fiscal wound: the City’s failure to maintain its own infrastructure is eroding its own tax base.

D. The 2003 Precedent: City’s Financial Acknowledgment of Responsibility

The City’s financial commitment in 2003–2004 is the strongest evidence of acknowledged responsibility:

Ordinance	Date	Action	Amount
2003-873-E	September 9, 2003	Authorized dredging; City contribution from Sandalwood Canal/ Flood Control account	\$1,395,664 (59%)
2004-68-E	February 10, 2004	Additional appropriation for property owner portion	\$967,813
2004-1264-A	September 28, 2004	Uniform method authorization for special assessment	—
2004-1369-A	November 23, 2004	Final assessment roll	—

Total project cost: \$2,373,477. The City paid 59%. The funding source — the Sandalwood Canal/ Flood Control account — is itself a legislative admission that the Sandalwood Canal caused the problem.

III. NAVIGABILITY AND USABILITY LOSS

A. Creek Impassable at Low Tide

The most immediately visible impact of the sedimentation is the **near-total loss of navigability** in significant portions of Hogpen Creek:

- At low tide, the creek bottom is exposed in the lower half nearest to San Pablo Road, where the Sandalwood Canal discharges
- Boats run aground regularly
- Residents cannot launch, dock, or operate vessels during significant portions of the tidal cycle
- Even at higher tidal stages, draft is severely limited, restricting vessel size and type

“Large portions of Hogpen Creek are now exposed during low tide, significantly limiting navigation, impacting wildlife, and affecting water quality for residents along the creek. The deteriorating conditions are not theoretical; they are clearly visible, measurable, and ongoing.”

— Hogpen Creek homeowner correspondence to City Council Members and Mayor Deegan (April 2026)

B. Docks Rendered Useless

Many homeowners invested tens of thousands of dollars in private docks and boat lifts — improvements that were appropriate and functional when the creek was navigable. These investments are now:

- Sitting in muck and sediment rather than water at low tide
- Structurally stressed by the weight and suction of accumulated sediment
- Unable to be used for their intended purpose

- Depreciating in value alongside the properties they serve

C. Loss of Waterway Access — A Fundamental Property Right

When these homeowners purchased waterfront property on Hogpen Creek, navigable water access was a core component of the property's value and utility. The City's stormwater system has effectively **taken this access** by filling the creek with sediment. This is not a gradual natural process — it is the direct consequence of a City-maintained infrastructure system discharging sediment into a residential waterway without adequate controls.

“While that policy may be applicable for maintaining recreational access at City boat ramps, it does not meaningfully address situations where City-managed infrastructure is directly discharging into and potentially impacting downstream waterways, including impacts to adjacent property values and impacts to local wildlife.”

— Hogpen Creek homeowner, responding to the City's position that it only dredges for City boat ramps (April 2026)

IV. WATER QUALITY AND ENVIRONMENTAL DEGRADATION

A. Visible and Measurable Water Quality Decline

Homeowners along Hogpen Creek have witnessed a dramatic and accelerating decline in water quality that corresponds directly to the accumulation of sediment from the Sandalwood Canal:

- **Increased turbidity:** The water is consistently murky and discolored, particularly after rainfall events that flush additional sediment through the canal system
- **Muck accumulation:** Thick layers of organic muck and decomposing vegetative matter — discharged from the canal — now blanket the creek bottom
- **Algae blooms:** Nutrient-laden stormwater runoff fuels recurring algae growth
- **Low-oxygen events:** Decomposing organic matter in the accumulated sediment consumes dissolved oxygen, creating dead zones inhospitable to aquatic life
- **Odor:** Decomposing muck produces hydrogen sulfide and other compounds that generate persistent, foul odors detectable from adjacent properties

“Hogpen Creek's water height continues to lower — it is worse closer to San Pablo — the wildlife has declined, and the water quality has declined tremendously. It is obvious to all of the homeowners how negatively the Hogpen Creek has been impacted by the sediment build up.”

— Hogpen Creek homeowner, in correspondence to City Council (September 2025)

B. Loss of Submerged Aquatic Vegetation (SAV)

Submerged aquatic vegetation — the foundation of a healthy estuarine ecosystem — has been smothered and displaced by sediment accumulation. SAV cannot survive in turbid water where light penetration is reduced, nor can it establish root systems in unstable muck. The loss of SAV has cascading effects throughout the ecosystem:

- Loss of primary food source for manatees
- Loss of nursery habitat for fish and invertebrates
- Loss of water filtration and oxygen production
- Loss of sediment stabilization (creating a feedback loop of further degradation)

C. Habitat Loss: Fish, Wildlife, and Protected Species

Hogpen Creek is **designated manatee habitat**. The sedimentation crisis is directly degrading the conditions that support manatee use of this waterway:

- **Manatees:** Increased turbidity and muck accumulation degrade seagrass beds and SAV — the primary food source for manatees. Shallow, muck-filled waters create navigation hazards for manatees, increasing the risk of boat strikes and entrapment.
- **Fish populations:** Reduced dissolved oxygen, loss of SAV habitat, and degraded water quality have led to visible declines in fish populations
- **Wading birds:** Herons, egrets, ibis, and other wading birds that historically foraged along the creek have lost critical habitat as water quality and benthic habitat deteriorate
- **Benthic organisms:** The smothering of the creek bottom with muck has eliminated habitat for clams, crabs, worms, and other organisms that form the base of the food web

“The siltation occurring in Hogpen Creek, especially in the lower half closest to San Pablo Road, is clearly the result of eroded soil and decaying vegetative matter being discharged from the Sandalwood Canal. Since the Sandalwood Canal is a major component of the city’s stormwater management system that drains approximately 11 square miles of land area between Beach Boulevard and Atlantic Boulevard, it should be the City of Jacksonville’s responsibility to conduct and pay for the much-needed dredge.”

— **Robin Lumb**, Former Jacksonville City Council Member (2011–2015), 2164 Gilmore Street, in correspondence to Council Members (September 18, 2025)

V. QUALITY OF LIFE IMPACTS

A. Loss of Recreational Use

Hogpen Creek homeowners purchased waterfront property to enjoy the water. The sedimentation crisis has robbed them of this fundamental quality of life:

- **Boating:** Impossible at low tide; severely restricted at other times
- **Fishing:** Fish populations have declined dramatically; the water is too shallow and murky for productive fishing
- **Swimming and wading:** Muck and turbidity make the water unsafe and unpleasant
- **Kayaking and paddleboarding:** Limited to high tide windows only
- **Wildlife observation:** The birds, fish, and marine mammals that once enriched daily life have diminished

B. Aesthetic Degradation

The visual character of Hogpen Creek has been transformed from a living, dynamic waterway to a degraded mudflat:

- Exposed mudflats at low tide where navigable water once existed
- Visible muck and debris on the creek bottom
- Algae growth on the surface
- Loss of the aesthetic appeal that defines waterfront living and drives property values

C. Persistent Odors

The decomposition of organic matter in accumulated sediment produces persistent and offensive odors, particularly during warm weather and low tide. Homeowners report:

- Sulfurous (“rotten egg”) odors detectable from their yards and homes
- Inability to enjoy outdoor spaces during significant portions of the day
- Embarrassment when hosting guests or family gatherings
- Concerns about long-term health effects of chronic exposure

D. Emotional and Psychological Toll

Beyond the quantifiable impacts, the sedimentation crisis has exacted a profound emotional toll:

- **Frustration and helplessness:** Homeowners have spent years advocating to the City for relief, only to be told the creek is “not the city’s problem” — despite the City’s own legislative record proving otherwise
- **Anxiety about financial futures:** Families watching their largest asset lose value due to government neglect
- **Loss of community identity:** Hogpen Creek was a vibrant waterfront community; it is now defined by environmental degradation
- **Betrayal by government:** The City accepted responsibility in 2003, paid for the dredging, then abandoned the community for 19 years

“It doesn’t speak well of Mayor Deegan that she has previously dismissed the pollution in Hogpen Creek as ‘not the city’s problem.’”

— **Robin Lumb**, Former Jacksonville City Council Member (2011–2015), September 18, 2025

“This is a real-world issue affecting hundreds of Jacksonville residents who live along Hogpen Creek and see the impacts every day. While the City regularly allocates substantial funding for large civic projects, it would be reassuring to residents to know that resources can also be set aside to address environmental and infrastructure problems that directly affect neighborhoods and waterways.”

— Hogpen Creek homeowner, in correspondence to City Council (March 2026)

VI. HOW WE KNOW THE CITY WON’T FIX THIS WITHOUT ENFORCEMENT

A. The Ellis Precedent: The City’s “Pay to Avoid, Don’t Fix” Pattern

We are not the first property owners to confront the City of Jacksonville about the Sandalwood Canal’s destruction of downstream properties. In **2010**, LaRue C. and Lori W. Ellis — owners of a 2.95-acre property at **2194 San Pablo Road South**, located at the precise junction where the Sandalwood Canal meets Hogpen Creek — filed suit against the City for the very same infrastructure failures we document today.

The Ellis family experienced severe stream bank erosion, the collapse of a sheetpile retaining wall, and property damage directly caused by the City’s Sandalwood Canal modifications. They retained **Devo Engineering**, a licensed consulting geotechnical engineering firm, which produced a detailed 26-page Preliminary Engineering Opinion (July 23, 2014) confirming that the City’s upstream “improvements” had simply **transferred erosion and sedimentation downstream** — to the Ellis property and to Hogpen Creek.

The City was told — by a licensed professional engineer, in the context of active litigation — that its infrastructure was destroying downstream properties and degrading Hogpen Creek.

The Ellis family claimed \$5.2 million in damages for the destruction caused by the City's infrastructure. The claimed amount reflected the severity of the erosion, property loss, structural damage to retaining walls, and diminished property value directly attributable to the City's Sandalwood Canal modifications.

Then, in September 2023, the City settled the Ellis claim — not by fixing the infrastructure, but by **paying \$60,000 to dismiss it**. Do the math: the City paid **1.15% of the claimed damages** — essentially pennies on the dollar — to make the lawsuit go away. The settlement included zero commitments to infrastructure repair, zero acknowledgment of responsibility, zero remedial obligations. The City purchased silence for \$60,000 and walked away.

This tells you everything you need to know about the City's cost-benefit calculation: Pay 1% to dismiss claims individually. Never fix the underlying infrastructure. Accept that future victims will emerge. Budget for future 1% payoffs rather than 100% infrastructure investment. This is the City's environmental compliance strategy — **settle cheap, don't fix, repeat**.

Hogpen Creek remained unfixed. Sedimentation continued. The fourth weir was not installed. The silt ponds were not maintained. The dredging did not happen. Today, in 2026, we suffer the exact same degradation that the Ellis family sued over in 2010. **We refuse to be the next 1% payoff. We demand that the City actually fix what it broke.**

B. The Pattern: 2003 → 2007 → 2014 → 2023 → 2025

The City has had multiple opportunities to break this cycle. It has chosen not to:

Year	Event	City's Response
2003	City's own ordinance acknowledges Sandalwood Canal responsibility	Funds \$2.3M dredging project (59% of cost)
2007	SJRWMD permit explicitly states goal is "reduction in sediment transport to downstream Hogpen Creek"	Fails to construct fourth (critical) weir; no maintenance protocol established
2010	City admits responsibility again, pays cost-share for dredging	Second admission of fault — paid, not just acknowledged
2010	Ellis family sues over creek damage caused by same Sandalwood Canal	City defends without fixing root cause
2014	Devo Engineering report documents "downstream transfer" of erosion; recommends infrastructure fix	City ignores recommendation
Late 2010s-Early 2020s	San Pablo Road expansion (SJRWMD Permit 118023-1 withdrawn, proceeds unpermitted); crosses canal, adds stormwater volume; we watch hoping City will finally fix — instead they make it worse	Recent unpermitted construction; had opportunity, chose not to fix
2022	City promises preliminary study and to pursue responsible parties	Promises made during HDSD petition process
2023	Ordinance 2023-0149 creates special taxing district	Costs shifted to homeowners; promises unfulfilled
2023	Ellis lawsuit settled for \$60K (1.15% of \$5.2M claimed damages)	City pays pennies on dollar; pays nothing toward infrastructure
Jan 2024	Professional hydrographic survey proves causation scientifically	< 0.5 ft at outfall vs. 6.2 ft at AICW

Year	Event	City's Response
2025-26	We document identical impacts to Ellis property and creek	City offers denial and deflection

This is not negligence. This is pattern. At each opportunity, the City has demonstrated:

- **Knowledge:** It knows the problem exists (2003 ordinance, 2007 permit, 2014 engineering report, 2023 settlement)
- **Capability:** It has shown it can address the problem (2003-2005 dredging, installation of three weirs)
- **Choice:** It has consistently chosen NOT to address the problem long-term

C. How the City Allocates Funding: Payment vs. Fix

The Ellis settlement reveals the City's cost-benefit calculation:

- **Option 1 (Fix):** Retrofit fourth weir (~\$500K estimated), maintain silt ponds annually (~\$50K), conduct maintenance dredging (~\$500K total over 20 years) = ~\$1M total investment in permanent solution
- **Option 2 (Pay & Forget):** Settle Ellis claim (\$60K), ignore 111 other families, hope attention fades, plan for future citizen enforcement costs = immediate cheap payoff

The City chose Option 2.

This is a **funding choice, not a capacity problem**. The City chose to spend \$60,000 dismissing an inconvenient lawsuit rather than spend \$1 million fixing an inconvenient infrastructure problem. The Creek loses. Future homeowners lose. But the City's FY2023 budget was balanced without a line item for sediment control infrastructure.

D. The Missing Fourth Weir: Deliberate Non-Completion

The 2007 SJRWMD permit authorized and required **four canal weirs** as the primary sediment control strategy. The City built three. It omitted the fourth — the one closest to Hogpen Creek, the one that would have done the most to prevent sediment transport downstream.

This was not an oversight. The permit application explicitly identified the weir locations and sediment reduction goals. Engineering plans were drawn. The City made a deliberate decision not to complete the design.

Fifteen years later, Hogpen Creek shows the consequences of that decision. The Creek that was supposed to be protected by a fourth weir has instead become a sediment sink.

E. The San Pablo Road Project — We Watched Them Make It Worse

For many of us living along Hogpen Creek, the San Pablo Road expansion project in the late 2010s-early 2020s was a moment of hope and, ultimately, crushing disappointment.

We watched the construction crews arrive. We saw the heavy equipment, the road widening, the construction crossing the Sandalwood Canal. We knew from years of living here that the Sandalwood Canal was the source of the sediment choking our creek. We had been complaining to the City about it for years.

We hoped — we genuinely believed — that the City would finally fix the infrastructure. Here was a major capital project, a multi-million dollar road expansion, right at the canal. Construction equipment was already on-site. The budget was already allocated. The opportunity was obvious: build the missing fourth weir, upgrade the silt pond, install modern stormwater treatment for the expanded road. Fix it right, this time.

Instead, we watched them make it worse.

- The City proceeded **without obtaining the required SJRWMD permit** (Permit 118023-1 was applied for, then withdrawn — the City built anyway)
- The road expansion **added more impervious surface**, generating even more stormwater runoff
- That additional stormwater was **channeled directly into the already-failed Sandalwood Canal** — the same canal we'd been complaining about
- The City **did not build the fourth weir** despite having equipment on-site
- The City **did not upgrade the silt pond** despite the increased volume
- The City **did not implement any enhanced stormwater treatment**

We watched, from our backyards, as the City took a bad situation and made it worse. More water, same failed infrastructure, predictable result: **more sediment, worse creek, accelerated degradation.**

What This Taught Us:

The San Pablo Road project taught us something we didn't want to learn: **the City will not fix this voluntarily, even when the opportunity is obvious and the solution is right in front of them.**

- They had the equipment on-site → **didn't use it**
- They had the budget allocated → **didn't spend it on infrastructure**
- They had the engineering knowledge (2003, 2007, 2014 reports) → **didn't apply it**
- They had the legal obligation (SJRWMD permit requirement) → **withdrew the permit and proceeded anyway**
- They had a community begging them to fix it → **ignored us**

This is why we need **enforcement with teeth** — not promises, not studies, not another “we'll look into it.” The San Pablo Road project was the City's chance to demonstrate good faith. They failed. They made it worse. They proved they will not comply voluntarily.

We refuse to wait another 20 years watching the City conduct more unpermitted construction, add more stormwater volume, and make our creek worse while telling us it's “not their problem.” We need FDEP to compel what voluntary compliance will never achieve.

F. What This Means

The Ellis precedent, the San Pablo Road failure, and the settlement strategy communicate one clear message: **The City will not voluntarily fix this.** It will:

- Acknowledge responsibility when convenient (2003 ordinance, 2007 permit)
- Deny responsibility when challenging (today)
- Settle claims instead of fixing infrastructure
- Hope that each generation of affected residents eventually moves or gives up

This is why enforcement is necessary. Not because the City lacks knowledge or capacity, but because it will not act voluntarily when inaction is cheaper than action.

VII. THE CITY'S DOUBLE STANDARD: ONE RULE FOR DEVELOPERS, NO RULES FOR THE CITY

A. They Fine Others for What They Do Themselves

As if the twenty-year pattern of neglect were not enough, our research has uncovered something that makes the City's behavior even harder to accept: **the City of Jacksonville actively fines private developers and property owners for the exact same sediment and stormwater violations it commits every single day through the Sandalwood Canal.**

When a private developer fails to maintain a retention pond, the City issues a Notice of Violation. When a construction site allows sediment to enter a waterway, the City imposes corrective action requirements and penalties. When a private property owner neglects their stormwater BMP, the City demands compliance.

But when the City's own Sandalwood Canal — a system draining **11 square miles** — discharges untreated sediment into a residential waterway designated as manatee habitat? Nothing. No inspections. No maintenance. No self-enforcement. No accountability.

The rules apparently don't apply when the City is the polluter.

B. What This Feels Like to Our Community

Learning about the double standard has been one of the most infuriating revelations of this entire ordeal. It's one thing to be neglected — we've lived with that for twenty years. But it's another thing entirely to discover that the City **knows exactly what it's supposed to do**, because it demands those same standards from everyone else.

This feels like **institutional hypocrisy** of the worst kind. The City has an entire enforcement apparatus — inspectors, engineers, lawyers — dedicated to making private parties comply with sediment and stormwater regulations. That same City can't be bothered to inspect its own silt pond or maintain its own weir system.

This feels like **institutional betrayal**. We trusted that the City held itself to the same standards it imposed on others. We were wrong.

This feels like a **rigged system** — where the rules exist to protect the environment from private polluters, but the biggest polluter in the watershed gets a free pass because it writes its own rules.

C. The Defunded Inspection Program — Negligence by Choice

Our research uncovered another devastating fact: **in the late 1990s, the City eliminated its stormwater pond inspection program.** They didn't just fail to inspect the silt pond that was supposed to protect Hogpen Creek — they deliberately defunded the program that would have required them to do so.

This was not an oversight. This was a budget decision. Someone in City government looked at a line item for stormwater pond inspections and decided it could be cut. And the consequences of that decision are now visible in every foot of sediment choking Hogpen Creek, in every property value that has plummeted, in every manatee that can no longer navigate our waterway.

No maintenance logs exist for the silt pond. Not because someone forgot to keep records — because the City eliminated the program that would have generated those records.

D. The Emotional Weight

We want to be clear about what this double standard means to the families along Hogpen Creek:

- **A developer who lets sediment flow into a ditch faces penalties.** The City lets sediment fill an entire creek — our creek, our backyards, our property values — and faces nothing.
- **A construction company that fails an erosion control inspection gets fined.** The City hasn't inspected its own silt pond in decades.
- **A property owner who neglects a retention pond gets a compliance order.** The City neglects a system serving 11 square miles and claims "it's not our problem."

We are not asking for the City to be treated differently from anyone else. We are asking for the City to be treated **the same as everyone else**. Follow the same rules. Meet the same standards. Accept the same consequences when you fail.

“The rules apparently don't apply when the City is the polluter. But they should.”

VIII. SAFETY CONCERNS

A. Navigation Hazards

The sedimentation has created dangerous conditions for vessel operation:

- **Grounding hazards:** Submerged sediment bars are not visible and shift with tidal and storm action, creating unpredictable hazards
- **Propeller damage and engine overheating:** Vessels that enter shallow areas risk fouled propellers, damaged lower units, and overheated cooling systems from ingesting sediment-laden water
- **Risk of personal injury:** Boaters who ground in remote sections of the creek may be stranded, with limited ability to summon help

B. Emergency Access Concerns

Hogpen Creek historically provided a potential waterway access route for emergency response. The loss of navigability raises serious public safety concerns:

- Emergency response vessels cannot reliably access creek-front properties from the water
- During flooding events, when road access may be compromised, waterway access becomes critical
- The accumulation of muck and sediment could impede emergency evacuation by water

C. Manatee Safety

The degraded conditions increase risks to protected manatee populations:

- Shallow waters force manatees into narrower navigable channels, increasing the probability of boat strikes
 - Muck-filled areas can entrap manatees, particularly calves
 - Low-oxygen events can cause manatee distress or mortality
-

IX. THE CITY'S FAILURE TO ACT — A 20-YEAR PATTERN OF DELIBERATE NEGLIGENCE

The homeowners of Hogpen Creek have not been passive. For years, we have:

- Written to every relevant City Council member, including our District 13 representative
- Contacted the Mayor's office
- Attended public meetings
- Engaged media coverage, including **First Coast News** coverage on April 2, 2026
- Mailed letters to all 111 homeowners along the creek to build community support
- Requested budget line items for a geotechnical study
- Asked for meetings with Public Works leadership

The City's response has been consistent: denial, deflection, and delay.

- The City has claimed it “only performs dredge projects for access to city owned and/or operated boat ramps” — an arbitrary policy distinction that ignores the City's own stormwater infrastructure as the cause
- The Public Works Director has asserted, without supporting evidence, that the 150+ homes along the creek — rather than the Sandalwood Canal system serving thousands of homes — are responsible for the sedimentation
- Councilman Diamond's office indicated a budget line item for a geotechnical study would be introduced — but as of April 2026, no study has been funded, scoped, or initiated
- The City has produced **no watershed analysis, no engineering study, and no inspection records** of the Sandalwood Canal silt ponds since the 2003–2005 dredging

This pattern is not new. The Ellis litigation (2010–2014) demonstrates that the City has faced these exact allegations before — supported by independent engineering evidence — and chose to settle a claim rather than fix the systemic problem. The Devo Engineering report (2014) documented the “downstream transfer” phenomenon and the missing fourth weir more than a decade ago. The City's own SJRWMD permit acknowledged the sedimentation problem in its design objectives. The 2023 Ellis settlement shows the City's current strategy: pay to avoid, don't fix.

At every turn, the City has had the information, the expertise, and the obligation to act — and has chosen not to.

“After spending several months working with the affected homeowners, inspecting Sandalwood Canal at various points, studying depth charts and currents, and examining the photographic evidence I came to the inescapable conclusion that the City of Jacksonville, which is entirely responsible for the construction and maintenance of the Sandalwood Canal, is the party solely responsible for the siltation and pollution entering Hogpen Creek.”

— **Robin Lumb**, Former Jacksonville City Council Member (2011–2015)

“My recommendation is that City Council should follow the Pottery Barn Rule: ‘You break it, you buy it!’”

— **Robin Lumb**, Former Jacksonville City Council Member

X. WHY ENFORCEMENT IS NECESSARY: VOLUNTARY COMPLIANCE WILL NOT WORK

The City of Jacksonville will not fix this creek without enforcement. Not because it lacks knowledge. Not because it lacks capacity. But because it has calculated that inaction is cheaper than action — and that calculation only changes when inaction carries legal consequences.

A. The Pattern Proves Voluntary Compliance Won't Work

For 20 years, the City has had every opportunity to demonstrate that it will fix this voluntarily:

- **2003:** The City acknowledged responsibility by funding dredging. Then it stopped. No further infrastructure investment for 22 years.
- **2007:** The City permitted improvements with explicit sediment reduction goals. It built only 75% of the permitted infrastructure (missing the fourth weir) and never maintained the rest.
- **2010-2014:** The Ellis family sued. The City defended without committing to fix the problem for anyone else.
- **2023:** Rather than invest in permanent fix, the City paid \$60,000 to dismiss the Ellis claim quietly.
- **2025-26:** We document the same impacts. The City's response: "not our problem."

If voluntary compliance was ever going to work, it would have worked by now. The City has been given communication, evidence, legal pressure, media attention, and moral arguments. It has responded by: deny, deflect, delay, and settle when forced to.

B. The City's Cost-Benefit Calculation

The City's behavior makes perfect sense if you understand its cost-benefit analysis:

Voluntary Fix Model:

- Retrofit fourth weir: ~\$500K
- Maintain silt ponds: ~\$50K/year
- Maintenance dredging: ~\$500K over 20 years
- Total 20-year cost: ~\$1.5M
- Political cost: Visible, ongoing, public
- **Outcome: Fixed creek, happy homeowners**

Pay & Avoid Model:

- Settle Ellis claim: \$60K (2023)
- Ignore 111 other families: \$0
- Defend future lawsuits: ~\$100K-200K each, settle for ~\$50K-100K
- Expected cost per lawsuit: ~\$75K
- Expected 3-5 more lawsuits before environmental enforcement: ~\$225K-375K total
- Total 20-year cost if enforcement occurs: ~\$500K (settlement + defense + enforcement)
- Total 20-year cost if enforcement doesn't occur: ~\$60K-100K (just Ellis)
- Political cost: Hidden, deniable, quiet
- **Outcome: Unfixed creek, angry homeowners, possible enforcement down the road**

From the City's perspective, the "Pay & Avoid" model saves money and avoids political visibility.

Only enforcement changes this equation. Once there are legal consequences — stipulated penalties, Consent Order compliance requirements, mandatory third-party monitoring — the cost of non-compliance exceeds the cost of compliance. Then and only then will the City fix this.

C. The Evidence: Voluntary Compliance Succeeds When Consequences Exist

The City's own behavior proves this point. The City maintains:

- **Stormwater infrastructure at City boat ramps** — because it's City responsibility and the City holds itself accountable
- **Street sweeping and pothole repair** — because residents complain and it's politically visible
- **Parking meter maintenance and traffic signals** — because they generate visible failures and complaints

The City maintains what it's forced to maintain. It ignores what it can ignore without consequences.

The Sandalwood Canal fell into the "can ignore" category because:

- No enforcement authority was actively monitoring
- The impacts were visible to homeowners but not to City decision-makers
- Settlement was cheaper than fix
- Environmental enforcement had not been triggered

This will change only when there is enforcement.

D. The City Created a Special District to Make Us Pay for Their Pollution

As if the 20-year pattern of denial and deflection weren't enough, the City found a way to make it worse. In **2022**, during the Hogpen Dredging Special District (HDSD) petition process, the City **promised us** it would conduct a preliminary study of the sedimentation and pursue identification of responsible parties.

Instead, in 2023, the City enacted Ordinance 2023-0149 — creating a special taxing district that shifts the cost of remediation onto us, the homeowners. The very people whose properties the City's infrastructure destroyed are now being taxed to pay for cleanup.

Think about what this means:

- The City built the Sandalwood Canal
- The City failed to maintain it
- The City's canal filled our creek with sediment
- Our property values dropped by \$25-30 million
- And now the City wants **us to pay** to fix what **they broke**

The promised preliminary study? Never conducted. The promise to pursue responsible parties? Abandoned. Instead, the City created a mechanism to extract money from the victims of its own negligence.

This is exactly why we need enforcement, not settlement. The City doesn't just refuse to fix the problem — it actively tries to make us pay for its consequences. Only a Consent Order with mandatory infrastructure repair and penalties will stop this cycle.

E. We Now Have Scientific Proof — Not Just Our Observations

On **January 4, 2024**, a professional hydrographic survey documented what we've been telling the City for years — but now in objective, scientific terms that cannot be denied:

- **Less than 0.5 feet of depth** at the canal outfall into Hogpen Creek

- **6.2 feet of depth** in the adjacent Intracoastal Waterway
- A **5.7-foot depth differential** that proves the sediment comes from the canal, not from natural processes

This is not our opinion. This is not our observation. This is **measured scientific data** collected by professionals. The City cannot dismiss this as “homeowner complaints.” The depth gradient proves, objectively and scientifically, that the Sandalwood Canal discharge is the source of the sedimentation destroying our creek.

F. Why Settlement Is Not a Solution

The Ellis precedent shows why settlement cannot be our goal. Settlement:

- Doesn't fix the creek
- Doesn't prevent future harm
- Doesn't require ongoing maintenance
- Doesn't create deterrent for future violations
- Can be kept confidential (Ellis settlement terms not public)
- Allows the City to claim responsibility while refusing to invest in fix

We are not seeking settlement. We are seeking infrastructure repair under legal obligation, with enforcement mechanisms that make non-compliance costly.

XI. WHAT WE ARE ASKING THE FDEP TO DO: ENFORCEMENT, NOT INVESTIGATION

We respectfully but firmly request that the Florida Department of Environmental Protection pursue **enforcement action**, not merely investigation, regarding the unpermitted discharge of sediment and pollutants from the City of Jacksonville's Sandalwood Canal stormwater system into Hogpen Creek.

Specifically, we request that FDEP:

Investigation and Documentation Phase

1. **Investigate** the unpermitted discharge of sediment and pollutants from the Sandalwood Canal into Hogpen Creek
2. **Determine** whether the City is in violation of Florida water quality standards, including:
 - Turbidity standards (Rule 62-302.530, F.A.C.)
 - Narrative nutrient criteria
 - Biological integrity standards
 - Anti-degradation provisions
3. **Evaluate** the impacts to designated manatee habitat and protected species
4. **Require** the City to conduct a comprehensive watershed study and sediment transport analysis
5. **Investigate** the City's failure to construct the fourth canal weir required under SJRWMD Permit #4-031-17631-6 and the legal and environmental consequences of that omission
6. **Assess** the significance of the pattern: prior litigation (Ellis, 2010), prior engineering documentation (Devo report, 2014), prior settlement without infrastructure commitment (Ellis, 2023), and prior City permit violations

Enforcement Action Phase — Issuance of Consent Order

1. **Issue a Consent Order** establishing enforceable requirements for the City of Jacksonville, including:

A. Infrastructure Remediation

- Install the fourth canal weir (specified design, specifications to be confirmed by professional engineering review) by [DATE]
- Retrofit and repair silt ponds at Sandalwood Canal terminus to [specified sediment removal efficiency standard] by [DATE]
- Conduct emergency dredging of Hogpen Creek to restore minimum navigable depths of [specified depth] by [DATE]
- Establish maintenance dredging schedule and specifications for ongoing creek maintenance
- Implement real-time sediment monitoring system at canal discharge points

B. Compliance and Monitoring

- Third-party engineering monitoring at City expense, quarterly inspections, with reports to FDEP
- City submission of maintenance records, inspection logs, sediment sampling results on quarterly basis
- Establish performance metrics: maximum turbidity levels, minimum dissolved oxygen, maximum sediment deposition rates
- Annual certification by City that all infrastructure is maintained to specifications

C. Stipulated Penalties

- \$[Amount] per day for failure to meet infrastructure completion deadlines (escalates on extended non-compliance)
- \$[Amount] per day for failure to submit required monitoring reports
- \$[Amount] per day for any documented violation of water quality standards
- Accumulated penalties to be directed toward enhanced remediation measures if non-compliance occurs

D. Citizen Enforcement Provision

- Explicit reservation of homeowners' right to pursue citizen enforcement under Florida Statute § 403.412 for any failure to comply with Consent Order
- Consent Order terms to include attorneys' fees and costs provision for successful citizen enforcement actions

1. **Assess penalties** for the City's multi-decade failure to control sediment discharge from its stormwater infrastructure, considering as aggravating factors:

- City's 2003 acknowledgment of responsibility (Ordinance 2003-873-E) and subsequent 19-year abandonment
- City's 2007 permit violation (failure to construct fourth required weir)
- City's 2014 dismissal of Devo Engineering documentation of causation
- City's 2023 settlement with Ellis family without infrastructure commitments (demonstrates knowledge without remediation)
- City's pattern of denying responsibility to current homeowners despite documentary evidence

2. **Investigate** whether an Environmental Resource Permit (ERP) exists for the Sandalwood Canal operations and whether current operations violate permit terms

3. **Refer** the destruction of designated manatee habitat to the U.S. Fish and Wildlife Service (USFWS) for investigation under the Endangered Species Act

4. **Coordinate** with the U.S. Army Corps of Engineers (USACE), Jacksonville District, regarding potential Section 10 and Section 404 violations in Hogpen Creek
5. **Consider** the City's selective enforcement of identical sediment and stormwater standards against private parties (while exempting itself) as evidence of knowing and willful non-compliance with environmental laws

Our Commitment

We commit to:

- Providing full documentation and evidence to support FDEP investigation
- Cooperating with FDEP enforcement actions
- Providing third-party monitoring and reporting if necessary
- Pursuing citizen enforcement under Florida Statute § 403.412 if FDEP enforcement does not result in compliance
- **We will not accept settlement without infrastructure repair commitments.**

XII. THIS IS ABOUT PROTECTING FUTURE HOMEOWNERS AND RESTORING A PUBLIC RESOURCE

We are not the last community that will live on Hogpen Creek. Behind us are generations of homeowners who will inherit either a restored, navigable waterway or a further-degraded mudflat.

If we wait another 20 years hoping the City will voluntarily maintain the Sandalwood Canal:

- Hogpen Creek will be beyond restoration
- Manatee habitat will be lost or severely degraded
- Property values will decline another \$25-30 million as Deep Water transitions to “exposed mudflat”
- Another 111 families will experience the same loss, frustration, and betrayal we experience today

Enforcement now protects their future.

The infrastructure fix we seek — the fourth weir, the maintained silt ponds, the dredged creek, the restored navigability — serves not just us but the generations that follow. This is environmental restoration. This is property rights protection. This is holding government accountable.

We are asking FDEP to enforce environmental protection not for us alone, but for the community that comes next. Future homeowners of Hogpen Creek should not inherit a polluted creek because the City chose “pay to avoid” over “fix it right” in 2026.

XIII. CONCLUSION

The homeowners of Hogpen Creek are not asking for special treatment. We are asking for the **enforcement of environmental laws** that the City of Jacksonville has been violating with impunity for two decades.

The City built the Sandalwood Canal. The City operates the Sandalwood Canal. The City collects stormwater from 11 square miles and channels it through the Sandalwood Canal into Hogpen Creek. The City accepted responsibility for the resulting sedimentation in 2003 and paid 59% of dredging costs.

The City permitted improvements in 2007 that explicitly targeted Hogpen Creek sedimentation — and then failed to build all the required infrastructure. An independent engineer documented the City’s failures in 2014. A property owner sued the City over these same failures. The City settled that lawsuit in 2023 without committing to infrastructure repair. Today, Hogpen Creek is worse than before.

The result is an environmental, economic, and human catastrophe:

- **\$25-\$30 million** in collective property value losses
- **\$275,000-\$360,000** in annual tax revenue losses to the City
- **Loss of navigability** in a waterway that 111 families depend on
- **Degradation of designated manatee habitat**
- **Destruction of aquatic ecosystems** — SAV, fish, wading birds, benthic life
- **Loss of quality of life** for an entire community
- **A 20-year record** of City knowledge, City promises, City inaction, and City settlement without fix
- **A pattern** that will repeat unless enforcement is applied

We have been patient. We have been reasonable. We have exhausted every avenue of communication with the City. We now request that the Florida Department of Environmental Protection enforce the environmental protection standards that the City has violated — not through investigation alone, but through **Consent Order enforcement with teeth: enforceable deadlines, specific infrastructure requirements, performance metrics, and penalties for non-compliance.**

We will not accept another settlement. We will not accept another study. We will not accept another promise. We accept only infrastructure repair, legally enforceable, with measurable compliance deadlines and consequences for failure.

The City had its chance to fix this voluntarily. For 20 years. It chose not to. Now it is FDEP’s turn to compel what voluntary action would not achieve: the restoration of Hogpen Creek and the protection of the families who depend on it.

SIGNATURE PAGE

Attestation

By signing below, I affirm that I am a property owner along Hogpen Creek in Jacksonville, Florida; that I have experienced one or more of the impacts described in this statement; and that I support the filing of this complaint with the Florida Department of Environmental Protection and the pursuit of enforcement action.

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#	Printed Name	Property Address	Signature	Date
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(Additional signature pages may be attached as needed. This statement may be signed in counterparts.)

Contact for this submission:

Ryan Adams

Hogpen Creek Frontage Owner

13834 Seven Pines Drive

Jacksonville, FL 32224

Ryan.paul.michael.adams@gmail.com

(203) 770-4876

This Homeowner Impact Statement v3.3 is submitted as Exhibit ___ of the FDEP Complaint Package regarding Hogpen Creek sedimentation and enforcement action, Duval County, Florida.