



**Who Should be Responsible for
Dredging Hogpen Creek?**

**The Property Owners or
The City of Jacksonville?**

Disclaimer: Although many property owners object to the “Dredging Assessment” and the actions of the Board of Supervisors (BOS) of the Hogpen Dependent Special District (HDSD), Homeowners Opposed to the Dredging Assessment (H.O.D.A) is not claiming that the BOS has acted outside the scope of its authority nor is H.O.D.A. claiming that property owners were intentionally deceived at any point. Nonetheless, we believe the creation of the of the HDSD was inconsistent with the promises that were made during the petition gathering process which in turn had caused a great deal of confusion. Further, we believe that insufficient attention has been paid the Sandalwood Canal as the primary source of the silt, sand, and sediment entering Hogpen Creek

Secretary of State Colin Powell's “Pottery Barn Rule”:

“You break it, you own it.”

Is the AICW causing the accumulation of silt in Hogpen Creek?

Probably not.

“The federal authorized depth for the [AICW] from the St. Johns River to Fort Pierce is 12 feet at MLW. The last hydrographic survey in 2021 shows the project at authorized depth or naturally deeper. Dredging activities either by FIND or by US Army Corps of Engineers (USACE) have taken place adjacent to the Atlantic [Boulevard] Bridge in 1956, 1960, 1962, 1965, 1970, 1973, 1986, and most recently in 2005. In 2005 approximately 24,000 [cubic yards] were removed from the north and south of the bridge. The [AICW] south of the Isle of Palms was dredged in 1958 and 1962. The [AIWW] between those 2 sections hasn't been dredged according to the records.”

– Janet Zimmerman, Executive Director, Florida Inland Navigation District

The lack of maintenance dredging in the AICW indicates that the flow of silt and sediment entering Hogpen Creek from the east is probably negligible.

According to the hydrographic survey that was completed on January 4, 2024, Mean Low Water – the average water level at low tide – in the main channel of Hogpen Creek immediately east of the Seven Pines Island marina was 6.2 feet and immediately west of the marina was 5.5 feet.

The same survey shows the Mean Low Water in Hogpen Creek approximately 150 feet east of San Pablo Road to be less than half a foot.

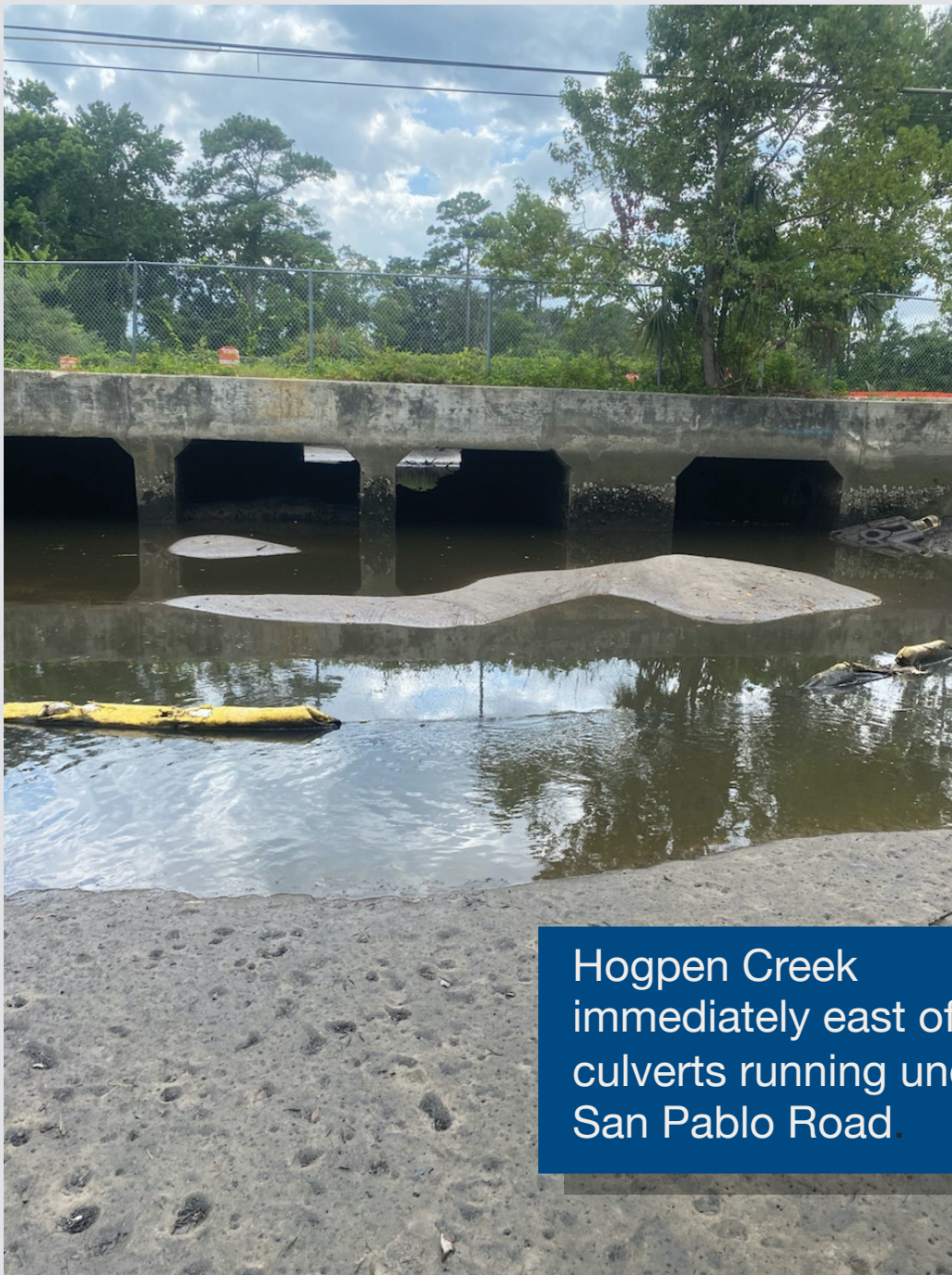
These depth measurements at Mean Low Tide show the channel deepening the farther one moves east along Hogpen Creek toward the AICW. This points to the Sandalwood Canal as the source of the silt, sand and sediment entering Hogpen Creek.



Molton Smith standing on sand in Hogpen Creek about 250 feet east of San Pablo Road.



Hogpen Creek
immediately west of
San Pablo Road.



Hogpen Creek
immediately east of the
culverts running under
San Pablo Road.



Hogpen Creek looking east about 250 feet east of San Pablo Road.



Another view
looking east along
Hogpen Creek.

Is the Sandalwood Canal responsible for most of the accumulation of silt and sediment in Hogpen Creek?

Almost Definitely.

Over a 50-year period from 1950 to 1999, with little variation between decades, Jacksonville has experienced an average of approximately 16 rainfall events each year of 1" or more.

- ***11.56 rainfall events on average each year of 1" – 2"***
- ***2.86 rainfall events on average each year of 2" – 3"***
- ***1.38 rainfall events on average each year of 3" of more***

Source: Florida State University Climate Center

Impacts from Sandalwood Canal

➤ Sandalwood Canal runs east from I-295 for approximately 4 miles where it then enters Hogpen Creek. It drains approximately 11 miles of land area between Atlantic Boulevard and Beach Boulevard. This 11 square mile area contains just over 7,000 acres.

➤ One inch of rain falling on 1 acre of ground is equal to about 27,154 gallons of water.

Source: USGS Rainfall Calculator

➤ In heavily urbanized areas with 75%-100% impervious cover, i.e., “hardscape,” 55% of all rain becomes surface runoff. Even in areas of natural ground cover 10% of all rain becomes runoff.

Source: FEMA

➤ Assuming just 35% of the rainwater that falls in the 11 square mile drainage area becomes surface runoff, 1/2" of rain would produce up to 33 million gallons of runoff. ***That's 4.5 million cubic feet of water!***

Silt Formation

The optimal conditions for silt formation are when large volumes of stormwater from the Sandalwood Canal meet a flood tide (incoming tide) at various points along Hogpen Creek. The incoming tide slows the flow of stormwater which allows silt and sediment to come out of suspension and settle on the bottom and along the sides of Hogpen Creek. Because water naturally flows more slowly toward the outer margins and along the bottom of a creek sediment tends to accumulate there first. This is what we see in Hogpen Creek.

“How did we get here?” Part 1

In the petition’s cover letter dated October 18, 2022, Bill Shuetz wrote “The total estimated cost [of the dredge] minus the approved assessed responsibility total for outside parties will be borne equally by all residents with direct water access via the creation of a special 10-15-year tax district.”

There’s no indication that any “outside parties” have been identified or pursued for payment by the Board of Supervisors. Rather than a 10-15-year lifespan, the Hogpen Dependent Special District will exist in perpetuity.

“How did we get here?” Part 2

In the same letter, Mr. Shuetz also wrote “Upon the approval of the special assessment, the committee will petition the Inland Water Authority to assess responsibility to any and all agencies or entities contributing to the problem. The City will use this recommendation as a guideline to assess financial responsibility. It is important to note that during the 2010 Canal Dredging Project the city accepted a significant portion of the responsibility and cost.”

For the record, there is no such entity as “the Inland Water Authority” and there’s nothing showing that the Board of Supervisors has done anything to “assess responsibility to any and all agencies or entities contributing to the [siltation] problem [in Hogpen Creek].”

“How did we get here?” Part 3

The petition that was circulated in 2022 repeatedly referenced being a “Preliminary Petition” as well as the possibility that the City of Jacksonville would conduct a “Preliminary Study” on the cost and feasibility of the dredging project.

Here’s how the petition was titled: **Seven Pine Island / Holiday Harbor / Ketch Cove Neighborhood Assessment Program Preliminary Petition**

“How did we get here?” Part 4

Here’s paragraph 8 of the petition: Petitioners acknowledge that upon receiving this Petition, the City Council may authorize the Public Works Department to conduct a **Preliminary Study** of the feasibility of the proposed Improvements and Special Assessment. Such **Preliminary Study** may include estimates, reports, and plans.

“How did we get here?” Part 5

Here’s paragraph 9 of the petition: Petitioners acknowledge that such **Preliminary Study** may result in a finding of lack of feasibility for the proposed Improvements and Special Assessment. The **Preliminary Study** may also result in a finding that the estimated assessment per property on the **Preliminary Petition** was incorrect. If the **Preliminary Study** results in an estimate that is more than 25% more expensive than the **Preliminary Petition** estimate, then the Petitioners must re-petition the City Council to move forward with the Improvements and Special Assessment.

“How did we get here?” Part 6

The repeated use of the word “Preliminary” in the petition as well as references to a cost and feasibility study may have caused property owners to believe that a final decision on the Hogpen Creek dredging project would be made later once the costs had been apportioned among the various parties bearing responsibility for the siltation problem and after any necessary studies had been completed.

Property owners weren’t expecting the petition process to be abandoned in favor of creating the HDSD under state law and without their approval.

Cui bono? Translation: Who benefits?

From Ordinance 2023-0149: “Sec. 5. Best Alternative. In accordance with section 189.02(4)(b), Florida Statutes, the creation of the District provides the best alternative for private/shared improvements; **the District will allow the locally impacted community receiving the benefit from the improvements to directly fund the costs involved.**”

Not so fast! The City of Jacksonville is the primary beneficiary:

- The City benefits by keeping Hogpen Creek clear and flowing freely to accept stormwater discharge from Sandalwood Canal.
- The City benefits by avoiding the \$4 to \$5 million cost of dredging Hogpen Creek to fix a problem the City created.
- The City benefits by avoiding the cost of maintenance dredging to continue fixing a problem the City created.
- The City benefits from higher property taxes associated with rising property values when property owners pay to fix a problem the City created.

Conclusions:

Sandalwood Canal is likely to major source of silt, sand and sediment entering Hogpen Creek. This means the City of Jacksonville should bear most if not all of the cost of dredging Hogpen Creek.

The Board of Supervisors of the HDSD has failed, as promised when the Neighborhood Assessment Program petition that was initially circulated, to pursue the City of Jacksonville for its share of the cost of dredging Hogpen Creek.

Solutions:

- City Council should suspend all operations of the HDSD – including the annual a per lot assessments – while the City of Jacksonville conducts a comprehensive study using qualified experts from OUTSIDE FLORIDA in the fields of engineering, stormwater management and hydrology to determine the impact that Sandalwood Canal has had on silt and sedimentation in Hogpen Creek. The same study should also gauge the impact that the AICW has on silt and sediment entering Hogpen Creek from the east.
- The City of Jacksonville should bear the cost of the dredge in proportion to its responsibility for creating the problem of silt and sedimentation in Hogpen Creek. If the City of Jacksonville is determined to be more than 75% at fault it should bear the entire cost of the dredge as a matter of equity.
- If the study determines that the City of Jacksonville has been negligent in the design, construction and maintenance of Sandalwood Canal and related infrastructure such as retention basins, drainage ditches, drainage pipes, weirs, and baffles the City of Jacksonville should pay the entire cost of the dredge as a matter of equity.
- Legal action by property owners seeking declaratory relief.