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**JACKSONVILLE WATERWAYS COMMISSION
St. Johns River Shoaling Task Force**

Meeting Minutes

April 18th, 2024, 2:00 p.m.

Location: Lynwood Roberts Room, 1st floor, City Hall

In attendance: Council Member Mike Gay (chair); Commissioner Mark Devereaux; Commissioner Marc Hardesty; Gregory Grant, JSEB Administrator; Dustin Freeman, Chief of Procurement Division; Kim Taylor, Council Auditor; Captain Jim Suber, Waterways Coordinator

Also: Brian Burket, Waterfront Project Manager; Dr. Gerry Pinto, Jacksonville University; Dr. Jeremy Stalker, Jacksonville University; Amanda Crawford, Field Representative for Congressman Aaron Bean; Amber Lehman, Executive Council Assistant, At-Large Group 3; Joe Johnson, Executive Council Assistant, District 1; Eamon Webb, Research Assistant

Meeting Convened: 2:00 p.m.

Council Member Gay called the meeting to order. He ran through collection of photographs that demonstrated the shoaling issue in the St. Johns River at the east end of Blount Island. He explained that the shoal is consistently growing, with the river at certain points being shallow enough for boaters to walk on the shoal, which presents a safety concern for navigators. The Army Corps of Engineers continues to dredge in the River, but they do not feel as though the shoaling is being caused by their dredging. Council Member Gay explained that the Jacksonville Waterways Commission needed to work out details about the proposed JU study to investigate the source of the shoaling before moving forward.

Kim Taylor, Council Auditor's Office, noted that JWC will need to work out the details of the deliverables they expect JU to complete as part of the project. She explained that if the JWC decides to award this contract to JU through a competitive process, advancing all of the project funding to JU immediately would be abnormal. It would be more normal to have specific milestones at which the City would provide funds to JU on a reimbursement basis. She explained several other concerns that should be addressed before the Council potentially approves the contract with JU to complete the study: gaining legal access to the portions of the river needed to conduct the study; requesting that the Army Corps of Engineers in some way indicate that they accept the validity of the methodology of the study; purchasing equipment to conduct the study; and better working out the educational component of the agreement with JU (or removing it and allowing JU to decide how to proceed with the educational component).

Dr. Jeremy Stalker stated that how the project would be funded would be a policy decision for the Council to make but agreed that JU would need to be granted access to the shoaling and spoils sites in order for the project to proceed.

Council Member Gay said that the shoaling problem was growing quickly and that the City should move as quickly as possible to correct the problem, but several concerns must be addressed before the Council moves forward with the study. He noted that the administration may want to put out an RFP for the services given recent conversations of the Council about sole-source contracts instead of directly contracting with JU. He also expressed the importance of ensuring that the Army Corps of Engineers would accept the methodology of the study so that they do not dispute the results after completion of the study.

Commissioner Devereaux noted that it would be difficult for the Army Corps of Engineers to agree to accept the results of a study if there were risk of the study showing them at fault. He explained that the funds being used for the dredging project were part of the federal defense budget; Council Member Gay agreed and opined that the City would likely need Congressional help to budget the relevant federal agencies in any direction. Commissioner Devereaux stated that he worried that the relevant federal agencies would shift the conversation if there were no binding agreement between them and the City. He asked whether the Army Corps of Engineers had discussed the study with JU, and Dr. Stalker answered that JU had been referred to the Army Corps' attorneys. Council Member Gay stated that he did not want to rush to consulting attorneys on the matter and escalating the situation; he noted that the City would be relying on the guidance of its Congressional representatives to navigate these conversations.

Captain Jim Suber, Waterways Coordinator, explained that the City already partners with JU on other research projects like the Manatee Study. He stated that the shoaling problem is not going away and that the City should move as quickly as possible to mitigate what is a growing safety concern. From a layman's perspective, he added, the shoaling is clearly at least correlated with the dredging and that getting tangible proof would expand the City's options. The process of navigating the federal bureaucracy has been difficult for the City, he explained, as the permits for markers on the shoal had been delayed for unexplained reasons in the Coast Guard's office. Marking the shoal would improve the City's standing from a liability perspective, and these shoal markers were ready to be implemented whenever their permits are approved, but even getting approval for these markers had been difficult. He said that the Coast Guard had expressed that they would not be responsible for the markers given that they would fall

outside of what the Coast Guard considers to be the “navigable” channel, but even though the City had understood that it, and not the Coast Guard, would be responsible for the markers, they had still been delayed.

Council Member Gay noted that the funds for the markers had already been approved and that it had been a previous goal of the Commission to have them installed by boating season. Commissioner Hardesty explained to Amanda Crawford, Field Representative for Congressman Aaron Bean, that the shoaling presented serious safety issues, with boaters having been catapulted from their boats on multiple occasions running aground of the shoal, and yet relevant federal agencies had frustrated City efforts to mitigate the safety risk at every step of the process, including delaying markers to alert boaters of the presence of the shoal. He expressed his anger as a constituent and as a local business owner and opined that it was time to get the media involved in this story.

Commissioner Devereaux noted that there were both commercial and residential interests being injured as a result of the shoaling; the floating docks in proximity to the shoal are public parks, and the shoal makes it difficult for people using these docks to navigate around the shoal. He also recounted stories of logjams of boaters attempting to leave the nearby fish camp because of the shoal. The shoal represents a financial injury to many individuals as well as presenting a safety concern, which he agreed was progressively worsening.

Captain Suber explained that the Coast Guard had justified not being involved in the shoaling issue by claiming that the shoaling is not occurring in the “navigable channel,” but he stated that it is not as clear what encompasses the navigable channel in the river as it is in the Intracoastal Waterway.

Council Member Gay stated that it should be clear how serious the safety concern is given how much experience the members of the task force who are expressing their concern have with boating and waterways. He explained to Ms. Crawford that the growing safety issue was why he reached out to Congressman Bean’s office, and he added that a way in which Congressman Bean’s office could help would be to reach out to the Coast Guard’s office and inquire about the status of the marker permit.

Dr. Gerry Pinto of Jacksonville University stated that some of the spoil material from the dredging site appears to be returning from the shoal to the original dredging site, so the City could pitch the proposed study to the Army Corps of Engineers and Marine Corps as being mutually beneficial, as understanding the cause of the shoaling would benefit them in their dredging project. He explained that the accumulation of dredge spoils over time is a natural process but that better understanding the impacts of dredging projects could extend the time period in between dredging projects. Commissioner Hardesty asked if the study could account for whether the accumulated sand could be used for beach renourishment projects, and Dr. Stalker responded that it could. Commissioner Hardesty stated that this possibility was another way in which the City could show to the Army Corps that it is interested in finding mutually beneficial solutions.

Gregory Grant, JSEB Administrator, asked whether there were any previous studies that could demonstrate the impacts of unaddressed shoaling; Commissioner Hardesty stated that there was an analogous situation at John’s Pass in Pinellas County for which he could provide information, and he noted that there was already information of this type on file with the Legislative Services Division.

Dustin Freeman, Chief of Procurement, agreed with structuring the study in phases to allow for competition at various stages of the study. He explained that this study would qualify as an unsolicited proposal, which the new Procurement Code will allow. Commissioner Devereaux asked whether the fact that the study had been discussed by the JWC with members of JU present would already qualify as an unsolicited proposal; Mr. Freeman stated that JU would have to formally submit its proposal to qualify as an unsolicited proposal. It would be an unsolicited proposal in the sense that JU would submit the proposal to the City without a request for the services from the City. Captain Suber asked about the timeline for the RFP process, and Mr. Freeman stated that the RFP would be noticed for 21 days to allow anyone to apply. Council Member Gay stated that the City must have its “ducks in a row” for the RFP process and that this would be the biggest hurdle to getting the study off the ground.

Ms. Crawford asked whether the City had attempted to bring in state or federal funds for the study, and Council Member Gay answered that federal opportunities were a major reason for why he had reached out to Congressman Bean’s office. He communicated that the Task Force genuinely feels that the shoaling is a safety risk to the constituents of Jacksonville, even though the existence of the shoal is not the fault of the City. Furthermore, he added, the shoaling presents a danger to the City’s most valuable resource. Ms. Crawford stated that Congressman Bean was not planning on requesting funds for any earmarked projects unless a balanced budget was passed by Congress; she stated that Congressman Bean would support any grant applications submitted by the City. Commissioner Hardesty stated that he understood the political position of Congressman Bean on earmarked projects but emphasized the seriousness of the shoaling issue. Ms. Crawford stated that Congressman Bean’s Office could be a connector between the City and the Coast Guard’s office to get an update on the status of the marker permit. Commissioner Hardesty and Council Member Gay both expressed an interest in meeting with Congressman Bean, but Ms. Crawford explained that it would be nearly impossible to schedule a meeting with Congressman Bean directly for the rest of the legislative session but that she would communicate the concerns of the City to him. Council Member Gay thanked Ms. Crawford for her attendance and stated that he could send her the information on file with the Legislative Services Division.

Commissioner Devereaux stated that he believed that the Army Corps of Engineers would not agree to be bound by the results of the study, as they would not want to accept the risk that doing so would entail. He stated that if the City were to proceed with the study without agreement of the Army Corps of Engineers to accept its results, it was likely that the study would ultimately be a waste of the City’s money, resources, and time. He explained that he believed that one could make a compelling and simple case that the shoaling is being caused by the dredging projects without the need for a study. He said that dredging has not been a serious issue in the years that he has lived near the site and drew parallels to the opening of Blount Island in 1942. Commissioner Hardesty noted that the Army Corps of Engineers’ role in the creation of Mill Cove was another example to which the City could point to demonstrate the dangers of ignoring the negative effects of dredging projects. He repeated a desire to meet with Congressman Bean.

Ms. Crawford asked what the goal of a study would be; Council Member Gay answered that it would be to discover the source of the shoaling material. Ms. Crawford asked how the City would proceed if the study was not conclusive, and Council Member Gay responded the City could consider other ways to offset the shoaling issues. Dr. Stalker asked whether the JWC had previously approached the Army Corps of Engineers to discuss a study, and Commissioner Hardesty responded that they had. These conversations

resulted, in his estimation, in a “kicking of the can down the road.” Their representatives claimed that the shoaling was a naturally occurring phenomenon and recommended a potential \$3 million study that would represent a “first step.”

Commissioner Devereaux discussed who he believed would be liable for injury caused by the existence of the shoal and what he viewed as likely outcomes moving forward. Captain Suber explained how various parties were involved in these projects.

Public Comment:

There were no speakers.

Meeting adjourned: 3:27 p.m.

Minutes: Eamon Webb, Council Research Division
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