GUADALUPE - COYOTE

RESOURCE CONSERVATION DISTRICT

IMPACTS OF HOMELESSNESS ON CREEKS - ROUNDTABLE

March 29, 2011

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THERE IS NO QUESTION THAT HOMELESSNESS HAS CAUSED NEGATIVE ENVIRONMENTAL IMPACTS TO OUR WATERWAYS

BUT

- HOMELESSNESS IS A SOCIAL ISSUE THAT DOES NOT IN ITSELF NEGATIVELY IMPACT OUR WATERWAYS
- ONLY A PERCENTAGE OF THE HOMELESS HAVE ANY NEGATIVE IMPACT ON OUR WATERWAYS
- ONLY THE HOMELESS ENGAGED IN ILLEGAL ACTIVITIES HAVE A SIGNIFICANT NEGATIVE IMPACT ON OUR WATERWAYS
- MANY PEOPLE WITH HOMES ENGAGED IN ILLEGAL ACTIVITIES HAVE A SIGNIFICANT NEGATIVE IMPACT ON OUR WATERWAYS



- IT WOULD BE HIGHLY IRRESPONSIBLE TO FOCUS ON TRYING TO SOLVE OR CURE HOMELESSNESS IN AN ATTEMPT TO IMPROVE CONDITIONS IN/ALONG OUR WATERWAYS. IT IS:
 - AN EXTREMELY COMPLEX SOCIAL PROBLEM
 - HAS MANY DIFFERENT CAUSES
 - NUMEROUS GOVERNMENT AGENCIES AND VOLUNTEER GROUPS ALREADY EXIT TO ADDRESS THIS ISSUE
 - ADDRESSING SOCIAL PROBLEMS IS NOT THE RESPONSIBILITY OF MOST ORGANIZATIONS CONCERNED WITH ENVIRONMENTAL & WATER QUALITY ISSUES OR PROTECTING PUBLIC TRUST RESOURCES
 - DIVERSION OR DILUTION OF SCARCE RESOURCES AWAY FROM THE REAL PROBLEM
 - A GOOD PERCENTAGE OF HOMELESS ARE NOT CAUSING PROBLEMS
- THE REAL PROBLEM THAT NEEDS TO BE ADDRESSED IS <u>PEOPLE</u> <u>BEHAVING BADLY & BREAKING THE LAW</u>



- SIGNIFICANT PROBLEMS NEGATIVELY IMPACTING OUR WATERWAYS, WHICH NEED TO BE ADDRESSED ARE:
 - ILLEGAL ENCAMPMENTS
 - ILLEGAL DUMPING
 - VANDALISM
 - OTHER CRIMINAL ACTIVITY POACHING; DRUG & ALCOHOL PARTIES ALONG WATERWAYS; POLLUTING, DEGRADING & THEFT OF PUBLIC TRUST RESOURCES
 - CASUAL LITTERING
- ONLY A PERCENTAGE OF THE HOMELESS (THE INCORRIGIBLE OR VAGRANT ELEMENT) ENGAGE IN THE ABOVE.
- IRRESPONSIBLE PEOPLE WITH HOMES ALSO CONTRIBUTE TO ALL OF THE ABOVE LISTED PROBLEMS.



Guadalupe - Coyote RCD Coyote Creek Downstream of Julian St. January 27, 2004



Photo – Friends of Coyote Creek

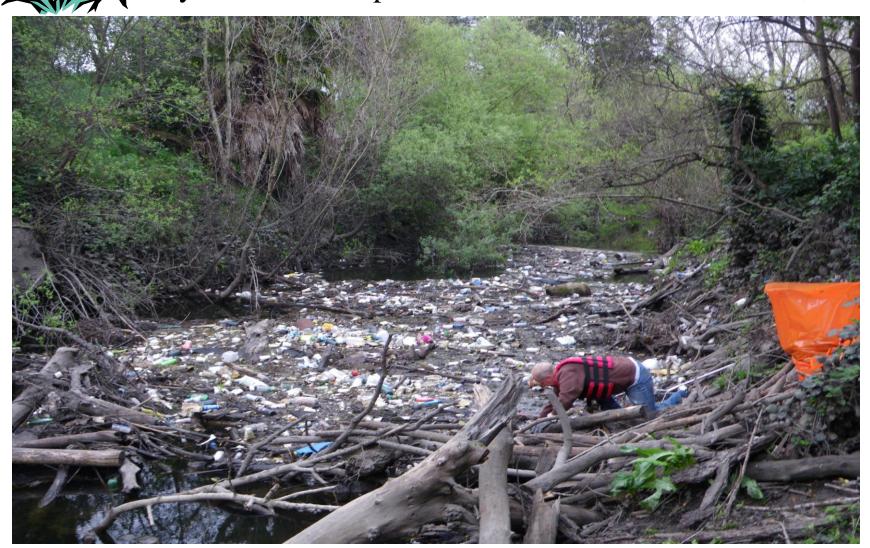


Coyote Creek Downstream of Julian St.





Coyote Creek – Upstream of William St. March 21, 2009





Guadalupe River – Upstream of Hwy 880, Jan. 22, 2007





ILLEGAL ENCAMPMENTS

- OCCUPANTS ARE PRIMARILY INCORRIGIBLE HOMELESS, OFTEN MENTALLY IMPAIRED, DRUG OR ALCOHOL ADDICTED, ILLEGAL ALIENS OR THOSE HAVING OUT STANDING ARREST WARRANTS
- CAUSE HIGH NEGATIVE IMPACTS TO CREEKS & RIPARIAN AREAS
- CAN BE SIMPLE ONE PERSON UNSHELTERED SITES TO NUMEROUS SOPHISTICATED MULTI-PERSON HARD STRUCTURE COMPLEXES
- RIPARIAN VEGETATION IS OFTEN DESTROYED
- CREEK BANKS ARE OFTEN DISTURBED AND/OR TUNNELED (DESTABILIZING BANKS & ELEVATING THE RISK OF BANK FAILURE)
- LARGE AMOUNTS OF JUNK/GARBAGE OFTEN SURROUND SITES
- SITES OFTEN CONTAIN STOLEN ITEMS/MATERIAL
- SITES OFTEN CONTAIN EXPOSED HUMAN WASTE AREAS
- EVIDENCE OF DRUG & HEAVY ALCOHOL ABUSE OFTEN AT SITES



Coyote Creek – Downstream of Mabury Ave.





Coyote Creek – Downstream of Mabury Ave.





Coyote Creek – Downstream of Murphy Ave, May 2006





Coyote Creek – Downstream Santa Clara St., Jan. 2007



Coyote Creek – Under Santa Clara St. Bridge, Feb. 2009





Guadalupe River – Downstream St. John St., Oct 2003





Guadalupe River – Downstream of Julian St., Feb. 2007





Guadalupe River – Upstream of Virginia St., Jan 2011





ILLEGAL DUMPING

- LARGELY PERPETRATED BY INCORRIGIBLE HOMELESS, VANDALS, IRRESPONSIBLE CREEK SIDE RESIDENTS & OTHER LAW BREAKERS
- CAUSES HIGH NEGATIVE IMPACTS TO WATERWAYS, FISH & AQUATIC SPECIES, WATER QUALITY & RIPARIAN AREAS
- APPARENT AROUND ALMOST ALL ENCAMPMENT SITES, BRIDGES OVER CREEKS, WHERE ROADWAYS RUN CLOSE TO CREEKS, VAGRANT & YOUTH GATHERING/PARTY SITES, LOW INCOME MULTI UNIT CREEK SIDE DWELLINGS



Coyote Creek – Upstream of Santa Clara St.





Coyote Creek - Downstream of William St., May 2010





Coyote Creek – Downstream of Julian St., March 2007





Guadalupe River – Under Julian St. Bridge, Oct. 2007





Guadalupe River – Downstream of Julian St., Dec. 2006





Guadalupe River – Downstream of Julian St., Dec. 2009



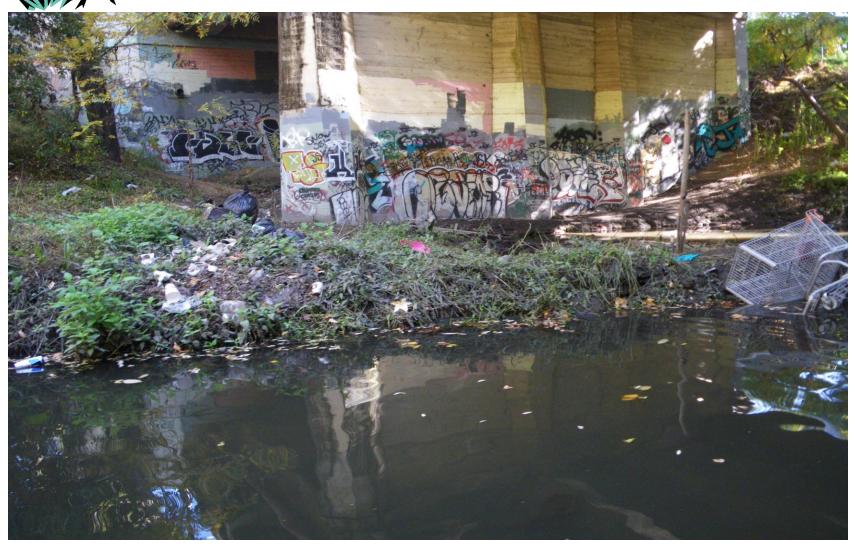


VANDALISM

- LARGELY PERPETRATED BY INCORRIGIBLE HOMELESS & YOUNG ADULTS & DELINQUENT TEENAGERS
- EXAMPLES INCLUDE:
 - * SPRAY PAINTING/TAGGING BRIDGES & OTHER STRUCTURES
 - * THROWING USED/PARTIALLY USED PAINT CANS INTO WATER
 - * DESTROYING RIVER PARK SIGNS/DECORATIONS
 - * DESTROYING PARK/PROJECT FENCING
 - * DESTROYING RIPARIAN RESTORATION IRRIGATION SYSTEMS & COMPONENTS
 - * DESTROYING RIVER SURVEY MARKERS
 - * DESTROYING RIPARIAN VEGETATION
 - * TUNNELING INTO & DEGRADING RIVER BANKS
 - * DESTROYING EQUIPMENT



Coyote Creek – Under Santa Clara St. Bridge., Nov. 2008





Coyote Creek – Santa Clara St. Bridge, Feb. 2009





Guadalupe River – Under Julian St. Bridge, Nov. 2010





Coyote Creek – Downstream of Santa Clara St., Jan 2007





Guadalupe River – Upstream of Coleman Ave., Oct. 2007





Guadalupe River – Upstream of Woz Way, June 2005





OTHER CRIMINAL ACTIVITY

- + **POACHING** OF SPECIAL STATUS OR THREATENED STEELHEAD OR SALMON
- + DRUG/ALCOHOL PARTIES SITES USUALLY CONTAIN LARGE AMOUNTS OF TRASH & GARBAGE OFTEN WITH USED NEEDLES OR CONDOMS
- + THEFT OF RIPARIAN RESTORATION IRRIGATION SYSTEM COMPONENTS & WIRE, SHOPPING CARTS, BATTERIES ETC., WHICH EVENTUALLY ARE SOLD OR DUMPED IN THE WATERWAY
- + POLLUTION/DEGRADING PUBLIC TRUST RESOURCES USING THE BANKS & DRY BED OF THE WATERWAY AS A BATHROOM, STARTING FIRES IN RIPARIAN AND FLOOD CONTROL PROJECT AREAS

LITTERING

+ DONE BY A WIDE RANGE OF PEOPLE BEHAVING BADLY



San Jose Mercury News

Serving Northern California Since 1851

WEDNESDAY NOVEMBER 15, 1995

POACHED SALMON

Migrating run of chinook faces decimation from illegal fishing in Guadalupe River

Stolen grocery carts make easy traps for spawning fish

BY FRANK SWEENEY Mercury News Staff Writer

Illegal fishing — some of it by people using stolen grocery carts as traps — threatens to wipe out a small run of chinook salmon that struggles up the Guadalupe River to spawn in its shallow waters.

All along the Guadalupe — from the slow-moving reaches near Alviso, past the glass-and-steel office buildings of downtown to the swifter waters in South San Jose — poaching is taking a toll on a salmon run discovered less than a decade ago.

The fish will die in the river anyway after spawning. The danger is that they'll be caught before they can repopulate.

"Poaching is going to be the demise of this particular strain of fish if we can't control it,"



This chinook managed to elude poachers before spawning successfully, then dying.

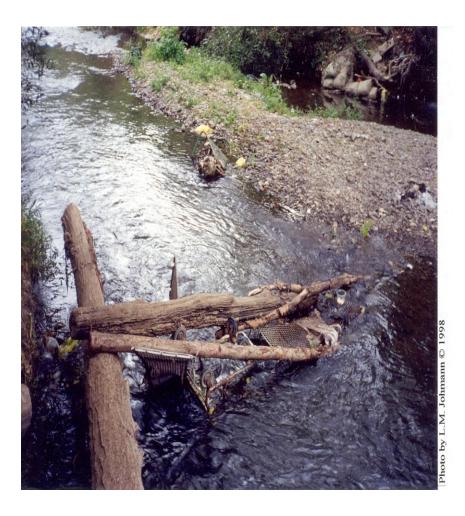
state Fish and Game Warden Gary Combes said. "It wouldn't take a whole lot of fishing to wipe out this particular group of fish in short order."

The poaching seems to be most blatant just a See SALMON, Page 20A

PHOTOGRAPHS BY RICK E. MARTIN - MERCURY NEW

Dropped from a bridge or laid in the river, shopping carts are poachers' trap of choice.

Guadalupe River – Downstream Coleman Ave., Nov. 1998



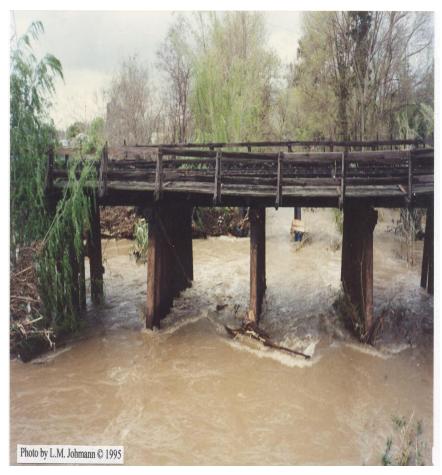




Guadalupe River

Downstream of Willow St. Jan. 2011 Upstream of Coleman Ave. Mar. 1995







Guadalupe River – Upstream of Woz Way, June 2005





Guadalupe River

Downstream St. John St. Oct. 2003 Upstream I-880, July 2007







Guadalupe River – Dumped Auto Batteries

Downstream of Grant St.



At Grant St. Mar. 2010



Coyote Creek – Downstream of Berryessa Rd., May 2006





Guadalupe River – Under Julian St. Bridge, Nov. 1998





Guadalupe River – Under Julian St. Bridge, Nov. 2010



Guadalupe River – Downstream Coleman Ave., Feb. 2010



Guadalupe River – Downstream of Virginia St., Feb. 2010





- OVER 2 DOZEN CITY, MUNICIPAL, COUNTY, SPECIAL AGENCY, STATE & FEDERAL LAWS/CODES THAT PROHIBIT CREEK SIDE ENCAMPMENTS & POLLUTION OF OUR WATERWAYS
- MANY OTHER LAWS PROHIBITING THE OTHER LISTED ILLEGAL ACTIVITIES
- SELDOM ENFORCED



San Jose Municipal Codes

Sec. 13.44.190 - Water Pollution Prohibited

Sec. 13.44.220 - Damaging Park Property Prohibited

Sec. 13.44.230 - Littering prohibited



California Civil Codes

Sec. 3479

California Penal Codes

Sec. 370, Sec. 372, Sec. 373a, Sec. 374, Sec. 374.3, Sec. 374.4 Sec. 374.7, Sec. 374.8

California Dept. Fish & Game Codes

Sec. 5650, Sec. 5652



- California Health & Safety Codes
 Sec. 25180, 2510.5, 25180.7, 25242, 25242.1, 117480, 117555, 117560
- California Porter-Cologne Water Quality Act Sec. 13050
- San Francisco Bay Region Basin Plan
 Chapter 3 and 4
- Federal Water Pollution Control, Clean Water Act



WHAT MUST BE DONE ???

- PREVENTION REGULAR PATROLS, KEEP ENCAMPMENTS FROM BEING ESTABLISHED NEAR WATERWAYS
- INTERVENTION REMOVAL OF ENCAMPMENTS FROM WATERWAYS. PROVISION OF A CONTROLLED ALTERNATE LOCATION WITH DISPOSAL AND TOILET FACILITIES
- ENFORCEMENT CITATION OR ARREST OF BLATANT VIOLATORS (ONE WRITTEN WARNING FOR OTHER VIOLATORS)
- PUNISHMENT APPROPRIATE FINES, COMMUNITY SERVICE, INSTITUTIONALIZATION AND/OR JAIL