

7 July 2016

MR. Dale Bowyer  
Regional Water Quality Control Board  
By email

RE: City of San Jose's Direct Discharge Program

Dear Mr. Bowyer,

I am writing to encourage the Water Board to conditionally approve the City of San Jose's Direct Discharge Program.

### **Summary**

My enthusiasm is based on my optimism that San Jose's Environmental Services Division genuinely wishes to use performance data to adaptively manage the deployment of resources to achieve the goal of Trash Free Creeks.

I would be remiss, however, if I did not mention the fundamental flaws in the proposal that need to be addressed in the coming year if trash free creeks are to be achieved.

Fundamental Flaw #1:

**The City remains committed to an eviction strategy that has not reduced trash discharge to the banks of the creek in most reaches and has simply relocated the trash generation to other areas of the creek.** They have committed enormous resources to the eviction program and starved the cleanup program. The proposal does not document the funding necessary to implement a program to achieve trash free creeks.

Fundamental Flaw #2:

**The monitoring system does not include visual approximations of the amount of trash remaining on the creek banks; so there is no objective measurement of whether progress is being made to achieve trash free creeks.**

Fundamental Flaw #3:

**The City is not supporting the efforts of community organizations to get the homeless to bag their own trash.**

**Recommendation:**

**Approve the City's proposal with the condition or recommendation that they monitor the amount of trash remaining on the ground every quarter and provide a table or graph showing progress towards achieving trash free creeks.**

## Detailed Discussion

I am writing to you as a person knowledgeable in this field. I worked for the Regional Board for 28 years and then worked for 11 years with the Santa Clara County Creeks Coalition trying to accomplish for Santa Clara County Streams what I was unable to accomplish as a civil servant. For the past two years, I have been deeply involved with trash and homeless issues – having had the help of 1296 volunteers to remove 82,000 pounds of trash from a 2 mile reach of Coyote Creek in south San Jose and the help of 25 homeless persons of the Coyote Creek Homeless Stream Stewards to remove 43,000 pounds of trash from a 2 mile reach of Coyote Creek in north San Jose. Though I retired from the Creeks Coalition on July 5, I have information to share from my past years of involvement.

My support for the City's program is based in part on the Creeks Coalition being a partner with the city to address trash in what the City calls "Project Area 3" – the 1-1/4 mile reach from Haslett Lane to Brokaw Road. The Creeks Coalition has a one-year grant from the Water District to begin July 16<sup>th</sup> to create a trash free creek in the 5 miles reach between Watson Park to Tasman Drive which includes the City's 1-1/4 mile Project Area 3.

My support is also based on the belief that the Environmental Services Division genuinely wishes to achieve the goal of Trash Free Creeks and intends to use the performance data obtained through monitoring to do the adaptive management necessary to achieve that goal. It is my optimism that causes me to support their proposal.

However, I would be remiss if I did not bring to your attention that the proposal contains the same fundamental structural and resource allocation flaws that have prevented the achievement of trash free creeks during the past two years.

**Fundamental Flaw #1: The City remains committed to an eviction strategy that has not reduced trash discharge to the banks of the creek in most reaches and has simply relocated the trash generation to other areas of the creek.** This is called Phase 2 of the program and is discussed on page 2 of the Supplemental Program Description)

The Santa Clara Valley Water District staff have acknowledged to their Board of Directors that the evictions do not remove the homeless from the creek but

rather result in the homeless reencamping in the same locations or in nearby locations almost immediately after the conclusion of the eviction. However, the City insists on asserting that their program is intended to “minimize” reencampment even though the data show that what is happening is “relocation” not prevention of reencampment.

For example, in the reach of Coyote Creek between Watson Park and Tasman Drive there were 40 tents in Jan 2015, 53 tents in September 2015 and 111 tents in July 2016. In the reach of Coyote Creek between Tully Road and Yerba Buena Road, there were 57 tents in January 2015 and 55 tents in September 2015. This is an increase of tents in the north San Jose reaches and a “no impact” result in south San Jose.

In the Creeks Coalition’s reach of the creek (Watson Park to Tasman), if the City increases evictions to “secure” the Project Area 3, they will drive the Homeless out of Project Area 3 into the reaches of Coyote Creek north of Project Area 3 between Brokaw Road and Tasman Drive – thereby making it virtually impossible for volunteers alone to achieve a trash free creek. This is not a solution.

The reason that the City is committed to an eviction dominated strategy is because of the “political capital” achievable by evictions. Each eviction is communicated to the City Council members and the periodic council member newsletters to their constituents frequently use the evictions to demonstrate how the City’s evictions are responsive to citizen complaints. (See page 4 of the Supplemental Program Description for an abbreviated discussion of the Complaint Program.) None of the notices in the City Council member newsletters that refer to the City evictions discuss the fact that the evictions moved the homeless into another council member’s district.

The biggest problem with the eviction based strategy is the City Housing Department asserts that its role is just to dismantle the encampments, not remove the trash pits that lie more than 30 feet from the encampment. This results in tons of trash being left behind after an encampment dismantlement.

The City’s proposal alludes to a strategy that could provide a “work-around” to address this fundamental flaw. The proposal mentions providing additional contractor resources .e.g Downtown Streets Team in addition to volunteers to

remove the residual trash left behind after the evictions and dismantlement. The City Housing department has negotiated a \$350,000 contract (that is not mentioned in the City's proposal) to provide additional contractor resources for composting, litter control and creekside trash. No one knows how much of this will be devoted to the creeks. But if half of it is devoted to the creeks, and those resources are deployed in a way to support the goal of trash free creeks, then we will have trash free creeks. The jury is out on whether the City will devote the resources to that program but should be encouraged to do so.

Fundamental Flaw #2:

**The monitoring system does not include visual approximations of the amount of trash remaining, but rather focuses on the amount of trash removed.**

The data collected by the Creeks Coalition between August 2014 and September 2015 showed that even though 82,000 pounds of trash were removed, there was only a reduction of 10,000 pounds in the amount of trash remaining on the ground. There was an estimated 25,000 pounds of trash that remained on the ground in September 2015. Trash free creeks were not achieved.

This was because the homeless generated 70,000 pounds of trash during the same period and because the eviction based strategy focuses on the removal of tents and encampment debris, not the trash that lies more than 30 feet from the tent.

Glowing reports of trash volumes removed is insufficient to determine whether progress is being made. What is needed is to monitor the amount of trash remaining on the ground so as to determine whether the program is effectively moving toward trash free creeks.

Fundamental Flaw #3:

**The City is not supporting the efforts of community organizations to get the homeless to bag their own trash.**

The work of the Creeks Coalition showed that despite a substantial volunteer effort well coordinated with the District's evictions in 2014 and 2015, it was not

possible to achieve a trash free creek. This was because (1) the eviction program has refused to direct their contractors to pick up ALL the trash in the vicinity of the encampment and (2) no one is systematically working with the homeless to get every homeless person to bag their own trash.

Unless the homeless bag their own trash, the volunteers can not keep up with the rate of generation of loose trash that needs to be picked piece by piece and placed in a bag. If the homeless bag their trash, then the volunteers and contractors can keep the creeks trash free because all they will have to do is haul the bagged trash, not pick it up piece by piece.

The Coyote Creek Homeless Stream Stewards has established a goal of a trash free Coyote Creek and between November 2015 and May 2016 have removed 43,000 pounds of trash from the banks of Coyote Creek between Berryessa Road and US 101 (a reach that includes the proposed Project Area #3). The Stream Stewards are also working to get every homeless individual to bag their own trash or bag their own plus that of less responsive neighbors. This deserves to be supported indirectly by the city by the provision of supplies and the disposal of the bagged trash.

#### Towards a Rationale and Effective Program

Trash free creeks can be achieved if the goal of trash free creeks is supported by a coordinated and appropriately funded coordinated effort between contractors, volunteers and the homeless.

What is needed is a minor but significant tweak in the resource allocation and coordination of contractor, volunteer and homeless resources.

1. Evictions/sweeps done only as often as needed to prevent encampment entrenchment and to prevent uncontrolled growth in encampments.
2. Volunteer efforts to remove the large volumes of residual trash left behind by the eviction/sweep crews.
3. Contractor efforts to remove residual trash that the volunteers could not get to and to remove the trash bagged by the homeless on a weekly basis.
4. Homeless Efforts to get the homeless on the creek to bag their own trash.

I believe that Environmental Services Division wants to create a program capable of achieving trash free creeks. However, their proposal does not document that funding has been provided for the additional contractor resources needed to achieve that goal. Nor has the City provided funding to keep the volunteer organizations in operation. Without the resources necessary to implement the plan, the program is a dream not a plan.

Conclusion

**I enthusiastically and unequivocally encourage the Regional Board to approve the City's plan.**

The only caveat I would add is to ask that the Regional Board require or encourage the City to include quarterly walkthrough of the Focus areas to visually estimate the amount of trash remaining on the ground. This way at the end of the year, there will be a graph of 5 quarterly points to show trends in residual trash remaining on the creek and quantifying progress towards the goal of trash free creeks or revealing that changes need to be made in the program.

Sincerely,

Richard McMurtry  
Los Gatos CA

Cc: Keith Lichten, Kevin Lunde, Naomi Feger, Dyan White  
Terry Young, Jim McGrath, John Muller, Newsha Ajami, William Kissinger,  
Steve Lefkovits, Cecilia Ogbu  
Jennifer Sequin, City of San Jose

Attachments:

Data Sheet of the Coyote Creek Homeless Stream Stewards  
Photos of Coyote Creek Trash June 2015, Sept 2015, May 2016



# Coyote Creek Homeless Stream Stewards

March 3, 2016

Mr. Chade Grande  
Operations Manager  
Illegal Encampment Cleanup Program  
Santa Clara Valley Water District  
By email

Ms. Jennifer Sequin  
Environmental Services Division  
City of San Jose  
By email

Arnold  
In Memoriam  
First Member of  
Coyote Creek  
Homeless Stream Stewards  
Died 2015 on Coyote Creek  
At Capitol Expressway

Dear Mr. Grande and Ms. Sequin,

Attached is the report on our trash removal activities on Coyote Creek from October 26, 2015 to May 30, 2016. During this 7 month period, we have removed 2077 bags of trash estimated at 45,132 pounds.

In June, we will beginning a new program of supporting the Saturday morning volunteer cleanups with a few of our members.

We have also begun to implement a program of "complaint management" in the Oakland Road area. We are talking with our neighbors to find out what they are upset about and whether there is anything we can do to change the behaviors of the individuals whose actions are generating the complaints.

Sincerely,

Amanda Fukamoto

cc: Norma Camacho, Melanie Richardson, Chris Elias, Liang Lee, Brett Calhoun, Jim Choate, Napp Fukuda, Ray Bramson, Vanessa Beretta, Art Nino

FROM: Amanda Fukamoto, [tiggaranpooh4u@gmail.com](mailto:tiggaranpooh4u@gmail.com)

Date	# of individuals	# of Bags	Bags for the month	Bags cumulative	Estimated Weight
Prior to 10/26/2015		87			
10/27-11/9		-			
11/10-11/16		58			
11-17-11/23		36			
11/24-11/30		26	208		5200#
12/1-12/7					
12/8-12/14		23			
12/15-12/27		92			
12/27-12/29		76	191	399	9975#
12/29 – 1/4/2016	11	95			
1/5-1/11/2016	11	32			
1/12-1/18/2016	10	30			
1/19-1/25/2016	8	37			
1/26-2/1/2016	7	49	243	642	16050#
2/2-2/8/2016	4	60			
2/9-2/15/2016	7	100			
2/16-2/22/2016	12	104			
2/23-2/29/2016	14	126	372	1014	25,350#
3/1-3/7/2016	17	140			
3/8-1/15/2016	20	152			
3/16-3/22,/2016	17	122			
3/23-30/2016	18	151			
3/30-4/4/2016	16	142	465	1479	36,915#
4/5-4/11/2016	0	0			
4/12-4/18/2016	11	96			
4/19-4/25/2016	15	146	242	1721	43,025#
4/26-5/2/2016	7	69			
5/3-5/9.2016	0	0			
5/10-5/16/2016	7	68			
5/17-5/23/2016	10	110			
5/24-5/30/2016	11	109	356	2077	45,132#

## Photos

### 1. Teacups Area of Coyote Creek near Capitol Expressway

These photos show the Teacups area of Coyote Creek at three points in time: July 2015, Sept 2015 and June 2016. There was the equivalent of 200 bags in July 2015 which the Creeks Coalition removed by September. By May 2016, there was the equivalent of 400 bags of trash in the same area. We are going backwards!



June 2015



Sept 2015



