

Question: Can staff clearly communicate the risk posed by encampments to waterways vs. the risk posed by illegal dumping to help explain the magnitude of the cost associated with each project?

Supplemental Response: Valley Water performs creek maintenance and cleanup on waterways it owns or in areas where it has maintenance easements or other legal authority to access the site. For creeks that Valley Water does not own and where no easement exists, the agency does not have the authority to conduct routine cleanup or maintenance, including trash removal.

It is important to note that Valley Water removes all trash regardless of whether it originated from encampments or illegal dumping. Valley Water does not categorize trash at the item level. For tracking and budgeting purposes, debris collected by encampment cleanup crews is accounted for under Project F5: Good Neighbor Program - Encampment Cleanup (F5), while trash collected by other maintenance crews, such as those responding to illegal dumping, is tracked under F6: Good Neighbor Program: Graffiti and Litter Removal and Public Art (F6). In practice, trash sources are often intermingled at a site, and project costs reflect the responding crew and scope of work rather than a precise attribution of waste origin.

Differences in project costs, therefore, should not be interpreted as a comparison of trash volumes or efficiency, but rather as a reflection of the conditions under which the work occurs and the broader risks being managed within Valley Water's jurisdiction.

Illegal dumping creates ongoing issues by blocking creek flow, reducing channel capacity, and increasing the risk of localized flooding, especially during storms. Dumped debris can also degrade water quality and harm aquatic habitats. Valley Water identifies illegal dumping through routine creek inspections, reports from maintenance crews, partner agencies, and public notifications.

Similar to illegal dumping, encampment-related dumping within creek corridors poses significant and persistent threats to water quality, aquatic habitat, and the risk of localized flooding. But encampments also involve ongoing activity within creek corridors and floodplains and are characterized by repeated disturbance, vegetation and tree removal, soil compaction, unauthorized excavation, human waste, fire risk, and physical obstructions that increase flood risk. These activities lead to vegetation and tree loss, embankment excavation, increased erosion and sedimentation, obstruction of fish passage, and the introduction of trash, biohazardous waste, nutrients, and other contaminants into waterways. Human waste and nutrient runoff contribute to harmful

algal blooms, further degrading water quality and aquatic ecosystems. Fires, unauthorized vehicle access, and unpermitted construction within channels and floodplains exacerbate these impacts, creating additional flood risk and public safety concerns.

Addressing these impacts often requires repeated site visits, enhanced worker safety measures, regulatory compliance, and, in some cases, costly repair and restoration of damaged channels, levees, and habitat.

Valley Water's 2013–2026 Stream Maintenance Program (SMP) includes extensive mitigation and habitat enhancement measures—such as revegetation, invasive plant management, concrete removal, and repair of encampment-related damage—to comply with regulatory requirements and protect water resources. The agency has invested millions of dollars in terrestrial and aquatic habitat improvements as part of these efforts. However, encampment activity has repeatedly compromised mitigation sites through trampling, excavation, vegetation removal, and fire damage, resulting in failed restorations, loss of mitigation credit, and the need for costly rework.

For example, encampment impacts prevented the successful establishment of 2.5 acres of riparian and floodplain habitat, which was constructed as advanced mitigation for the Upper Guadalupe River Project and will need to be rehabilitated and replanted (planned for fall 2027). In addition, safety hazards and repeated damage forced Valley Water to abandon seven Invasive Plant Management Program sites and revoke more than 36 acres of mitigation credit. To date, over \$1.8 million has been spent on labor, equipment, and materials to manage and respond to encampment-related impacts at these sites alone.

Beyond ongoing maintenance costs, Valley Water must also undertake targeted restoration projects to repair unpermitted excavation and construction associated with encampments. These corrective actions are substantially more expensive than preventative measures and compete with limited seasonal staff availability for flood protection work. Valley Water typically completes one encampment-related creek restoration project per construction season.

Recent examples include:

- **Coyote Creek (Milpitas, 2023):** Floodplain and vegetation restoration following unauthorized excavation and soil compaction (\$27,533).
- **Coyote Creek (San José, 2024):** Repair of embankment excavations and revegetation associated with encampment activity (\$106,694).
- **Thompson Creek (San José, 2025):** Rehabilitation of underground excavations and compacted soils (\$16,164).

The impacts of encampments extend well beyond trash generation, given their complexity, frequency, and cumulative effects. As a result, comparing funding for illegal dumping with encampment cleanup is not an equivalent comparison. Valley Water’s approach is guided by its responsibility to complete a defined scope of work on Valley Water–owned or maintained waterways at a frequency necessary to prevent environmental degradation, infrastructure damage, and regulatory noncompliance. Current spending levels are intended to ensure timely responsiveness and to avoid substantially higher corrective costs associated with deferred action or insufficient intervention.

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