

Salmon and Steelhead Restoration Group (SSRG)

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Complaint against the city of San Jose or Santa Clara Valley Water District and property owner failing too in force city and state ordinates and law posting.

Rough draft 10-30-12 by Roger Castillo

For failing to comply with city ordinance posting on their properties and remove homeless from their property.

Photos illustration of numerous laws being broken regards to the Clean Water Act and permitting through the state of California under the Clean Water Act under California State water control board permitting for sewage treatment operations and city operation.

As well as damage to private and non-private sectors on state and private property. Most recent danger on June 1, 2013 two separate forest fires on coyote Creek 5 to 6 alarm fire. Fire department dispatched to the creek to put out these large humongous fires off 280 freeway and adjacent to Story Road in the vicinity of Kelly Park.

Location or photos illustration of heavy pollution being delivered directly to the river system as well as damage to fences on private sectors and extreme biohazard condition, allowing directly or indirectly taken of endangered and threatened species. Allowing extremely dangerous conditions to prosiest to people, animals and collapsing of biology on watersheds ecosystems. In year 2012 Fire department dispatched to the creek estimate of 20 to 30 times to put out forest fires that were started by the homeless living along the creeks. Wasting resources and money that could be used in other areas.

Extensive surveys conducted on water way in correlation of Guadalupe River was about 6 miles and Coyote Creek 8 miles. All areas in question to on going problem by homeless activities to GPS location. Forwarding sight location to National Oceanic and Atmospheric Administration special agent Roy A.Torres and Dept Fish and Wildlife Sevice of California, officer Byron Jones and other agent directed to site. (SSRG) assessing the ongoing problem we have concluded that there are at least 11,000 to 12,000 people living within the streams and the city San Jose leaving no choice than to declare state of emergency to state and federal government. This in-depth report will be readily available in coming weeks to disclose the realities of the most serious problems occurring in the city of San Jose. I am working diligently for the last 60 days with them. In building a case against the city of San Jose and the (SCVWD) for maliciously allowing the destruction of our streams. I submitted video on homeless dumping 55 gallon drums and maliciously damaging river banks and creating extreme bio hazardous conditions on water ways; such as floating 5 gallon buckets of feces or raw sewage to San Francisco Bay on a daily basis. California Department of fishing and wildlife service Agent Byron Jones working diligently with other agents or officer too built their case by set up camera sting to build their case. Making immediate arrest when they are caught failing to abide by the law or reoccurring activities.

Location: Ridder Park Dr. to 880 Freeway over Crossing Creek along Schallengberger road to Old Oakland road. Photos and video clip of person empty a 55-gallon drum into the creek and washing it soon after a woman dumps empty a small garbage container and walking back to camp both of Asian descent.

DSCN19499.AVI

River blockage on Coyote Creek 880 freeway over crossing creek large garbage debris dam. Buckets, coolers, containers and empty gas containers, all variety of household items mattresses, couches, chairs there is nothing excluded, and container of raw sewage left in and around watershed or creek, creating a numerous hazards in the waterway. City of San Jose or Santa Clara Valley Water District had done clean up later that week after Nov12th 2012, did not remove any stream or garbage blockage all floated downstream in the previous winter storm November 2012. These are the photos will illustrate the neglect and failure monitor or control the illegal activity on their properties after posting with signs on there property

Coyote Creek field datasheet and photos 11-08-2012

Start location north side of Yerba Buena Bridge along Coyote Cr east bank from Tuers Rd to Capital Expressway.



N 37° 17. 502 W 121° 49. 135 homeless camp photo list: Nov 13, 2012 Photos R1-04247-0022 & DSCN1585





N 37° 17.543 W 121° 49. 174 homeless camp photo list  
Nov 13, 2012 Photos R1-04247-0020 & DSCN1586



N 37° 17.598 W 121° 49. 176 homeless camp photo list  
R1-04247-0021 & DSCN1587 Thru DSCN1589

N37° 17.620 W 121° 49. 161 homeless camp photo list DSCN1590  
thru DSCN1593

















All



N37° 17 676 W121° 49. 175 NUMEROUS HOMELESS CAMP LARGE COMMUNITY SEVERAL  
 VISIBLE CAMPSITES ONE EXTREMELY LARGE BUILT ON A PLATFORM OR ELEVATED FOUNDATION  
 OTHERS VISIBLE ACROSS THE TO WEST BANK. STAIRWAY CUT INTO THE BANKS ON EAST ALSO A



NUMEROUS TREE BRIDGE CROSSING ACROSS THE STREAM Estimates are at least 100 to 200 people living within this one GPS coordinates. Photo list R1-04247-0016 & DSCN1594 thru DSCN1617  
HOMELESS AXIS POINT LARGE HOLE IN FENCE AT INTESECTION OF ALVERNAZ DR AND TUERS DR.  
N 37° 17, 696 W 121° 49. 186 numerous campsite visible at this location babies crying, women yelling, families and lots of garbage on both banks to the streams edge. Also NUMEROUS garbage debris barriers in the stream





Also in process of cutting down large oak trees. N37 ° 17. 802 W 121° 49. 285 old Singleton's Rd stream crossing West Bank large oak tree being cut down by homeless, and large garbage bags left on the street.







N 37° 17. 753 W 121° 49. 230 Santa Clara Valley Water District and City San Jose properties. Allowing Homeless to homestead between several Barrier at this location. Two of the most serious allowing homeless to easily take endangered Steelhead trout.





Barrier on water district property prevent steelhead trout from migrating to upper Silver Creek, trapping all steelhead trout within large homeless communities Depart. F&G warden Mark Imstall called numerous times 2002 to 2004. Photos DSCN1619 thru DSCN1624



South end pipes or up stream pipe Singleton road crossing.





Recently called in to Calif. Dep. Fish and Wildlife agent Byron Jones and other Agent met me to remove basket traps shopping carts from area at Singleton Road pond and pipe crossing. Feb 23, 2013  
Day of removal of basket traps.



The second is stream blocked off with numerous shopping carts used as crossings. Trapping and stopping from migration. Also at old Singleton St creek crossing



trapping fish with use of basket shopping carts at times 50 to 70 carts used as trap below the pipes of the street crossing in previous years. PICT0001thru pict0016



Under Capital Expressway bridge on East and West banks 80 people living directly under bridge. Campfire on through out the day. DSCN1622 thru DSCN1631





Large community living directly underneath the Capital expressway bridge.







W 37° 17. 404 W 121° 49. 433 Just 50 yard south of bridge Capital Express. Way.



West bank up stream from Singleton Road pipe crossing. Garbage bags on trail for pickup by city San Jose.



City of San Jose allowing encampments to bag their garbage, allowing them to leave in certain areas for picked up. Does not remedied the main cause of damaging the river systems





Nov 12 2012 Photos DSCN1642 thru DSCN1658























West bank up stream from Singleton Road pipe crossing. Garbage bags on trail. Estimate of 500 persons living on both east and west bank to Capital Expressway way to Yarba Buena on Coyote Creek W 37° 17. 672 W 121° 49. 244 W 37° 17. 583 W 121° 49. 214



Recent forest fire W 37° 18. 264 W 121° 50. 303 R1-04247-0002 and R1-04247-0003





Feb 12, 2013 numerous garbage debris dams created by garbage left behind and taken down stream from upper area Yerba Buena and Singleton. This one the many areas. Called in Depart Fish & Wildlife Byron Jones and other officer called in. 100 yards down stream Capital Expressway on coyote creek. Still all there.  
W 37° 17. 954 W 121° 49. 786





DSCN0522 thru DSCN0526







Cutting down trees for sole purpose on making trapping areas using shopping cart basket and branches and tree limbs held together. Construction bridge over looking areas numerous found.







Trapping pockets created with small branches.







Spearing type apparatus found at location. Photos DSCN1766 thru DSCN1783



N 37° 18 950 W121° 49.748





Over look crossing bridge







Previous trap washed away with the last storm netting found wrapped around downstream in log jam 40 yard from newly constructed cut trees and basket shopping cart and log crossing over look. N 37° 17 994 W121° 49.887







N 37° 17 864 W121° 47.796







Area with in Los Lagos Golf range east west banks N 37° 17' 864 W121° 47.796





Person constructing a creek crossing.





Trail crossing to large camps to west bank North 37° 18.264 West 121° 50.303



Photo DSCN1552 dumping directly to creek and large fire film VIDEO00075.3gp





Large fire film VIDEO00075.3gp from east bank to west bank ranging fire 4 feet high from previous photo DSCN1552..



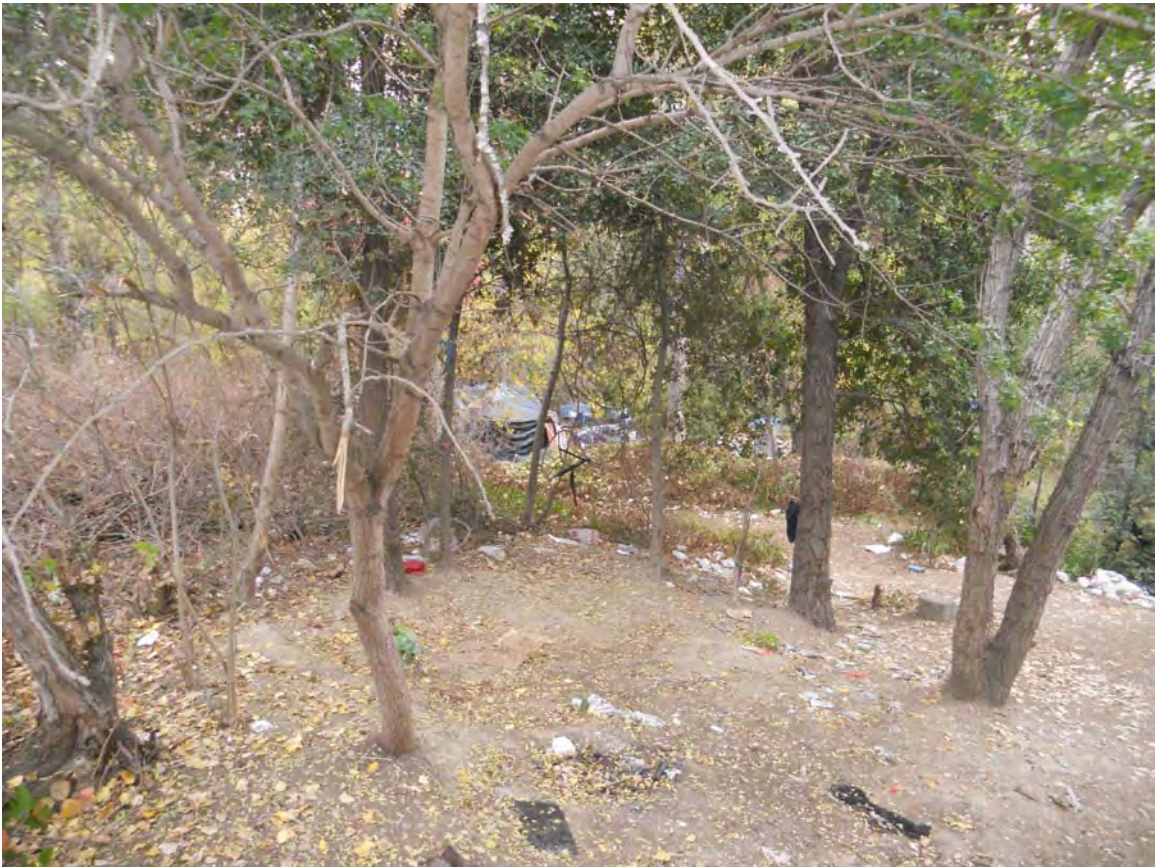




Clearing banks and destruction of banks. Burning all woody debris collapsing biodiversity.











Seen from east bank to west bank adjacent to the San Jose Police Department horse stables off Tully Road.







Photos taken from East Bank between Tully Road and Capital Expressway  
DSCN1513 thru DSCN1533



Recent fire numerous fires occurred along the Creek fire department called in  
estimate 20 times. Nov 8, 2012





N 37' 18.587 W 121' 50. 645 South end of Tully Rd bridge on the West Bank looking to the east bank numerous heavily polluted overhanging camps on the creek Creeks edge. Structures built overwater, and recent fire observed on bank old homeless camp. Other Photos R1-04248-0005 thru R1-04248-009

From east bank to San Jose police department horse stables this next photo looking east. Other photos taken from east bank R1-04250-0001 R1-04250-0024







N 37° 18.587 W 121° 50.645 South end of Tully Rd bridge on the West Bank looking to the east bank numerous heavily polluted overhanging camps on the creek Creeks edge. Structures built overwater, and recent fire observed on bank old homeless camp. Photos DSCN1655.JPG thru DSCN1666.JPG





W 37° 17. 583 W121° 49. 214 numerous encampments moving upstream on west Bank roles of carpet and Garbage line banks estimate 400 to 500 persons.



N 37° 18 538 W121° 50. 576 West Bank numerous campsites or communities on the top side along community gardens lots of garbage and garbage bags throughout this whole area. (SCVWD) posted sign and Gate broken N 37° 18. 465 W 121° 50. 3





4 (SCVWD) Lock to gate broken wired together with hang wired to look like secure. Second gate broken locks not secure. Several encampments all the way to a power grid of PG&E within 200 yards at least 60 to 70 people living within the West Bank. N 37° 18. 322 W 121° 50. 341 PG&E grid facilities one encampment at the south end west bank.



Nov. 1, 2012 Phone camera Photos IMAG0552 thru IMAG0540







N 37° 18. 334 W 121° 50. 347 homeless encampment this person in wheelchair and acting disabled, other person photograph stripping stolen wire R1-04249-0008 from local communities. Photos R1-04249-0001 thru R1-04249-0024  
Fire department dispatch to area several times because of forest fires created by. homeless. N 37° 18. 334 W. 121° 50. 347







N 37' 18" 475 W 12° 50. 403 numerous homeless several people living in the cluster of tents estimates are 15 to 20 people near these tenets is the broken gate driving vehicles along banks of watershed to access Coyote Creek. Clear cutting and burning all woody material.





Damaging and tunneling along the banks



Digging and tunneling in to banks R1-04249-0010 and R1-04249-0005



Tunneling into bank to hide campsites. Graves site of who knows what, furniture and Carpet laid around tents.



Up stream from Tully Rd Coyote Creek on West bank Photos R1-04248-0003 thru  
R1-04248-0024  
R1-04248-0022 Nov 13, 2012



R1-04248-0019 Nov 13, 2012







Numerous people cooking stream side R1-04248-0014





Structures built over water R1-04248-0008 North 37° 18. 587 W. 121° 50. 645



At Tully Rd Bridge looking south from Bridge or from west bank Structures built over water R1-04248-0006





Coyote Creek at Story Rd or Key St adjacent to Kelly park one of the largest homeless encampment centrally located in downtown San Jose. Photos of recent clean up by city San Jose Nov 12,2012 Recently 2 Large Fire set by homeless in area June 2, 2013











City San Jose cleaned one bank only southeast bank. Soon after homeless move back in. Northeast bank never clean of cleared







Burying their garbage into the banks.





South of OLynder Park coyote Creek to 280 freeway crossing DSCN1696 thru DSCN1716 numerous campsites have been tunneled in to level campsite.



Tunneling in to east bank 5 feet high vertical.







Recent burn away campsite North 37° 19 725 West 121° 52.072







Coyote Creek northern area from Montague expressway to East Brokaw Bridge crossing thru 880 Freeway bridge crossing to Ridder Park bridge crossing along Schallenburg Road to Berryessa Road. Along this area is one the most worse heavily populated and problematic homeless encampments in the city San Jose. Estimate are 4000 to 5000 persons possibly living within this area on east and west banks of Coyote Creek on city of San Jose property and (SCVWD) . With in this areas where endangered Steelhead Trout and King salmon are force to stage due small barrier impeding fish, which trap the fish within these large homeless encampments.

Department Fish and Wildlife wardens called in to investigate but could not effectively operate because of the heavily concentrated encampments or compounds communities.

Large garbage debris dams within a 1mile stretch of section stream. On several attempts the city San Jose has conducted cleanups and swept around campsite.

Others that where evicted for the day return the following morning.

They conducted a clean up on November of 2012 clean around campsites but never clear the large garbage debris dams that have been created from the problem of the homeless, and was allowed to float downstream with early storms to lower reach of the creek to the San Francisco Bay. As these photos will illustrate the ongoing illegal activity the City of San Jose is allowing to occur.

Affect of maliciously and purposely allowing biohazard or allowing direct delivery of raw sewage to creek system, allowing the storage heavy pollutant or trash on waterway or on city San Jose property without proper permits. Refusing to clear the dangerous material left in the waterways after conducting stream bank clean ups. Not monitoring or policing their properties under their signage under compliant to



the law. Allowing criminal activity to occur on their property. Allowing construction and stream bank construction to occur on property without permits. And failure to comply under their sewage treatment plant permitting agreement for operation. In conjunction of City of San Jose and Santa Clara Valley Water District (SCVWD) lack of concern for allowing all of the illegal activity on their properties and creating a domino effect to endangered and threatened species and wildlife and the collapse of biodiversity or biology to sustaining aquatic and other wildlife. Affecting all species of life including humans on two of the major watersheds the Guadalupe River system and Coyote River system. For decades numerous complaints have been filed by Guadalupe-Coyote Resource District through the years dating back to 1994. Against the City of San Jose and (SCVWD) on the escalating problems of homeless encampment on the Guadalupe river system and on Coyote creek for homeless living within streams and maliciously allowing them to affect or take threatened and endangered species and allowing the destruction of the habitats along and within the regime of the water and river banks in the downtown areas of San Jose. Creating dangerous biohazard when people making contact with the water. Santa Clara Valley water District's (SCVWD) personnel and staff have become ill working within the watersheds and person name will be used within this report. Lead fishery biologist Mrs. David Salsberry became critically ill when falling into the Coyote Creek several years back. Repeated stories about the biohazards on our creeks rating them the most dangerous streams to visit. Channel KRON 4 bay TV Stanley Robert people behaving badly on countless stories and KTVU channel 2 news. At location under Julian Bridge one the most problematic areas. Two homeless women found deceased on Guadalupe River from 2011 thru 2013.

Looking from Coyote Creek northeast banks from adjacent to 880 freeway stream crossing observing one of the largest garbage and trash debris dams left behind after the city of San Jose did a cleanup back in Nov 25, 2012.  
Photos DSCN0190 thru DSCN0298

These next current photos are from year of 2004. Area is known to be one of the most vital areas for early incoming Fall Run Chinook salmon and Steelhead Trout. Forced to stage with in the homeless encampment areas prior to moving up before winter's storm arrive. Factors are small barrier trap fish within the areas at Ridder Park or Brokaw Road bridges to the Rail Road confine the fish to immediate area. Allowing people to easily take and consume threaten and endangered species at leisure. Chinook Salmon observed and document by Roger Castillo using Coyote Cr to confluence of the Penitencia creek within the Berryessa road Br. crossing. Adding that (SCVWD) has been document and trapping out going Fry Chinook Salmon as early as 1995 thru 1998, and electro shock fish in Penitencia Cr with AMT team as early as 2006 or 2008. This report is readily available and will be added to this filing. The factor are even more compounded during a drought scenario.



Coyote Cr Jan 30<sup>th</sup> 2004 southwest bank from 880 freeway bridge. Spawning Chinook salmon 34 inches long or so.



Several Chinook Salmon observed in pools holding with homeless campsite just up stream Rail road bridge to this area.





Photo taken up streams from opposite bank Southeast just 35 yards upstream looking down to spawning area. Jan 30<sup>th</sup> 2004

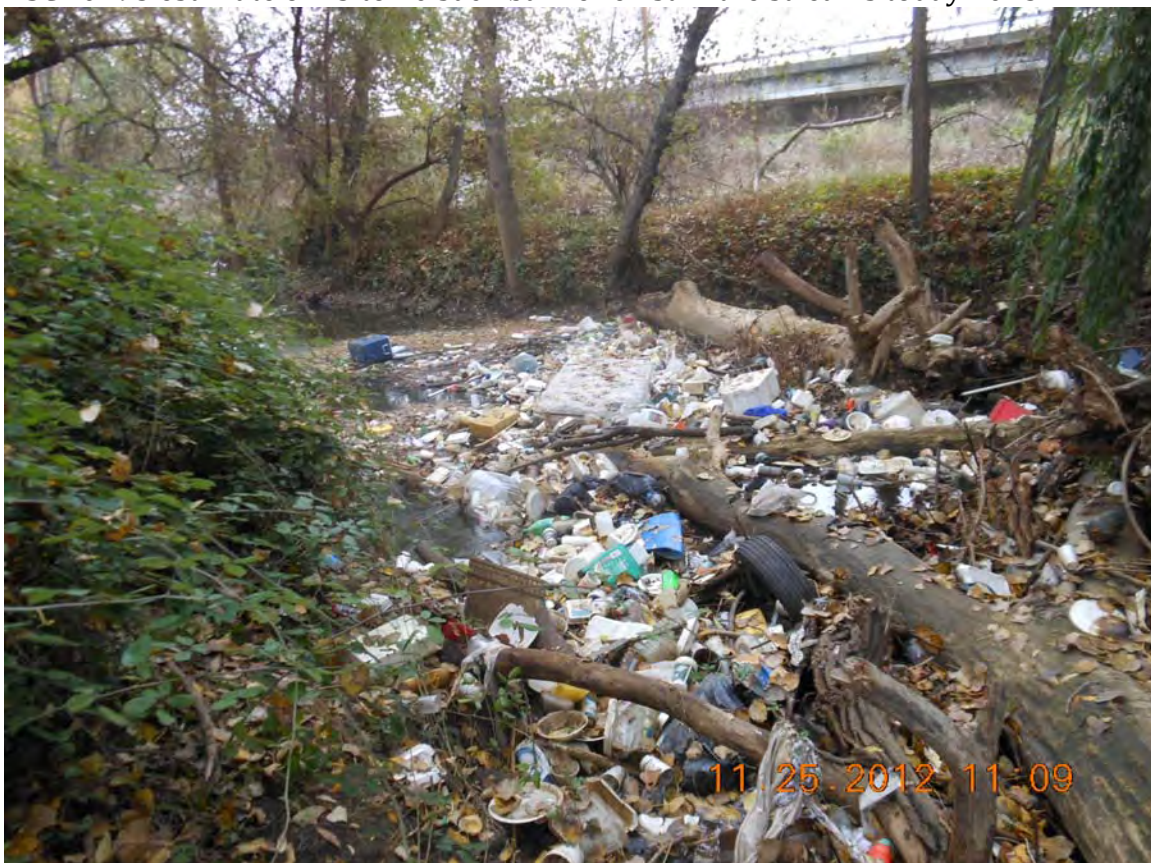




DSCN0194 How it looked in year 11/25/2012. San Jose and (SCVWD) left behind.



DSCN0195 estimate of 15 to 20 such barrier exist in the streams today 2013.





Return to site on 11-25-2012 all garbage push down stream after rainstorm city crews left all garbage in stream never cleared channel. All pushed down stream to other areas or out the San Francisco Bay N. 37° 22.461 W. 121° 54.233 DSCN0299



DSCN0303



All pushed or set down stream to other areas or out the San Francisco Bay N. 37° 22.461 W. 121° 54.233 DSCN0305





Return to site 12-04-2012. Found Cloths, luggage, mattresses, clothes, plastic bags, all household items 10 feet hung up in tree or embedded along the banks throughout the whole stream. In stream 7 to 8 mile heavily laced with garbage.



N. 37° 22 461 W. 121° 54.233 DSCN0205





Return visit 12-04-2012 after clean up garbage and homeless still there. Numerous locations criminal activity stolen wire from private and resident sectors.  
N. 37° 22 461 W. 121° 54.233





Return visit 12-04-2012 after clean up garbage and homeless still there. Numerous locations criminal activity stolen wire from private and resident sectors.

N. 37° 22 461 W. 121° 54.233

DSCN0206



Heavily constructed campsite in progress numerous locations where homeless are constructing living areas. City of San Jose allowing construction to occur within the city of San Jose or (SCVWD) properties. N. 37° 22.980 W. 121° 54.241 DSCN0201





Digging or tunneling into the banks damaging the banks. Generator and solar panels seen and hard with in the campsite. Off Summer Side Dr. Posted sign by (SCVWD) N. 37° 18.851 W. 121° 50.762 DSCN0313



Small tent accumulation of garbage surrounding the area DSCN0213





Coolers buckets and household items West Bank DSCN0214







Large homeless community under Brokaw Road bridge crossing N. 37° 22.919 W. 121° 54.121 large community and campsites, pets several dogs living within the stream with people.





Under Ridder Park Road bridge large homeless encampments and community. N.  
37° 22.854 W. 121° 54.0 33



All banks laced with garbage throughout the whole area DSCN0237



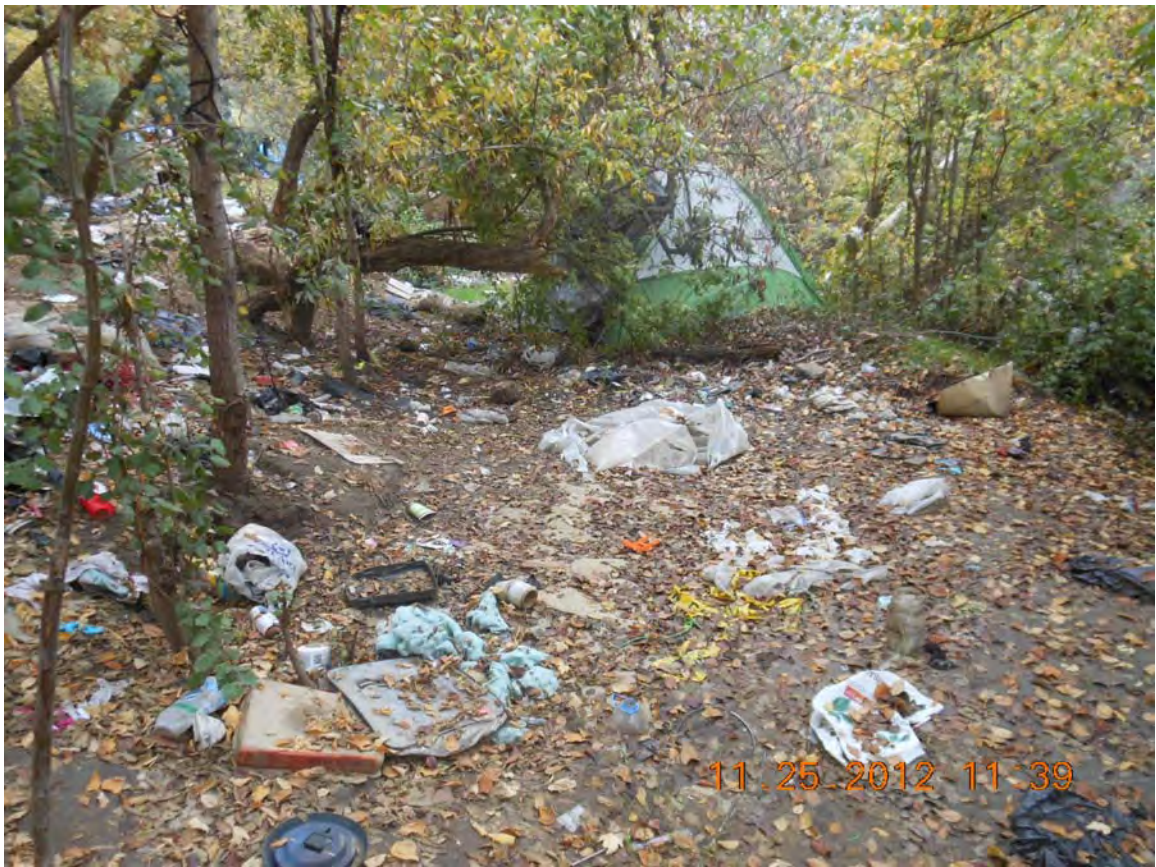




Banks heavily polluted with household items transform to landfill.







11.25.2012 11:39



11.25.2012 11:39









Directly delivering garbage to the creek on a daily basis.





Looking from Railroad Bridge you can see a barrier that impedes early incoming King salmon within the areas of these large homeless communities. Homeless found poaching and trapping early incoming King salmon. Called in department of Fish and Wildlife Service.



Bottles of urine found looking down from railroad bridge N. 37° 22.768 W. 121° 53.933





Furniture and clothes found throughout the whole area.



Garbage scattered in all areas  
DSCN0268





DSCN0270



Driving along Schallangber Road on west bank going south east to Oakland road









Abandoned campsite after being swept away by rain. N. 37° 22.306 W. 121° 53.255  
DSCN0287



Abandoned campsite after being swept away by rain DSCN0288





South of old Oakland road on west bank N. 37° 22.658 W. 121° 53.839 DSCN0298



Garbage pushed downstream in the vicinity of Charcot Ave. and Montague Express. several locations. Photos DSCN0529 thru DSCN0546



N. 37° 23.644 W. 121° 54.829





N. 37° 23.640 W. 121° 54.809

Garbage set downstream creating numerous other blockages of garbage.





Log jam N. 37° 23.229 W. 121° 54.591



Log jam N. 37° 23.229 W. 121° 54.591





**Word is out that living on San Jose creek is free.**

**The hiding of homeless and criminal activity in our streams affects us all. The hardships are greatly ignored on how it affects citizens of San Jose for it eventually conveys over into our neighborhood and city streets. The transition from streams to landfills to cesspools is not acceptable to the taxpayer or the environmental communities, making the owner of the properties are solely to blame. Allowing illegal activity to occur while knowing about it, and failure to assist other private or commercial properties within areas has exacerbated the problem of the homeless. Leaves the city of San Jose and (SCVWD) in contempt to manage duties on their properties and responsibilities under the laws given to them by State of California. The losses greatly ignored and our children's are already being affected. Making contact with certain areas of streams cannot be thought of or considered at their current state. The danger streams pose to children and adult and wildlife in certain area within parks system is being ignored. The streams are in peril of ever being used again with the current downhill trend and neglect. Nearly eight miles stream is not safely accessible to children within the city of San Jose on Coyote Creek and Guadalupe River. And yet families and children are forced to live there because of housing shortage and lack of additional services.**

**Conclusion; I believe there are seven categories of people that are living in our streams. Numerous people have approached or threatened my life throughout the years. Others living within the stream and have shared their stories with me including the news crew from station 4 KRON on what they have discovered.**

- 1) Large families husband-and-wife with children not making ends meet and can afford the housing or no employment.**
- 2) Elderly with no housing because lacking services or not enough income to have housing.**
- 3) Veterans**
- 4) Migrant workers or day laborers.**
- 5) Mentally ill not able to attend for themselves as most of the sites are telling the story hoarders type illness and other mental illness.**
- 6) Under criminal activities Drug addiction and drug trafficking.**
- 7) Criminals and felons use stream to avoid the law.**
- 8) Prostitution within the Guadalupe River garden area Taylor Road. Greg Kerekes photos**
- 9) Early release criminals with not enough or lacking services.**
- 10) Pedophile lacking service for house in designated areas. So they use the creeks KRON 4 Stanley Roberts**



- 11) Individuals taking advantage of the situation and refusing to even want to pay rent and housing are utilizing the river systems to avoid the responsibilities. In other word why pay rent when you could live for free in the creeks.
- 12) City San Jose contributing to problem. Accommodating some minimal services like trash pick up in designated areas illustrate effort to hide the problem within channels of Creeks system. Homeless are flocking to San Jose due to the facts of allowing illegal activities on city San Jose property.
- 13) Factors of disasters in east coast happening throughout the country where storms or disaster have accord. So people are flocking to warmer states like California. Word that people could be accommodated in the creeks of San Jose is exacerbating the problem.
- 14) Overwhelming emergency service . Affected fire department and emergency response or ambulance dispatched. My estimates on call are nearing the hundreds of calls for fires and emergency dispatch to the Creeks. For 2012 thru 2013.