



Memorandum

To: Encampment Management Team, Homeless Encampment Task Force
 From: Lesley Estes *lh for*
 CC: Danny Lau
 Date: August 17, 2018
 Re: Impacts from Homeless Encampments at Peralta Park

This memo is to provide the Encampment Management Team (EMT) with information regarding the impacts of encampments on environmentally critical areas, including mitigation areas under regulatory jurisdiction in and near Peralta Park, and to request action to help alleviate those impacts. The main areas of concern include a restored wetland that was built as required mitigation for the Measure DD-funded 12th and the 10th Street bridge replacement projects, and two landscaped, stormwater quality treatment basins required by the City's stormwater discharge permit.¹ Information is provided on regulatory issues related to encampment impacts, required remedial actions and costs, and potential solutions to prevent future impacts. The accompanying map illustrates the location of impacts described below.

Encampment Impacts on Regulatory Compliance

Mitigation Wetland for 12th Street and 10th Street Projects

The City was required to obtain a Water Quality Certification permit from the San Francisco Bay Regional Water Quality Control Board (Regional Board) for the 12th Street and 10th Street Improvement Projects at Lake Merritt Channel (projects). The mitigation requirements of the still-active permit included building the tidal marsh in Peralta Park.

The permit provides five years to meet success criteria (such as less than 50% invasive species cover and greater than 51% native plant cover) by December 31, 2018. If the success criteria have not been met at the end of year five, planting, maintenance, and monitoring must continue until the success criteria have been met for a minimum of three consecutive years. The adjacent homeless encampments have severely impacted the City's ability to meet the required success criteria. Key impacts observed include:

- Encampment residents have been using the upland portion of the mitigation wetland as an informal latrine for 3-4 years.
- Neither Public Works gardening crews nor Lake Merritt Weed Warriors volunteers have been able to consistently perform required invasive species management, a key component to meeting permit success criteria, due to the informal latrines.

¹ Other landscaped areas in the park are also impacted by the encampments and are described below.

- Public Works had to pay additional fees to the consulting firm hired to conduct permit-required monitoring to add field staff to address safety concerns associated with the encampments.
- The irrigation system has been broken due to tampering and trampling which has led to loss of plants.
- Upland wetland plants have been heavily trampled for informal latrine use. This has impacted plant survival and coverage and has made more room for invasive species.
- One encampment resident has been routinely observed tampering with the fencing used to exclude the geese who eat some of the plant species in the lower portion of the wetland near the shoreline. Uncontrolled geese impacts further impact the success of wetland plantings.

Water Quality Treatment Facilities for 12th Street Project

The Regional Board also required the City to install water quality treatment facilities for stormwater runoff from Lake Merritt Blvd. (formerly 12th street) in order to meet Municipal Regional Stormwater Permit (MRP) regulations. These facilities are currently being used as informal latrines, trash receptacles, and campsites, hindering the City's ability to monitor and maintain them as required by the MRP.

Additional Encampment Impacts in Peralta Park

- Littering is a growing problem. Trash is present in the wetland and in the water quality treatment facilities. Parks maintenance are emptying trash receptacles in the park, but encampments prevent additional trash management.
- There was a fire on July 30, 2018, at one of the campsites at the park. At least one tree was destroyed in fire. There may be a greater wetland vegetation fire risk due to the proximity of the encampment.
- Encampment tents are currently located in a planted area of the park between the wetland and the parking lot. Tents and tarps create an impermeable surface over the root zone. This kills the understory and prevents air and water from reaching the tree roots. According to one volunteer, two trees have died as a result.

Planned Actions and Costs to Improve Conditions

To address encampment impacts to the mitigation wetland, Public Works must request an extension of the permit term and is planning to implement a planting replacement and fence installation project this December that will cost approximately \$530,000. Actions include:

- Install new native plants
- Remove invasive plants
- Repair irrigation
- Add and repair geese exclusion fencing
- Install sturdy border fencing to deter use of the wetland as a latrine
- Continue monitoring and maintenance until success criteria have been met for three consecutive years.

Consequences of Not Meeting Regulatory Requirements

- If encampment residents continue to use the mitigation wetland as an informal latrine, the planned \$530,000 remediation investment is likely to increase.
- Invasive species maintenance by Public Works and volunteers will continue to be a problem if informal latrines are re-established at the site after the areas is cleared and replanted.
- The City could be subject to fines of up to \$10,000/day if it does not meet the required wetland success criteria and/or will be subject to a long-term cycle of planting and monitoring with no anticipated end date, for which there will be no identified funds when the Measure DD bond funding ends.
- The MRP requires the City to maintain the stormwater treatment facilities in the park, however, maintenance staff cannot enter the facilities due to safety and health concerns. This could result in fines of up to \$10,000/day from the Regional Board.

Potential Solutions

- Based on the findings presented in this memo, it is recommended that the City implement a closure of the encampment in Peralta and the encampments under the Lake Merritt Boulevard bridge over the Lake Merritt Channel and under the 10th St. bridge.
- Relocate the unhoused communities to a different location in Oakland or into the nearby parking lot at the Henry J. Kaiser building.
- Use enforcement to prevent re-encampment.
- Provide portable bathrooms and portable hand washing stations in the park or build permanent bathrooms and sinks.
- Provide more trash receptacles.

Thank you for your consideration of these issues and any assistance you can provide in helping meet regulatory requirements.