

*Statement of*  
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*before the*  
**House Government Reform Subcommittees on**  
**Criminal Justice, Drug Policy and Human Resources**  
**And**  
**Energy Policy, Natural Resources and Regulatory Affairs**  
**October 10, 2003**

**“The Impacts of Drug Production on Public Lands”**

Chairman Souder and Chairman Ose, thank you for the invitation to testify at this joint hearing today to discuss the impact of marijuana cultivation and methamphetamine production in the Central Valley, California area. I am Stephen Delgado, the Special Agent in Charge for the San Francisco Field Division of the Drug Enforcement Administration (DEA). On behalf of Administrator Karen P. Tandy and the men and women of DEA, I want to thank you for your continuing strong support for DEA.

The use of public lands to grow marijuana and make methamphetamine is not a new one, but recent incidents have brought the seriousness and consequences of these criminal actions into sharp focus for the public. In past years, isolated gardens with small numbers of plants were the norm for plots discovered on public lands, but more recently, the number of grows containing tens and hundreds of thousands of plants has increased dramatically. These are actions of sophisticated drug trafficking organizations. These acts threaten innocent people who just want to enjoy parks and public lands for their natural beauty. These organizations destroy the environment, and ultimately they destroy our communities by spreading the devastation of drugs and providing financial support to violent criminal organizations.

Today I will describe the extent of outdoor marijuana growing operations and the problem of organized clandestine methamphetamine production in the Central San Joaquin Valley, the accompanying violence, and the environmental hazards associated with each. I will also speak about DEA's response to the problem with specific attention on the Central Valley of California.

California's public lands have become a haven for outdoor marijuana cultivation because of their remoteness and vast spaces. Armed and extremely dangerous drug traffickers and cannabis cultivators are infesting California's public lands. They protect their drug operations through the use of force, booby traps, intimidation, and high power weaponry. These are not farmers; these are armed guards protecting a crop of hundreds of thousands of plants with a street value of over one billion dollars. Outdoor marijuana growing operations ruin acres of California's public lands each year. In addition, methamphetamine production and its chemical by-products destroy and contaminate California's outdoor spaces, converting them into toxic waste sites. For public safety and the protection of the environment, it is vital to raise awareness

and carry out solutions to maintain California's public lands as the peaceful refuges they should be.

### ***DRUG PRODUCING ELEMENTS***

Criminal groups, including Mexican Nationals, dominate methamphetamine production, marijuana growth, and its distribution in the state. These groups use established smuggling and distribution networks to supply methamphetamine to markets throughout California. Local independent dealers, street gangs, and outlaw motorcycle gangs also distribute the drug.

These criminal elements compartmentalize operations in such a way that the financiers are difficult to identify, and are challenging to arrest. Often the workers are non-English speaking illegal migrant workers from Mexico, brought to the Valley specifically to manufacture methamphetamine or to tend to cannabis grows. When they have served their purpose, and have become ill because of the toxicity of the clandestine laboratory atmosphere, they are easily replaced with fresh, naïve illegal aliens looking for an opportunity to travel to America and find a new life. In effect, these individuals are regarded by the drug producing organizations as renewable, disposable resources. This is a major human rights, health and public safety concern.

When laboratories are seized or marijuana grow sites are raided, these workers often cannot understand the arresting officers because they don't speak English, or cannot identify the persons who hired them to produce the methamphetamine or tend the marijuana grow sites. Chemicals and supplies are purchased on a need-to-know basis.

These groups have diversified and adjusted their practices to limit the effects of arrests on their organizations. They are also much more sensitive to surveillance methods and will suspend operations and leave the country at the first sign of detection.

### ***CALIFORNIA PUBLIC LANDS***

Nearly half of the public lands in California are lands managed by the federal government. Seventeen national forests and one management unit make up 20 million acres (20 percent) of this land, which is located in the North Coast, Cascade, and Sierra Nevada ranges from Big Sur to the Mexican border in the south Coast range. The Forest Service (FS) in the Department of Agriculture manages these national forests.

While the public lands provides close proximity to packaging and distribution networks, it is the lengthy growing season based on the mild climate and rich soil that attracts marijuana growers. At the same time, the vast and dense forests and public lands are too isolated for federal, state, and local law enforcement to detect their activities.

## ***THE DRUG THREAT TO THE CENTRAL VALLEY AREA OF CALIFORNIA***

The nine counties comprising the Central Valley of California (Sacramento, San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern Counties) are a major agricultural center for the nation. The region contains two international airports, hundreds of private and public airstrips, and several major interstate highways, including Interstate 5 and Highway 99 (favored transportation routes for narcotics shipments from Mexico and the Central Valley to the northwest) and Interstate 80 (a major eastbound pipeline). The Central Valley also has rail, bus, cargo, and shipping port facilities. The region is a primary manufacturing, transshipment, distribution, and consumption area for methamphetamine and is growing at an alarming rate.

### **Methamphetamine**

According to the El Paso Intelligence Center (EPIC), there were more than 30,000 methamphetamine laboratories and more than 750 "super labs" seized in the United States since 2000. The "super labs" are large-scale, relatively sophisticated, are carefully planned and guarded, and can produce over 10 pounds of high purity methamphetamine per cooking cycle. California accounted for over 15 percent of the methamphetamine labs seized in the United States. Strikingly, over 75 percent of the "super labs" seized in the United States were seized in the state of California. A substantial number of the methamphetamine labs and super labs that were seized in California were located in the Central Valley.

The Central Valley continues to be a primary source for methamphetamine production and distribution throughout the greater United States. According to the Central Valley High Intensity Drug Trafficking Area (HIDTA), the Central Valley has become the "methamphetamine capital of the United States" due to the numerous methamphetamine laboratories located in the area.

	2000	2001	2002	2003 (as of 9/03)	TOTAL
Meth Labs Seized in Central Valley, CA	186	218	171	115	690
Super Labs Seized in Central Valley, CA	50	70	38	38	196
Meth Dumpsites Processed in Cent. Valley, CA	157	206	323	141	827

(Source: EPIC)

Since 2000, the area has experienced a dramatic increase in the number and scale of clandestine methamphetamine manufacturing laboratory operations, mostly operated by poly-drug trafficking groups based in Mexico. These labs and "super labs" are situated in the Central Valley because of its sparse population and proximity to principal precursor chemical supply companies and major interstate highways.

### **Marijuana**

Mexican Nationals dominate marijuana cultivation on public lands in the Central Valley. Marijuana produced from these operations can be sold for as much as \$4,000 per pound at the wholesale level and as much as \$6,000 per pound at the retail level. Within the last five years, law enforcement officers have detected improved techniques utilized by cultivators, including

Mexican Nationals, in an effort to increase the yield per plant and tetrahydrocannabinol (THC) content per plant. THC is the active ingredient in marijuana. This is a major reason marijuana cultivated in California is preferred over marijuana produced in Mexico.

The cultivation of cannabis is widespread in Northern California. The large-scale outdoor cultivation sites that dot Northern California often use sophisticated irrigation systems to produce thousands of pounds of high-grade, high-demand marijuana annually.

### *CONSEQUENCES OF DRUG PRODUCTION ON PUBLIC LANDS*

#### **Violence and Public Safety**

Throughout the Central Valley and North Valley (counties of Shasta, Tehama, Glenn, Butte, Colusa, Sutter, Yuba, Placer, and Yolo) law enforcement authorities typically eradicate hundreds of thousands of marijuana plants from large-scale outdoor grow locations. Because the sites are so remote, cultivators can usually spot law enforcement officers coming and have sufficient time to evade capture.

It is important to understand that the marijuana cultivated on public lands and the methamphetamine produced in clandestine laboratories operating in the Central Valley area of California are valuable commodities with estimated street values in the billions of dollars. Drug traffickers will go to any length to protect their crops and proceeds. The majority of the growers are armed and dangerous. They pose clear and imminent danger to both civilians and law enforcement personnel who have been shot at, assaulted, and injured during raids on marijuana grows.

- On September 19, 2003, the Butte County Sheriff's Department in Oroville, California prepared to seize a large marijuana grow site located in a remote, mountainous region in Northern California. DEA's role was to merely process the grow site once it was secured by local law enforcement authorities. The Butte County Sheriff's Department Special Incident Response Team (SIRT) encountered three Hispanic males in the encampment area of the grow site. Two subjects were armed with AK-47 rifles and the third subject was armed with a handgun. When a gun battle ensued, two of the subjects were shot and killed, and the third was apprehended. Fortunately, no SIRT Officers were injured during this incident. Once the property was secured, DEA agents processed the grow site and seized approximately 10,000 marijuana plants.

Historically, growers throughout California have also been known to protect indoor and outdoor grows with pits filled with punji stakes, fishhooks dangling at eye level, guard dogs, or trip wires linked to shotguns, grenades, or other explosives. Law enforcement authorities have confiscated semiautomatic weapons, night-vision binoculars, and bulletproof vests from growers.

## Environment

The illegal growth and cultivation of marijuana and methamphetamine have destroyed and contaminated many acres of California's land. The production of methamphetamine and marijuana has had a devastating and irreparable impact on these lands. Environmental damage occurs when marijuana growers burn off native vegetation and destroy natural wildlife habitats. Marijuana growers often clear cultivation areas with chain saws and spread fertilizers and pesticides. These arsenic-based poisons kill small animals and rodents and in turn, kill the larger animals and birds that consume them. This devastates the food chain and area water supplies. Toxic pesticides, fertilizers, and insecticides seep into creeks and municipal watersheds. They also terrace the land, stir up the soil, and attract plants that wouldn't otherwise take hold in that area. Tons of trash and high concentrations of human waste are left behind by marijuana growers.

Methamphetamine production has a profound environmental impact on the state of California. In the Northern and Central Valley areas, chemicals from large-scale laboratory dumpsites have killed livestock, contaminated streams, and destroyed large trees and vegetation. In 2001, the California Department of Toxic Substances Control conducted over 2,000 methamphetamine laboratory and dumpsite cleanups, costing California taxpayers nearly \$5.5 million (\$2,450 per laboratory on average). This does not include the remediation of buildings, surroundings, and environment, which is typically more expensive and time-consuming.

For each pound of methamphetamine produced, more than five pounds of hazardous waste material is generated. The hazardous waste material contains chemicals such as lye, red phosphorous, hydriodic acid, hydrochloric acid, antifreeze, battery acid, iodine, propane tanks, and toxic cleaning fluids. This hazardous waste poses immediate and long-term environmental and health risks.

In addition to the environmental damages, clandestine methamphetamine labs can cause injury from explosions, fires, chemical burns, and toxic fumes. These risks are exacerbated by the presence of trees, brush, and visitors engaging in recreational activities. Mobile labs are set up in outdoor locations because of the ventilation that it affords them from the toxic fumes. However, this same ventilation spreads the toxic fumes throughout a large area of land in the National parks and forests where others are at serious risk of health problems from the inhalation of the byproducts of methamphetamine.

Lab cooks are not safety minded. They use heat to process chemicals that pose a high risk of explosion and forest fires. In fact, one out of every five labs discovered is because of such events.

- In September of 2002, a 554-acre fire was started in a national forest in Wrightwood, which is in San Bernardino County, by a mobile methamphetamine laboratory. A body, charred by the explosion of the mobile methamphetamine lab, was also found at the scene of the fire.

## *DEA'S RESPONSE TO THE DRUG THREAT ON PUBLIC LANDS*

### **Cooperative Efforts**

The San Francisco Field Division's Enforcement Group 3, the Marijuana Enforcement Group, consists of Special Agents assigned to investigate major commercial marijuana cultivators. These investigations are concentrated in Northern California counties with large wilderness areas. These agents target significant marijuana cultivators in cooperation with local Sheriff's Offices, Narcotics Task Forces, and the California State Department of Justice/Bureau of Narcotic Enforcement (BNE), FS, Bureau of Land Management (BLM), and National Park Service (NPS).

DEA is dedicated to working with the FS, BLM, and NPS to reduce the amount of illegal drugs being produced on public lands. Some recent collaborative efforts have proved fruitful.

- On September 24 through September 26, 2002, the San Francisco Field Division, working with the FS and the Humboldt County Sheriff's Department seized 5,647 growing marijuana plants and arrested two Bulgarian Nationals. The grow site was located on FS land in the Buck Mountain area in remote, mountainous Humboldt County, California. This investigation began on September 24, 2002, after an FS agent spotted the marijuana grows during an aerial over-flight. FS agents and county deputies hiked to one of the grow sites to confirm the presence of marijuana and encountered the two subjects walking down a well-worn path to the grow site. The officers detained the two subjects and subsequently determined that they were both armed – one with a Sig Sauer pistol and the other with a .44 caliber revolver. Both men claimed that they were hunters; however, officers found marijuana cultivation equipment inside their backpacks.
- On September 20, 2002, the San Francisco Field Division, working with NPS Law Enforcement Rangers and NPS Special Agents seized 2,742 marijuana plants and arrested two Mexican Nationals at Point Reyes Seashore National Park, in Marin County. This investigation was initiated subsequent to NPS receipt of information from a hiker who stumbled across an outdoor marijuana grow on NPS land.

DEA and the FS operate under a Memorandum of Understanding (MOU) signed in 1996 that established and clarified the authority of the FS. The MOU designated DEA as the lead Federal drug enforcement agency having primary jurisdiction along with, and outside of National Forest Service land, to investigate, enforce and detect all violations of the Controlled Substance Act. The FS defers to DEA any investigation for which we assume jurisdiction and DEA may defer to the FS to investigate violations occurring within National Forest Service land. DEA can assume jurisdiction in any instance and will determine whether both agencies should pursue a joint investigation.

Under this agreement, DEA is responsible for cross-designation of FS personnel assigned to any task force or joint agency operations. The Secretary of Agriculture is authorized to designate DEA Special Agents to exercise the powers and authorities of the FS while assisting

the Forest Service or the activities administered by the FS. If DEA elects to pursue an investigation unilaterally, the FS will discontinue all efforts regarding an investigation.

In 1997 and 1998, DEA intelligence information related that an organization, later known as the Magana poly-drug organization, was growing large amounts of marijuana in the National Forest areas of Central California. From June 1998 to October 2000, DEA, California's BNE, FS, Fresno County Sheriff's Department (FCSD), Madera County Sheriff's Department (MCSD), Tulare County Sheriff's Department (TCSD), the Fresno Police Department (FPD), and others conducted hundreds of hours of surveillance, purchased marijuana and methamphetamine from known organization members, and eradicated thousands of marijuana plants linked to the Magana organization. This resulted in the arrest of 48 persons on federal and state drug charges as well as immigration charges.

For two years after the original arrests were made, a second investigation was conducted under the Organized Crime Drug Enforcement Task Force (OCDETF) program into individuals who were suspected to take over the organization after the main targets were arrested. DEA, the Fresno Methamphetamine Task Force (FMETF), FS, BNE, United States Marshals Service, FCSD, Madera County Narcotic Enforcement Team (MADNET), NPS, TCSD, Kings County Task Force (KCTF) and the Clovis Police Department (CPD) concluded the investigation with the service of eight Federal search warrants at various locations throughout Fresno, Tulare, and Madera Counties.

The investigations led to the arrest of 65 persons, the seizure of 56,000 marijuana plants believed to be tied to the Magana organization (from public lands), 116 kilograms of marijuana bud, 28 pounds of methamphetamine, and more than \$376,000 in U.S. currency seized.

### **The Domestic Cannabis Eradication / Suppression Program**

In 2003, DEA's Domestic Cannabis Eradication / Suppression Program (DCE/SP) granted approximately \$1.2 million to 29 counties and California's BNE. Over the last 10 years, the number of participating counties has almost doubled. Approximately 90 percent of the money granted to the counties and state is expended to lease helicopters and pay overtime to local law enforcement. In California, this program operates year round, whereas in most states, the DCE/SP operates exclusively as an outdoor eradication program during the growing season.

When it comes to aerial support, this year DEA arranged to provide two of its helicopters to California for the month of August. The helicopters flew missions to locate marijuana over approximately 20 California counties.

### **Taking on Methamphetamine**

This year, the DEA San Francisco Field Division reallocated three Special Agents from the San Francisco Mobile Enforcement Team specifically to address the methamphetamine threat in the Central Valley: one for the Fresno Resident Office and two for the Bakersfield Resident Office. DEA's focus on methamphetamine-related targets is prevalent when noting that they are

the majority of the Priority Target cases in the Sacramento District Office, Bakersfield Resident Office, and Fresno Resident Office.

### **Collaboration with the Central Valley, California HIDTA**

The Central Valley, California HIDTA focuses on reducing the manufacturing, trafficking, and distribution of methamphetamine, precursor chemicals, and other dangerous drugs. This HIDTA achieves this goal by disrupting and dismantling the large scale, and often violent, drug trafficking and money-laundering organizations through the implementation of ambitious cooperative initiatives and innovative strategies. DEA's Fresno Resident Office Enforcement Group 2 is specifically assigned to work with the Central Valley HIDTA.

The Central Valley HIDTA was established in 1999 when the Director of the Office of National Drug Control Policy (ONDCP) designated the nine counties of Fresno, Kern, Kings, Madera, Merced, Sacramento, San Joaquin, Stanislaus, and Tulare as a HIDTA with a critical drug threat. The organization has since launched many innovative initiatives such as *FAST* (Fresno Area Surveillance Team), *FMTF* (Fresno Methamphetamine Task Force), *JFTF* (Joint Fugitive Task Force), and the *PVP* (Precursor/Vendor Program):

- *FAST* specializes in electronic surveillance, Title III wiretaps, Dialed Number Recorders (DNRs), intelligence analysis, informant development, and asset seizure (which DEA takes a major lead in through \$100,000 of ONDCP funding)
- *FMTF* specializes in the investigation of clandestine methamphetamine laboratories and precursor chemical sales in Fresno, Madera, and Merced Counties
- *JFTF* seeks fugitives who are significant narcotics violators being sought by Central Valley Law Enforcement Agencies
- The *PVP* reduces the distribution of precursor chemicals by educating and networking with retailers of precursor chemicals, identifying uncooperative retailers as possible co-conspirators or rogue precursor chemicals suppliers, and prosecuting suppliers.

### ***CONCLUSION***

DEA remains committed to targeting, disrupting, and dismantling the most significant drug trafficking organizations threatening our nation and depriving them of their ill-gotten profits. As these organizations migrate from the urban centers to California's outdoor lands, DEA will respond with its full capabilities. The immediate and long-term dangers that these organizations pose to public lands are immeasurable. The production of methamphetamine and the cultivation of marijuana present serious environmental hazards, public safety dangers, and human rights violations.

DEA will continue to work with our partners at the Central Valley HIDTA, California's BNE, FS, BLM, NPS, and state and local law enforcement agencies against the misuse of California's public lands by drug producers.

With the dedication of Central Valley HIDTA methamphetamine initiatives, DEA's Marijuana Group and DCE/SP Program, and the targeting of methamphetamine organizations through our Priority Targeting System, we are moving closer to taking the public lands from the drug trafficking organizations and keeping these public lands of California for the public to use and enjoy safely.

Again, I would like to thank you for the opportunity to testify today, and I would be happy to answer any questions at the appropriate time.