Statement of
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On
Drug Production on Public Lands
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MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEES:

Thank you for the opportunity to present the Department's views on the impacts of drug production on public lands. I am Art Gaffrey, Forest Supervisor, Sequoia National Forest in California. Accompanying me today is Jerry Moore, Special Agent-In-Charge, Pacific Southwest Region in California.

Drug production and cultivation on Federal lands is a significant source of the domestic production and supply of illegal drugs, especially for marijuana (cannabis). The Drug Enforcement Administration (DEA) has identified the major domestic outdoor cannabis cultivation areas in the United States the states of California, Hawaii, Kentucky, Tennessee, Arkansas, and Missouri. Marijuana sites are typically found in the more remote locations on public lands nationwide. Production is increasing on Federal and State lands as stepped-up law enforcement and drug eradication in urban and rural areas have forced traffickers to move to the seclusion of forests, parks, refuges, and other public lands. Additionally, growing marijuana on Federal lands offers the grower immunity from asset forfeiture laws.

Congress provided Federal drug enforcement authority to the Forest Service in 1986 under the National Forest System Drug Control Act. Through a memorandum of understanding with the DEA, the Forest Service assumes a lead role for ensuring Federal drug laws are enforced on National Forest System (NFS) lands. With over 192 million acres of NFS lands in 44 states including the Commonwealth of Puerto Rico, the Forest Service is an integral partner with the DEA, the Department of the Interior, and State and local law enforcement agencies in our joint efforts against the misuse of California's public lands by drug producers.

The agency faces a tremendous challenge combating the growth in marijuana cultivation, clandestine methamphetamine laboratories and dumpsites, and the smuggling of illegal drugs across NFS lands. Our current law enforcement workforce nationwide stands at 600 personnel to accomplish the myriad of protection tasks, including drug enforcement responsibilities. However, we are a part of a strong and capable network of law enforcement resources working with our partners to meet this drug enforcement challenge.

My testimony today will focus on: (1) the use of national forests for drug production and public safety; (2) drug cultivation on NFS lands, in particular the Sequoia National Forest; (3) drug production trends; (4) strategies for eradicating marijuana production; (5) resource degradation from marijuana cultivation; and (6) methamphetamine laboratories.

Use of National Forests and Public Safety

The protection of natural resources and overall resource stewardship have been an integral part of forest management since the inception of the first Forest Reserve System in 1897. Today, there are 155 national forests and 20 national grasslands entrusted to our care that provide a variety of uses for the American public: recreation, forest products, livestock grazing, minerals exploration, fish and wildlife habitat, and wilderness preservation.

As the population of the country has grown, more and more people are using their national forests, and these users are increasingly from an urban background. Over the years there has been a trend in the rise of drug-related crime and violence on America's public lands, which has caused us to focus specialized law enforcement resources to address this issue and increase cooperation with our partners in combating crime and protecting the public. As crime has increased on NFS lands, the agency's Law Enforcement and Investigations program has worked to apprehend more criminals, conduct more surveillance, and act more on criminal activity within the confines of current staffing and cooperative support. Security is important to the public. Criminal activities such as personal assault, gang activity, theft of Federal property, vandalism, and drug cultivation divert limited dollars that could be utilized to improve resource facilities and conditions.

Drug Cultivation on National Forest System Lands

Since 1997, over three million marijuana plants, which equates to over 3000 metric tons, have been eradicated from NFS lands. Along the Southwestern U.S. border with Mexico, over 250,000 pounds of processed marijuana were seized on NFS lands in calendar years 2000 and 2001. In 2002, almost 598,000 plants were seized nationally from outdoor cultivation sites on NFS lands, of which seventy percent (around 420,900 plants) were seized from National Forests in California. The preliminary statistics for 2003 indicate this trend has continued. Over 300,000 plants have been seized on NFS lands in California to date, with eradication efforts still occurring for the remainder of the year. In addition to marijuana gardens, over 300 clandestine methamphetamine laboratories and 500 dumpsites were found, and 246 pounds of methamphetamine seized, on NFS lands in calendar years 2000 and 2001.

In California, the Sequoia National Forest and Giant Sequoia National Monument are experiencing perhaps the most significant marijuana cultivation activity compared to other national forests in the country. In 2002, there were 26 criminal cases investigated with a total of 49,826 plants eradicated and six arrests made. So far in 2003, over 28 marijuana gardens have been found and over 82,000 plants eradicated. The Sequoia National Forest (including the Monument) covers approximately 1,700 square miles at the southern end of the Sierra Nevada mountain range and is a heavily visited Forest that provides some of California's most valuable recreational opportunities and habitat for wildlife and plants. Recreation visits to the Forest and Monument exceed both Sequoia-Kings Canyon and Yosemite Nationals Parks combined. With the increase in public visitation and use of the Sequoia National Forest and Giant Sequoia National Monument, there is a potential for danger to occur as drug activity continues to rise.

Trends

In the late 1980's and early1990's, marijuana gardens were tended largely by low-income people and drug users, and were small (100 to 1,000 plants) compared to the marijuana gardens of today. Current gardens are as large as ten to fifty thousand plants. These gardens are more sophisticated, larger, and more complex in development, with an elaborate water distribution arrangement to ensure plants thrive and produce a higher-grade psychoactive chemical compound.

Since 1996, operations by drug trafficking organizations have expanded tremendously, and marijuana is being produced on virtually every national forest in California. Five separate drug trafficking organizations have been identified as operating on NFS lands. One drug trafficking organization has been determined to have drug cultivation operations on at least seven National Forests in nine different counties in California. Growers are becoming more sophisticated in their operations, adjusting to law enforcement efforts and tactics. The drug trafficking organizations are going to great lengths to protect their production sites, including camouflaging the marijuana gardens to prevent detection, posting lookouts and armed guards, placing traps that can injure or kill, and planting more gardens to allow for the losses that may occur if a garden is found.

The Forest Service believes organized efforts by drug trafficking organizations headquartered in Mexico, continue to supply workers, most of whom are illegal aliens, to tend marijuana gardens on NFS lands throughout California. These cultivation sites are occupied full-time from April through October, with twenty or more armed workers. The impacts of this residential occupancy are apparent.

Another alarming trend with the increase in illegal drug activity on NFS lands has been the heightened amount of violence used by growers. Most recently, three separate shooting incidents occurred between law enforcement and growers within a three-week period in California. These incidents resulted in four suspects being shot and killed by law enforcement officers. Some officers have come under fire from growers, and a Forest Service K-9 dog was assaulted and injured while attempting to apprehend a grower during a marijuana raid. Compared to previous years, the number of officer-involved shootings and public confrontations with armed growers doubled in 2003. Violence among marijuana growers has also increased in the last two months, with one grower found shot to death at a marijuana site camp in Fresno County and a second grower found hacked to death in Mendocino County.

Armed growers are also confronting Forest visitors. Marijuana is typically harvested during the months of September and October, hunting season on many Forests, resulting in some armed confrontations between marijuana growers and hunters. The most recent reported incident occurred about two weeks ago when Mexican citizens on the Mendocino National Forest in Glenn County confronted two hunters at gunpoint after they inadvertently stumbled into their marijuana garden. Fortunately the hunters escaped without incident. In September 2003, in the Los Padres National Forest north of Ojai, three men with automatic weapons fired upon a hunter walking near a marijuana grove.

We are fortunate that most marijuana gardens are in remote locations that are more lightly used by the public. Still, we are concerned that as marijuana cultivation intensifies on national forests, there is greater potential for Forest visitors or employees to be seriously injured or killed.

Strategy for Eradicating Marijuana Production

Most marijuana gardens in California are located by helicopter flights using National Guard, county sheriffs, or Department of Defense helicopters. A significant source of information regarding the location of cultivation sites is the recreating public, such as hunters or fisherman, or Forest Service employees. When a garden is located or suspected, any active agency resource work in the area is suspended, and the garden is eradicated as soon as law enforcement resources become available. Law enforcement personnel from the Forest Service and other agencies usually hike into the garden to arrest any suspects in the area and secure the site. After the area has been cleared of suspects and all the evidence collected, law enforcement personnel remove the marijuana plants, which are packed into helicopter nets and airlifted out.

Forest Service law enforcement officers work with the State CAMP (Campaign Against Marijuana Planting) Program, the County Sheriff's Department, and others to apprehend suspects and find and destroy marijuana gardens. The Forest Service also works with the Office of National Drug Control Policy (ONDCP), the High Intensity Drug Trafficking Areas (HIDTA's), and various task forces that include other Federal, State, and local agencies to eradicate and remove marijuana sites on Federal lands.

Due to the magnitude of the risk to public and employee safety and environmental issues related to the production of marijuana, ONDCP is currently funding a National Marijuana Initiative that greatly aids the Forest Service. The mission of the Initiative is to detect, deter, and disrupt domestic marijuana cultivation on public lands, along with the associated drug trafficking organizations, by coordinating investigations and interdiction operations, and combining resources from Federal, State, and local law enforcement jurisdictions. The Pacific Southwest Region was identified as the initial focus of this program. These partnerships increase our capabilities by combining resources where needed, and increase the safety of our law enforcement officers, who many times are working with too few officers in dangerous conditions.

Resource Damage from Marijuana Cultivation

Cultivation of a marijuana garden causes significant resource and environmental damage. When a garden is cultivated, all vegetation in the area is removed and water is diverted from nearby

creeks and streams, using a hose or pipe for gravitational irrigation, affecting wildlife and the riparian area. A 2,000 – 3,000 plant garden may affect an area of approximately 10 acres with the water source over one mile away. The area around a marijuana garden may also be cleared of vegetation to be used as a makeshift camp, which includes a sleeping area, kitchen, processing area, and garbage pits filled with refuse, feces, fertilizers and poisons.

To maintain and improve the marijuana plants, gardens usually contain toxic chemicals, such as rat poison, gopher bait, weed killers, which are hazardous to humans and animals. Wildlife in the area is often killed by poisons or is poached for food by those tending the marijuana garden. Ecosystems are damaged as trees are cut down and water sources polluted. Smaller streams can be adversely affected as growers steal water from them for irrigation or construct small dams to divert water.

The presence of a garden can halt firefighting efforts in an area or can be the source of a wildfire. On the Hume Lake Ranger District on the Sequoia National Forest, a wildfire in 1999 was started by a campfire in a marijuana garden. Firefighters found the garden and had to stop fire suppression activities in the area until law enforcement secured the area. This problem occurs several times every year.

In addition to halting resource and fire suppression work, other drug-related crimes such as damage to equipment also occurs. This year, a Forest Service bulldozer operator clearing brush discovered a marijuana garden and reported the incident immediately. The next morning it was discovered the bulldozer had suffered $10,000 dollars in damage. The work project was postponed for two weeks while the area was cleared and the bulldozer repaired.

As more and more marijuana gardens are found and destroyed, the Agency is working to determine the effect marijuana cultivation has on natural resources, and the best way to rehabilitate an area to bring it back to its natural state once a garden has been discovered.

Methamphetamine Laboratories

Methamphetamine laboratories are another common illegal activity on NFS lands. The most common methamphetamine laboratories are small scale, but mobile operations that can be set up anywhere. Large "super laboratories" are rarely found on Federal lands, except that the Mark Twain National Forest in Missouri continues to find a large number of methamphetamine laboratories and dump sites.

These methamphetamine laboratories and dumpsites are a source of hazardous materials given the corrosive and poisonous chemicals used to make the drug. These areas are also susceptible to increased risks of wildfire resulting from lab explosions or chemical reactions. Toxic chemicals used in these illicit laboratories may leech into soil and waterways, causing negative impacts to vegetation, wildlife, and drinking water. When a laboratory or dump site is found, the area must be closed to public use until hazardous chemicals and contaminated resources are addressed. Methamphetamine laboratories can cause more damage to the natural resource than a marijuana garden.

Summary

The Forest Service is proud of our employees and partners who work hard to ensure America's National Forests are safe for all users. We have seen the trends and understand the huge job ahead of us of continuing to fight these illegal activities that destroy our natural resources, threaten visitor and employee safety, affect the public's enjoyment and use of the land, and inhibit needed resource work.

The war on drugs does not recognize ownership boundaries or agency responsibilities. Multi-agency partnerships are critical in providing an integrated and coordinated approach to address this crisis statewide. The Sequoia National Forest and Giant Sequoia National Monument, like many forests nationwide, has forged such a partnership with State, County and local government agencies to develop comprehensive strategies to protect the public while they use their national forest, and protect this nations unique and treasured natural resources.

This concludes my statement. I would be pleased to answer any questions that you may have.