

DRUG PRODUCTION ON PUBLIC LANDS—A GROWING PROBLEM

JOINT HEARING

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE,
DRUG POLICY AND HUMAN RESOURCES

AND THE

SUBCOMMITTEE ON ENERGY POLICY, NATURAL
RESOURCES AND REGULATORY AFFAIRS

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DRUG PRODUCTION ON PUBLIC LANDS—A GROWING PROBLEM

FRIDAY, OCTOBER 10, 2003

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES, JOINT WITH THE SUBCOMMITTEE ON ENERGY POLICY, NATURAL RESOURCES AND REGULATORY AFFAIRS, COMMITTEE ON GOVERNMENT REFORM,

Sequoia National Park, CA.

The subcommittees met, pursuant to notice, at 10 a.m., at the Wuksachi Village Lodge, 64740 Wuksachi Way, Sequoia National Park, CA, Hon. Mark Souder (chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources) presiding.

Present: Representatives Souder, Ose, and Nunes.

Staff present: Dan Skopec, staff director; and Melanie Tory, professional staff member, Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs; Nick Coleman, professional staff and counsel; Alena Guagenti, legislative assistant; and Nicole Garrett, clerk, Subcommittee on Criminal Justice, Drug Policy and Human Resources.

Mr. SOUDER. With that, the committee will now come to order.

I'd first like to introduce our host, Congressman Devin Nunes. When I first visited Sequoia, he was running in a primary, which he emerged with a big victory, and has been a wonderful addition to Congress to the Resources Committee, on which we both serve, and in other ways in Congress is one of the bright rising stars of Congress. It's great to be in your area today. And, thank you for coming today.

Mr. NUNES. Well, thank you, Mr. Chairman.

It's also a pleasure to welcome my good friend Doug Ose from Sacramento, who has always been a good friend of mine and a good friend of law enforcement.

I want to second welcome all of the speakers that are going to be here today and all of those of you that are here to witness this hearing today. It's really a pleasure and an honor for me to have all of you here to draw more public awareness to this ever increasing problem. As most of you know, in addition to the marijuana issues that we'll talk about today, we also have a huge methamphetamine problem that we face in the San Joaquin Valley.

So it's a pleasure for me to welcome you here and also look forward to hearing your testimony.

Thank you very much, Mr. Chairman.

Mr. SOUDER. Thank you.

This is a joint hearing with two chairmen, and so we'll be trying to work out our process today. The subcommittee that I chair is Criminal Justice, Drug Policy and Human Resources which, among other things, has all of the drug policy questions regardless of where it falls in the Federal Government, in which Congressman Ose has been one of the most active members from the time he got elected to Congress. We all went up to his district on a meth hearing soon after he was elected, and I was vice chairman of this subcommittee. But he chairs the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs with oversight over public lands and government regulatory policies, so this is a joint hearing we were both chairing today. And, I would like to now yield to him as an active member of my subcommittee but also chairman of the other subcommittee that's doing this today.

Mr. OSE. Thank you, Mr. Chairman.

Devin, it is a pleasure to be here in your part of the State. We appreciate you being the host.

I want to welcome everybody. You all probably get a greater opportunity to come to Sequoia than I do, but, my goodness, it's great to be here.

We are here today to examine the increase in illegal drug production in our national parks and forests. As Congressman Souder explained, he has a policy jurisdiction over U.S. drug policy.

Mr. OSE. On my subcommittee I have all of the public lands, Bureau of Land Management, Forest Service, Park Service, all of that other stuff, and that's the reason we're having a joint hearing.

Over a century ago, the National Park Service and the Forest Service were created to protect our Nation's pristine and historic lands for the enjoyment of Americans today and for the enjoyment of the generations yet to come. We are here today because the very mission of both of those agencies is threatened by illegal drug cultivation that's taking place on those public lands. Lands that once were the epitome of natural beauty have become large scale marijuana farms and toxic waste sites. Terraced hillsides and cannabis plants have replaced lush trees and foliage. Plastic irrigation tubing has overrun bubbling brooks and streams. And, human waste and litter have covered the organic forest floor. However, this is only part of the problem. We have visitors, naturalists, and rangers who were once able to roam the lands freely who are now in grave danger of being injured or killed by marijuana growers armed with AK-47s, handguns, and machetes.

For years, as many of you know, relatively small illegal drug operations have existed on our national lands. Interestingly, one of the outgrowths of September 11th is that when our border security tightened, drug smugglers reacted by moving drug production from Mexico into the United States, and essentially what were once small marijuana gardens planted by local residents have become large-scale marijuana, in some cases methamphetamine, operations run by well-funded and well-armed Mexican drug cartels. They have found it easier and more economical to produce their drugs here in America on public land rather than smuggling it across tightened borders.

The fact that this hearing is being held in California, and specifically here in Sequoia, is no accident. California's climate which we

all enjoy, our natural resources which we seek to protect, and our proximity to Mexico which we relish, make it a perfect place for Mexican nationals to cross the border and to cultivate marijuana.

According to USDA's—that's the Department of Agriculture—Forest Service, in 2002 national forests in California accounted for over 420,000 of the almost 600,000 marijuana plants eradicated nationwide. Think about that. 420,000 of 600,000 that were found and eradicated were found in our national forests in California. 50,000 of those plants were eradicated right in this area, in Sequoia National Forest. Similarly, in 2002 the Department of Interior's National Park Service eradicated over 46,000 marijuana plants from its lands. Over 34,000 of those plants were found right here in Sequoia and Kings Canyon National Parks.

Currently we're in the midst of marijuana harvest season. That generally spans from April to October. Interagency task force, comprised of Federal, State, and local agencies, have already begun to locate and eradicate several massive gardens on public lands. Coincidentally the first week of September, almost 14,000 marijuana plants were found in Sequoia National Park. Less than a week later, authorities found another 5,000 plants and a garden that had been recently harvested. Together the eradicated plants were valued at about \$74 million. We're talking a lot of money here. \$74 million.

Given the value of the crop, it's no surprise that we find that these people aggressively guard their camps. Similarly, it's no surprise that the growers have little concern for the environmental damage they cause. Motivated by profit or fear of the people they work for, growers backpack deep into our public lands and set up camp on some of our most pristine and valued lands. Eradication teams perform some remediation when these camps are found, but substantial damage often remains at discovered and undiscovered sites due to our inability to provide adequate funding and resources. In many cases, it will be decades before these lands are restored to their original condition.

In addition to this destruction, drug production on public lands increases the risk of forest fires. When these people are out in their camps cooking, smoking, and poaching in the vegetation, the increase of potential for forest fires is rather significant.

Likewise, meth labs impose an inherent fire risk because of the presence of volatile chemicals and the potential for explosions. In Mendocino County, in 2001, two firefighters were killed when a meth lab exploded in the forest there.

Now, despite the extended drug production problem, law enforcement units within Federal land management agencies remain ill-equipped to handle this issue. Due to their inadequate resources, law enforcement units in the Forest Service and the National Park Service must rely on personnel and equipment from other units in these agencies and on other Federal, State, and local entities for assistance. While this type of collaboration has been successful when brought to bear, it's very complicated and has strained already understaffed agencies.

Our hearing today will examine the extent of illegal drug production on public lands, and it will seek to determine what tools are needed to combat this problem. Key questions are whether current

Federal and State budget and law enforcement allocations are adequate to address the issue, whether the priorities of the agencies adequately address or hamper eradication efforts, and what congressional assistance, if any, is needed to address the growing problems.

I look forward to the testimony of our witnesses on both panels. Mr. Chairman, I'll yield it back to your chairmanship.
[The prepared statement of Hon. Doug Ose follows:]

Chairman Doug Ose
Opening Statement
“Drug Production on Public Lands – A Growing Problem”
October 10, 2003

Welcome to the beautiful Sequoia National Park. We are here today to examine the alarming increase of illegal drug production in our national parks and forests.

Over a century ago, the National Park Service and the U.S. Forest Service were created to protect our Nation’s most pristine and historic lands for the enjoyment of Americans today, and for the enjoyment of the generations yet to come. We are here today because that very mission is threatened by rampant illegal drug cultivation on our public lands.

Lands that were once the epitome of natural beauty have become large-scale marijuana farms and toxic waste sites. Terraced hillsides and cannabis plants have replaced lush trees and foliage. Plastic irrigation tubing has overrun bubbling brooks and streams. And, human waste and litter have covered the organic forest floor. Yet, this is only part of the problem. Visitors, naturalists, and rangers, who were once able to roam the lands freely, are now in grave danger of being injured or killed by marijuana growers armed with AK-47s, handguns, and machetes.

For years, relatively small illegal drug operations have existed on our national lands. After September 11, 2001, however, our border security tightened significantly, and drug smugglers reacted by moving drug production from Mexico to the United States. Essentially, what were once small marijuana gardens planted by local residents are now large-scale marijuana and metamphetamine (“meth”) operations run by well-funded and armed Mexican drug cartels, who have found that it is easier and more economical to produce their drugs on American lands than to smuggle the bulk crop across the borders.

The fact that the hearing is being held in California, and specifically in Sequoia, is no accident. California’s mild climate, natural resources, and proximity to Mexico make it the perfect place for Mexican nationals to cultivate marijuana. According to the U.S. Department of Agriculture’s Forest Service (USDA/FS), in 2002, national forests in California accounted for over 420,866 of the 597,797 marijuana plants eradicated nationwide. 50,000 of these plants were eradicated just up the road from here – in Sequoia National Forest. Similarly, in 2002, the U.S. Department of the Interior’s National Park Service (DOI/NPS) eradicated 46,511 marijuana plants from its lands. Over 34,000 of these plants were found right here in the Sequoia and Kings Canyon National Parks.

Currently, we are in the midst of the marijuana harvest season, which generally spans from April to October. Interagency task forces, comprised of Federal, State, and local agencies, have already begun to locate and eradicate several massive gardens on public lands. The first week of September, 13,675 marijuana plants were found in Sequoia National Park. Less than a week later, authorities found another 5,000 plants and a garden that was recently harvested. Together, the eradicated plants were valued at about \$74 million. Given the value of their crop, it is no surprise that the growers aggressively guard the camps.

Similarly, it is no surprise that the growers have little concern for the environmental damage they cause. Motivated by profit or fear of the drug cartels, growers backpack supplies deep into our public lands, and set-up camp on some of our most pristine and treasured lands. Once settled, the destruction begins. The land is cleared and terraced. Streams are diverted into miles of plastic irrigation tubing. Fertilizer, herbicides, insecticides, and rodent poison are applied, contaminating both the soil and water. Animals are poached for food and sport. And, literally tons of trash is accumulated in the camp. Eradication teams perform some remediation, but substantial damage often remains at discovered and undiscovered sites due to inadequate Federal and State funding and resources. Thus, it will be decades before these lands are restored to their original condition.

In addition to this destruction, drug production on public lands also increases the risk of forest fires. By cooking, smoking, and poaching in the thick vegetation, growers increase the potential for forest fires. Likewise, meth labs impose an inherent fire risk because of the presence of volatile chemicals and the potential for explosions. In 2001, 242 acres of forest were set ablaze and two firefighters were killed when a meth lab exploded in Mendocino County, California.

Despite the extent of the drug production problem, law enforcement units within Federal land management agencies are woefully ill equipped to handle the issue. Due to their inadequate resources, law enforcement units in USDA's Forest Service and DOI's National Park Service must rely on personnel and equipment from other units in these agencies, and on other Federal, State, and local entities. Although this type of collaboration is beneficial, it is usually complicated and may strain already understaffed agencies.

Today's hearing will examine the extent of illegal drug production on public lands, and will seek to determine what tools are needed to combat this ever-increasing problem. Key questions are whether current Federal and State budget and law enforcement allocations are adequate to address the issue; whether the priorities of the agencies adequately address or hamper eradication efforts; and, what Congressional assistance, if any, is needed to address the growing problem.

I look forward to the testimony of our witnesses. They include: Richard Martin, Superintendent, Sequoia and Kings Canyon National Parks, DOI/NPS; Arthur Gaffrey, Forest Supervisor, Sequoia National Forest, USDA/FS; Stephen C. Delgado, Special Agent in Charge, San Francisco Field Division, Department of Justice's Drug Enforcement Administration; Val Jiminez, Special Agent Supervisor and Commander, Campaign Against Marijuana Planting, California Bureau of Narcotics Enforcement; Lisa Mulz, Superintendent of Law Enforcement and Public Safety, California Department of Parks and Recreation; Captain David Williams, Tulare County Sheriff; and, Joe Fontaine, Member, Board of Directors, Wilderness Watch.

Mr. SOUDER. Thank you very much.

This Criminal Justice Subcommittee has been looking at the problems of illegal drug trade and how it's impacted public lands for some time. In the summer of 2001, we began making a comprehensive study of our nationwide borders. During that study we had the opportunity to hear from Interior Department personnel on the border, including at Big Bend National Park which is—I think they might now be the second most dangerous national park—and Organ Pipe Cactus National Monument—which was ranked the first, one in Arizona and one in Texas—about the dangers and resource damage created by the Mexican cartels smuggling drugs through our public lands.

We have also met with customs personnel in Washington State who took us to the edge of the Cascades, North Cascades National Park, with the huge smuggling operations coming through Canada through there and the various ways they approach it. We've heard similar things on the northeast border, in the Midwest, and in other places as well.

We did a 2-year border report. And, in that border report is probably where we learned much about the smuggling problem that today we're here in Sequoia National Park to discuss another scourge of drugs that we can—are wreaking our country's lands. Here, as well as other parks, forests, and public lands, criminals are abusing the people's property not as routes over which to transport their drugs but as the very resources with which they produce these drugs.

This has been going on for decades. Years ago when I was a staffer, we first dealt with some of this in the national forests. Even in Indiana, in the Hoosier National Forest, it's a huge problem. Wherever there are public lands close to where there are lots of people, those public lands are exploited as a place to hide out, as large-scale marijuana operations, meth labs, and others have taken route in these remote less visited areas on our public lands where criminals hope they can evade law enforcement officials responsible for extensive stretches of land.

Marijuana and the cultivation, in particular, has expanded exponentially as organized drug trafficking cartels, largely made up of Mexican nationals, have created major marijuana farms in our parks, forests, and other public lands. These gardens are really very large plantations including thousands of marijuana plants. Covert workers on these complexes have established campsites, living there while they nurse marijuana plants with chemical fertilizers and water diverted from natural sources, often producing marijuana plants with very high THC content. For those who aren't familiar with that—and most of you here probably are—this is a new phenomena which we're trying to educate both the United States and Mexico and Canada and other efforts through this committee.

For example, the range that I understand we're going to hear is 10 to 18. In New York City just 2 weeks ago, we heard 18 to 40 percent. In my hometown in Indiana, high grade marijuana is selling for as much as cocaine and heroin. In Boston it sells for more. In New York it sells for about half of cocaine and heroin because they have a more abundant supply.

This is really potent stuff. This weed is not the type of marijuana we've learned about before. I've been in Vancouver three times in the last 2 years, meeting with the Canadians there because they're exporting their seeds and plants and they're selling them over the Internet. And, if these growers that we're seeing here in Sequoia and in our national forest get the—even more high potent breed than as they're trying to do in this park, we're in for a deep, deep problem. States that have, in my opinion, weaker marijuana laws are asking for deep trouble. And, they're now supplying the rest of the United States, as we've heard from Congressman Ose, not only meth but this high grade marijuana in California is becoming a variation of an American Columbia. And, unless we get control of it, it is a big, big problem.

Here in Sequoia Park it's exploded in the last few years. The park has eradicated over 700 marijuana plants in 2000. It eradicated 34,000 plants last year.

The problem extends beyond marijuana; however, meth producers are more and more often taking advantage of our public lands to make their drugs. And, this June a hiker in the Sierra National Forest stumbled upon a crop of opium poppies, which is the—to make the production of heroin, apparently grown by members of an Asian criminal organization.

This is a new variation. Congress is spending \$1 billion to eliminate coca in heroin in Columbia. And, if we find a domestic way to produce this, you're basically looking at places where it's 4,000, 8,000 feet where there's water and where you're barely secluded. It's the same problem we have in the Andean region. If we do a better job in eradicating the Andean region, we don't want California in the western mountains to become the new opium and cocaine producing areas either. So we need to look at these kind of early warning signs that we're seeing expanding in places like Sequoia and the areas around this as a warning sign for the United States.

I want to touch on one other point in my testimony, and that is that as we've heard, this also damages the parks and resources. I've been to Columbia, I believe, somewhere between 10 and 12 times in the last 7 years in working with this committee and in chairing this subcommittee. And, what you see in Columbia, Peru, and Bolivia is the Amazon nation being destroyed through cocaine labs and other things. You can see it from the air, the chemicals pouring into the rivers. You can see them chopping down the rain forest to get into the more remote areas. But what they do is they leave these mounds of waste that go into the river systems, the very water systems upon which California depends. And, the underground water systems, it will go in—they'll destroy the trees in the process often of cutting things out so they can find a protective cover and a wider area to grow depending on how much sun that particular crop needs. It requires intensive labor. You've heard about the miles of irrigation hose. We talk about a pipeline in Alaska that we make places to move through for animals. We talk about how we do sewers for the concessionaires in the national parks and what that does. What about all of these miles of irrigation ditches that go into these wilderness areas—provide for drug labs.

Which illustrates another reason I'm very interested in this. I serve on the National Parks Subcommittee. I also serve on Homeland Security Committee. And, in this area, this isn't just about the resources and about the dangers to the rangers who move in and stumble on this, this is also about visitation. In Organ Pipe we've had to close the third most popular trail in Arizona because it's not safe for anybody to go into that national monument. They've closed down other areas. The litter that you see through many of these parks that are left behind by people going through, the damage that's done, it's not safe for visitors. It's not safe for rangers, it's certainly not safe for visitors.

The natural resource damage and—this is very important—the diversion of resources of park, forest, and other personnel at a time when our budgets are flat, I have been the cosponsor, the Republican sponsor in the last 2 years in efforts to put more money into the parks. The fact is that we've been adding more things in the parks, and the money, while we're increasing parks at a faster rate than almost any other category, has not increased as much as we've added the new lands.

To the degree we have to put more rangers in to protect our national monuments from terrorists, the degree we have to put them in for narcotics, it means that those rangers and what we've been doing is diverting interpretative rangers, we've been diverting resource rangers, resource protection rangers, we've been diverting resources that would go for scientific experiment. We're trying to figure out how we're going to manage these difficult questions with wolves and bears and all of the different things in the adjacent areas, how we manage a forest fire, is going to go into fighting drug traffickers fighting to protect the Washington Monument, the Independence Hall for terrorists. We have to figure out how we can get a hold of this and work together to solve these problems.

And, this is an important hearing today where we're going to hear from the area really that is right at the forefront of this national battle. And, that's why we do field hearings, because we can get a sample of this in Washington, but we learn more when we come to places represented by Members here who raise these questions, but it's also for us as a committee to get it on the hearing record as part of our national process.

[The prepared statement of Hon. Mark E. Souder follows:]

Opening Statement

Chairman Mark Souder
Subcommittee on Criminal Justice, Drug Policy
and Human Resources
Committee on Government Reform

Joint Hearing with the Subcommittee on Energy Policy,
Natural Resources and Regulatory Affairs
Committee on Government Reform

“Drug Production on Public Lands—A Growing Problem”

October 10, 2003

Good morning and thank you all for coming. Today the Subcommittee on Criminal Justice, Drug Policy and Human Resources, which I chair, and the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, chaired by my friend and colleague Doug Ose, will examine the impact of illegal drug production on public lands.

Previous work by my Criminal Justice Subcommittee has alerted us to the problems the illegal drug trade has inflicted on our public lands. Since the summer of 2001, the Subcommittee has been making a comprehensive study of our nation’s borders.^{*} During that study, we have had the opportunity to hear from Interior Department personnel on the border, including at Big Bend National Park and Organ Pipe Cactus National Monument, about the dangers and resource damage created by Mexican cartels smuggling drugs through our public lands.

Today we come here to Sequoia National Park to discuss another scourge that drugs are wreaking on our country’s lands. Here—as well as in other parks, forests and public lands—criminals are abusing the people’s

^{*} A link to the Subcommittee’s report, *Federal Law Enforcement at the Borders and Ports of Entry: Challenges and Solutions* (H. Rpt. No. 107-794), can be found on Congressman Souder’s website, at www.house.gov/souder/terrorism.html.

property not as routes over which to transport their drugs but as the very resources with which they produce these drugs.

For decades, illegal drug production has taken place in our forests and parks. These used to be primarily small marijuana “gardens,” grown by local residents. In recent years, however, this problem has expanded dramatically, as large-scale marijuana operations and methamphetamine labs have taken root in remote, less-visited areas on our public lands, where criminals hope to evade law enforcement officials responsible for extensive stretches of land.

Marijuana cultivation, in particular, has expanded exponentially, as organized drug trafficking cartels largely made up of Mexican nationals have created major marijuana farms in our parks, forests, and on other public lands. These so-called “gardens” are in reality very large plantations producing thousands of marijuana plants. Covert workers on these complexes have established campsites, living there while they nurse marijuana plants with chemical fertilizers and water diverted from natural sources, often producing marijuana plants with a very high THC content. These crops make the venture highly profitable, so workers are often armed to protect the gardens and have engaged in shootouts with law enforcement officials and even held innocent hikers at gunpoint.

Marijuana cultivation has particularly ravaged public lands here in California. Last year marijuana plant seizures in California’s national forests accounted for over 70 percent of the marijuana plants seized in national forests across the country. Here in Sequoia National Park, marijuana cultivation has exploded in the past few years. The park, which had eradicated only about 700 marijuana plants in 2000, eradicated around 34,000 plants last year.

The problem extends beyond marijuana production, however. Meth producers are more and more often taking advantage of our public lands to make their drugs, and this June, a hiker in the Sierra National Forest stumbled upon a crop of opium poppies, apparently grown by members of an Asian criminal organization.

The American people have specially set aside parks, forests and other lands to treasure as part of our country’s natural and cultural heritage. Drug producers setting up large-scale illegal farms and potentially

explosive labs threaten the environmental integrity of the lands Americans most want to protect. They erode the land as they cut down trees and dig up slopes to plant their crops. They set up miles of irrigation hose, diverting water from wildlife. They pollute wilderness areas with their fertilizers and other chemicals. And they leave behind mounds of waste in their campsites. Here at Sequoia National Park, three tons of trash were hauled out of marijuana campsites last year—and even that was not all of the trash growers left behind. The high costs and intensive labor required to remediate this damage often prevent the restoration of lands noted and enjoyed for their natural beauty.

Clearly, drug production presents a serious problem for law enforcement and the protection of our public lands. Today we welcome representatives of federal and state land management agencies, law enforcement officials, and concerned citizens to discuss the challenges faced in combating drug production.

We are pleased to be joined by representatives of several agencies whose law enforcement officials are confronted with balancing issues both of drug enforcement and of visitor and resource protection. Today we welcome Mr. Richard Martin, Superintendent here at Sequoia National Park and Kings Canyon National Park, representing the National Park Service; Mr. Arthur Gaffrey, Forest Supervisor at the Sequoia National Forest, representing the USDA Forest Service; and Mr. Stephen Delgado, Special Agent in Charge of the San Francisco Field Division for the Drug Enforcement Administration.

It is also important to recognize that state and local governments are playing a major role in tackling this problem. We are pleased to be joined by Mr. Val Jiminez, Special Agent Supervisor and Commander of the Campaign Against Marijuana Planting for the California Bureau of Narcotic Enforcement, and Captain David Williams of the Tulare County Sheriff's Department, to testify about state and local law enforcement's role in combating drug production on public lands. We also welcome Ms. Lisa Muiz of the California Department of Parks and Recreation to discuss how drug production has affected this state's lands. As drug production does significant harm to the environment, we are also pleased to be joined by Mr. Joe Fontaine of Wilderness Watch. We thank everyone for taking the time this morning to join us for this important hearing.

Mr. SOUDER. With that, I would like to go through some committee procedures before we start our hearing. First, I ask unanimous consent that all Members have 5 legislative days to submit written statements and questions for the hearing record, and that any answers to written questions provided by the witnesses also be included in the record. Without objection, so ordered.

Second I ask unanimous consent that all Members present be permitted to participate in the hearing. Without objection, so ordered.

If the first panel could come forward, which is Mr. Richard Martin, Superintendent here at Sequoia National Park and Kings Canyon National Park, who represents the National Park Service (DOI); Mr. Arthur Gaffrey, Forest Supervisor at the Sequoia National Forest, representing the Forest Service (USDA); and Mr. Stephen Delgado, Special Agent in Charge, San Francisco Field Division, Drug Enforcement Administration [DEA].

Will you each rise and raise your right hands. This committee historically requires that you testify under oath. You're now part of this great tradition. This is the committee that's done the Waco hearings, the China hearing, the Whitewater hearings, and so on. And so, whenever you testify you're expected to do that, but here we've actually had cases where we initiate this procedure, and it's always important to explain that to this depth.

So if you'll raise your right hands and repeat after me, please.
[Witnesses sworn.]

Mr. SOUDER. Let the record show that each of the witnesses responded in the affirmative.

And we'll start with our host, Mr. Richard Martin, Superintendent of Sequoia and Kings Canyon.

STATEMENTS OF RICHARD MARTIN, SUPERINTENDENT, SEQUOIA AND KINGS CANYON NATIONAL PARKS; ART GAFFREY, FOREST SUPERVISOR, SEQUOIA NATIONAL FOREST; AND STEPHEN C. DELGADO, SPECIAL AGENT IN CHARGE, DRUG ENFORCEMENT ADMINISTRATION

Mr. SOUDER. I should explain the light system. Generally speaking, we do 5 minutes of testimony. Your full statement will be submitted in the record, that way we can draw the things out and the questions. Since we don't have a warning light, when the red comes on try to wind up if you're not—

Mr. MARTIN. OK. Thank you.

I will try to abbreviate the written statement which has been submitted for the record, and I believe everybody has it, or if they don't have it it's available in the back.

Mr. Chairman, members of the committee, thank you for the opportunity to present the efforts being made by the National Park Service to protect visitors and resources in national parks from what we see is increasing numbers of illegal, cultivated marijuana crops in park lands and public lands in California.

We are always concerned, of course, of the discovery of drug activity in national parks. Our mission of the National Park Service and our practices and policies are dedicated to preserving cultural and natural resources while providing a safe, clean, and secure environment for visitors and work force.

Illegal activity, especially one that fosters a component of violence, as this does, threatens the mission of the National Park Service and the haven of peace and serenity that our public seeks when they visit parks. Here in California three of our park areas currently, Sequoia National Park where we are, Point Reyes National Seashore north of San Francisco, and Whiskeytown National Recreation area in the upper Sacramento Valley, experience illegal activities that threaten our employees, visitors, and natural resources.

I'm going to skip a few parts of the written testimony here, in the interest of time.

Two years ago, investigations revealed here locally that Mexican cartels were finding gaps in our law enforcement programs. Growers were exploiting the situation by moving their operations into remote areas of Sequoia National Park. The problems we are discovering frequently at Sequoia are emblematic of the challenges facing law enforcement, park rangers and other law officers in remote areas, particularly in our case NPS lands. These are at elevations conducive to growing and where water is available. It also exemplifies our struggle to protect cultural and natural resources as the point was made earlier by the chairman.

These drug cartels are very secretive, they're well-equipped, they're highly organized, and they're well-supplied. Many of these growers are armed. Our staff have found many individuals with weapons and knives, as well as evidence of weapons when sites have been abandoned. Booby traps have been found, such as bear traps that can injure or kill a person. And, these growers know how to use these materials for violence. They hire people who cannot or pretend not to speak English, and when these people are caught are loathe to—in case they can't speak English, of course they can't, but where they—even where they can are loathe to come forward with information.

The threats to visitors and employees remain our highest concern. The devastating effect on resources, however, is as significant, particularly for the long-term; this includes wildlife as well as other park resources. Tons of trash have been located at these sites in open as well as buried pits. Many of these are hauled out by rangers and other staff members. We've got lots left in the case of Sequoia National Park where they have not been able to clean up yet. There's human waste, food, garbage, poached animals, shovels, buckets, and miles of irrigation hoses.

In addition to the issues here at Sequoia National Park, let me just mention Point Reyes and Whiskeytown for a moment. In the past 10 years, rangers at Point Reyes National Seashore have discovered 44 illegal marijuana operations. Last year, a marijuana site with a multimillion dollar street value was removed and two growers were arrested. No illegal sites have been discovered this year so far.

At Whiskeytown National Recreation area last year, rangers discovered marijuana gardens. When they became suspicious of a massive tadpole die-out—this is an interesting story—park rangers tracked the water off the canyon to the water source where a small dam had been jerry-rigged with fertilizer. A storm washed out the dam. The fertilizer went down the stream, poisoned the tadpoles,

and that's how the rangers discovered this. They followed the stream up—upstream to an area that was flat that had been disguised for ground and air surveillance where the garden was located.

Again, this year no gardens have been discovered at Whiskeytown. But we believe the growers are continuing to conduct their illegal activities in that area as well, as everybody has said, up and down the State and occasionally in national park lands.

Our efforts here locally have been very rewarding from an inter-agency standpoint. I come from a law enforcement background myself. I was a law enforcement ranger for 22 years and the deputy chief ranger for the National Park Service for some years. And, the cooperation here between our ranger staff and agents with Tulare County Sheriff's Department, the State Department of Justice/Bureau of Narcotics, as well as the other State and local agencies have been truly rewarding. DEA has been cooperative on intelligence and prosecutions as has been the U.S. Attorney's Office.

Wrapping up my discussion here, let me just say that in addition to these excellent relations, obviously more needs to be done. We intend to enhance those relationships working toward—ultimately toward prevention of this activity in the case of national parks, and better management of eradication in these drug cartels down the road.

That will conclude my verbal statement. I'll be happy to answer questions at an appropriate time.

[The prepared statement of Mr. Martin follows:]

**STATEMENT BY RICHARD MARTIN, SUPERINTENDENT OF SEQUOIA AND
KINGS CANYON NATIONAL PARKS, NATIONAL PARK SERVICE, DEPARTMENT
OF THE INTERIOR, BEFORE THE HOUSE GOVERNMENT REFORM
SUBCOMMITTEES ON ENERGY POLICY, NATURAL RESOURCES AND
REGULATORY AFFAIRS, AND CRIMINAL JUSTICE, DRUG POLICY AND HUMAN
RESOURCES REGARDING THE IMPACTS OF MARIJUANA CULTIVATION AND
METHAMPHETAMINE PRODUCTION ON SEQUOIA AND KINGS CANYON PARK
LANDS AND OPERATIONS**

October 10, 2003

Mr. Chairman, thank you for the opportunity to present the efforts being made by the National Park Service to protect visitors and resources in national parks from the increasing numbers of illegal, cultivated marijuana crops on public lands in California.

We are always greatly concerned at the discovery of drug activity in the national parks. National Park Service (NPS) practices and policies are dedicated to preserving cultural and natural resources while providing a safe, clean and secure environment for its visitors and workforce. Illegal activity, especially one that fosters a component of violence, threatens the mission of the NPS and the haven of peace and serenity that our public seeks when they visit our parks. Here in California three of our park units, Sequoia National Park (NP), Point Reyes National Seashore (NS) and Whiskeytown National Recreation Area (NRA), experience illegal activities that threaten our employees, visitors, and our natural resources today.

In the 1980s, marijuana gardens proliferated at Hawaii Volcanoes National Park (NP). The rugged terrain discouraged visitors, but the phenomenal weather was conducive for the growth of high yield marijuana. To most of the visiting public, the Hawaiian Islands represent peace and tranquility in a lush tropical setting. Marijuana growers in Hawaii Volcanoes NP protected their

illegal crops with attack dogs and threats of violence to those who stumbled upon their sites. Drug cultivators during this time period, 20 years ago, did not use guns or booby traps.

In Hawaii Volcanoes, the NPS eradicated the illegal crops, or “gardens”, by a coordinated and assertive approach of consistent surveillance, teamwork, and arrests, coupled by collaboration with the U.S. Attorney who always prosecuted the cases to the fullest extent of the law. It also helped that the park is on an island. It is somewhat easier to change behavior when land is confined.

The key to this effective and successful campaign was personnel and consistency. It meant staking out every marijuana patch and arresting growers. Our goal was to eliminate the cultivation of an illegal drug in the national park. It is the same goal we must establish for Sequoia NP. We can learn from the Hawaii Volcanoes experience by recognizing that the drug cultivation in our California parks is orchestrated by cartels and requires coordinated Federal, state, and local response.

Two years ago, investigations revealed that Mexican cartels were finding gaps in our law enforcement programs, which the growers could exploit by moving their operations into the more remote areas of Sequoia NP. The problems we are discovering frequently at Sequoia NP are emblematic of how the skills and abilities of professional law enforcement park rangers are being tested every day on remote NPS lands, located at an elevation with access to water that provide conditions conducive to illegal cultivation. It also exemplifies our struggle to protect the

cultural and natural resources while providing the visiting public a safe, clean and secure opportunity to experience their parks.

The drug cartels are very secretive, well equipped, highly organized and well supplied. Drug cartels arm their growers with guns and knives. They provide booby traps such as bear traps, which can seriously injure or kill a human, and teach the gardeners how to set them up. We have found a number of weapons, including air rifles, .22 caliber long guns, 12 gauge shotguns, 9 mm and 40 caliber hand guns, assault rifles, knives and machetes. They hire people who cannot, or pretend not to, speak English, and locate them in very hard-to-get-to-places where few others go. They expect them to live in squalid conditions for months at a time, tending a multi million-dollar crop. The gardeners appear to be willing to live a squatter's life with interesting and seemingly conflicting needs. Oddly, these remote and incredibly difficult-to-find locations often contain religious icons or shrines matched with AK-47s, bowie knives and pornographic magazines.

Though the threat to visitors and employees remains the highest concern, the devastating effect to the resources, including the wildlife, of the parks cannot be forgotten. Tons of trash – in open as well as buried pits– are hauled out by park rangers after a location is found. Human waste, food garbage, carcasses of poached animals, shovels, buckets and miles and miles of irrigation hoses are found along with the ubiquitous blue tarps and other debris.

This is a snapshot of a very disturbing trend in national parks, particularly in the California chaparral country. We are deeply concerned for the safety of NPS employees who must fight this war on drugs and for those visitors who seek to enjoy the beauty and serenity of the backcountry.

In 2002, a particularly unlucky park visitor stumbled upon one of the drug camps. This visitor was threatened by the grower with keeping the location secret. It is fortunate that the visitor was released unharmed by the grower even though he had seen the heavily fortified grounds. The next visitor may not be so lucky. It was this incident that led to concerted efforts to begin eradication last summer.

Park Rangers have increasingly become concerned that some of the illegal encampments have been only a few feet from visitor hiking trails. In many of these locations the brush is so dense that no one spotted the garden or blue tarps in the camps. The casual visitor usually stays on the trails as dense vines of poison oak carpet the hillsides and banks leading into these illegal sites.

Sequoia NP had significant success in 2002 arresting 12 growers. To date, in 2003, we have made three arrests. Unfortunately, none of the arrests have led to the higher levels of the cartel. Because of the nature of this substantial law enforcement challenge, our rangers must be equipped and trained to best protect the resources, park visitors and themselves.

In the past 10 years, rangers at Point Reyes NS have discovered 44 illegal marijuana operations. Last year a marijuana site with a multi million-dollar street value was removed and two growers arrested. No illegal sites have been discovered this year.

At Whiskeytown NRA last year, park rangers discovered marijuana gardens when they became suspicious of a massive tadpole die-off. Park rangers tracked up through a canyon and water source to the remains of a small dam that growers had created to hold water with a jerry-rigged open can of fertilizer suspended in it. A flash flood wiped out the dam and washed intense concentrations of fertilizer downstream, poisoning the fry. From this discovery, the park rangers followed nearly vertical trails, often on their bellies and in dense rattlesnake country, to locate gardens perched on the edges of cliffs. Growers had seriously damaged the resource by scraping the terrain nearly flat and disguising many of the locales from the ground and air surveillance.

No gardens have been discovered at Whiskeytown NRA this year; but we believe the growers are continuing to conduct their illegal activities up and down the state, crossing park boundaries and posing a dangerous threat to our public lands.

Efforts in this area are interagency. Sequoia NP works closely with the County Sheriff in Tulare County. Whiskeytown NRA has an equally close relationship with the Tehama County Sheriff. The California Department of Justice/Bureau of Narcotics Enforcement and our allied Federal agencies – the United States Department of Agriculture, Forest Service and the Bureau of Land Management are equal partners. We work closely with them on all levels pertaining to law enforcement issues. In addition, we can count on the Drug Enforcement Agency and the U.S. Attorney to pursue arrests and prosecutions.

Sequoia NP has a program of monitoring lands by air, foot and patrol vehicle. We take advantage of search and rescue flights to observe unusual activity, as well as helicopter use provided by the state and the military.

Park ranger foot patrols are utilized in high probability areas. In Sequoia NP we have a cadre of backcountry rangers who patrol their districts on foot or with stock animals. The Mineral King district, one of the most remote and pristine areas of the Sierra Nevada range, has the most recent marijuana garden discoveries. Air reconnaissance followed by foot patrol has led to this discovery.

Pilots from LeMoore Naval Air Station have been extremely cooperative in providing air support for park ranger surveillance activities. This relationship is crucial.

Our Global Positioning System (GPS) staffer at Sequoia NPS has mapped elevations, water sources, vegetation, drainages, roads and garden locations. Over the years this history of land use provides us with a model for the high probability growing areas.

Sequoia NP has 25 rangers for 1.5 million acres of parkland. All of our park staff is involved – park naturalists have an educational and safety message for visitors. Maintenance employees perform site cleanup after an illegal grow operation has been eradicated. Resource management, fire management, and administrative employees have roles in restoring the areas within their occupations. The issue of employee and visitor safety, however, has become so serious, that we may have to allocate more of our law enforcement staff solely to the drug eradication efforts.

The money we were able to direct toward this issue last year was money well-spent. Our park rangers eradicated 34,000 plants in Sequoia NP last summer. The task in 2002 represented a 600 percent increase over previous years. To date, in 2003, we have located 24,000 plants. We removed 15 tons of plants last year with a street value in excess of \$140 million. There were 45-50 growers in at least 22 illegal encampments, plus more coming in and out of the park using an annual 'National Park Pass' for admission.

Additionally, Sequoia NP has excellent relations with the state agencies devoted to drug enforcement. It is the strength of these professional friendships that have helped us with the scheduling of CAMP, Campaign Against Marijuana Production, which has three 11-member teams with helicopters. The drawback is that this successful task force is in high demand. Sequoia NP also supports a program to deputize county sheriffs to work in our exclusive Federal jurisdiction. Finally, because of the difficult air quality standards facing the State, we are especially indebted to the Sheriffs Departments for burning the 'product' on county lands in areas where the environment is more conducive to dispersion of smoke by-products.

The NPS has a long history of success in restoring lands. Unfortunately, we cannot keep up with the adverse impacts of the illegal marijuana operations. These criminals are cutting trees, diverting streams, creating crude dams, and contaminating the soil. Major irrigation systems can carry water from up to a mile away. Some are gravity fed. Some have timers. Some are on drip systems. Huge quantities of chemicals such as ammonia nitrate, sevin, malathion, diazinon, dcon, strychnine and detergents are found in the camps.

We start by removing the tons of trash and abandoned equipment in an attempt to control the habituation of wild life, such as deer, coyotes, and black bears. We know our next steps are to remove the irrigation hose and take care of the illegal logging, replant where necessary, and send hydrologists in to advise on the damage. Restoration will take a long time and also requires consistent work.

On September 16, 2003, two growers were killed during a law enforcement confrontation with criminals who were working illegal drug grows on BLM lands in Shasta County. The NPS has both the responsibility to ensure that its 388 units are well-managed for this and future generations. We must continue to work with other law enforcement officials to stop this illegal activity now for the safety of our visitors and our staff, and for the continued protection of our priceless resources.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions you or the other members may have.

Mr. SOUDER. Thank you. As I presume you figured out, the green light doesn't work. We don't have a yellow light. But the red light works real well.

Mr. Gaffrey.

Mr. GAFFREY. Chairman Souder, Chairman Ose; Congressman Nunes, good to see you again.

Mr. NUNES. Good to see you.

Mr. GAFFREY. 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 for the Sequoia National Forest. Accompanying me today is Jerry Moore, Special Agent-In-Charge, and Gilbert Espinosa, the Deputy Regional Forester, both in the Pacific Southwest Region in California.

Drug production and cultivation on Federal lands is a significant source of domestic production and supply of illegal drugs, especially marijuana. The Drug Enforcement Administration has identified the major domestic outdoor cannabis cultivation areas in the United States, these being the States of California, Hawaii, Kentucky, Tennessee, Arkansas and Missouri. Marijuana sites are typically found in the more remote locations on public land 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.

The production and 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 to provide a variety of uses for the American public, including recreation, forest products, livestock grazing, minerals, forest exploration, fish and wildlife habitat, as well as 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 American public lands, which has caused us to focus specialized law enforcement resources to address the issue and increase cooperation with our partners in combating crime and protecting 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.

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 about 50,000 plants eradicated and 6 arrests made. This year so far we have over 28 marijuana gardens that have been found with over 82,000 plants eradicated. The Sequoia National Forest covers approximately 1,700 square miles in the southern end of the Sierra Nevada mountain range and is a heavily visited forest that pro-

vides some of California's most valuable recreational activity and habitat for wildlife and plants. Recreation visits to the forest and the monument exceeds the Sequoia-Kings Canyon and Yosemite National Parks combined. With the increase in public visitation and use of the Sequoia National Forest and Giant Sequoia National Monument, there is a potential danger as drug activity continues to rise.

Another alarming trend is the increase in illegal drug activity on national forest 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 3-week period in California. Violence among marijuana growers has also increased in the last 2 months. One grower was found shot to death in a marijuana site camp in Fresno County and second grower was found stabbed to death in Mendocino County.

Armed growers are also confronting forest visitors. Marijuana is typically harvested during the months of September and October, the hunting season of many forests, resulting in some armed confrontations between marijuana growers and hunters.

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

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.

The Forest Service law enforcement officers work with State Campaign Against Marijuana Planting Program, County Sheriff's Department, and others to apprehend suspects and find and destroy marijuana gardens.

The cultivation of a marijuana garden causes a significant resource and environmental damage. When a garden is cultivated, vegetation in the area is removed, water is diverted from creeks and streams, using a pipe or hose for gravitational irrigation, affecting wildlife in the riparian area. A 2,000 to 3,000 plant garden may affect an area approximately 10 acres, with the water source over 1 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, human waste, fertilizer and poisons.

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 next to the national park here, a wildfire in 1999 was started by a campfire in a marijuana garden. Firefighters found the garden and had to stop suppression activities until law enforcement could clear the area.

Methamphetamine laboratories are another common illegal activity in national forest lands.

The meth labs and dumpsites are a source of hazardous materials given the corrosive and poisonous chemicals used to make the drug.

In summary, the Forest Service is proud of its 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 national resources, threaten visitor and employee safety, affect the public enjoyment and use of the land, and, indeed, inhibit the 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 the statewide crisis.

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

[The prepared statement of Mr. Gaffrey follows:]

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**Statement of
Art Gaffrey
Forest Supervisor
Sequoia National Forest, California
Forest Service
United States Department of Agriculture**

**Before the
Subcommittee on Criminal Justice, Drug Policy and Human Resources
Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs
Committee on Government Reform
United States House of Representatives**

**On
Drug Production on Public Lands
Three Rivers, California**

October 10, 2003

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.

Final Testimony

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.

Final Testimony

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 National 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 early 1990'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.

Final Testimony

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

Final Testimony

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

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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

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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.

Mr. SOUDER. Thank you very much.

Mr. Delgado.

Mr. DELGADO. Chairman Souder, Chairman Ose, Congressman Nunes, thank you for the invitation to testify at this joint hearing regarding the impact of marijuana cultivation and methamphetamine production in the Central Valley, CA area. I'm Stephen C. Delgado, Special Agent in Charge of the San Francisco division. And, on behalf of our Administrator Karen Tandy and the men and women of DEA, we thank you and we appreciate your strong support.

The use of public lands to grow marijuana is not a new one, but recent incidents have brought the seriousness and consequences of this criminal action into sharp focus for the public. In the past years, isolated gardens with small numbers of plants were the norm of the plots discovered on public land, but more recently the number of groves containing tens and hundreds of thousands of plants has increased. The drug organizations involved destroy the environment, ultimately they destroy our community by spreading the devastation of drugs and providing financial support to violent criminal organizations.

While the public lands provide close proximity to packaging distribution networks, it's a lengthy growing season based on a mild climate and rich soil that attracts marijuana growers.

With the remoteness and vast spaces public lands provide, 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-powered weaponry. These are not farmers, these are armed guards protecting a crop of hundreds of thousands of plants with a street value of over \$1 billion.

Often the workers are non-English speaking illegal migrant workers from Mexico brought to the Valley specifically to manufacture methamphetamine or to tend cannabis groves. These individuals are regarded by the drug producing organizations as renewable, disposable resources.

While California was responsible for more than 15 percent of the methamphetamine labs seized in the United States, over 75 percent of the super labs were seized in California, and a substantial portion of that has been located right here in the Central Valley area. This is a frightening statistic when you consider they can produce over 10 pounds of high-purity methamphetamine per cook cycle at a minimum. Many times we were finding labs with a capacity to produce as much as 100 pounds at a site. Keep in mind that for each pound of methamphetamine produced, more than 5 pounds of hazardous waste materials are generated.

Since 2000 the area has experienced a dramatic increase in the number and scale of clandestine methamphetamine laboratory operations. These labs are situated in the Central San Joaquin Valley because of its sparse population and proximity to principal precursor chemical companies, private air strips, two international airports, and several major interstate highways. This makes for—the Valley a primary manufacturing trans shipment distribution and conception area for methamphetamine.

The production of methamphetamine and marijuana has had a devastating and irreparable impact on California lands. Environmental damage occurs when marijuana growers burn off the native vegetation and destroy national wildlife habitats by clearing cultivation areas with chain saws and spread fertilizers and pesticides.

In northern California areas, chemicals from large-scale meth lab dumpsites have killed livestock, contaminated streams, and destroyed large trees and vegetation. In addition to the environmental damages, meth labs caused injury from explosions, fires, chemical burns, and toxic fumes. In fact, one out of every five meth labs discovered is due to a fire.

DEA's response to the threats is multifaceted. We are dedicated in working with our counterparts of the Forest Service, National Park Service, BLM, Central Valley HIDTA, and all State and local agencies.

The San Francisco field division marijuana enforcement group is assigned to investigate major commercial marijuana cultivators in cooperation with Federal, State, and local government.

DEA's Domestic Cannabis Eradication/Suppression Program has granted approximately \$1.2 million to 29 counties and California's BNE this year. Over the last 10 years, the number of participating counties has almost doubled. This year DEA reallocated three special agents specifically to address the methamphetamine threat in the Central Valley, one for a Fresno resident office, and two for the Bakersfield resident office. In DEA's Sacramento, Bakersfield, and Fresno offices, methamphetamine-related targets represent a majority of our priority targets.

In 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 their urban centers to California's public lands, DEA will continue to respond with its full capabilities.

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

[The prepared statement of Mr. Delgado follows:]

Remarks by

Stephen C. Delgado
Special Agent in Charge
San Francisco Field Division
Drug Enforcement Administration
United States Department of Justice

Before

**The House Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy, & Human Resources**
And the
**Subcommittee on Energy Policy, Natural Resources
& Regulatory Affairs**

Regarding

"Drug Production on Public Lands"



October 10, 2003
10:00 a.m.
Field Hearing
Sequoia National Forest, California

Note: This is prepared text and may not reflect changes in actual delivery.

Statement of
Stephen C. Delgado
Special Agent in Charge
San Francisco Field Division
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House Government Reform Subcommittees on
Criminal Justice, Drug Policy and Human Resources
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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 (FMTF), 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.

Mr. SOUDER. I thank you each for your testimony. I'm now to going to yield to Mr. Nunes for the start of questioning.

Mr. NUNES. Thank you, Mr. Chairman.

I want to first introduce—I've seen a few people that have trickled in. I want to introduce the sheriff of Tulare County—I see him there in the back. If Mr. Wittman would—Sheriff Wittman, would you please stand and be recognized to the committee.

Thank you for being here.

I also saw Shelly Abajian from Senator Feinstein's office who showed up. Nice of you to be here.

And from George Radanovich's office Brian Wise. I saw him.

Thank you for being here.

In June a hiker found a crop of 40,000 opium plants in the Sierra National Forest. And, of course, I think it was—was it last week up above Porterville, we found several million dollars' worth of marijuana plants that were found.

And this question is for all of you: Do you see the problem getting worse, moving into other drugs? Do you feel like you have control over the problem? And if not, what do you think the highest priorities are?

Maybe we'll start here on my right with Mr. Delgado.

Mr. DELGADO. Congressman Nunes, it's an emerging threat right now that we're looking into. We don't know the vast complexity of this situation right now. It's just good that this is a good start with all of the agencies.

Mr. NUNES. OK. Mr. Gaffrey.

Mr. GAFFREY. Congressman, you asked if we've seen an escalation. As my testimony mentioned, we eradicated about 50,000 plants of marijuana; we are up to 89,000 this year. So we are definitely seeing an increase in the activity on marijuana growing in the national forest, yes.

Mr. NUNES. And what do you think is still out there? Do you think there's—

Mr. GAFFREY. That's tougher to get a handle on how much are we getting in there. We're not sure about how much of it we're actually capturing.

Mr. NUNES. OK.

Mr. MARTIN. Congressman Nunes, a very good question. We think it's generally a growing problem, that we haven't seen the ultimate of yet.

Last year we eradicated about 34,000 plants within the park, this year—only so far this year, about 26,000 28,000. We did increase our preventive efforts this year, which we hope are helping with that, but that's local—if that turns out to be productive, that is local improvement but not a general improvement. And in our view this is a big broader problem, the parks are part of that but only part.

Mr. NUNES. What are the—can you kind of give a list of the drugs that you found so far over the last several years.

Mr. MARTIN. In our case it's almost entirely marijuana cultivation.

Mr. NUNES. OK.

Mr. MARTIN. I'm aware of no methamphetamine labs.

If I could defer—or if I could ask our special agent if he is aware of any, he might have better information than I do on meth labs. Could I ask him——

Mr. NUNES. Sure. Sure.

Mr. MARTIN. Just marijuana in the case of the parks.

Mr. NUNES. Just marijuana. OK.

Well, thank you. Thank you all. Thank you, Mr. Chairman.

Mr. SOUDER. Mr. Ose.

Mr. OSE. Thank you, Mr. Chairman.

In what little backpacking I've done, the times when I've gone, it seems like I've had to get a permit to go in and I've got to tell folks where I'm going. And, this is Devil's Postpile, Mount Whitney, Yosemite, places like that. Does Sequoia have the same requirement?

Mr. MARTIN. Yes. Yes, we do.

Mr. OSE. So if someone wanted to come in, the person would have to go to a park station or electronically get a pass or a permit and the permit would list the terms and conditions under which the person could enter?

Mr. MARTIN. Correct.

Mr. OSE. Is there evidence that people who are doing this illegal drug production are complying with that? Are they coming and getting a permit?

Mr. MARTIN. No, they're not. Except in—interestingly enough, in two cases we know of two growers that actually bought park passes so they could get into the entrance stations without any questions being asked, kind of using our own system against us a little bit. But where most of this growing occurs, in fact, almost all of it, is in more out-of-the-way parts of the parks in our case.

For example, on the Mineral King Road, you don't have to go through one of our entrance stations to get into the Mineral King part of the park, and that's where the majority of the cultivation has occurred in Sequoia.

Mr. OSE. So that road is not gated or anything?

Mr. MARTIN. No.

Mr. OSE. Is that for fire protection purposes or otherwise?

Mr. MARTIN. That's a county road outside the park most of the way.

Mr. OSE. OK. So they come up the county road, they stop their vehicle and get out of their vehicle, they walk into the park.

Mr. MARTIN. Right. They do drive into the park in a few places, and we haven't put any controls on that road. The road is a county road even when it's inside the park.

Mr. OSE. All right. Now, from a logistical standpoint, these folks are in the park from April to October? That's the testimony.

Mr. MARTIN. Largely.

Mr. OSE. That's the growing season, so to speak.

Give me some sense of the campground. I mean, they've got 5,000 eggs that they haul in? Do they have a propane oven? How do they survive?

Mr. MARTIN. You can see some of the pictures here of—there's a picture of one of the camps.

Mr. OSE. Describe this. There is a cot with sleeping blankets and below it looks like there is some bleach and various other chemicals.

There is a tent over the sleeping quarters. Underneath the actual sleeping platform you have various food stuffs, some chemicals, looks like a poncho there. How did they get all of this stuff in?

Mr. MARTIN. Well, obviously they drive it in clandestinely, middle of the night or under cover of facilities of some kind. You know, it's not hard to cover up the back of a pickup truck and look like you're just going camping, you know, from what you might see inside the cab; or they come in the middle of the night maybe during times when our patrols are not present.

But obviously there's a lot of stuff there, and it is possible that we could do a better job of trying to observe and monitor this activity. We did have two additional people that we funded this year to do that. We hope that's helping. But obviously they're bringing a lot of stuff in and there may be ways that we can better discern that.

Mr. OSE. Well, the reason I ask is that there have to be remote areas that they're targeting for production. Now, access to those remote areas, frankly, with all due respect, I've toted this stuff on the back of my back. And, if I have to go 10 miles carrying 60 or 80 pounds, that's not a lot of fun.

Are there remote areas that are proximate to roads that you find to be particularly susceptible to this kind of activity?

Mr. MARTIN. That's correct. Where most of these gardens are in the park are within a mile or two of a road. We're not talking a long trail into the very remote back country, but we are talking very rugged country. And, some of your staff members we were pleased to be able to take them on a tour of one of the growing areas yesterday. And, the place they went to is typical of the growing sites, very steep, very rugged, but not too far from a road. It takes a while to get through this rugged country because it's brushy, steep. There is other stuff out there. There's poison oak in a lot of these areas. They saw a rattlesnake yesterday, which is not uncommon.

Mr. OSE. Probably scared the rattlesnake.

Mr. MARTIN. I hope it did. I heard it wasn't really one of the big ones, thank goodness.

But they're not going into extremely remote areas. They're going near roads, but still at a distance from the road that takes somebody in very good condition and very dedicated to what they're doing to get in there. So, these people are rugged individuals. They're strong. They're up to the task. But they're not going into the high country, what we usually consider as our back country.

Mr. OSE. So you're not talking 20 miles, you're talking a mile or two?

Mr. MARTIN. Yes.

Mr. OSE. I'm going to come back to these questions, Mr. Chairman. Thank you.

Mr. SOUDER. Mr. Delgado, do you have any idea or what's the latest estimate on the percent of marijuana grown in the United States close to the border?

Mr. DELGADO. No.

Mr. SOUDER. Do you know if that statistic is available?

Mr. DELGADO. It would be through EPIC.

Mr. SOUDER. OK. I want to make sure we get that into the record. That any similar idea on methamphetamine?

Mr. DELGADO. Methamphetamine?

Mr. SOUDER. Yeah.

Mr. DELGADO. I have some statistics on the labs that we have seized here.

Mr. SOUDER. But you don't know what percentage that is?

Mr. DELGADO. No.

Mr. SOUDER. Let me start with the Forest Service.

For some time the Forest Service has had more of a narcotic focus than the other organizations in the Interior Department, Agriculture Department, and related. When in your experience did this start it, could you describe a little bit. Do you have designated rangers who look for marijuana? Do they have special training for narcotics expertise? Are they armed and trained how to handle those arms? What do they do if they come up to a chemical or biological area like a meth lab? Difference on how to find THC? What is the Forest Service in particular trained to do, how many people do you have particularly in Sequoia, and how long has this gone on?

Mr. GAFFREY. I can answer on Sequoia National Forest, but if you would like a more regional national view, I could bring the special agent in charge here that I introduced in my statement.

On the Sequoia, we have approximately five trained officers and two criminal investigators that are all trained in all aspects of the law enforcement, including the drug identification and eradication.

Mr. SOUDER. And when did that start?

Mr. GAFFREY. Jerry, when did we get our drug authority services—

Mr. SOUDER. Let me administer the oath to you.

Will you state your name and spell it for the record.

Mr. MOORE. Jerry A. Moore, Special Agent in charge for the Forest Service.

Mr. SOUDER. You need to spell your last name to make sure—

Mr. MOORE. M-o-o-r-e.

Mr. SOUDER. OK. Will you raise your right hand.

[Witness sworn.]

Mr. SOUDER. Let the record show he responded in the affirmative.

Do you know when the training started when the Forest Service initiated this?

Mr. MOORE. Well, the training actually started back in the early 1980's when we began to notice problems coming up from San Francisco and the culture moving out and growing marijuana for personal use, that they became so good at it that people started buying it and it became a desired crop.

We derived our specific drug enforcement authority in 1984 and had a number of people that were trained. We had a lot of dedicated folks. We had a large number of officers that were involved in this. In the early 1980's and early 1990's, some of those were full-time law enforcement people, some of them were in collateral

positions. All of the folks that are involved in drug enforcement now are full-time officers.

Mr. SOUDER. Are they designated as drug enforcement officers or law enforcement officers with drug enforcement responsibility?

Mr. MOORE. They're designated as law enforcement officers. We have a dedicated drug enforcement unit that we established within the last 2 years specifically of this growing problem.

Mr. SOUDER. Is that—

Mr. MOORE. Everyone in the program does do drug enforcement at times.

Mr. SOUDER. Is that a mobile unit that you can move; in other words, if the Sequoia National Forest gets a bigger problem than what they have, can Mr. Gaffrey go to the Forest Service and say I need help?

Mr. MOORE. Yes. We move our folks around a lot. In fact, last weekend when we had the big garden down here on the Tule River Indian Reservation, we suspected part of that was on National Forest land, and we moved about 10 officers overnight to do additional patrols.

Mr. SOUDER. In the National Forest, Mr. Gaffrey, if you have that, do you also work at all with DEA and the local HIDTA, local sheriff, what—and what do they need to do to come into the forest and work with you?

Mr. GAFFREY. That's an interagency group, not only the State but the CAMP program, DEA. We have the BLM officers, the national park officers. County Sheriff's Department is very much a league in helping us in this problem.

One of the things, for instance, on the picture here at our campground—this is speaking also, Mr. Nunes, about the increase—here's a campground that you come and pay a fee. And this person and his 15-year-old son were drying and processing their crop, around \$74,000 worth of street value right there in a campground site.

But, yes, to answer your question, as soon as we find a plantation manned along with a National Guard's identification unit aircraft, it's an interagency whenever we find one of these.

Mr. SOUDER. Mr. Delgado, does the DEA need to tell the forest service when the other forest service is—

Mr. DELGADO. We do, Congressman. We do. And every—

Mr. SOUDER. Is that a requirement by law or courtesy?

Mr. DELGADO. Well, we have an MOU with them. And it's a courtesy thing. We're a small group up there, so everybody knows each other and everybody needs the manpower, so if you need assistance we'll come in and assist.

Mr. SOUDER. OK. I'm going to yield back to Mr. Nunes, and I'm going to followup a little bit later.

Mr. NUNES. Thank you.

There's been various reports, Mr. Gaffrey, about Mexican nationals up here being armed. Can you describe some of the incidents that have happened with law enforcement and other public agencies in the forest regarding these Mexican nationals?

Mr. GAFFREY. If you would allow me to ask Mr. Moore on the law enforcement side just to give you a handle on some of the examples that our officers have come up with.

Mr. NUNES. OK. Jerry.

Mr. MOORE. Thank you, Art, Congressmen.

We have experienced a tremendous amount of influx of these organizations. All over the State we've found evidence of the drug trafficking organizations in every national forest here in California. Typically we find firearms in almost every case with these folks. They have brandished those weapons in the past. They've showed a little reluctance in years past, even though we've had encounters. A hunter and his son were injured in an incident in a marijuana garden up on El Dorado. We've had a grower killed in Madera County 2 years ago, where he encountered a law enforcement group coming in to an operation. He raised a weapon, and the deputy sheriff shot him.

This year we've really seen kind of an exponential rise, particularly 3 weeks ago in three separate incidents where we had shooting of four growers. Also, during the same week we had some hunters that were accosted by firearms. They were able to get out of there without any shooting incident. But I think the hunters, fishermen, and other people out there are constantly accosted by these folks, and it's usually associated with firearms. Or, in one incidence on Los Padres, where a deputy sheriff stepped in a bear trap, and only by luck he caught a portion of it and it clipped his heel but didn't have an injury. But booby traps out there present a problem to hikers and other visitors and our employees as well as visitors of the national parks.

Mr. GAFFREY. Also Mr. Nunes, to give you an example, as the land manager during our management of the McNally fire, a very large fire here last year, we would have members of the public all of a sudden show up on our dirt roads that would have no vehicle, be walking on the road in front of where this fire was coming to, possibly smelling of marijuana, and no real explanation of why they were there, in more than one or two. I mean, a number that says, gee, the people are coming out of the woods before this fire. So there's a personal experience I can share with you that we have seen escalation. And, as emergencies show up people show up out of the woods for no reason at all or no explanation of why they're there.

Mr. NUNES. And, how about the Mexican cartels. I mean, I've read a lot about this that when you get up there and you do arrest someone, oftentimes it's someone who's not a legal citizen of the United States.

Mr. MOORE. That's correct.

Mr. NUNES. And, what happens to these individuals after you arrest them, what do you do with them?

Mr. MOORE. Well, we generally—when we try to do a debriefing to find out some intelligence, we're very interested in getting involved in what's—how these organizations are organized, how they're working, how they're supporting their folks, are their families being threatened down in Mexico and they're impressed labor up here, are they being paid? So we're trying to do that. Typically they don't want to talk to us, but on occasion we have had a few folks, we send them over to the border patrol and they get deported and they're probably back the next week.

Mr. NUNES. The ongoing problem.

What do you see that we could do to help you and others that are here at the table today in patrolling and stopping some of this activity on public lands?

Mr. MOORE. We don't have enough resources to handle the problem. It's an escalating issue that a few folks that I have are literally working them, you know, beyond what I feel is safely done. Every county sheriff's office is inundated with this problem. They have to take away deputies from other business and things in the counties to handle these situations. As the park superintendent stated, you have to have a concerted force that concentrates on working on these organizations, and that's what it takes to take them down.

Mr. OSE. When you talk about resources, are you talking about the coordinated effort between Federal, State, and locals—one agency might have aircraft, another might have vehicles, and yet a third might have personnel? Is that the kind of thing you're talking about?

Mr. MOORE. Absolutely. Being involved in this in the last 23 years, mainly in California here, I'm absolutely convinced that no one agency has the resources to do that. When they all come together and work and combine resources and use equipment from one manpower from another—other assets, we are successful. And, I think the CAMP program and what we accomplished in the early 1980's and what they're trying to do now is a prime example of that.

Mr. OSE. OK.

Mr. NUNES. Thank you. Thank you, Mr. Chairman.

Mr. SOUDER. Mr. Ose.

Mr. OSE. I want to go back to my question about the proximity to roadways for production.

Mr. Martin, it would seem to me that the people that are doing this stuff come to the park for a reason, whether it's climatological or the soil quality or something. And, before I start asking you questions about this—is that your experience at DEA is that the meteorological conditions that exist at Sequoia, proximity to major urban areas, the remoteness, and the soil quality with the available water, is that what's drawing production in the Sequoia?

Mr. DELGADO. Absolutely.

Mr. OSE. Do any of the agencies involved ever coordinate with the U.S. Geological Survey in terms of identifying the types of soils that would be most conducive to producing marijuana?

Mr. DELGADO. I've never heard of us doing that, Congressman, no.

Mr. OSE. The reason I asked that is that these cartels are businesses. That's what this is. It's a business designed to produce illegal drugs. And as business people, it seems to me that the people that are behind this would look for areas where the climate and the soil can help maximize production. And, unless we can take access to Internet resources or access to U.S. Geological Survey and coordinate to determine that this area would be good and this area is not very good for drug production. I'm trying to identify the land characteristics that drug producers seek out.

Now, in the ranger's operations, do you have Sequoia mapped out by USGS in terms of the types of soils you have?

Mr. MARTIN. USGS has done a lot of work here. And, whether we've got real detailed soil maps or not, I'm not positive I could get that information for you. We do have very good biological vegetative information.

Mr. OSE. Do you see a pattern in where these camps turn up?

Mr. MARTIN. Yes.

Mr. OSE. What are the characteristics?

Mr. MARTIN. They're at a certain elevation in the midfoot hills generally between 4,000 and 7,000 feet elevation in the oak forest, which is a very dense forest, hard to look into from the air and very hard to get through and generally in proximity to water, although sometimes the water is, as was mentioned by the forest supervisor, up to a mile away.

Mr. OSE. The testimony is that it can be piped from up to a mile away.

Mr. MARTIN. Yes.

Mr. OSE. It would seem to be that as you layer on characteristic after characteristic, we'd be able to narrow the areas in which someone might be focusing production. Does DEA do any of that?

Mr. DELGADO. No.

Mr. OSE. Have you taken any initial steps in that direction?

Mr. MARTIN. Not a lot. Although we do know generally 4,000 to 7,000 feet and with proximity to water and in the oak forest, but that covers a lot—

Mr. OSE. That's a lot of territory.

Mr. MARTIN [continuing]. Country in California.

Mr. OSE. That's why I asked about the soil.

Mr. MARTIN. That is an interesting perspective. And, we can query USGS and our own staffs. I don't have an answer for that.

Mr. OSE. So in effect the discoveries of these camps are reactive in nature. We're finding them by accident. We're not finding them, as near as I can tell, by any initiation of agents out on the backpack trails, so to speak; is that accurate?

Mr. DELGADO. Correct.

Mr. OSE. Now, one of the things that I find interesting is that in some of these camps you found fertilizer. The purpose of which is to fertilize plants. I'm trying to figure out if someone is wheeling fertilizer into a national park, what would be the purpose? If you're a ranger in a station, some guy drives by in a pickup and you can see fertilizer bags in the back, why would anybody bring fertilizer into a national park?

Mr. MARTIN. Well, obviously for this purpose; maybe others, although it's hard to imagine.

Mr. OSE. Well, do you have regulatory authority to stop people who are bringing fertilizer into a national park? Do you have a rule that says a person may not bring fertilizer into—

Mr. MARTIN. No, we do not.

Mr. OSE. How would we go about helping you in that regard? It would seem to me you cut the precursor chemicals off, you make the job as difficult as you can for them.

Mr. SOUDER. At least expand the function.

Mr. OSE. Yes. Make it possible to throw the people out or prevent their entry.

Mr. MARTIN. Well, some type of ruling is an excellent idea, something that had not occurred to us. So this perspective that you all bring is rewarding. We could propose a rulemaking or possibly that could come through the congressional process.

Mr. OSE. Thank you, Mr. Chairman.

Mr. SOUDER. I want to compliment Mr. Ose. There's an unusual thing in this panel is all of us came in from business backgrounds to Congress, which means we're a little different. And, I'll tell you that because most people didn't come into Congress on a business background. One of the things that drives you nuts in this issue is we're always behind. And, the question that he just raised is what we keep raising in Columbia, we keep raising in—as far as Ecuador, well, what—if we do this, what's going to happen next? We go into Iraq, what's going to happen next? We go into Vietnam, what's going to happen next? We do this in narcotics, what's going to happen next?

It's amazing. We're always like here. In your business, in a farm or a retail business or in real estate, if you're not figuring out what's going to happen next, you don't do this. And, it is just extraordinarily frustrating because we're always behind. Now, there's many reasons. We have a 1-year budget cycle. We have 2-year election cycles. Some of them are structural. But a lot of it is we don't have people who are thinking that way, and it's a change we need to make is where are we going to head next, because the yield is going to be different. It doesn't mean they won't irrigate longer or go to 2 miles, but that ups the cost, which ups the street price. If their yields are less, it means there's less quantity. I mean, we're not going to necessarily by finding out where the most fertile areas are eliminate the growing of marijuana, but we can up their cost by making it less efficient for them to be in certain areas.

I wanted to ask a question on the Forest Service picture.

Mr. GAFFREY. Yes, sir.

Mr. SOUDER. Was that picture taken by air, the one which shows where the groves are?

Mr. GAFFREY. Yes.

Mr. SOUDER. Was that taken after you had discovered it or before?

Mr. GAFFREY. That's a reconnaissance flight picture.

Mr. SOUDER. Meaning?

Mr. GAFFREY. Meaning it's before.

Mr. SOUDER. So that's how you identified that grove?

Mr. GAFFREY. Yes.

Mr. SOUDER. Is this done on a regular basis in the Forest Service?

Mr. GAFFREY. It is done with the Forest Service, county, and National Guard helicopters. And, yes, it's done on a basis as funding is available during the season.

Mr. SOUDER. And, Mr. Moore—I'm sorry, I should know this because it was stated earlier and I met you last night—do you work with multiple forests, not only Sequoia—

Mr. MOORE. Yes, I do. I work with every national forest.

Mr. SOUDER. Do we do any figuring out where in the forest lands is this most likely to occur and then do aerial reconnaissance if the agreed funds are available?

Mr. MOORE. Well, yes, we do. I guess I have to go back to Congressman Ose's point. What you're finding is these people are very, very enterprising. What they're really looking for is a place that they're going to get away with their activity, so they're willing to haul in whatever it takes, whether it's fertilizer, water. So we try to do exactly in working with USGS. And, we carry cards out and figured out slope and aspect and water, whatever. We just found out that they're going to plant it where they plant it, where they figure they can get away with it.

Mr. SOUDER. But, generally speaking, do you agree with the premise that it's going to be 4,000 to 7,000 feet—

Mr. MOORE. That would be optimal. Yes, I do.

Mr. SOUDER. So the degree that we shut them off from that, we've destroyed their optimal places?

Mr. MOORE. That's correct.

Mr. SOUDER. And, do we systematically have funding that enables us in the prime planting in the spring to be able to do that aerial reconnaissance in the highest risk zones?

Mr. MOORE. Yes, we do.

Mr. SOUDER. So that's being done?

Mr. MOORE. Yes.

Mr. SOUDER. That means do you feel confident that we're identifying a high percentage of the groves right now?

Mr. MOORE. It's a more difficult question to answer. I'm not sure how many we're really identifying. We used to figure that we were catching and identifying maybe 30 percent of the crop. I'd like to say it was higher, but we seem to miss a lot. They keep coming back with more and more plants the next year, and it seems to indicate to me that they're getting a large percentage of their crop in.

Mr. SOUDER. Is that picture extraordinarily clear compared to most of what you see?

Mr. MOORE. It's a little more obvious than we normally see. Sometimes they make it very difficult. They try to train the plants and hide it under the canopy and do other things to avoid reconnaissance.

Mr. SOUDER. I wanted to ask while I'm on this track that, Mr. Delgado, in your testimony you've had about the DEA's domestic cannabis eradication suppression program. And, Mr. Gaffrey, in yours you talked about the ONDCP and Pacific Southwest as an initial marijuana project.

First off, are those two projects working together, the DEA cannabis eradication, are you overlapped with the ONDCP—

Mr. DELGADO. No, no. Two separate—two separate issues.

Mr. SOUDER. Why wouldn't they be working together, because geographical?

Mr. DELGADO. Correct.

Mr. SOUDER. Are you focused more on northern California or—

Mr. DELGADO. Correct.

Mr. SOUDER. And the ONDCP program for the Pacific Southwest, what is that defined as, where does that go to?

Mr. MOORE. The ONDCP, we coordinated and worked through the National Marijuana Initiative, and we've tried to fund and do things all over California. It has had more of an impact here in

Central California. We've worked with the HIDTA here and some other folks.

Mr. SOUDER. Mr. Delgado, your program on eradication suppression is—I'm trying to figure out obviously how to coordinate it.

Are you more working toward organizations or are you—

Mr. DELGADO. Eradication.

Mr. SOUDER. After eradication?

Mr. DELGADO. To help the counties with the eradication, and the CAMP program on eradication.

Mr. SOUDER. I may have to ask some other people that question.

I want to followup where I was going earlier with the Forest Service. Let me ask Mr. Martin on the Park Service, is there a similar training program for park rangers that enable them to understand narcotics?

Mr. MARTIN. I'm not sure of what the elements of the Forest Service program are. But we do have a very, very aggressive training program for our rangers now, and it has just recently been upgraded even more to include multi-week field program, maybe multi-month. The actual training in drugs, such as marijuana issues, I think is largely site by site. If you have a problem or have had it or anticipate it, you do more training than that than in an area that doesn't experience that type of—for example, when I was working in Alaska, we had a little bit of mom-and-pop marijuana growing outside of the parks, but it wasn't an issue for us at that time. We didn't focus on it. We focused on other law enforcement matters.

Mr. SOUDER. Does the Park Service have anything like Mr. Moore's program?

Mr. MARTIN. I'm not sure what Mr. Moore's program—

Mr. SOUDER. Let me actually rephrase that. Is there any mobile National Park Service expertise in drugs that are called in if you have special problems in Sequoia?

Mr. MARTIN. We don't have a focused drug reaction team as such. What we do have are SET teams, which we've had pioneered many years ago, to respond to any incidents that occur in national parks.

Mr. SOUDER. OK. What's a SET team?

Mr. MARTIN. Special Event Team [SET].

Mr. SOUDER. And those are—

Mr. MARTIN. And, they are drug trained for law enforcement.

Mr. SOUDER. So, for example, in Organ Pipe where the ranger was shot, initially there was—and as I walk the park and the valley where they had come up and they had trapped him, initially there was concern that the Park Service hadn't trained the ranger. But, quite frankly, given the sight line—the superintendent went behind the bush, I was out in the stream and looking at the sight line—anybody—it could have even went in underneath his vest. It wasn't a matter of lack of training of the agent in that case. But nevertheless, he got separated from the other government law enforcement agents who were at the spot, the DEA, border patrol, and customs.

And so, what you're saying is in the situation of Organ Pipe, where they had to close down over half of the trails at this point, there is a Special Event Team that would come in after a ranger

was dead, or is there a Special Event Team that would come in when they say, look, there's a huge problem there, the trails are coming off, we need to get some people into that park to help work with them?

Mr. MARTIN. Either one. If a problem was identified upfront, a Special Event Team could come in and work on that problem in either a preventive or reaction fashion. Or, conversely, if somebody was injured, a serious law enforcement incident occurred, they could come in and take care of it after the fact in a reaction fashion.

Mr. SOUDER. Mr. Ose raised a potential regulation addition, as far as are there regulations that currently—these guys clearly who are growing the marijuana are violating up to ten laws already and environmental protection laws including not getting a permit to go hiking into much more egregious type of penalties.

Are there existing regulations or laws that make it difficult for you to go into these areas that restrict you in any way in trying to deal with these?

I would like Mr. Martin, Mr. Gaffrey, and Mr. Delgado to talk about that.

Mr. MARTIN. The idea of monitoring the materials used for marijuana growing hasn't been fronted to me in the past, and I think it's a very, very good idea that we should look toward addressing and solving. And, if that's a regulatory solution, I believe we should be aggressive about looking to that solution.

Mr. SOUDER. But you don't know of any regulation that keeps you from going into an area or from taking a vehicle into an area or from what you can use to clean up from how you can hunt any—

Mr. MARTIN. No. There is no regulation against us taking action that's needed. Law enforcement action is exempt from things like the Wilderness Act or from—well, I don't want to get into the Endangered Species Act. I'm not too sure. I can't speak authoritatively on that point, but—

Mr. SOUDER. Well, frogs are supposed to be one of the early warnings. And if tadpoles are dying, you've got a problem.

Mr. MARTIN. That seems that way to me. LEFA, you know, exempts emergency ongoing incidents, so I'm aware of no prohibitions we have.

Mr. GAFFREY. I'm just going to—I agree with the superintendent. I haven't had any experience with regulatory problems that come in.

One other thing that I'd like to share with Chairman Ose there is when you talk about possible areas that could be located, what we are finding also is that if we do not rehabilitate these areas, move the pipe, destroy the campsite, they're back. I mean, there's a lot less work to do if we do not rehab the site. So there is a general growing area, although the characteristics that the other people have talked to about water and stuff, but also a previous site is an obvious area.

I kind of interrupted the flow of Chairman Souder's question before DEA got a chance at it.

Mr. DELGADO. Well, I—

Mr. OSE. Hold on a minute, Steve.

This is a question I want to examine because there are large areas of California that are wilderness, and there are people who are proposing to add wilderness designation to additional areas. Now, as law enforcement rangers, Forest Service, Park Service, are you prevented from using mechanized equipment in wilderness areas to address this problem under the Wilderness Act?

Mr. MARTIN. No.

Mr. SOUDER. Park Service—

Mr. MARTIN. The prohibitions on the Wilderness Act have an exemption. That exemption is for purposes of wilderness preservation, we can take whatever actions are necessary; then we have to justify it. But in cleaning up camps that are actually resource damaging, it's clearly an exemption.

Mr. GAFFREY. We would be very careful at the Forest Service. We could use helicopters to remove the material, but we would be very careful using mechanized materials to get in and out or to try to do—or other activity. We would try to use the minimum tool needed to do that, so it might be pack animals or otherwise to get the equipment in. But we would not be taking motorized vehicles and that kind of stuff to try to get—

Mr. OSE. I want to be clear. Common sense would indicate to me that you do what you can to prevent the reoccurrence of it. And, I'm pleased to find that there is an exemption, and you would not find me objecting to using mechanized vehicles to assist the rehabilitation so—

Mr. SOUDER. In any kind of Wilderness Act expansion we need to look at the Forest Service. My understanding is that the Forest Service resisted a lot of the wilderness designation. The Park Service, in effect, kind of compromised. The Park Service now has more flexibility than the Forest Service in the wilderness designation, which is not what most Americans think. They think the Park Service would be tougher on it than the Forest Service. But there were political reasons that happened, and we have to look at how to balance if there's a law enforcement action with that.

I wanted to—and then I'll see if anybody—

Mr. OSE. Steve hasn't answered your original question.

Mr. SOUDER. But do you—I mean, you have a little bit different situation, but I have a followup and you can answer it with a followup. I wanted to followup on Mr. Nunes' point about the cartels, and then we'll see if anybody else has when we get to the second panel.

That how does this precise—if you can first say, are you restricted as to what you can and can't do in a national park if you work with the cooperation of the superintendent of the various agencies?

Mr. DELGADO. I know of no regulations that would be of any—it would be obviously in a cooperative effort with a national park or the Park Service to do it.

Mr. SOUDER. As a practical matter, when they run into a group who are growing, how many DEA agents do you have in California?

Mr. DELGADO. In California? I could tell you what I have in my division.

Mr. SOUDER. In your division.

Mr. DELGADO. OK. 300.

Mr. SOUDER. And, you come down this far?

Mr. DELGADO. Oh, absolutely. We go down to Bakersfield, Kern County, to Siskiyou County.

Mr. SOUDER. And into the Oregon border?

Mr. DELGADO. Correct.

Mr. SOUDER. So you've got 300 for the region?

Mr. DELGADO. Correct.

Mr. SOUDER. And agents—

Mr. DELGADO. I have 148.

Mr. SOUDER. Of that 300?

Mr. DELGADO. Correct.

Mr. SOUDER. So you have 148 agents. How many of those are involved in cannabis eradication?

Mr. DELGADO. At least eight.

Mr. SOUDER. So most of these are to do the tracking and breaking up of large distribution networks in major cases?

Mr. DELGADO. For marijuana cultivation.

Mr. SOUDER. No, I mean in general. Of your 148, most of them are involved in trying to figure out who the cartels are?

Mr. DELGADO. Absolutely.

Mr. SOUDER. That when something like this occurs in Sequoia National Forest or National Park, at what point does this move from a Parks or Forest case to where it goes to either you or what would be vice now under homeland security, the customs, and the kind of tracking the money and the other kind of things, what size scale and how do you track these cases in the Forest and the Parks and move that into DEA and with what used to be customs now is vice and homeland security?

Mr. DELGADO. It would depend on the large grove and what intelligence information that we had. If we could expand the investigation, Congressmen. If we're just going to go whack and stack, we would go whack and stack, but our involvement won't be that much. What we want to get into is the investigation and see how far we can get through the investigation.

Unfortunately, with these cases, all of these cases, these flyovers, we see these groves and the cannabis eradication, all we're doing is eradicating cannabis, we're not getting to the major suppliers. And, once in a while we'll just arrest the guards that are out there. It's difficult, these investigations are extremely difficult to develop an informant, and that's basic—

Mr. SOUDER. Do you think—

Mr. DELGADO [continuing]. We've come into.

Mr. SOUDER [continuing]. Growing operations are providing cash to help fund the meth labs in the Central Valley?

Mr. DELGADO. I've heard of incidents that's happened. In one case that did happen, that we had intelligence from the people that were arrested that told us that they were doing a meth lab so they could fund the marijuana grove.

Mr. SOUDER. And then you take that case when you see—if the locals and the people in the Park and the Forest Service can figure that out, then you'll take the case to try to take it to the cartel level and try to get back to the Mexican organizations.

Mr. DELGADO. Absolutely.

Mr. SOUDER. Customs too?

Mr. DELGADO. We haven't worked with customs regarding this.

Mr. SOUDER. This is very important, because if we try to look to a solution, your term of "whack and stack" has to be done—

Mr. DELGADO. Correct.

Mr. SOUDER [continuing]. Because it's destroying the resources in the Parks and the Forest, both recreational and preservation. So they have to whack and stack, basically meaning get rid of it whether or not they can find the larger organization, because it's a threat to their resources.

But in looking at it from the Federal Government standpoint as to how do we address who's in charge of the whack and stack—to use that expression—probably DEA and Department of Homeland Security aren't the agencies that are going to be able to come in and do that. We either have to look to local law enforcement expansion or more better trained agents within the Forest Service and the Park Service. Because DEA isn't interested in that. It's not your skill, not your background.

Mr. DELGADO. Correct.

Mr. SOUDER. OK.

Mr. Nunes, do you have any more comments?

Mr. NUNES. Not for this panel, Mr. Chairman.

Mr. OSE. I want to go back to the wilderness discussion. Because we had a briefing in Washington with folks from Forest Service headquarters, and we got a slightly different explanation as to whether or not you can use mechanized equipment to mitigate harm here. So, we're going to send followup here. I just want to alert you to that. And, we'll send the same question the other direction, that we've had testimony to—I want you to understand from my perspective—and I don't speak for Mark or Devin—but from my perspective, I'm in favor of you going in there and addressing the environmental damage, and if you need mechanized equipment in wilderness areas, you're going to find me supporting. I can defend that. That's not a problem.

The other question I want to followup on is going back to the characteristics of a suitable growing site. I'm enough of a statistician to be dangerous here, and I'm not good enough to be an expert at it. But it would seem to me that your testimony about if you don't cure the site, you get a recurrence of the activity. You have proximity to roads, even though you have very rugged territory. You have a certain elevation you're looking for. And, we don't know whether or not someone's investigating the soil types before they go into an area. You have to have water at least within a mile, so to speak.

Has there been any statistical analysis in terms of identifying where the overflights go? It just seems to me that we bring a lot of tools to bear here that are relatively inexpensive.

Mr. GAFFREY. I was going to say I believe there's a lot of intelligence gathering before the flight takes off. There is intelligence as far as activity, human activity, but also where groves have occurred, water in relationship to possibly roads, a vegetation-type soil type, I believe all of that is done with the Forest Service and with the County Sheriff for overflight before. Because, you know, we are looking at thousands of square miles, and so there's a lot of intelligence gathering, where's our best shot? Realizing that the

growers know the same thing, you know, that if they continue to grow in the same spot, we're going to go there and look at the same—they're as creative as we are in trying to find them.

Mr. OSE. This isn't rocket science. There are certain areas that are prime for this stuff and there are certain areas that are less than prime. And, it would seem to me that we ought to be able to at least proactively—I hate that word, but it speaks exactly the way I'm trying—proactively harness the resources to examine those areas.

Now, I want to come back to the issue of fertilizer and the regulation. I want to send you a followup question: What is it that you would expect to see in someone bringing into the park as opposed to what you wouldn't expect them to bring in the park? You wouldn't expect them to bring in 100 pound bags of fertilizer in the back of their truck, but you would expect to see a tent. You wouldn't expect them to bring Clorox—I don't know for what purpose—but you might expect them to bring, you know, 12 eggs.

So I'm going to ask you in writing to kind of expand that. And, I'm trying to lay a groundwork to allow the executive branch to issue a rule that gives you some authority to deny entry of people who might have X, Y, or Z in their possession when they come to the park gate.

Mr. MARTIN. Congressmen, good, we look forward to that request and to providing an answer in writing. And it does seem to me, again from a common sense standpoint, that taking those measures would be productive.

Mr. SOUDER. Well, thank you each very much for your testimony and to all your—

Mr. GAFFREY. Mr. Chairman, the deputy regional forester has asked me to clarify my answer on the use of mechanized equipment. We have the same exceptions that the national park when there's an emergency, it's going to be the—the determination of an emergency. When there's an emergency, then we have the same exceptions that the National Park Service does.

Mr. SOUDER. So clearly hot pursuit of the individual people would be an emergency. Would the existence of marijuana be considered an emergency? Can you—

Mr. GAFFREY. I think that would be a good followup question.

Mr. SOUDER. Within the Park Service guidelines, would you get to make that determination as superintendent?

Mr. MARTIN. Yes.

Mr. OSE. You're asking the definition of an emergency?

Mr. SOUDER. [Nods head.]

Mr. MARTIN. It's a judgment call in any respect. In my judgment it would be.

Mr. SOUDER. But you get to make that at the superintendent level. At the Forest Service, is that true?

Mr. GAFFREY. I have the authority to when I determine an emergency of certain equipment that I can use, yes.

We also have a difference in law enforcement on the National Forest. We have jurisdiction shared with the County Sheriff, which is different than the national park. It has exclusive jurisdiction. So it doesn't deal with the wilderness, but we do have different laws

and authorities and sharing with the County Sheriff's that make our opportunities possibly a little wider and broader.

Mr. SOUDER. We'll explore this a little bit more. I know in Missouri and Arkansas it's a huge question too. We have very active Members there on our drug task force, so we'll pursue that more directly.

Thank you. I want to thank you each of you, thank each of your rangers, each of the DEA agents for putting their lives at risk on our behalf.

We're going to take a 5-minute break, because I often forget the stenographer who's over here pounding away, and give her a brief break.

And if the next panel could come forward. [Recess.]

Mr. SOUDER. If you'll stand and raise your right hands.

[Witnesses sworn.]

Mr. SOUDER. Let the record show that each of the witnesses responded in the affirmative.

For the official record, before I did that, the subcommittee was back in order.

We have four witnesses on this panel, Ms. Lisa Mulz, superintendent of law enforcement and public safety for the California Department of Parks and Recreation.

Mr. Val Jimenez, special agent supervisor and commander, Campaign Against Marijuana Planting, California Department of Justice, Bureau of Narcotic Enforcement.

Sheriff Bill Wittman of Tulare County.

And, Mr. Joe Fontaine, who's a member of the Board of Directors of Wilderness Watch.

We thank each of you for coming, and we'll start.

STATEMENTS OF LISA MULZ, SUPERINTENDENT, DEPARTMENT OF PARKS AND RECREATION; VAL JIMENEZ, COMMANDER, CAMP; SHERIFF WITTMAN, SHERIFF, COUNTY OF TULARE; AND JOE FONTAINE, PRESIDENT, WILDERNESS WATCH

Ms. MULZ. Thank you, sir. Thank you all for inviting me to not only give information about my own organization but to hear what's going on with sister and brother agencies as to this problem.

I'm the superintendent of law enforcement of California State Parks, and I have been a sworn officer for 18 years and in parks for 25. Most of that time was spent in the field. At this point I've been overseeing our department's law enforcement program from a policy point of view, which means I sit in an office at headquarters, so I don't have a real good idea of what's going on in the actual field. And, our districts report to themselves saying we don't get a lot of that direct information back to our headquarters.

California State Parks is about 270 units, and these areas are set aside to protect the natural and cultural sensitive areas, as well as provide habitat linkages and migration routes for the movement of animals and plants between State park lines. We cover about a million and a half acres, with about 18,000 campsites.

The problem is really undefined for my department. The growing season is also the peak season of park visitation, so of our law enforcement officers, the majority of them are spent in the developed

areas working with whatever emergency management law enforcement issues should arrive with the visitors that are in our units.

I've talked to the resource ecologists for our department about resource damage that occurs with either marijuana plantation or a clandestine lab that's located on our properties. Currently we haven't seen any large problem with anything but marijuana. We have seen some dumping of clandestine lab leftovers, precursor chemicals that weren't used and whatever garbage is left over, but we have seen quite a few marijuana plantations.

I was asked to approach this from two levels, from the resource damage that occurs as well as public safety issues. The marijuana cultivation causes a lot of problems in the property. Basically ground disturbance, cutting down native vegetation, introduction of non-native seeds and diseases creates changes in the ecosystem which could result in the increase of exotic species. We have tremendous problems of exotic species growing on park lands, and they are a threat to the natural diversity of an area. They bring in pathogens and harm the native ecosystem by competing with and displacing native species and causing disease and mortality in plants and wildlife.

As referenced by the earlier folks, they talked about diversion of water. Diversion of water, specifically at the higher elevations where it's dryer, could result in a degradation of local areas as well as the water quality. It also helps to increase the area of the growth of non-native species in the area because they crowd out the local plants which are adapted to a drier environment.

The largest problem we have is that we have no baseline data for a lot of the areas that marijuana cultivation is occurring. It's usually in remote areas. The areas have not been significantly studied. We don't even know specifically what endangered species may be on that property, although we do have an idea that they would be located in that area just based on where plants usually occur. So in some ways being in remote areas is better from a public safety point of view because there's less likelihood of visitors wandering into the area. But it's difficult to quantify the damage because there's no basis of data even recorded for the area, and we don't know then what the damage is that has been occurring.

We also know that marijuana growers kill native wildlife by using poison, such as rat poison for small mammals and rodents, and additionally shoot and trap deer.

They also bring in garbage, chemicals and leave behind human waste. The other problem we're seeing is when they plant along river areas where it may have been cultivated by European settlers or the Native Americans they are destroying archeological sites.

The public safety aspect that arises is that we have approximately 85 million visitors to State parks. There's a typo in the information that was received by our personnel folks. We have about 635 Peace Officers assigned to the department. There's about 422 of those we're expected to keep, with 70 vacancies occurring. That's our total staff that is committed to dealing with not only public safety but emergency medical situations that arrive, also for resource management issues as well as interpretation. So in order for us to shift our personnel to deal with this problem, it means that the rest of the department is neglected.

I see that my light came on, so I will make it quick.
The problem that we've had is really an unknown, but we've experienced all of the same issues that have been detailed by the Forest Service and the national parks.
Thank you very much.
[The prepared statement of Ms. Mulz follows:]



The following is submitted to the Committee on Government Reform:

Background Information on the California Department of Parks and Recreation

The California Department of Parks and Recreation manages approximately 270 park units, which contain the finest and most diverse collection of natural, cultural, and recreational resources to be found within California. These lands include some of the last stands of primeval redwood forests, vast expanses of fragile desert, portions of the Sierra Nevada mountain range and coastal scrub. State park units include preserves and reserves among its holdings. These parks protect and preserve an unparalleled collection of culturally and environmentally sensitive structures and habitats, threatened plant and animal species, and ancient Native American sites. State parks land not only protects habitats but habitat linkages and migration routes, allowing the movement of animals and plants between state parklands and neighboring protected lands. California State Parks consists of nearly 1.5 million acres, with over 280 miles of coastline; 625 miles of lake and river frontage; nearly 18,000 campsites; and 3,000 miles of hiking, biking, and equestrian trails.

Resource Damage Resulting from Marijuana Cultivation and Methamphetamine Production

Resource damage occurs on many fronts when a marijuana plantation or a clandestine lab is located on any land. However, the impact on public land can be devastating to the local native species. Parklands are specifically set aside to preserve a significant cultural or environmental feature. These areas often include threatened and endangered species or culturally sensitive areas.

Currently, the major threat to California State Parks is from marijuana cultivation. Clandestine labs do occur and the hazardous waste they leave behind is threatening to, not only the land, but to the public and native species that may frequent the area.

Marijuana cultivation presents a more significant problem to the park system at this time. From the ground disturbance, cutting down of native vegetation, introduction of non-native seeds and diseases and changes in the ecosystem there could be an increase in exotic species. Exotic species are a threat to maintaining the natural diversity of an area. Non-native plants, animals and pathogens harm the native ecosystem by competing with and displacing native species and causing disease and mortality to plants and wildlife. Many of California's rare and endangered plants and animals are found on state parklands. Changes in vegetation may be detrimental to these endangered species as their habitat is usually already at risk.

1. Soil disturbance can result in erosion as well as a chemistry change in the soil acidity due to the addition of fertilizer. This may also enhance the habitat for exotic species, as native species are adapted to the local conditions. There is also the possibility of damage to archaeological sites primarily along creeks, streams and rivers. These locations, which are used by growers, are also the same locations used by Native Americans and European settlers.
2. Increased water to an area can also result in erosion as well as an increase in non-native species. Plants in an area are adapted to the moisture of the native habitat. Water diversion or the increase in water could also result in degradation of local water quality. Additionally, the diversion of water can

result in changes to the habitat by removing water needed for the plants and animals. Spring boxes used by some growers divert water from local springs. Spring boxes are 1 or 2-foot square wooden boxes sunk into the ground. Water from the spring is diverted to the box. A battery or solar powered timer and pump is installed to pump water to a marijuana garden. This water diversion is significant at higher and drier elevations particularly if the spring is the only water source for the area. The problem is many of these sites are remote and not frequented by park staff. While this is a positive situation from a public safety point of view these areas are often not studied by ecologists. It is difficult to quantify the damage as in many areas baseline data has not even been recorded. Therefore, the extent of the damage is unknown.

3. Marijuana growers kill native wildlife by using poison for small mammals and rodents. They additionally shoot and trap deer.
4. There is also the problem of garbage, chemicals and human waste being left behind which can attract wildlife.

Public Safety Aspects

Public safety issues also can arise from marijuana plantations when areas frequented by hikers and other visitors are used for gardens. While many sites used for growing are remote and accessible only by difficult hikes, not all sites are remote. Approximately 85 million visitors visited California State Parks in 2001. There are approximately 835 State Park Peace Officers assigned to 18 districts. Of the total number of officers, 422 are field level staff and first line supervisors. The department currently has 71 vacancies. There are two designated investigators within California State Parks. These investigators' full-time workload consists mainly of resolving internal complaints. Workload and budget deficits have reduced the available departmental staff. By necessity, State Park Peace Officers patrol the developed areas of parks where the highest concentration of visitors congregate.

Data collection for marijuana plantations is mainly anecdotal, but a sampling of parks units showed that in 6 districts queried 13 incidents came to light. These marijuana grows over the past 3 years, totaled approximately 20 acres under cultivation with approximately 18,000 plants. The estimated street value for the plants at maturation was 28 million dollars.

In 2002, Attorney General Bill Lockyer said of marijuana plantations, "This presents a dangerous situation for hikers, campers and law enforcement, especially park rangers. Those hired to tend the large gardens are usually immigrant recruits living for weeks in modest campsites, often armed and under orders to defend their illegal crops, even when approached by peace officers." According to the California Department of Justice's Campaign Against Marijuana Planting, 56% of statewide marijuana plantations were taken from public lands. In 2001, 39% of the plantations were from public lands.

Problems from plantations can include arson from remote campfires and smoking. In July of 2003, a 1-acre fire resulted from a cigarette in the Auburn State Recreation Area and the discovery of a plantation in the rough terrain near the Foresthill Bridge. The plants covered, in 3 separate areas covered a total of approximately 5 acres worth about 3 million dollars. In the past years, the Mendocino and North Coast Redwood Districts in northern California were frequent areas of activity.

Hendy Woods State Park has been the frequent site of plantations. In 1994, Ranger Kathy Kinzie was first on scene of the shooting of a grower. The garden had approximately 1,200 plants. A park interpreter at Hendy Woods was working when he encountered an individual guarding a marijuana

plantation with a rifle. The interpreter was chased through the brush for approximately 10 minutes. Other problems arise between growers and "marijuana pirates". Local individuals can often track someone else's grow by walking along the river where plants are grown to avoid the need for water. This has resulted in disputes between growers and "pirates". It also puts at risk those users who hike river trails. This was recently the case in Caswell Park when grows were found along the river. A male subject came out of the bushes dressed in camouflage led officers to the area where plants were found.

One of the problems in locating the sites is they are so remote that field personnel have to be flown in or hike rugged terrain. All grow related equipment and plants are burned on site or destroyed. Tracking the sites is also difficult as old logging skid roads are utilized. The road base is generally in a usable condition but the road itself is overgrown and not readily visible from the air or other vantage points. Park staff has often located water lines diverting water from State Park's property to private property. These remote areas lack good radio coverage reducing the officers' ability to contact backup personnel or talk to the communication center. Since they are often in areas where the public often does not go the officers do not locate the grow but they do destroy the lines.

Solutions

The past few years has seen an increase in the location and destruction of marijuana plantations statewide. These numbers of plantations destroyed will continue to increase particularly if agencies increase the existing network across jurisdictional boundaries. The California Department of Justice's Campaign Against Marijuana Planting (CAMP) has been able to perform this function for many years. Their ability to bring together a variety of agencies and their respective resources to work together is public funds well spent.

The California Department of Parks and Recreation understands that the problem of marijuana cultivation affects the public and crosses jurisdictional boundaries of public lands. This cooperation already exists in joint ventures established in the cooperative efforts by National and State Parks in the northern California and Santa Monica Mountains area. We intend to increase our participation and cooperation with the CAMP program by establishing a single point of contact for our department. Often the boundaries of remote public lands are not clear. The Department of Parks and Recreation has been seeking funding for a new computer aided dispatch system which would include a records management function to capture information and a mapping function which will allow to integrate boundary lines with longitude and latitude coordinates. The crime mapping function will allow the appropriate agencies of jurisdiction to be notified when a location of land under cultivation is discovered. Additionally, the department will be able to determine the extent of the problem occurring upon its property. The department also intends to involve archaeologists and resource ecologists in determining the actual quantifiable damage done to a site.

Respectfully submitted by Lisa Mulz, Superintendent of Law Enforcement

Mr. SOUDER. Thank you for your testimony.

Mr. Jimenez.

Mr. JIMENEZ. Chairman Souder, Chairman Ose, Congressman Nunes, thank you for having us today.

My name is Val Jimenez. I'm with the California Department of Justice, the Bureau of Narcotic Enforcement, which runs the Campaign Against Marijuana Planting [CAMP]. I'm here today with my Assistant Chief Dave Hedblom and Dave Preston of the Fresno area, as well as Sally Fairchild and Bob Penal from headquarters who are experts in the field of methamphetamine.

I have been involved in law enforcement for 20 years. I've had experience with narcotics at every level, from the cartel investigations on down to the rave users and street dealers. I've also been involved in gangs, suppression and investigations. And, for a short time I was assigned to the International Liaison for the Attorney General's Office where I interacted quite frequently with the Republic of Mexico.

A question that was brought up earlier about why these certain areas. These particular areas mimic where they're from. We've had a lot of people that have been arrested that I have debriefed that have said that this is the same country. I have seen the country, the forest of the State of Michoacan, for instance, where they have national parks and national forests very similar to these areas.

The CAMP mission, and what exactly is CAMP, CAMP is basically a task force comprised of agents from the Bureau of Narcotic Enforcement and also some Federal and local agencies. What we do is we come together during the peak season of what we consider the harvest season, and we go out and we eradicate marijuana throughout the State of California. The State is divided up in three regions, and there is a regional team in each region operated by the supervisor from the Bureau of Narcotic Enforcement.

We rely heavily on funding from the Drug Enforcement Administration. Also, we receive funding from the U.S. Forest Service and also from the Bureau of Land Management. OCJP also gives us a grant. And also, a level from the California National Guard, who comprise actually a third of our work force and somebody who we work very closely with.

What we have done this year, as we have not done in the past where we were strictly an eradication program, what we are doing now is we are going forward and helping out with investigations. Although the investigations that were involved were—this year were minimal, they were substantial in that they—some of them stretched across the State of California, and most of them involved very dangerous Mexican drug trafficking organizations that we're seeing now.

I was present at two of the shootings that occurred in northern California where the agents were confronted by suspects that were armed with assault weapons. And, of course, we were very fortunate that no law enforcement officers were hurt. And, four suspects were killed. We were also in the southern California area, Riverside County, where there was also some incidences where people, unsuspecting public were also confronted with armed subjects, and for a short time their life was in danger.

What we're going to do this year and what we're hoping to do if we can get the resources to do this, we are trying to expand our program to a year-round program where we can work during the off-season. Some type of investigations regarding indoor groves, and also going back to some of the locations where we know they are planting based on the GPS coordinates and things that we have. And, we're hoping we can go back and look at those areas to see if they're going back and planting in those particular locations.

As we were talking earlier, the homicides—there were about six homicides that we could directly document back to these groves, not to mention the—of course, the environmental damage that everyone has discussed earlier. We are hoping that with the added resources, that we could come together and expand this program to where we may also add another region, maybe condense one of the other regions that we have, and then also add a roving team where we can assist directly with investigations and surveillances in the gardens themselves, hoping to allow us to get in there and make some arrests of the people that we're catching in the gardens. It's extremely difficult to get these people. We can see them. We can be literally yards away from them, and they can still get away from us because of the terrain and because they are already familiar with the areas. And, of course, we're wearing protection, you know, in terms of vests, weapons, and things like that. And obviously, they're pretty agile and just basically with the clothes on their back getting away from us, and that's where it makes it very difficult.

It is something that CAMP considers a very dangerous problem and a threat to the public and the environment. It's reached epidemic proportions. There's no doubt about that. I think everybody agrees. But I still think it is, by all means, controllable. I think we can get in together working closely with these agencies. An example is, for instance, the Central Valley HIDTA which helped us out toward the end of the season with some additional funds. Along with the Forest Service, we were able to get an additional 85,000 marijuana plants and other arrests within 3 days of the close of the season.

Commercial marijuana on the public lands is a significant and devastating effect on the people, and we think that together working closely with the Congress, with the agencies that are here today, that we can make a dent in this ever-growing problem.

I thank you very much for your time.

[The prepared statement of Mr. Jimenez follows:]

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Remarks by

Val Jimenez

Commander

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Before The

House Sub-Committee on Energy Policy, Natural Resources, and Regulatory Affairs

Regarding

Drug Production on Public Lands – A Growing Problem

Regarding Illegal Marijuana Grows on Public Lands

Sequoia Kings National Park, Fresno County, California

October 10, 2003

Mr. Chairman and members of the committee, it is a pleasure to appear before you today to discuss the significant problems that have emerged over the past three to five years in the commercial cultivation of marijuana and other drug-related problems on our public lands.

I am a twenty-year veteran of law enforcement. I have worked in a variety of assignments ranging from every aspect of narcotic enforcement, gang suppression, and border issues. For a two-year period, I was assigned as a Special Agent Supervisor for the California Foreign Prosecution Unit. One of the responsibilities of this unit is to interact between California and the Republic of Mexico to investigate criminals that travel between California and Mexico to conduct their illegal activities.

Currently, I am assigned as Operations Commander to the Campaign Against Marijuana Planting, also known as CAMP. The CAMP program is a twenty-year-old program directed by the California Attorney General's Office, Division of Law Enforcement, Bureau of Narcotic Enforcement.

In recent years, the problem of commercial marijuana cultivation and other drug-related issues on our public lands has seen a significant and steady statistical increase to the point of reaching epidemic proportions.

Statistics compiled by CAMP have shown an increase throughout the past five years regarding commercial marijuana cultivation on our public lands. This epidemic of marijuana cultivation and other drug-related issues poses significant danger to the public and law enforcement. The steady increase in marijuana production on our public lands has also led to the increase of weapons seizures and arrests. CAMP has documented several gun-related incidents involving law enforcement and the unsuspecting general public.

CAMP season 2003 has been the most violent year on record. On September 16 of this year, CAMP personnel eradicated 33,250 marijuana plants at a garden in Shasta County. Prior to the eradication, two suspects in the garden assaulted local law enforcement officers and were killed. Three suspects remain at large. Two handguns and an SKS assault rifle were seized.

In Mendocino County on September 18, the body of a Hispanic male was found in a marijuana garden. The victim was murdered with a pick ax. On September 19, CAMP personnel eradicated 11,157 marijuana plants at a garden in Butte County. Prior to the eradication, two suspects assaulted local law enforcement officers and were killed. Two SKS assault rifles and one .38 pistol were seized. In summary, this CAMP season has seen the death of four heavily armed commercial marijuana cultivators who confronted and assaulted law enforcement officers when approached.

CAMP has not only seen and experienced the danger of major drug organizations cultivating large gardens on public lands, but also the devastating effects of environmental and ecosystems damage as seen by way of pesticides, fertilizers, irrigation equipment, and trash that is found on a daily basis. The long-term environmental impact of these cultivators is still to be established.

It is widely believed that after the 9/11 terrorists attacks, because of the increase in border security, many Mexican Drug Trafficking Organizations (DTOs), began looking to locations outside the Republic of Mexico, beyond the reach of border security and to the remote areas of the United States, specifically California. These DTOs were looking for production sites where methamphetamine and marijuana could be produced. This calculated move north by the DTOs also allowed them to experiment with other illicit crops. This was confirmed by the discovery this year, in the Fresno County area of California, of 40,000 opium poppies capable of producing 40 pounds of raw opium, which could be used to manufacture 40 pounds of tar heroin. This seizure is what I considered an eye opener to the law enforcement community.

What exactly is commercial marijuana cultivation?

As early as 1985, the trend of commercial marijuana cultivation by Mexican drug organizations was first documented, and throughout the following years the trend slowly continued upward. However, it wasn't until the last five years where there has been an "explosion" of epidemic proportions in the public land portions of the state of California. Gardens that were seen to contain anywhere from 3,000 to 5,000 plants have now ballooned to 5,000, 10,000, and, in some extremes, up to 30,000 or 40,000 plants per garden. As occurred just six days ago in Tulare County, a garden containing 76,200 plants was seized. A significant amount of these gardens have been located on public lands, such as national forests; national, state, and county parks; and land under the jurisdiction of the Bureau of Land Management.

Usually, undocumented immigrants from Central America and the Republic of Mexico tend these gardens of marijuana. They are recruited to tend and guard the marijuana gardens and are paid a monthly wage. The gardens, which are normally started in the latter part of April, grow until the harvest time of late September and early October. The operation of these gardens is very labor intensive, in that literally miles of water hose is needed to keep the gardens irrigated. This irrigation hose, along with growing equipment, including timers, tools, stakes, planting pots, and chemicals such as fertilizer, rat poison, rat traps, and an occasional booby-trap, is then surreptitiously hand carried up to the grow sites hidden high in the upper elevations of our parks and forests.

If the garden is successful, the owner of the marijuana grow can then enjoy the gross profit of about \$4,000 per plant, which shows just how lucrative the business can be. The other issue is that once the garden has been harvested, all the equipment, pesticides, and traps are left discarded on the land – a hazard for man and beast.

During the past season, which coincidentally ended today, the CAMP program has eradicated in excess of 400,000 plants, seized over 40 firearms, and has been involved in or arrested over 35 subjects directly involved in marijuana cultivation. The significance of these numbers shows the severity of this epidemic; and although the figures appear to be bleak, realistically, I believe this epidemic can be controlled.

Through the years of CAMP operations, a majority of the plant counts and arrests were always located in the northern part of California. With the involvement of the Mexican DTOs, that is all changing. Law enforcement in the past had always looked at area residents as being involved in the local marijuana and methamphetamine production. Now we are all seeing the trend change.

Solution

Because of the expanding cooperative effort between the CAMP program and its law enforcement partners, I believe this is one reason why this problem can be overcome. The CAMP program enjoys an excellent working relationship with the Drug Enforcement Administration, United States Forest Service, Bureau of Land Management, National Park Service, California National Guard, California State Parks and state and local law enforcement. These partnerships are essential to the success in eradicating this problem. With additional funding, the CAMP program hopes to pay for an aggressive response in combating these DTO's.

A network of task force agents has been assigned statewide to work closely with local agencies to form investigative units that will target these criminal commercial enterprises operating on our public land and within our borders. Already, this newly implemented investigative component has been successful in ongoing investigations, assigning agents to assist with surveillance and other investigative needs. Through the California Bureau of Forensic Services, evidence analysis has also been made available.

With an increase in continued funding from the federal government, the CAMP program will enhance its services to the federal, state, and local agencies that it serves. The plan will include enhancing the investigative component, education through public awareness, law enforcement training for efficient use of manpower and officer safety, and more regional teams, with equipment support such as vehicles and aviation, so that the expected rise in calls for service can be met. It is believed that with this help, the scourge of marijuana cultivation on our public lands can be controlled.

Conclusion

Mr. Chairman and members of the committee, CAMP considers illegal commercial marijuana cultivation to be a threat to the public as well as the environment. Although this problem has reached epidemic proportions, it is still, I believe, controllable and can be brought under control with continued future funding by Congress, resulting in agencies working together closely to combat this problem. If nothing is done or things stay at the level they are now, this problem will significantly worsen. This year we know that there were local areas that were not serviced by CAMP because of manpower and time constraints. However, because we did receive some additional funding from several agencies we were able to extend the CAMP season, which allowed us to seize an additional 85,000 marijuana plants.

The commercial cultivation of marijuana on public lands has had a significant and devastating effect on the people of this country and, specifically, the state of California. CAMP while working closely with federal and local agencies aspires to help return our public lands to their intended use, which is the preservation of our natural resources and to the recreational enjoyment of our community. We appreciate your support and concern in this matter and look forward to working with this committee and Congress in order to prevent illegal commercial marijuana cultivation from destroying our public lands and the health and safety of our citizens.



2003 CAMP CUMULATIVE STATISTICS
AS OF OCTOBER 7, 2003



COUNTY	PLANTS RAIDS	GARDENS	ARRESTS	SUSPECTS	WEAPONS	PRIVATE LANDS	BLM LAND	USFS LAND	STATE LAND	OTHER PUBLIC	MEXICAN NAT. DRUG ORG.
BUTTE	14,408	4	25	3	3	14,408	0	0	0	0	13,130
CALAVERAS	8,286	5	17	2	2	2,999	5,008	281	0	0	7,043
COLUSA	6,189	2	14	2	0	0	0	6,189	0	0	6,189
FRESNO	14,497	8	21	0	0	519	2,144	11,834	0	0	10,821
GLENN	304	1	4	0	0	2	0	304	0	0	304
HUMBOLDT	9,583	17	88	2	5	9,309	244	0	0	0	0
KERN	31,212	5	11	5	0	0	0	31,212	0	0	28,838
LAKE	1,177	1	5	0	0	0	0	1,177	0	0	0
MADERA	13,689	3	11	0	0	13,638	0	0	51	0	5,897
MARIPOSA	5,868	2	5	0	0	0	0	5,868	0	0	5,393
MENDOCINO	45,283	37	209	9	0	39,971	1,069	4,424	0	0	25,854
MERCED	309	1	3	0	0	309	0	0	0	0	309
MONTEREY	6,053	1	1	0	0	0	0	6,053	0	0	6,053
NAPA	11,085	7	20	0	3	9,336	0	0	0	1,748	9,588
PLACER	15,988	5	11	3	2	0	2,584	13,424	0	0	15,988
RIVERSIDE	11,160	7	20	0	0	0	0	6,563	2,597	0	7,568
SAN BERNARDINO	37	1	1	0	0	37	0	0	0	0	0



2003 CAMP CUMULATIVE STATISTICS
AS OF OCTOBER 7, 2003



COUNTY	PLANTS	RAIDS	GARDENS	ARRESTS	SUSPECTS	WEAPONS	PRIVATE LANDS	BLM LAND	USFS LAND	STATE LAND	OTHER PUBLIC	MEXICAN NAT. DRUG ORG.
SAN JOAQUIN	2,002	6	229	0	0	0	2,002	0	0	0	0	197
SAN LUIS OBISPO	3,774	1	1	0	0	0	3,774	0	0	0	0	3,774
SAN MATEO	1,525	7	24	0	0	0	928	0	506	93	0	0
SANTA BARBARA	3,103	2	5	0	0	0	0	0	3,103	0	0	1,809
SANTA CLARA	5,182	2	8	0	0	0	2,978	0	0	0	2,184	5,182
SANTA CRUZ	8,805	3	5	0	0	0	8,805	0	0	0	0	0
SHASTA	53,556	5	26	5	1	11	0	48,322	5,234	0	0	53,556
SONOMA	8,350	8	27	0	0	0	8,350	0	0	0	0	3,222
SUTTER	1,171	2	5	0	0	0	1,171	0	0	0	0	1,167
TEHAMA	4,454	1	4	0	0	0	0	4,454	0	0	0	0
TRINITY	3,189	12	34	1	4	0	488	237	2,443	0	0	1,125
TULARE	141,239	17	45	3	2	0	0	8,892	47,513	0	84,734	141,229
TUOLUMNE	30,400	7	36	0	3	0	0	0	30,400	0	0	30,370
YOLO	3,341	1	2	1	0	0	0	3,341	0	0	0	3,341
YUBA	3,106	1	2	0	0	0	0	0	3,106	0	0	3,106
TOTALS	466,054	182	829	36	30	60	116,920	77,372	181,454	2,741	88,967	381,043

Mr. SOUDER. Thank you.
Sheriff Wittman.

Mr. WITTMAN. Thank you for allowing me to be here today. I really appreciate all of you coming out here today to help identify the problem we have here, and I sense a real willingness to assist us.

I come here with a little different perspective than everyone else here today. I'm concerned about the devastation of our communities, to our youth, to our families that is caused by the drug problem that we have in the Central Valley.

Just recently as of last week, we took down one garden which was just outside the parks which had a total of 74,000 plants. And what we've heard here today, and which we're well aware of, is that 5, 6 years ago we took 100 plants down here and 100 plants there. Our biggest concern in Tulare County was people growing marijuana inside cornfields and harvesting just before the corn got harvested. Now we're more concerned about—and we noticed that—and I think I speak for all of the sheriffs in the State of California—that our concern is that the sophistication that has hit us all of a sudden the last couple of years, very well-organized, sophisticated. They're prepared to stand and shoot it out with us at any time. We killed one last year in Tulare County in a shoot-out. They are prepared to die for what they consider their property.

My personal opinion is that we're on the bottom of this on the escalation on the ladder, and I think it's going to escalate. And, I think if we don't get on top of it, we're going to see a time when it's not going to be safe for our people to go in and out of our national parks, with the level of violence that we see. The garden that we took down the other day we found one rifle, but we found a lot of magazines that were AK-47s with ammo in them, so they had the firepower to take us on if they wanted to.

Our biggest problem is our limited resources. I think we can beat this problem. I think we have the wherewithal. I think we've identified the problem. I think we have the people and the organizations that can work together to solve this problem. We tried to do that with the HIDTA. And, I think we've had a major impact in the meth trade. We are the producers of the methamphetamine in the Nation, here in the San Joaquin Valley. We're all aware of that. And, up until a couple years ago, we had very limited resources. By pooling all of our resources together and with some help from HIDTA, we've had major impact on the drug cartels that are coming into our community.

This year alone we've taken down in Tulare County 40 labs, most of those what we call super labs. There's been times in 1 day we've taken down three super labs. And so, we know what the problem is, it's all about resources.

Our contract with the Forest Service gives us \$17,000 a year to fight marijuana. We've spent well over \$200,000. Tulare County is a relatively poor county, a large county, the seventh largest in the State, with limited resources. And so, this year I wasn't sure I was even going to be able to keep my marijuana team, what I call my step unit. It looked for a while I was going to lose it because of the budget constraints we're faced with here in Tulare County and statewide for county and local law enforcement.

But our biggest problem is a lack of resources. I feel confident we can defeat this if we can—and I would suggest that we do something on the same table that we did with the HIDTA, is to bring everybody together with some resources and have one focal point and everybody working in connection with the HIDTA, with the methamphetamine.

We're all well aware of the problem that marijuana growers and methamphetamine dealers and producers are all hand to hand, you know. And, some of the questions that—it's not uncommon to see Hispanics going down the road in Tulare County with a load of plastic pipe, fertilizer. This is not an uncommon thing. So in the parks they'll come up through the parks the same method. They're very sophisticated. And, I don't think they come up with truckloads of fertilizer. I think they bring up very limited amounts at a time.

The garden we took down at the Indian reservation last week had a total of—our investigation revealed there's probably 20 workers in that garden, which is a lot of people to be going in and out of an area at one time. And, you wonder why no one spotted that, no one ID'd these guys, you know. It just didn't happen because we don't have that many people out on the street at night looking for this type of activity. It's just a matter of resources. These folks were going right by the Indian casino, and nobody noticed them because they were driving a Ford Tempest car, like everybody else drives. They didn't stand out. So I think that's what happens in the park system, these folks just don't stand out, and so that's one of the problems we have.

But I think we can beat this problem with some additional resources and a real organized effort to do so.

Mr. SOUDER. That would be helpful if they all wore the same shirt or something and functioned like a gang.

Mr. WITTMAN. That said "Criminal" on the back of it.

Mr. SOUDER. Mr. Fontaine.

Mr. FONTAINE. Congressmen, thank you for the opportunity to testify today.

My name is Joe Fontaine. I live in Tehachapi, which is the next county south but it's still in the Sierra Nevada. I've been working with the land management agencies for over 40 years on different kinds of issues. This is a particularly serious issue, I think, this time.

Today I'm representing Wilderness Watch, which is a nationwide organization that is organized to try to make sure the Wilderness Act is implemented the way it's written. Just this past weekend I was elected president, so I think I'm the proper spokesman for that organization.

I personally share all of the concerns that the sheriff and other people have expressed today, but because I'm representing an environmental organization, I would like to confine my comments to environmental impacts. So much has already been said that I'll try not to be repetitious, but you took the wind out of my sails with so many comments in the beginning.

I think that I'd like to point out too that not all drug cultivation, I hate to call them gardens or farmers, but that doesn't just occur in this designated wilderness, it occurs in all of our public lands and our private land as well. So that the issues that I'm talking

about, specifically I'm talking about designated wilderness, but it applies to all of these areas.

I think probably one of the more serious problems is the diversion of water. California is a very arid area, and water is the key to maintaining our ecosystems in a healthy condition, particularly wildlife. If we divert water out of streams or dry up streams to use it for the cultivation of marijuana, it's going to have a very serious impact on the wildlife, particularly those whose populations are in danger and are in danger of disappearing. So that water diversion is going to be one of the most important impacts, I think, that's happening on our public lands.

Those riparian areas where the wildlife live and some of the critical plants that are found in those areas where it's wetter are severely impacted. If you divert water out of the stream and dry up a mile or two of it, you can imagine the fish and amphibians and other water-dependent species of plants and animals are going to die and disappear.

It's the impacts on the actual site where they grow the marijuana can be severe too, as you can see in these photographs here. They have to destroy the native vegetation, strip the soil back, that creates erosion. Non-native plants can come in. And then, of course, the litter they bring in, as you can see in these pictures, is a serious problem on how to get rid of that. If the sites are not rehabilitated, then the impacts of fertilizer left around, pesticides, things like that, are going to linger and get more serious as time goes on. So something has to be done to rehabilitate those sites, and that costs a lot of money. It's not easy to do.

And then, of course, pollution. They're near streams so they can get the water in, if they bring in fertilizers and pesticides, poisons to kill the animals and critters that want to sample the marijuana, that all is going to create pollution. Not to mention the human waste. I can't imagine if there are 20 people cultivating one of these so-called gardens how much human waste there's going to be there too.

A lot of these people, we know, are poachers, and I'm sure they don't care about any of our wildlife regulations or what they shoot or how many or whatever. And so, the impact on wildlife just in the poaching is a problem too.

And then, someone mentioned—I think it was one of you who mentioned the problem with fire. We've had some serious fires in California, as mentioned before in the last year or two. And, these people back here going about these operations they have can create a really serious fire problem in those remote, rugged areas. Once the fire gets started, it's really going to be hard to put out.

The other important issue I'd like to mention is just the human safety. I think it's really a sad comment that the public, the owners of our public lands, has to be warned to be careful about going out into remote areas, don't go by yourself. We see reports in the newspaper of the violence and the shooting that has been—people have mentioned here before I started. And, it's really pretty sad that the public has to worry about things like that when they want to go out and enjoy the public lands that they own for personal recreation and enjoyment.

I was really glad to hear one or two of you mention the problem down here at the border at Organ Pipe Cactus National Park. And, next door is the Cabeza-Prieta Wilderness, which also has a very serious problem. The drug runners have been breaking through the fence down there. They drive their vehicles as far as they can, and then they either breakdown or run out of gas; they usually set them on fire, and then carry the drugs they're bringing across the border by hand, I guess, or however they can get them out. And, although Wilderness Watch does not run organized outings, some of our members have reported to us that they don't feel safe down there. Like you mentioned, some of the trails are closed, and it's a disgusting experience.

And so I'll sum up, since the red light is on here, but one of you asked what's next. Well, I think you should keep in mind that if we are able to control the problem on public land, a lot of this is going on in private land too. Just a few miles from where I live, in fact, they broke up one of these rings recently. So I'm really glad to hear that you're taking this problem seriously, and I hope that when you go back to Washington, you can convince your colleagues to provide the resources necessary to get on top of this problem and eliminate it.

Thank you. I'd be glad to answer questions if you have any.
[The prepared statement of Mr. Fontaine follows:]

Joint Field Hearing on Illegal Drug Production on Public Land
Sequoia National Park, October 10, 2003

House Government Reform Subcommittee on Energy Policy, Natural Resources and
Regulatory Affairs
Congressman Doug Ose, R-Sacramento, Chairman

Subcommittee on Criminal Justice, Drug Policy and Human Resources
Congressman Mark Souder R-Indiana

Dear Congressmen Ose and Souder and Members of the Subcommittees,

My name is Joe Fontaine. I live in Tehachapi, California, and am a third generation Californian living in Kern County. I have worked with the staff of Sequoia/Kings Canyon National Park and Sequoia National Forest for over forty years regarding matters of land use policy. My input to them has been as a member of the concerned public concerning environmental issues. I have been a frequent user of public lands, primarily for recreational purposes, for nearly my entire life and hope to continue that activity with my family for many more years.

Although there has been a difference of opinion about many issues regarding management of public lands, surely we can all agree that the problem of cultivation of illegal drugs on public lands cannot be tolerated.

Today I am representing Wilderness Watch as well as myself. Wilderness Watch is a national organization that was formed to assure that units of the National Wilderness Preservation System are managed according to the mandate of the Wilderness Act of 1964. We look forward to celebrating the 40th anniversary of that Act next year. Our primary concern is to prevent gradual, seemingly insignificant changes in management of these areas, that can, over time, erode our concept of Wilderness as defined in the Wilderness Act of 1964. Without that kind of consistency Wilderness as we know it today, will be lost. We are dedicated to preventing environmental degradation of the current units of the Wilderness System and to make sure we pass on the same quality of Wilderness we enjoy today to our children and future citizens of this nation.

Not all of the drug production on public lands in California takes place in designated Wilderness areas. But the environmental and safety problems created by drug production in Wilderness areas are nearly identical to the problems elsewhere on public lands. Therefore even though the mission of Wilderness Watch is to work on problems in designated Wilderness, I am certain that the concerns about issues raised in this statement are shared by most if not all environmental organizations.

Diversion of water from streams and springs creates one of the most severe environmental impacts from marijuana cultivation. California, except for the north coast, is technically a desert. Streams and springs are the lifeblood of native plants and wildlife.

Without them populations of many species would decline and perhaps lead to local extinction. Some, already on the brink of extinction, could be driven to total extinction. Some species of wildlife can be dependent on a single source of water such as a spring. For example, there are some species of amphibians in California that have extremely localized populations. Other kinds of wildlife that range over a broader area can be dependant on localized sources of water. If the entire or significant part of the flow of a stream is diverted to irrigate marijuana farms, populations of fish, amphibians, and aquatic insects can be completely destroyed.

Many plant species are found only in the immediate vicinity of streams and springs. If these riparian areas disappear so will the plants dependant upon them. The plant life in turn determines what kind of wildlife will be found in a given area. Therefore if riparian areas are dried up not only will the plants disappear but also the wildlife dependant upon them.

Native plants are removed to provide space for the marijuana crops. In some cases hillsides are terraced for the crops. Often drip irrigation systems are used to water the illegal plants. All of this soil disturbance leads to serious erosion. When these plots are abandoned nothing is done to restore natural conditions so the impacts linger for years after the drug farming has ceased. In most cases the managers of the public lands do not have the capacity or the budget to restore the damage done. Local land managers, in many cases, have not been able to even remove the litter and trash brought in by drug growers because these operations are usually in remote roadless areas. This is particularly true in designated Wilderness areas which are usually in the most inaccessible parts of our public lands.

Pollution is another problem caused by these illegal operations. Some pollution is caused by artificial fertilizers and pesticides. The last concern of these illegal farmers is water and soil pollution. They also camp out at the drug growing sites for extended periods of time creating pollution from human sewage, certainly another very low priority problem from their viewpoint.

Litter and trash are not an insignificant problem. The operators of these drug farms are not interested in removing their trash. Getting the illegal drugs out is the only way they can make their operations pay off.

Poaching also impacts wildlife. Illegal drug farmers use small weapons to shoot wildlife to augment their diet. Hunting regulations and the impacts upon declining populations of wildlife would certainly not be a concern of these operators even if they were aware of the principles of good wildlife management.

The danger of destructive wildfire is exacerbated by drug farmers hiding out in remote areas and designated Wilderness. Just a spark from a campfire, a discarded cigarette, or a spark from a rifle bullet striking a rock is all it would take to start a disastrous wildfire. California is subject to wildfires every summer and fires started in the remote areas where these operations take place would be particularly difficult to control.

Public safety is another serious concern. According to press reports, the illegal drug farmers are always armed, sometimes with high caliber automatic weapons. Hikers, hunters, and fishermen have been confronted by armed drug farmers and in some cases shots have been fired. Local press reports have alerted the public to the dangers of visiting remote areas of public lands and warned them not to wander around in such areas alone. It is a very sad day indeed when the public, the owners of our federal lands, cannot use their own lands for recreation and enjoyment without feeling their safety may be at stake.

Although my experience has been primarily in central California, I would like to bring your attention to problems along our borders, particularly in Arizona. There have been even more serious problems in Organ Pipe Cactus National Park and the adjacent Cabeza-Prieta Wilderness. Although Wilderness Watch does not operate outings, we have had reports from some of our members who have visited those areas. Trash and garbage there have become so prevalent that it is impossible to enjoy a visit. The litter and sewage problems have made a visit to those areas a disgusting experience. Drug runners have been driving vehicles through the border fence and driving them until they run out of gas, get stuck or breakdown. The vehicles are then usually set on fire. It is almost impossible to remove these abandoned vehicles. Illegal roads, abandoned vehicles, and trash have become ubiquitous. As you probably know a park ranger was shot and killed in Organ Pipe and rangers must be fully armed as they go about their work in remote areas. I urge your sub committees to investigate the problems in those border areas as well as those here in California.

The National Park Service and the United States Forest Service have law enforcement personnel but they are barely adequate to address the normal problems that crop up from day to day. They have tried to deal with the drug farming problem but it is beyond their ability to resolve no matter how hard they try. Local law enforcement agencies have also tried to help but this is a much bigger problem than they are capable of dealing with and it is getting worse all of the time. It would be presumptuous of me to suggest how law enforcement officers should carry out their work but it is obvious they need help. Certainly there needs to be coordinated law enforcement with more personnel and resources at their disposal. I urge Congress to address this problem and give the federal agencies and law enforcement agencies the help and support they need to stamp out this growing problem. Surely there is unanimous public support to deal with this problem immediately.

Joe Fontaine
President
Wilderness Watch

Mr. SOUDER. Thank you.

Mr. Nunes.

Mr. NUNES. Thank you, Mr. Chairman.

I'd first like to ask Mr. Jimenez: What areas of California have the largest amount of marijuana production, do you have any idea?

Mr. JIMENEZ. Well, based on the statistics that we have here from CAMP, most of it is in the mountain areas, and 76 percent this year we were on public lands, as opposed to last year we were about 57 percent. The remainder of that was private lands.

But, again, these are just CAMP statistics, so it could be quite larger in terms of what other counties are doing. It just depends on the geographical location of CAMP.

Mr. NUNES. And, in the mountainous regions, are you referring to the Sequoia Park—

Mr. JIMENEZ. The national parks and the Forest Service property, as well as up in the northern areas and in some of the Bureau of Land Management.

Mr. NUNES. In the northern part of the State?

Mr. JIMENEZ. Correct.

Mr. NUNES. But for the most part, it's here in the east side of the San Joaquin Valley?

Mr. JIMENEZ. There's a good portion of it, yes. I think a good majority of it is up in here. We have the largest plant counts this year as far as CAMP goes in this area.

Mr. NUNES. OK. How about methamphetamine production?

Mr. JIMENEZ. Methamphetamine, also the counties in the Central Valley, as the sheriff was saying, these are the locations for the super labs that we have.

Mr. NUNES. And, your coordination with law enforcement folks, can you give the panel—or can you give the other members here kind of a quick rundown on how this communication takes place.

Mr. JIMENEZ. From the BNE perspective it's very good. We work very closely with the agencies, with our Central Valley HIDTA. We get together and there are monthly meetings, intelligence meetings, where things are discussed. Working closely with the Tulare County Sheriff's Department also, the different task forces that are set up.

Mr. NUNES. Thank you, Mr. Jimenez.

Sheriff Wittman, I want to again thank you for your availability to come up here this morning.

Could you kind of give us just some brief background on some of the folks who were involved in this drug production, some of the drug cartels and some of your experiences that may be valuable to the other members and myself.

Mr. WITTMAN. Yeah. I'd like to state that one of the problems we had, before I go into that is, with the limited resources we have, at any one time we've got several marijuana gardens that we can't get to. And our investigation is limited by our resources. Basically what we do is most of the time we spot a garden, go out and take it out. We don't have the resources to go out and stake it out and do the proper investigation and wait for the growers to come back and do those kind of investigations that we should.

The people that we've come across are what we consider to be undocumented workers. They come into Tulare County. They ap-

pear to blend in with the other workers that are in the community that are undocumented or documented, doesn't make any difference. But they blend in with the population. If they have a pickup, like I said earlier, with fertilizer and equipment that could set up a lab or—you know, they would go unnoticed in our county unless they just stood out and committed some kind of a crime.

We believe that they're so sophisticated that it has—the direction that—the people that we've arrested are just laborers. They're just guys that are probably making \$8 to \$10 an hour, if that, or with the promise of getting a reward at the end of however much marijuana they harvest. We don't believe that we're getting anywhere near the cartels or the people that are the profiteers that are making the money. The ones that we get are the ones that are sent here to do the labor, to plant the gardens, to cultivate it, and that's as far as we're getting at our level. And, I don't think it's doing any better at anybody else's level that I've seen.

Now, on the other hand, with the HIDTA now that we're organized and more sophisticated than we were before with the additional resources, we're making a major impact on the cartels, especially if they're housed locally. And, we're taking down some big people that we knew were dealing drugs for years but we just couldn't get to. They were sophisticated. But with all of our resources, national, State, DEA, BNE, local law enforcement, we're able to tap the phone lines to follow them to do the proper things and gather the information to arrest these people.

And, as I said earlier, I believe we can do the same thing with the marijuana cartels, if we put the sophistication and resources and we know what the problem is. And, we have the working relationship with the other agencies to solve the problem. But we're all working with limited resources, you know. I mean, that's the bottom line. I know you hear this everywhere you go. But since we've got this extra money for HIDTA, we've made a major impact. Forty super labs or 40 labs in Tulare County is a lot of meth.

Mr. NUNES. Just this year?

Mr. WITTMAN. So far this year. And, many of these are super labs. They've been set up and be gone and cooked.

As I said earlier, Congressmen, I'm concerned about the devastation to the children in my community. All of these children that are in these homes where we take down these meth labs prove positive for drug use. We test them. We take them out of their homes. And, they live in the most despicable places. The whole area is contaminated. The children's system, they're poisoned.

Mr. NUNES. Because they breathe the fumes?

Mr. WITTMAN. Well, that and when they drop the—they spill the chemicals on the floor, and the babies crawl around in it. I've been in homes where the chemicals are all stored underneath the children's beds. You know, it's right underneath where they sleep. And so, you know, it's a major impact in our communities. It's devastating. Meth is such an addicting drug. And, we see the devastation more on the level with meth than we do with marijuana.

Mr. NUNES. Thank you, Sheriff.

Thank you, Mr. Chairman.

Mr. SOUDER. Mr. Ose.

Mr. OSE. Thank you, Mr. Chairman.

Boy, I've got a lot of questions for this panel.

Sheriff Wittman, I appreciate your at least implicit connection between marijuana and the methamphetamine production. I'm the author and they're both co-sponsors of the bill called Clean Up Meth, which would authorize significant new support for local communities in combating this poison, not only on the law enforcement side and the education side but also on the remediation and environmental impact side, in terms of when these people are done producing their pound or 10 pounds of meth and they dump the toxic waste out the local communities have to clean that up. And, this bill, which now has over 100 co-sponsors in this Congress, will assist in that respect. So I am very grateful for you and your work on this issue.

If I may, I'd like to turn to Mr. Fontaine, because this is kind of an emerging issue in many of the environmental groups, and I want to specifically compliment your intention and participation today. When we set out on this with our background on the Clean Up Meth Act, we knew that there were environmental consequences to these drug production sites. And, we had great difficulty finding a witness who would come and testify, so we're appreciative.

Mr. Chairman, it may well be because of the emerging nature of this issue, but in addition to the Wilderness Watch, we contacted the Wilderness Society, the National Parks Conservation Association, the Sierra Club, the National Resource Defense Council, the National Environmental Trust, the National Lands Alliance, the California State Parks Foundation, the Defenders of Wildlife, the Friends of the Earth, Green Peace, Environment of California, the Plan and Conservation League, the National Forest Protection Alliance, and CALPIRG, and the only organization that's up on this issue at this time is Wilderness Watch.

So you have my compliments—

Mr. FONTAINE. Thank you.

Mr. OSE [continuing]. And, we're grateful for your participation today. I'm hopeful that your colleagues in Wilderness Watch and elsewhere in the community, particularly in these other groups, will latch on to your coattails and get up to speed on this as quickly as possible because we could sure use their help.

And, Mr. Fontaine, obviously there's something different about this issue that caught your interest. Now, historically we've looked at this as primarily a law enforcement issue. I'm sitting here thinking under the Clean Water Act, redirecting water flows, for instance, the impact on habitat along those streambeds, the mammals and the flora and fauna that come to rely on that water stream. From where you sit, do you see this as a violation of Clean Water Act?

Mr. FONTAINE. Among many laws I think it violates, yes. I'm not an expert in the Clean Water Act, but I would certainly think that this would be a violation of that act.

Mr. OSE. Mr. Chairman, the reason I bring that up is that we talk about resources to mitigate the damage, and we've heard all of our witnesses on the first panel offer that testimony. Everyone here offered the same testimony. If you break the struggle or the challenge of combating this problem into pieces—you have the law

enforcement piece, then you have the actual apprehension piece, then you have the environmental cleanup piece—if you break the problem up into pieces, I think under the Clean Water Act we could make a pretty good argument to our colleagues that resources should be provided from EPA toward mitigating any clean-up of the sites, for instance.

In California the old saying is water runs uphill toward money. Well, water runs downhill. That's just basic physics. And, that water that goes through those sites and is used to either support the individuals who are subsisted there or feed the plants, that water eventually is going to run down into the water supply of Devin's district, my district, or Bill Thomas' district, or what have you. So I wonder whether in breaking the problem up into pieces we might be able to find some resources. And, I would propose we explore that when we get back to Washington.

The other part of this is that, Sheriff Wittman, you mentioned the \$17,000 contract that you have with the Forest Service, and you talked about the garden you took down on Indian lands. What is the relationship that you're finding separate and apart from parks in working with the Indian tribes?

Mr. WITTMAN. Our relationship with the Indian tribes is great. They were very helpful. They were very saddened by the fact that this was going on on their property. They were right there to help us from the very beginning, and any resources they had were available to us. This reservation is probably—I don't have a map here—but not more than 30 or 40 miles from the park. So it's just outside the mountains. It's not that far basically. No, they were very cooperative.

Mr. OSE. Thank you.

Thank you, Mr. Chairman.

Mr. SOUDER. When you said that Tulare County was the seventh largest, was that geographical or—

Mr. WITTMAN. Geographical.

Mr. SOUDER. Sorry, I'm not from here. I wanted to make sure if I used that figure at any point that I had that straight in my head.

Mr. Jimenez, in the CAMP efforts, have fellow agencies been involved with you, and which ones have been most helpful?

Mr. JIMENEZ. Yes, we have been involved with several Federal agencies, everyone that's been here today, DEA, U.S. Forest Service, Bureau of Land Management, and National Parks.

Mr. SOUDER. Any agency that you've approached where they haven't been willing to help?

Mr. JIMENEZ. No, sir.

Mr. SOUDER. Sheriff Wittman, are you involved with CAMP?

Mr. WITTMAN. Yes.

Mr. SOUDER. What type of involvement?

Mr. WITTMAN. I'd like to say that we're very proud of the relationship we have with the other agencies. We've got a great working relationship with DEA, BNE, all of the Park Service, the National Park Service. We have a great relationship, I want to make that very clear. We all work hand and hand. We know what the problem is, we work hand and hand. CAMP's been great to work with; all of the agencies have. I have found no one that didn't want to help.

Mr. SOUDER. Have any of you been involved in the ONDCP marijuana initiative?

Mr. JIMENEZ. No, we haven't.

Mr. SOUDER. That was the first referred to earlier. Have any of you been involved in the DEA marijuana initiative?

Mr. JIMENEZ. Yes, we have.

Mr. SOUDER. And what was your involvement?

Mr. JIMENEZ. Well, just basically just the funding portion of it. We sat down and did some strategy.

Mr. SOUDER. Sheriff Wittman, presumably you're involved in HIDTA?

Mr. WITTMAN. Yes.

Mr. SOUDER. Is your organization also involved with HIDTA?

Mr. JIMENEZ. Yes. In fact, as I mentioned earlier toward the end, the Central Valley HIDTA was very helpful with some funding that helped extend our season which, as I said—

Mr. SOUDER. Was that through that marijuana initiative, that funding?

Mr. JIMENEZ. Yeah, I don't know that for sure.

Mr. SOUDER. Do you sense that there is more going on in the northern remote part of California than is currently tracked there because of its remoteness?

Mr. JIMENEZ. If you looked at the numbers, I would say historically that's been the case, but it seems to be moving south. As early as 1985 when we started detecting these cartels, but in the last 5 years it's really just ballooned. Our record gardens have been here in the Central Valley area where the traditional areas like Humboldt County, Mendocino, the numbers—Mendocino stayed pretty consistent, but Humboldt has dropped. We attribute that to a lot of indoor groves now. They're going indoors with it. But this is definitely the area that's ballooning up here.

Mr. SOUDER. Would you agree that the marijuana in this area is 10 percent going upwards toward 18 in THC?

Mr. JIMENEZ. Well, what I can agree with is that it is definitely a higher grade marijuana, I do know that. To what level I'm not—couldn't tell you.

Mr. SOUDER. But not as high as hydroponic groves that you're seeing up north?

Mr. JIMENEZ. The hydroponic groves that CAMP has been involved with have been very limited, so I really couldn't give you a number on those.

Mr. SOUDER. Do you have the ability to test that?

Mr. JIMENEZ. We are working with the University of Kentucky on some things, and there is—the ability is that we do have that ability, I guess, if we could, we could do that, absolutely.

Mr. SOUDER. Because it's really important our record clearly shows it, but for those here that have not heard this debate, that marijuana we're talking about is not the traditional marijuana.

Mr. JIMENEZ. That is correct.

Mr. SOUDER. And the whole philosophy of medicinal marijuana is already being tested in many of the States where they passed this, because the people using it get used to the street marijuana and then find that even the legal marijuana doesn't have the potency, and they're now complaining about revising those laws. And,

we're seeing expanded groves in the States where they passed medicinal marijuana, because it's almost like an expanded market for the potent stuff. And, the real danger is this stuff expands in higher THC. This problem may be getting tougher and end up moving toward indoor groves or these meth labs underneath counties. If that marijuana looks hard to see, wait until they—if you can like the super labs that are in some places, if they can get undercover where they don't need the sunlight as much, you're in even more trouble trying to spot them in advance.

I want to make sure even though this hearing is focused on marijuana, meth, I believe, constitutes about, if I recall, 8 percent of the drug use in the United States, whereas marijuana constitutes closer to 60. So the scope of the problem, particularly as we see in the marijuana increase in potency, is greater in the marijuana area, but the meth is particularly devastating and more quickly addictive, and the Central Valley is the heart of that.

I want to make sure we get into the record the Central Valley HIDTA reports.

[NOTE.—The document entitled, “Central Valley HIDTA” may be found in subcommittee files.]

Mr. SOUDER. And, I wanted to ask an additional question related to meth, even though this hearing is focused on public lands and on the marijuana. And, that is Sheriff, if you could—we've heard in some private discussions, and Congressman Nunes currently is very focused on the impact on the agricultural community where many of this occurs—my understanding is that some of these labs will go into a cornfield, much like you mentioned the marijuana, we have similar problems in Indiana, the marijuana gets mixed in the cornfields, but the meth labs—and then they disappear, and the farmers are held accountable for the cleanup. It isn't even necessarily the county. Could you explain more—

Mr. WITTMAN. That's correct. What happens is they could move into an orange grove or a walnut grove and set up a lab and be gone within a very short period of time leaving waste behind, and the farmer's held accountable to clean up the waste that's left over. We come up and clean up the best we can. But oftentimes what they do is they will go out and they will rent a small house on a farm, and they set up the cook inside the house. And, by the time they get done, the whole area, up to 20, 30 acres, could be contaminated, the buildings, everything goes.

And like I said, the children that are involved in this—what concerns me about the waste is that oftentimes they dump it in our creek beds, our rivers. It does get into our water supply. And, I am just surprised that we haven't had a major problem already—if we have, then we're not aware of it where they have thrown the waste products, which are highly contaminated, and which are very dangerous. The drugs that it takes to manufacture meth are very, very abrasive, very poisonous. It's not uncommon. We've had situations where dogs will come up and nose around inside the trash, and they're 10 feet away laying there dead. I mean, most of the guys that work meth can tell you that. My concern is what happens to a child on a bicycle going down the road that sees this debris here before we can get it, and something can happen to them. It's very toxic.

Mr. SOUDER. I want to ask one more type of question. There are a number of shows on T.V. that have expanded the popularity and focus on law enforcement around the United States and on investigation. CSI may have done more to help or hurt law enforcement than anything, because we all assume now that you each have all kinds of materials that if you can just get a piece of lipstick and maybe a partial fingerprint, maybe even a breath of air left in the area, you can find a suspect.

Now, that said, is there any ability from the remnants in the trailers left at these meth sites to be able to get fingerprints off them?

Mr. WITTMAN. Oftentimes there is. And, sometimes we're able to take the physical evidence that we have at the scene and locate a suspect. We found a suspect that had a garden recently that had left the area. We were able to trace him down, a couple of them, by evidence left at the crime scene. So that does happen.

Mr. SOUDER. It doesn't do any good if you don't have the fingerprints—

Mr. WITTMAN. Yes, but the problem is we don't know who they are, if they're on their way back to Mexico, or even if we get them identified we're out of luck. But if they decide to stay around the area, which they do sometimes, we're able to apprehend them.

The same thing with the meth. Oftentimes we're notified that they'll explode. The meth will actually blow up a house. And, they try to crystallize it by putting it in the refrigerator and turn the refrigerator on or open the door, light comes on, it's a gas, it blows things up.

Mr. SOUDER. Now, I'm raising two sore subjects, because some of us outside of California have heard that there was recently some kind of an election here, I believe, and one of those issues had to do with driver's licenses. Is there a fingerprinting method currently that has the ability to match up? Clearly we're looking at this in the Department of Homeland Security. One of the big voids is in State licensing systems. Because if we're going to be able to track terrorists, we have to have a way to identify terrorists. If we're going to track narcotics networks, you have to have the ability to track narcotics networks. This is begging the question that if we had work permits and better standards so that most of the migrants who are coming across who have legal activities that we base—our economy would collapse if we totally shut down our border.

But as we work to manage those borders, as we work to document who's legal here or not, how are we going to be able to trace, if in fact the testimony that we heard today is most of these people are, "undocumented aliens who then feed in to cartels that are moving back and forth across the border?" We can't figure out who they are even if we have their fingerprints because we have no system with which to identify them. How are we going to figure out how the money is moving, how these may or may not be connected to different terrorist organizations and all sorts of things?

Do you have any suggestions to us, from a law enforcement standpoint, that would make it easier for you to be able to take this up so we're not just doing the whack and stack, and try to figure out—not just arrest a person on the street who's using marijuana,

but to get to the guys who are behind this who are funding it, who are managing the operation? We can't do that unless we can identify the entry-level people. Do you have any suggestions to us how to do that?

Mr. WITTMAN. The only way—the only fingerprints that we have on file in our system is that when we arrested someone and they've been through the system at the present time. And, I'm not sure how to—you know, there's talk about the identification card, and there's pros and cons on that, a driver's license and wait and see. I think it would be helpful if we did have a thumbprint or fingerprint somewhere where we could process it and see if it matches with what we have. I certainly believe that would be helpful. How do we go about doing that, I'm not sure.

Mr. JIMENEZ. Mr. Chairman, there is actually the Immigration Service fingerprints their detainees or their arrestees when they come into the country. If there was some way that we could link into their base, it might actually help us. California has a latent print system that they can go through and identify people, and that may actually be a way we can do it.

I know that one of the cases—

Mr. SOUDER. So let me clarify, because we've held a number of hearings on the California borders elsewhere.

Many of these people come across multiple times. They get picked up. As long as they don't have a previous criminal record which doesn't include trying to illegally immigrate into the United States, they get sent back.

But you're saying in that holding tank that night when they're checking their criminal record, they have a fingerprint.

Mr. JIMENEZ. I don't know if they're checking criminal records, but they do—they identify them through a fingerprint. They put their fingerprint on a machine.

Mr. SOUDER. So we need to ask what happens to those fingerprints.

Mr. JIMENEZ. Right. Their photo comes up if that person has been detained.

I know for a fact we did something in a case where we had a subject that had crossed 17 times into the United States and was wanted for homicide in Mexico. And, eventually we were able to get him. But if we had some system there, we could have gotten him back a lot sooner. And, they would have known—the authorities would have been ready to take him into custody.

Mr. OSE. But you have no connection or interactivity with that system at the State level?

Mr. JIMENEZ. Currently we don't have that, no.

Mr. OSE. OK.

Mr. SOUDER. So the ident system you're not able to tap into it?

Mr. JIMENEZ. We don't—no, not currently. We have to manually request something from—and they're very good about doing it. We've done it on a limited basis and have been very successful.

Mr. SOUDER. Have you ever tried to tap into ident?

Mr. WITTMAN. Our agency has, but I'm not personally aware of it.

Mr. SOUDER. Anything at the State?

Ms. MULZ. No. We just submit fingerprints through regular channels of the State and CIC.

Mr. SOUDER. Do you have additional questions?

Mr. NUNES. Maybe just one followup question for Mr. Jimenez. There's a lot of talk about these Mexican nationals or illegal aliens and controlling these marijuana gardens. Is this being over-exaggerated or is it the largest percentage of the folks out there, are they really illegal aliens?

Mr. JIMENEZ. A good majority of them are, yes. They are drug trafficking organizations. I could give you a rough general percentage that—right around 70 percent of the gardens that we're dealing with are Mexican national gardens.

Mr. NUNES. Thank you.

Thank you, Mr. Chairman.

Mr. SOUDER. What's interesting too, Canadian court, Ottawa, has had to kind of—I don't believe their supreme court yet ruled on Wednesday, was in the Thursday media stories, that because they allowed medicinal marijuana in B.C., they don't have the right to eradicate. Really important to watch how the legal process of this stuff is going to go because you can't clearly identify when you're going in what the purpose is going to be used for; therefore, their courts have ruled that it's more difficult to go after the eradications, so the very problem happens.

Mr. OSE. So if they've got 12,000 plants, I guess that's for personal and medical use.

Mr. SOUDER. They said they couldn't establish they weren't supplying the government doctors. It would be different types of regulatory things we're going to have to face up with, but we're working hard with the Canadians in the United States and States where this is happening to try to get some kind of THC measurement. We're going to need quicker things so that when you arrest somebody you can see what level this is, because even the Canadians are having a huge debate right now whether they've gone too far. And, in the United States we need to evaluate this because this isn't about somebody who has cancer and is dying trying to alleviate pain, you can get other medication to do that. But it's really changed the marijuana debate. It's one of our huge challenges. And, we see this explosion and devasation partly because we've lost some of the definitional battle right here in the United States. And, the courts think this is going to be a nightmare.

Mr. OSE. Did you say the Ninth Circuit said that?

Mr. SOUDER. There's a warning sign for those who live in the 9th circuit.

Mr. OSE. Mr. Chairman, I have a question for Ms. Mulz, if I may.

A lot of times what we do is like squeezing a water balloon in a sense. If we squeeze on Federal lands, this production may very well just migrate to the State lands, which is one of the things I'm kind of concerned about. From your perspective, what are you doing at the State level to ascertain whether this migration might already be happening? Do you have relationships with Bureau of Land Management? Educate us a little bit about this.

Ms. MULZ. I'm afraid that it's already there and that we just have not been very diligent in tracking it because of the competing

needs of being a nontraditional law enforcement agency and having all of the other jobs that come with being a park ranger.

When this started to come to light and we started checking statistics and we were going to hit or miss in being able to determine the extent of the problem, I spoke to Val a couple of times and in speaking with my management have decided that we would make ourselves more available and have a more concerted effort to work with CAMP, to work with the Sheriff's Departments.

One of the problems we have is where the jurisdictional issues when the local Sheriff's Departments goes in, they're not sure if it's our property, it's the Forest Service property. And, if they call and they don't get anyone at our office, they just go in and eradicate it. And so, we may find out—I actually found out where some of the groves were by reading the paper and then contacting the Sheriff's Department.

And we've been negligent in that area, and we hope to increase that. We're going to have a single point of contact with CAMP and start attending meetings with CAMP and work that out, so that when they get information that there's possibly groves on our property, that we will be more of assistance to them instead of finding out about it after the fact.

Mr. OSE. Superintendent, I should ask this question: When you've gone into the camps where production has taken place and you see all of the stuff, have you ever found these topographic maps that are readily available?

Mr. MARTIN. Could I defer that question to our special agent?

Mr. SOUDER. Certainly.

Mr. MARTIN. He might not be sworn.

Mr. SOUDER. Yeah, I need to swear him.

If you'll state your name for the record.

Mr. DELACRUZ. My name is Al Delacruz.

Mr. SOUDER. Can you spell the last name?

Mr. DELACRUZ. D-E-L-A-C-R-U-Z.

Mr. SOUDER. Raise your right hand.

[Witness sworn.]

Mr. DELACRUZ. I do.

Mr. SOUDER. Let the record show he responded affirmatively.

Mr. DELACRUZ. No, we have not found any topographic maps or any maps of any kind on any of the gardens we've found.

Mr. OSE. So, in effect, the absence of maps, does that indicate that the location of the camps is happenstance? I mean, they just go along and, well, this is remote enough, there's water there, we're fine.

Mr. DELACRUZ. Exactly, yes.

Mr. OSE. All right.

Mr. SOUDER. I thought Mr. Jimenez made a fascinating point that—it's another thing to look at, and that was that the groups look for geographical characteristics similar to where they came from, which means the group could be studied where a lot of this is coming from in Mexico. We can kind of figure out where they're going to go looking for it, because one of the things they look for is it just looks like where I was successful before or send scouts to look for whatever was successful before.

It's not dissimilar, by the way, to any other business. Agriculture people look for—when they come over, they look for communities that are similar. Vietnamese when they come in will look for Vietnamese areas in Los Angeles that are similar. It's true with the Germans. It's true with the Irish. It's true with the Italians. It's true with every single group are going to look for different types of work patterns that they've seen and are similar and comfortable in the new land that they come to. So it would make sense. It's just that I haven't heard anybody say precisely that before, because that's another way to kind of do it.

Again, I want to clarify something else I said. Just because a State has changed the laws, which is different than Canada, by the way, we have a preemption of Federal law, of State law. Supreme Court's already ruled that. It's problematic because it makes more cases potentially have to go to Federal level in California rather than State level, and the courts you hit you may want to have Federal. We fought a civil war on this issue. States don't have the right to nullify a Federal law. And, that people don't like the culpability of comparison, but that's what it was fought over, nullification of Federal law.

And so we have a little bit different situation in Canada; nevertheless, it's still a worrisome part because the question is will the Federal Government—as we've tried to enforce certain laws in California, it's been problematic and—in that the grove that the DEA discovered in northern San Francisco in this big housing development where whole houses were hydroponic groves, that is involved for medicinal marijuana purposes, which makes the court case more problematic as to how to pursue that kind of stuff. And it's a huge challenge.

Any other questions or comments?

Mr. NUNES. No, Mr. Chairman.

Mr. OSE. I have a closing statement.

Mr. SOUDER. Mr. Jimenez, based off of what I just said, do you believe that the medicinal marijuana State legislation would have an impact on enforceability here?

Mr. JIMENEZ. No, because really we defer to the local counties, so it's really a county issue.

Mr. SOUDER. Well, let me ask another question: Do you believe that there have been the breaking up of the plots in the 25 plant limits in order to find that loophole?

Mr. JIMENEZ. To be quite honest with you, as far as in that side of it, I really don't deal with it enough to really deal with the enforcement aspect. My thing is strictly commercial groves. And then, our position is when we go into someplace like that, if we—we're with this local sheriff and we defer to them on how it's going to be enforced, and then we stick with them on that.

Mr. SOUDER. Sheriff Wittman, have you seen attempts to try to get under that 25?

Mr. WITTMAN. We've seen some of it but not a whole lot of it. We arrest them. We prosecute them.

Mr. SOUDER. So part of the—basically part of the problem here is that the problem is so great in getting, in effect, a small percent. We're really at the margin. It's more affecting—it may affect how the courts respond and it may affect consumer attitudes, because

every single place, every single witness and every single agency today—and tell me if anybody here disagrees with this—there's been a dramatic rise in California, and that rise is coincidental. And, by the way, the rest of the country doesn't have that amount of rise.

And so some of this, the wilderness-type thing, the proximity to Mexico having networks, but they're—be interesting to watch and see whether this happens in other States whether consumer attitudes change and what that does and whether the THC continues to rise faster in those areas too. It's going to be an interesting thing to watch.

Mr. Ose, anything else?

Mr. OSE. I want to especially thank Congressman Nunes for having us come to his district and have this hearing. I wish we could do this more frequently, Mr. Chairman, get the testimony we've had from our witnesses today.

It's clear to me that the coincident factors that you've identified moments ago are influencing our success here. And, I frankly don't have a wand that I can wave to cure. I do want to tell you that those of you who are engaged in trying to combat this stuff, your efforts are appreciated. I'll tell you, this goes all of the way to the Speaker of the House of Representatives. The Speaker of the House of Representatives—it's a little known fact—current Speaker of the House of Representatives sat in this chair right here before he was speaker of the House of Representatives. That's where he was. That's how high up this issue goes in our Federal Government. So, my compliments to your efforts. We appreciate it.

And, if you have anything you'd like to offer us privately, there are people all around this room who work for one of us who'd be happy to take your input and give it to us directly. I'm grateful for your help.

Mr. SOUDER. And, thanks to Chairman Ose for helping organize this and his subcommittee working with this as well as the staff on my subcommittee; Congressman Nunes for his work in Washington and having us here.

I think the Sheriff hit it on the head. A lot of times the implication is this isn't just a job, this is more than just a job in the narcotics area, it's a crusade.

On the Homeland Security Committee I'm very concerned about terrorism and how to manage it; 2,000 people died there. And, 20,000 to 30,000—depending on overdoses that are directly related to drugs, or at least 20,000 deaths a year; 30,000 if you count the indirect consequences at least in the United States. That is a devastating number. And, those are in our families; anywhere from 65 to 85, 90 percent of all crime is drug and alcohol abuse facilitated, financial related. And, I've had judges tell me that's also true of even child support payments, divorce. It isn't just the criminal side, it's the civil side of law enforcement is heavily related to these kind of abuses and facilitate child abuse, spouse abuse, and all that.

You're fighting a good fight. We thank you very much for that. And, we'll do what we can to help you in Congress.

With that, the multiple subcommittee hearing stands adjourned.

[Whereupon, at 12:51 p.m., the subcommittees adjourned.]

[Additional information submitted for the hearing record follows:]

TOM DAVIS, VIRGINIA,
CHAIRMAN
EVAN "BUT TOP" INDIANA
CHRISTOPHER SHAYS, CONNECTICUT
KLEANA ROSELEHTINEN, FLORIDA
JOHN M. McJURGH, NEW YORK
JOHN L. MICA, FLORIDA
MARK E. SOUDER, INDIANA
STEVEN C. LAFORGETTE, OHIO
DOUG COSE, CALIFORNIA
RON LEWIS, KENTUCKY
JO ANN DAVIS, VIRGINIA
TODD RUSSELL PLATT, PENNSYLVANIA
CHRIS CANNON, UTAH
AGAM H. PUTNAM, FLORIDA
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INDEPENDENT

September 12, 2003

The Honorable Dale Bosworth
U.S. Department of Agriculture
Chief, Forest Service
201 14th Street, S.W.
Washington, DC 20250

Dear Chief Bosworth:

From Cleveland National Forest in California to Daniel Boone National Forest in Kentucky, illegal drug cultivation and production have encroached on many treasured American forests. We are concerned about this drug cultivation and production and its effects both on the American people and on our public lands. We are requesting the following information on your agency's efforts to combat drug cultivation and production. If the Department of Agriculture's Forest Service does not collect the requested information or does not retain the requested historical information, please so state in your response. In addition, if information requested is of a law enforcement sensitive nature, you may withhold written disclosure of that information. Please so indicate in your response.

- 1) How does the Forest Service monitor its lands for drug cultivation and production, including marijuana cultivation and methamphetamine labs? How many Forest Service employees patrol these lands, and how frequently are the lands checked? How does the Forest Service decide which sections to patrol?
- 2) In areas where canopy prevents air patrol from sufficiently viewing the land, what other methods of surveillance does the Forest Service employ?
- 3) How much funding has the Forest Service directed to law enforcement each year for the past five years?
- 4) How much of the law enforcement funding supported drug enforcement activities each of those years?

5) How much of the funding for drug enforcement activities focused on finding and eradicating drug cultivation and production sites each of those years?

6) Please describe the environmental damage that occurs on Forest Service lands as a result of drug cultivation or production. Please provide information on how the Forest Service rehabilitates lands damaged by drug cultivation and production.

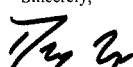
7) How much funding has the Forest Service directed to restoring such lands each year for the past five years, and how has that funding been spent? For lands that have not already been restored to their pre-cultivation or pre-production state, how much does the Forest Service project it will cost to do so?

We appreciate your prompt response. The Subcommittee on Criminal Justice, Drug Policy and Human Resources and the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs plan to hold a joint hearing addressing the issue of drug cultivation and production on public lands in the near future, and the information you provide will be of great assistance in preparing for that hearing. We request your response no later than Monday, September 22, 2003. If you have any questions, please contact Alena Guagenti at 225-2577.

Sincerely,



Mark E. Souder
Chairman
Subcommittee on Criminal Justice,
Drug Policy and Human Resources



Doug Ose
Chairman
Subcommittee on Energy Policy,
Natural Resources and Regulatory Affairs

Cc The Honorable Tom Davis
The Honorable Elijah E. Cummings
The Honorable John Tierney



United States
Department of
Agriculture

Forest
Service

Washington
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14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

File Code: 1500/1510

Date: OCT 06 2003

The Honorable Doug Ose
United States House of Representatives
Committee on Government Reform, Subcommittee on
Energy Policy, Natural Resources and Regulatory Affairs
B-377 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Chairman Ose:

Enclosed is our response pertaining to questions submitted on September 12, 2003, regarding Forest Service efforts to combat drug cultivation and production on National Forest System lands. A similar letter is being sent to Chairman Souder with the Subcommittee on Criminal Justice, Drug Policy and Human Resources.

If you need further information, please contact Tina J. Terrell, Legislative Affairs Staff at (202) 205-0580.

Sincerely,

ELIZABETH ESTILL
Deputy Chief
Programs, Legislation and Communication

Enclosure



- 1. How does the Forest Service monitor its lands for drug cultivation and production, including marijuana cultivation and methamphetamine labs? How many Forest Service employees patrol these lands, and how frequently are the lands checked? How does the Forest Service decide which sections to patrol?**

Answer:

The Forest Service uses a variety of methods to detect or discover illegal drug production sites on National Forest System (NFS) lands. Many of the marijuana gardens are found by aerial observation flights carrying an experienced agency law enforcement officer who is used as a spotter. Some gardens, as well as most methamphetamine labs, are discovered by investigations, informants, and reports by Forest Service non-law enforcement employees or the public.

Nearly all of the aircraft and flight time for aerial observation are provided by the Department of Defense assets in the form of regular military units from the Joint Task Force Six (JTF-6), the National Guard, or the Civil Air Patrol (CAP). This is an extremely critical resource that the Forest Service relies on for its aerial detection capabilities and operational successes. The value of this support is estimated at \$7 to \$10 million dollars annually.

Some Forests with an extensive history of drug cultivation or production have conducted predictive analysis to identify areas where marijuana cultivation sites are most likely to be found, and detection efforts are focused there. Forest Service law enforcement personnel and other cooperating law enforcement agencies have a good local corporate knowledge of their area and can generally tell if illegal activities are taking place that might lead them to more in-depth investigation and subsequent discovery of drug sites. All field-going employees of the Forest Service can observe and report suspicious or known illegal drug activity to law enforcement personnel.

There are currently just over 600 field law enforcement personnel, which include uniformed law enforcement officers and special agents. These officers and agents are responsible for myriad enforcement, public safety, and investigative duties. We estimate less than 20 officers and agents work predominantly in drug enforcement, but even these officers are called upon to fulfill other non-drug enforcement duties.

The frequency and areas to be patrolled are generally decided by the local law enforcement personnel or their supervisors, with thought given to use, criminal history, or other public safety issues. Special operations or emergencies often require officers or agents detailed from other units or cooperative agency support, which is coordinated with the Law Enforcement and Investigations Staff. General patrol priorities and emphasis locations are continuously discussed by law enforcement personnel with the local line officer (District Ranger or Forest Supervisor) to ensure line officer objectives and concerns are understood and addressed.

- 2. In areas where canopy prevents air patrol from sufficiently viewing the land, what other methods of surveillance does the Forest Service employ?**

Answer:

The Forest Service utilizes foot, horse, all-terrain vehicles, snowmobile, vehicle, boat, and other transport methods to conduct patrol and detection activities. The agency is in partnership with the Drug Enforcement Administration (DEA), the Office of National Drug Control Policy (ONDCP), and others in exploring alternate detection technologies and methodologies that range from high to low altitude imagery and plant or drug signature identification. These technologies are still being tested and are not yet available. Basic aerial photography is also used.

Some trails and forest access points may have electronic intrusion or remote sensing devices installed if there is sufficient suspicion that illegal activities are taking place; such as extraordinary travel patterns in a particular area, or witnessing illegal activity that could lead to a more extensive investigation. Once a site is found and an investigation begun, extended human surveillance and/or remote cameras or intrusion devices may be installed to aid apprehension.

- 3. How much funding has the Forest Service directed to law enforcement each year for the past five years?**

Answer:

The Forest Service has directed the following funding to law enforcement and investigations based on congressional appropriations:

FY 2003 - \$80,275,000

FY 2002 - \$79,000,000

FY 2001 - \$74,194,000

FY 2000 - \$69,911,000

FY 1999 - \$66,288,000.

- 4. How much of the law enforcement funding supported drug enforcement activities each of those years?**

Answer:

The Forest Service does not collect the requested information since the accounting system does not permit tracking of drug enforcement expenditures separately from other law enforcement activities.

- 5. How much of the funding for drug enforcement activities focused on finding and eradicating drug cultivation and production sites each of those years?**

Answer:

The Forest Service does not have expenditure data specific to these activities. The majority of drug enforcement activity is focused on marijuana cultivation, methamphetamine laboratories and dump sites, and international border drug smuggling and interdiction. Marijuana cultivation on National Forest System lands across the country is on a much greater scale than methamphetamine laboratories and border smuggling combined, and agency expenditures reflect this activity.

6. Please describe the environmental damage that occurs on Forest Service lands as a result of drug cultivation or production. Please provide information on how the Forest Service rehabilitates lands damaged by drug cultivation and production.

Answer:

There are many environmental concerns when a marijuana garden is found on National Forest System land, as resource damage can include: ground clearing, nitrate fertilization, herbicides and pesticides, undesignated user-made trails, human feces, trash and garbage, poaching, and other activities.

For the production of a methamphetamine laboratory and dump site, materials that are often found include: corrosive acids (hydrochloric, sulfuric, perchloric, etc.), reactive chemicals (lithium, magnesium, phosphorous, palladium black, etc.), poisonous chemicals (hexane, acetaldehyde, benzene, carbon disulfide, etc.), compressed gases (ammonia, hydrogen chloride, methylene, etc.), or caustic chemicals (lye, Drano). Sometimes there have been incidences where risks of a wildfire have increased due to methamphetamine laboratory explosions.

In managing border smuggling, the Forest Service has seen an increase of resource damage due to user-created trails and roads, ground compaction, disturbance or destruction of sensitive animal and vegetation habitat, increased wildland fires which damage the vegetation and soil, and additional trash and garbage at the site.

7. How much funding has the Forest Service directed to restoring such lands each year for the past five years, and how has the funding been spent? For lands that have not already been restored to their pre-cultivation or pre-production state, how much does the Forest Service project it will cost to do so?

Answer:

The Forest Service does not keep track of funds spent to restore lands that have been damaged by drug cultivation and/or production. The agency uses many different resources to identify what problem exists to clean up a drug site, whether the site has marijuana growing on it, or the site is a methamphetamine laboratory and dump site, or some other drug site. Once the site has been identified to be cleaned, the agency will use resources that are available to rehabilitate the site if this is needed. As stated in question #6, when a methamphetamine site is found or becomes a dump site, there are commonly found chemicals at the site which make it a hazardous materials site. It becomes difficult to rehabilitate until a hazardous material assessment has been completed.

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 INDEPENDENT

September 12, 2003

The Honorable Frances P. Mainella
 Department of the Interior
 Director, National Park Service
 1849 C Street, N.W.
 Washington, DC 20240

Dear Director Mainella:

From Sequoia National Park in California to Floyd Bennett Field in Brooklyn, illegal drug cultivation and production have encroached on many treasured American park lands. We are concerned about this drug cultivation and production and its effects both on the American people and on our public lands. We are requesting the following information on your agency's efforts to combat drug cultivation and production. If the National Park Service does not collect the requested information or does not retain the requested historical information, please so state in your response. In addition, if information requested is of a law enforcement sensitive nature, you may withhold written disclosure of that information. Please so indicate in your response.

- 1) How does NPS monitor its lands for drug cultivation and production, including marijuana cultivation and methamphetamine labs? How many NPS employees patrol these lands, and how frequently are the lands checked? How does NPS decide which sections to patrol?
- 2) In areas where canopy prevents air patrol from sufficiently viewing the land, what other methods of surveillance does NPS employ?
- 3) How much funding has NPS directed to law enforcement each year for the past five years?
- 4) How much of the law enforcement funding supported drug enforcement activities each of those years?

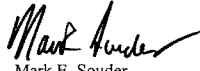
5) How much of the funding for drug enforcement activities focused on finding and eradicating drug cultivation and production sites each of those years?

6) Please describe the environmental damage that occurs on NPS lands as a result of drug cultivation or production. Please provide information on how NPS rehabilitates lands damaged by drug cultivation and production.

7) How much funding has NPS directed to restoring such lands each year for the past five years, and how has that funding been spent? For lands that have not already been restored to their pre-cultivation or pre-production state, how much does NPS project it will cost to do so?

We appreciate your prompt response. The Subcommittee on Criminal Justice, Drug Policy and Human Resources and the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs plan to hold a joint hearing addressing the issue of drug cultivation and production on public lands in the near future, and the information you provide will be of great assistance in preparing for that hearing. We request your response no later than Monday, September 22, 2003. If you have any questions, please contact Alena Guagenti at 225-2577.

Sincerely,



Mark E. Souder
Chairman
Subcommittee on Criminal Justice,
Drug Policy and Human Resources



Doug Ose
Chairman
Subcommittee on Energy Policy,
Natural Resources and Regulatory Affairs

Cc The Honorable Tom Davis
The Honorable Elijah E. Cummings
The Honorable John Tierney



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:

W34 (2460)

OCT 7 2013

Honorable Douglas Ose, Chairman
Subcommittee on Energy Policy,
Natural Resources and Regulatory Affairs
Committee on Government Reform
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Thank you for your recent letter concerning marijuana cultivation and production that occurs on National Park Service (NPS) lands. In your letter, you raised a concern about this cultivation and its effects on both the American people and on our public lands, and ask what the NPS was doing to combat this activity. Enclosed is our response to seven questions asked.

If you have any questions, please feel free to contact the NPS Law Enforcement Program Administrator, Dennis Burnett, at 202-513-7128.

Sincerely,

Fran P. Mainella
Director

Enclosure

1. How does the NPS monitor its lands for drug cultivation and production, including marijuana cultivation and methamphetamine labs? How many NPS employees patrol these lands, and how frequently are the lands checked? How does NPS decide which sections to patrol?

The NPS comprises 388 units encompassing 80 million acres from Alaska to the Virgin Islands and Maine to the Western Pacific. This expanse is often in remote and rugged land, much of which is located within legislated or proposed wilderness. Often the marijuana gardens are in areas with few trails with little visitor use. Since there are so few visitors to these areas, park rangers very seldom patrol in these remote, mostly trail-less areas. The NPS has approximately 1,385 permanent rangers Service-wide. These rangers are kept busy responding to medical emergencies, search and rescue (SAR) missions, traffic accidents, larcenies, and other visitor protection incidents in the more accessible and populated areas of their parks where the majority of the visitors frequent. In addition, since 9/11, park rangers have been responding to Homeland Security details at NPS Icon parks and Department of the Interior Critical Infrastructure sites for extended periods of time. Rangers make decisions on which areas of the park to patrol based upon visitor and resource risk identification and prioritization. As a result, more time and attention is generally paid to the more developed and high use areas of the park. Rangers make irregular, recurrent patrols of the remote areas of the parks, depending on the time of the year, visitation, the history of illegal activity in an area, staffing levels and on information developed from intelligence gathering. However, we do monitor as we can, high probability areas, by foot, vehicle and air patrol. We take advantage of fire reconnaissance and search and rescue overflights by fixed and rotary wing aircraft. Some parks work closely with local Air National Guard units to conduct additional overflights to conduct reconnaissance, utilizing visual and photographic techniques. These efforts are directed to high probability areas meeting basic criteria, including perennial streams nearby, south facing slopes and road access within one mile.

2. In areas where canopy prevents air patrol from sufficiently viewing the land, what other methods of surveillance does NPS employ?

It can be very difficult to locate marijuana cultivation sites due to the thick canopy in a growing area. In addition to helicopter overflights over areas of high probability for marijuana cultivation, rangers also utilize listening posts/observation posts (LPOP's) and some foot reconnaissance patrols during the marijuana growing off-season to locate marijuana grow sites. However, these LPOP's and foot reconnaissance patrols are used infrequently due to a lack of personnel and other competing duties and responsibilities. Again, some parks that have access to State or Federal over flights use air surveillance techniques, looking for patterns or vegetation disruptions that may indicate cultivation activities. Where feasible, remote sensing equipment is installed to monitor access to isolated areas.

3. How much funding has the NPS directed to law enforcement each year for the past 5 years?

The NPS does not have a line item budget for law enforcement activities, but the annual law enforcement report prepared by each park shows the following total funds expended for visitor and resource protection (not just law enforcement), personnel, and support costs for the past five years. Funding differences by year are due to staffing fluctuations, and special project and operational activities.

FY 2002:	\$121,227,320
FY 2001:	\$165,699,102
FY 2000:	\$100,780,302
FY 1999:	\$145,228,552
FY 1998:	\$127,386,710

4. How much of the law enforcement funding supported drug enforcement activities each of those years?

Since protection rangers in the NPS do more than just law enforcement and drug enforcement, it would be difficult to determine an accurate figure of what each park expends each year from their law enforcement budget on drug enforcement activities. However, based on figures developed from several active drug enforcement parks, the percentage funding directed at drug enforcement activities would be close to 1.5 percent.

5. How much of the funding for drug enforcement activities focused on finding and eradicating drug cultivation and production sites each of those years?

Again, it would be difficult to determine an accurate figure for each park on how much funding from drug enforcement is focused on finding and eradicating drug cultivation and production sites for each of the years listed. Based on figures developed from several active drug enforcement parks, it was determined that these parks expend between 25 percent and 50 percent of their drug funding on marijuana eradication.

6. Please describe the environmental damage that occurs on NPS lands as a result of drug cultivation or production. Please provide information on how NPS rehabilitates lands damaged by drug cultivation and production.

The environmental damage that results from marijuana cultivation on park lands can be very extreme and quite broad. The destruction and depredation of park natural and cultural resources includes:

- Alterations to the soil profile, i.e., terracing on steep slopes, trenching, and dump pits, etc.
- Cutting of under-story and over-story vegetation.
- Water artificially distributed up to a mile from natural watercourses through the installation of hose lines, the digging of ditches and damming of streams.

- Habituation of bears and other wildlife to human food and garbage.
- Poaching of deer and other wildlife to supplement the illegal grower's food supply.
- Killing of bears and small mammals in and around marijuana gardens to protect their crop.
- Actual and increased risk of exotic plant invasion.

Introduction of Chemicals and Poisons into water courses and soils:

- Use of Ammonia and Nitrate based fertilizers.
- Use of Sevin, Malathion, Diazanone and other poisons to control insects.
- Use of D-con and Strychnine for rodent control.
- Detergents in watercourses.

Waste and Refuse:

- Dumpsites – trash is buried or left on the ground surface to be dug up and spread by wildlife.
- In one park, approximately 3 tons of trash was removed from just one garden site in 2002.
- In one park, approximately 6 to 7 miles of irrigation hose were removed from one garden site in 2002.

Most of the time, a considerable amount of debris and other waste products are left behind at the grow sites sites. There is generally not enough money or manpower to accomplish the necessary cleanup. Human waste has been discovered around grow sites that have been left to decompose over time. Parks usually identify what would be necessary to rehabilitate the impacted sites; however, the lack of funding and manpower precludes this from occurring.

7. How much funding has the NPS directed to restoring such lands each year for the past 5 years, and how has that funding been spent? For lands that have not already been restored to their pre-cultivation or pre-production state, how much does NPS project it will cost to do so?

Many NPS units have had difficulty funding the restoration of grow sites over the past several years. Even when rehabilitation is conducted, the sites are rarely returned to pre-cultivation condition. Many parks have submitted requests for rehabilitation funding in FY 2004 and FY 2005.

If you have any questions, please feel free to contact the NPS Law Enforcement Program Administrator, Dennis Burnett, at 202-513-7128.

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October 17, 2003

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Mr. Arthur Gaffrey
Forest Supervisor
Sequoia National Forest
U.S. Forest Service
Department of Agriculture
201 14th Street, S.W.
Washington, DC 20250

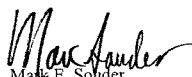
Re: "Drug Production on Public Lands—A Growing Problem"

Dear Mr. Gaffrey:

Thank you very much for your testimony on October 10, 2003, before the Government Reform Subcommittees on Criminal Justice, Drug Policy and Human Resources, and Energy Policy, Natural Resources and Regulatory Affairs on behalf of the U.S. Forest Service (FS). We found your testimony both insightful and helpful. As discussed during the hearing, please answer the attached questions for the hearing record by Monday, November 17, 2003. If FS is unable to answer a question, but another agency can, please consult with that agency to obtain the requested information.

Thank you very much for your time and assistance. If you have any questions, please contact Melanie Tory at (202) 225-4407.

Sincerely,



Mark E. Solder
Chairman
Subcommittee on Criminal Justice,
Drug Policy and Human Resources



Doug Ose
Chairman
Subcommittee on Energy Policy,
Natural Resources and Regulatory Affairs

Attachment

cc The Honorable Tom Davis
The Honorable Elijah E. Cummings
The Honorable John Tierney

**FOLLOWUP QUESTIONS FOR THE
U.S. FOREST SERVICE**

- Q1. Budget. As Members of Congress, we constantly hear from agencies that they could solve all of their problems if Congress just gave them more money. However, in a tight fiscal budget atmosphere, large budget increases are unlikely. Part of our role as an oversight Committee is to understand how your budget is currently shaped and whether your agency is spending public funds wisely and efficiently.
- a. According to your agency, the 2002 budget for the U.S. Department of Agriculture's Forest Service (USDA/FS) was \$4.79 billion. How much of this does Sequoia National Forest receive?
 - b. How is the money allocated once the forest receives it? How do you determine the forest's spending priorities?
 - c. Are there special funds available for forests that have an inordinately high need for law enforcement resources? For example, forests that are on the borders and are prone to smuggling or forests that have high drug production rates?
- Q2. Marijuana Operation Materials. In order to set up camps and marijuana operations on public lands, Mexican nationals bring various items into our national forests. Although many of these items (such as tents, sleeping bags, cooking fuel, and food) would not distinguish the marijuana growers from average campers, other materials (such as fertilizers, herbicides, insecticides and irrigation tubes) would.
- a. Have you considered banning certain items within the forest's boundaries to hamper marijuana cultivation? If so, which items have you considered banning?
 - b. Does FS have the authority to ban items such as fertilizers, herbicides, insecticides and irrigation tubing on a forest-by-forest basis?
- Q3. Wilderness Act. The Wilderness Act (16 U.S.C. §1133) prohibits the use of motor vehicles and motorized equipment in areas designated as wilderness but provides for some exemptions.
- a. How much of the drug production on lands under your management takes place in designated wilderness areas? How much of the drug production on lands under your management takes place in potential wilderness areas?
 - b. Given that combating illegal drug production on public lands usually requires the use of motorized equipment, does the Wilderness Act in any way present difficulties in eradicating drugs or rehabilitating land that has been damaged by drug production? How does FS determine what constitutes "emergencies where the situation involves an inescapable urgency and temporary need for speed beyond that available by primitive means," in which the use of motorized equipment or mechanical transport is allowed in a wilderness area?
 - c. How do eradication and rehabilitation efforts performed on land designated as wilderness differ from those performed on all other Federal lands?



United States
Department of
Agriculture

Forest
Service

Washington
Office

14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

File Code: 5300

Date:

DEC 11 2003

The Honorable Doug Ose
Chairman
Committee on Government Reform, Subcommittee on
Energy Policy, Natural Resources and Regulatory Affairs
B-377 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Chairman Ose:

Enclosed please find our response to questions submitted on October 17, 2003, regarding the October 10, 2003, oversight hearing concerning drug production on public lands. A similar letter is being sent to Chairman Souder with the Subcommittee on Criminal Justice, Drug Policy and Human Resources.

If you have any further questions, please contact Tina J. Terrell, Legislative Affairs Staff, at (202) 205-0580.

Sincerely,

ELIZABETH ESTILL
Deputy Chief
Programs, Legislation and Communication

Enclosures



**FOLLOWUP QUESTIONS FOR THE
U.S. FOREST SERVICE**

Q1. **Budget.** As Member of Congress, we constantly hear from agencies that they could solve all of their problems if Congress just gave them more money. However, in a tight fiscal budget atmosphere, large budget increases are unlikely. Part of our role as an oversight Committee is to understand how your budget is currently shaped and whether your agency is spending public funds wisely and efficiently.

- a. According to your agency, the 2002 budget for the U.S. Department of Agriculture's Forest Service (USDA/FS) was \$4.79 billion. How much of this does Sequoia National Forest receive?

Answer:

In FY 02, the Sequoia National Forest received a total budget of \$24,216,868.

- b. How is the money allocated once the forest receives it? How do you determine the forest's spending priorities?

Answer:

Based on needs and priorities identified by Forests during budget formulation, the Budget Formulation and Execution System (BFES) is used for allocation. Once funds are allocated to the Forest, the management team distributes the funds based on Regional emphasis areas, congressional earmarks, and project work plans from the Forest staff and District Rangers.

- c. Are there special funds available for forests that have an inordinately high need for law enforcement resources? For example, forests that are on the borders that are prone to smuggling or forests that have high drug production rates?

Answer:

The overall law enforcement workload is considered when the Forest Service allocates National Forest Law Enforcement (NFLE) line item funding received from Congress, and law enforcement needs are incorporated into the Forest Service's current budget request and allocation system (BFES). Through this system, both National Forest System (NFS) line officers and Law Enforcement and Investigations staff may compare needed funding for law enforcement or funding needed by NFS programs to respond to violations of law against all other funding needs of each national forest and region.

The Pacific Southwest Region of the Forest Service in California (Region 5) receives supplemental grants from the Office of National Drug Control Policy (ONDCP) through the High Intensity Drug Trafficking Areas program (HIDTA) for the

National Marijuana Initiative (NMI) on Public Lands. This funding can only be used for specified purposes, to deal with the production of marijuana and smuggling of narcotics on federal lands. Allowable uses include overtime, travel, equipment, and limited aviation resources directly related to active investigations targeting identified drug trafficking organizations. The funding cannot be used to pay base salaries or to fund positions and cannot be used for routine aerial reconnaissance or eradication efforts. In FY 03 Region 5 received approximately \$69,000 from the NMI. Other than the HIDTA funding, the Region does not receive special funding for drug enforcement.

- Q2. **Marijuana Operation Materials.** In order to set up camps and marijuana operations on public lands, Mexican national bring various items into our national forests. Although many of these items (such as tents, sleeping bags, cooking fuel, and food) would not distinguish the marijuana growers from average campers, other materials (such as fertilizers, herbicides, insecticides and irrigation tubes) would.
- a. Have you considered banning certain items within the forest's boundaries to hamper marijuana cultivation? If so, which items have you considered banning?

Answer:

The Forest Service has not considered banning certain items within the boundaries of the National Forests to hamper marijuana cultivation.

- b. Does FS have the authority to ban items such as fertilizers, herbicides, insecticides and irrigation tubing on a forest-by-forest basis?

Answer:

The Forest Service currently does not have the authority to ban items such as fertilizers, herbicides, insecticides or irrigation tubing. The agency does have the authority to propose, for approval by the Secretary of Agriculture, new regulations which would impose the prohibitions identified.

Forest Service regulations currently prohibit the use, but not mere possession, of pesticides (which includes insecticides and herbicides) on or affecting National Forest System (NFS) lands, except for personal use as an insect repellent or as provided under a special use authorization. Forest Service regulations also include prohibitions against constructing improvements without a special use authorization, which would prohibit unauthorized installation, but not mere possession, of water irrigation system equipment.

- Q3. **Wilderness Act.** The Wilderness Act (16 U.S.C. 1133) prohibits the use of motor vehicles and motorized equipment in areas designated as wilderness but provides for some exemptions.

- a. How much of the drug production on lands under your management takes place in designated wilderness areas? How much of the drug production on lands under your management takes place in potential wilderness areas?

Answer:

To date, less than one percent of the marijuana production on National Forest System lands in Region 5 has been found within congressionally designated wilderness areas. There were nearly 250 marijuana cultivation sites found this year on National Forests in California. Of those, only two were within a designated wilderness area. Information on activity in congressionally designated wilderness elsewhere in the country is not normally gathered and so is unavailable.

The Forest Service does not track marijuana cultivation sites that are found in areas that might meet the criteria for congressional designation as a wilderness.

- b. Given that combating illegal drug production on public lands usually requires the use of motorized equipment, does the Wilderness Act in any way present difficulties in eradicating drugs or rehabilitating land that has been damaged by drug production? How does FS determine what constitutes “emergencies where the situation involves an inescapable urgency and temporary need for speed beyond that available by primitive means,” in which the use of motorized equipment or mechanical transport is allowed in a wilderness area?

Answer:

The Wilderness Act does not present difficulties in eradicating drugs or rehabilitating land that has been damaged from drug production.

If an emergency has been identified by the local line officer where motorized equipment is needed, a request can be submitted through the Forest Supervisor to the Regional Forester to use motorized equipment in a wilderness area. The approval process for authorizing use of motorized or mechanized equipment is consistent with exceptions allowed in the Wilderness Act that include critical personnel safety considerations. Requests for approval can be made to address emergency situations, as well as when there is a need to respond immediately due to a threat to public safety, or the need to use a tool resulting in minimal impact in the area if available. Factors that are considered in reviewing these requests include the location of the possible drug cultivation site, the safety of law enforcement personnel hiking into a remote location with limited escape routes, and the difficulty in obtaining additional assistance in a timely manner if needed.

Because nearly all cultivation sites are located in remote, inaccessible areas, operations required to conduct enforcement are very similar, regardless of whether they are conducted in a congressionally designated wilderness area. Helicopters are used for transportation and removal of evidence and debris (via helicopter sling) from cultivation sites. The rest of the work is completed by hand. Other than helicopters, motorized and mechanized equipment is not normally used to eradicate

marijuana or to remove related structures and debris. In California, the Forest Service has approved the use of fixed-line external slinging of both personnel and equipment under helicopters into and out of remote cultivation sites. Where helicopters are available restrictions on vehicle access have less of an impact.

- c. How do eradication and rehabilitation efforts performed on land designated as wilderness differ from those performed on all other Federal lands?

Answer:

Eradication and rehabilitation efforts performed on land designated as wilderness do not differ from those performed on all other Federal lands, except that the use of motorized or mechanized equipment must meet the exception for that use for emergency situations provided for in the Wilderness Act.

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INDEPENDENT

October 17, 2003

Mr. Richard Martin
Superintendent
Sequoia and Kings Canyon National Parks
National Park Service
Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Re: "Drug Production on Public Lands—A Growing Problem"

Dear Mr. Martin:

Thank you very much for your testimony on October 10, 2003, before the Government Reform Subcommittees on Criminal Justice, Drug Policy and Human Resources, and Energy Policy, Natural Resources and Regulatory Affairs on behalf of the National Park Service (NPS). We found your testimony both insightful and helpful. As discussed during the hearing, please answer the attached questions for the hearing record by Monday, November 17, 2003. If NPS is unable to answer a question, but another agency can, please consult with that agency to obtain the requested information.

Thank you very much for your time and assistance. If you have any questions, please contact Alena Guagenti at (202) 225-2577.

Sincerely,



Mark E. Souder
Chairman
Subcommittee on Criminal Justice,
Drug Policy and Human Resources



Doug Ose
Chairman
Subcommittee on Energy Policy,
Natural Resources and Regulatory Affairs

Attachment

cc The Honorable Tom Davis
The Honorable Elijah E. Cummings
The Honorable John Tierney

**FOLLOWUP QUESTIONS FOR THE
NATIONAL PARK SERVICE**

- Q1. Management Structure. In preparing for this hearing, we wrote to the Department of the Interior's National Park Service (DOI/NPS) for details about its law enforcement management structure and funding priorities. The responses were informative. However, we also want to hear from you how this problem is directly affecting park operations at the local level.
- a. Please describe the management structure for an individual national park, including how law enforcement units are organized or integrated into the larger context of park operations. How much time do law enforcement officers spend searching for and eradicating illegal drug operations?
 - b. Considering the rise in illegal drug production on public lands in recent years, should your agency consider restructuring its resources to address the problem? For instance, the Forest Service's law enforcement division is funded by a line-item budget and its law enforcement chain of command is separated from general forest operations. Would this type of structure be beneficial to the NPS?
- Q2. Budget. As Members of Congress, we constantly hear from agencies that they could solve all of their problems if Congress just gave them more money. However, in a tight fiscal budget atmosphere, large budget increases are unlikely. Part of our role as an oversight Committee is to understand how your budget is currently shaped and whether your agency is spending public funds wisely and efficiently.
- a. According to your agency, the total NPS budget authority for Fiscal Year 2002 was \$2.62 billion. How much of this does Sequoia National Park receive?
 - b. How is the money allocated once the park receives it? How do you determine the park's spending priorities?
 - c. Are there special funds available for parks that have inordinately high need for law enforcement resources, e.g., parks that are on the borders and are prone to smuggling or parks that have high drug production rates?
- Q3. Marijuana Operation Materials. In order to set up camps and marijuana operations on public lands, Mexican nationals must bring various items into our national parks. Although many of these items (such as tents, sleeping bags, cooking fuel, and food) would not distinguish the marijuana growers from average campers, other materials (such as fertilizers, herbicides, insecticides and irrigation tubes) would.
- a. Given that Sequoia and Kings Canyon National Parks have relatively few entry points and could easily monitor the items brought into the parks, have you considered banning certain items within these parks' boundaries to hamper marijuana cultivation? If so, what items have you considered banning?
 - b. Does NPS have authority to ban items such as fertilizers, herbicides, insecticides and irrigation tubing on a park-by-park basis?

- Q4. Wilderness Act. The Wilderness Act (16 U.S.C. §1133) prohibits the use of motor vehicles and motorized equipment in areas designated as wilderness but provides for some exemptions.
- a. How much of the drug production on lands under your management takes place in designated wilderness areas? How much of the drug production on lands under your management takes place in potential wilderness areas?
 - b. Given that combating illegal drug production on public lands usually requires the use of motorized equipment, does the Wilderness Act in any way present difficulties in eradicating drugs or rehabilitating land that has been damaged by drug production? Specifically, does the "minimum requirement" policy affect law enforcement and restoration activities in wilderness areas in which drug production has occurred?
 - c. How do eradication and rehabilitation efforts performed on land designated as wilderness differ from those performed on all other Federal lands?



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

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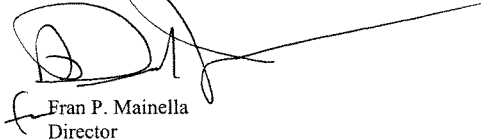
Honorable Doug Ose
Chairman
Subcommittee on Energy Policy,
Natural Resources and Regulatory Affairs
Committee on Government Reform
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Thank you for the opportunity to respond to your follow-up questions for the hearing on "Drug Production on Public Lands—A Growing Problem" held on Friday, October 10, 2003. We appreciate your concern and interest in drug cultivation activities and its effects on the American people and on our public lands. Enclosed is our response to your questions.

If you have any further questions or need additional materials, please feel free to contact the NPS Law Enforcement Program Administrator, Dennis Burnett, at 202-513-7128.

Sincerely,



Fran P. Mainella
Director

Enclosure

Follow Up Questions for the National Park Service

Q1. **Management Structure.** In preparing for this hearing, we wrote to the Department of the Interior's NPS for details about its law enforcement management structure and funding priorities. The responses were informative. However, we also want to hear from you how this problem is directly affecting park operations at the local level.

- a. **Please describe the management structure for an individual national park, including how law enforcement units are organized or integrated into the larger context of park operations. How much time do law enforcement officers spend searching for and eradicating illegal drug operations?**

In general, the superintendent directs several branches of management at a park including rangers, maintenance, administration, and resource management. Some parks also have a deputy superintendent and concessions and fire management branches. The overarching structure is dependent upon the complexity of the park, how large it is, and the purposes stated in the enabling legislation.

At Sequoia and Kings Canyon National Parks (SEKI), law enforcement officers include both park rangers and special agents. The parks special agents report through a direct chain of command to the Director's law enforcement branch. Park rangers, special agents, cooperating federal agencies and local law enforcement personnel work closely together.

National Park Service (NPS) law enforcement rangers are responsible for resolving visitor problems and emergencies, i.e. missing or lost visitors, vehicle or structural fires, emergency medical incidents, and motor vehicle accidents, as well as detecting, deterring and investigating and dealing with criminal activity. This year SEKI dedicated two rangers to detect and eradicate illegal marijuana cultivation from May to September. In addition, eight to ten additional rangers and the special agent spent an average of two to four days per month from March to September collecting intelligence on suspicious activity, training for marijuana garden raids, searching for gardens, organizing, scouting and raid missions. The special agent spends approximately 45-50 percent of his time during this period in this type of activity. All law enforcement rangers, especially the eight working in areas suspected of gardening activity, are constantly on the lookout for suspicious activity, even when responding to other incidents.

- b. **Considering the rise in illegal drug production on public lands in recent years, should your agency consider restructuring its resources to address the problem? For instance, the Forest Service law enforcement division is funded by a line item budget and its law enforcement chain of command is separated from general forest operations. Would this type of structure be beneficial to the NPS?**

No. Rangers are multi-disciplinary. The strength of the profession best serves the needs of the park when visitors can seek assistance from rangers for a variety of emergency and non-emergency needs, thus making the park ranger profession one of the most cost-effective in the federal government. Forest Service law enforcement officers do not have

these same responsibilities for visitor protection and emergency response. Divorcing the park ranger profession from general park operations will remove the uniqueness of the profession, narrow its scope, and result in higher costs with no increase in effectiveness.

We recognize there is no additional funding available to increase the numbers of rangers in any one park. We have taken measures such as creating Special Event Teams and developing good relationships with neighboring agencies and governments to respond to emergencies.

The key to marijuana eradication is finding the source of its cultivation or making parklands unprofitable through detection and elimination of gardens. Developing a task force composed of dedicated special agents from the various land management and other interested agencies impacted by marijuana cultivation would serve as an effective tool. The task force would share resources, intelligence information, and otherwise focus on all aspects of marijuana cultivation investigations with the primary objective to develop cases against higher-level members of cartel operations. A similar task force focused on investigations involving theft of archeological artifacts from public and Indian lands was established in Santa Fe, New Mexico in the early 1990s. This Archeological Resources Protection Act task force was composed of agents from BLM, NPS, USFS, BIA and FBI. It was highly successful and significantly reduced the trafficking of illegal artifacts from public and Indian lands. Elimination of gardens will take the same continued pressure and NPS presence.

- Q2. **Budget.** As members of Congress, we constantly hear from agencies that they could solve all of their problems if Congress just gave them more money. However, in a tight fiscal budget atmosphere, large budget increases are unlikely. Part of our role as an oversight Committee is to understand how your budget is currently shaped and whether your agency is spending public funds wisely and efficiently.
- a. **According to your agency, the total NPS budget authority for FY 2002 was \$2.62 billion. How much of this does Sequoia National Park receive?**

SEKI received an appropriated base of \$13,039,000 in FY 2002.

- b. **How is money allocated once the park receives it? How do you determine the park's spending priorities?**

National Parks are mandated to protect park resources and to provide for the visitors' enjoyment. The superintendent and his senior staff determine the needs and priorities of each function. Fiscal year 2002 expenditures fell into five functional areas: Resource Protection (27%); Visitor Experience and Enjoyment (21%); Facility Operations, i.e. roads, trails, buildings, campgrounds (26%); Maintenance (11%); and Management and Administration (15%). Visitor Safety and Anti-Marijuana Operations fall within the Visitor Experience and Enjoyment function. The park's top priority in FY 2003 was to add two seasonal law enforcement rangers dedicated to anti-marijuana operations for five

months, using available park money and funds provided by the regional office. Additional law enforcement rangers are needed to address marijuana and gang activity in the parks.

- c. Are there special funds available for parks that have inordinately high need for law enforcement resources, e.g. parks that are on the borders and are prone to smuggling or parks that have high drug production rates?**

Yes. The NPS has funds that are dedicated to parks with special needs, such as anti-drug activities. In FY 2002 SEKI was given \$15,000 from this fund for marijuana garden activities. The park made numerous requests to the regional office for additional money as expenses related to marijuana eradication mounted, ultimately receiving \$100,000 for the year.

In FY 2003 SEKI received an initial \$23,000 for marijuana eradication operations. As the marijuana season progressed, the park requested and received approximately \$80,000 additional funds from the regional office.

- Q3. Marijuana Operation Materials.** In order to set up camps and marijuana operations on public lands, Mexican nationals must bring various items into our national parks. Although many of these items (tents, sleeping bags, cooking fuel, and food) would not distinguish the marijuana growers from average campers, other materials (fertilizers, herbicides, insecticides and irrigation tubes) would.
- a. Given that Sequoia and Kings Canyon National Parks have relatively few entry points and could easily monitor the items brought into the parks, have you considered banning certain items within these parks' boundaries to hamper marijuana cultivation? If so, what items have you considered banning?**

While the suggestion sounds reasonable on the surface, in reality we cannot easily monitor items brought into the parks for two reasons:

1. Entrance stations to the parks are open to ingress and egress 24 hours daily. While most visitors arrive and depart during daylight or early evening hours, the traffic relating to marijuana cultivation takes place late at night. Entrance stations are funded from money collected under the Fee Demonstration Program, which does not include law enforcement activities. Also, entrance stations are open only during portions of the day when there is a reasonable expectation of collecting entrance fees. It would be unreasonable to install and close gates at park entrances since low numbers of legitimate visitors arrive after the entrance stations close.
2. Constitutional considerations and search and seizure laws do not allow a ranger at an entrance station the opportunity to search vehicles for pesticides, garden hoses, or other non-traditional camping supplies. There is no way of knowing if items related to marijuana cultivation are being imported into the parks unless they are in plain sight. The contacts made by rangers with traffic entering the parks is associated with people transporting

passengers, food, or other camping supplies, whether or not they are associated with marijuana gardens.

Banning items related to marijuana gardening would not effectively reduce or eliminate the gardens in the parks. Many of these items do not enter the parks through entrance stations, but are simply brought in over land or off trail. The growers are constantly adapting to law enforcement efforts and take whatever measures necessary to avoid detection by park law enforcement. An analogy is the ban on hunting on parklands. It is illegal to hunt in SEKI; nevertheless, a few hunters or others intent on killing wildlife on parklands engage in this practice, almost exclusively late at night to avoid detection.

b. Does NPS have authority to ban items such as fertilizers, herbicides, insecticides, and irrigation tubing on a park-by-park basis?

Banning such items would not be simple or straightforward; it would not significantly reduce gardening activity, and it would be hard to justify as many of these items have legitimate uses not related to illegal activity.

Q4. Wilderness Act. The Wilderness Act prohibits the use of motor vehicles and motorized equipment in areas designated as wilderness but provides for some exemptions.

a. How much of the drug production on lands under your management takes place in designated wilderness areas? How much of the drug production on lands under your management takes place in potential wilderness areas?

Almost all the marijuana gardens in SEKI are on lands managed as wilderness. This includes land that is officially designated as wilderness as well as land that has been formally recommended as wilderness.

b. Given that combating illegal drug production on public lands usually require the use of motorized equipment, does the Wilderness Act in any way present difficulties in eradicating drugs or rehabilitating land that has been damaged by drug production? Specifically, does the “minimum requirement” policy affect law enforcement and restoration activities in wilderness areas in which drug production has occurred?

No. National Park Service superintendents have the authority to determine when it is necessary to use motorized equipment. In fact, at SEKI, the superintendent has determined that the use of helicopters, other vehicles, and chainsaws are the minimum tools at certain marijuana sites.

c. How do eradication and rehabilitation efforts performed on land designated as wilderness differ from those performed on all other Federal lands?

We believe the eradication and rehabilitation efforts on wilderness lands in national parks are consistent with other federal land managers' authority to determine the minimum tool. The Forest Service, the only exception we know of, requires its managers to seek

permission from the regional forester. Park superintendents generally have the authority to make decisions based on law, policy and guidelines.