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**“Exploring the Problem of Domestic
Marijuana Cultivation”**

Senate Caucus on International Narcotics Control

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Written Statement

of

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Director of National Drug Control Policy

U.S. Senate Caucus on International Narcotics Control
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Chairman Feinstein, Co-Chairman Grassley, and distinguished members of the Caucus, thank you for this opportunity to testify today on the issue of marijuana cultivation on public and tribal lands. The Office of National Drug Control Policy (ONDCP) was established by Congress with the principal purpose of reducing illicit drug use, manufacturing, and trafficking; drug-related crime and violence; and drug-related health consequences. As a component of the Executive Office of the President, our office establishes policies, priorities, and objectives for the Nation’s drug control program. We also evaluate, coordinate, and oversee the international and domestic anti-drug efforts of executive branch agencies and ensure such efforts sustain and complement state and local anti-drug activities.

As Director of National Drug Control Policy and chief advisor to the President on anti-drug efforts, I am charged with producing the *National Drug Control Strategy*, which directs the Nation’s drug policy efforts and establishes programs, a budget, and guidelines for cooperation among Federal, state, local, and tribal entities. My position allows me to raise public awareness and take action on drug issues affecting our Nation. The Obama Administration recognizes that addiction is a disease, and that evidence-based prevention and treatment, support for those in recovery, and smart law enforcement must all be part of a comprehensive strategy to reduce drug use, get help to those who need it, and ensure public health and safety.

In the Administration’s inaugural *National Drug Control Strategy*, we focused a considerable amount of attention on the threat of marijuana, specifically domestic marijuana production on public lands. We continued that focus in the 2011 *National Drug Control Strategy* by raising awareness while highlighting some of the coordinated work taking place by Federal, state, local, and tribal entities. The threat of marijuana cultivation on public lands and tribal lands results in serious damage to our environment and to the safety and security of the American people who live and use these lands. Only by collaborating and using every tool at our disposal, including education and prevention, can we reduce the harms to public health and safety associated with drug use and its consequences. ONDCP is coordinating closely with Federal, state, local, and tribal entities to disrupt this illegal market, while increasing efforts to reduce the demand for marijuana in the United States through prevention and treatment.

The Problem

It is difficult to assess the number of plants cultivated domestically; however, the Administration has seen evidence of increased domestic marijuana cultivation, including an increase in the number of plants eradicated and an expansion of large-scale cultivation in Eastern states, paired with high marijuana availability and stable marijuana prices nationally. In 2006,

5.2 million¹ plants were eradicated in the United States. But according to the most recent data, in 2010, more than 10.3 million² plants were eradicated in the United States. More than 90 percent of law enforcement respondents to the 2010 National Drug Intelligence Center (NDIC) National Drug Threat Survey indicate that marijuana availability is high in their geographic areas of responsibility, and despite the increased eradication and interdiction of marijuana, prices are stable nationwide.³

Outdoor Grow Sites

While indoor grow sites provide a method for marijuana production in more populated areas, the vast majority of marijuana produced in the United States comes from outdoor cultivation. In 2010, 95.5 percent of domestic marijuana eradication occurred on outdoor grow sites. Nearly 60 percent of the outdoor marijuana plants eradicated in 2010 were eradicated from public and tribal lands. The level of outdoor cultivation and the strength of organized cultivation groups in Western states, particularly California, Oregon, and Washington, are exponentially higher than any other area of the Nation. Criminal groups benefit from the remote locations that enable drug producers and traffickers to operate large-scale marijuana cultivation operations by limiting the chance of detection and to maintain these activities without ownership of any land that could be seized by law enforcement or traced back to a participating member. There are also reports of increased exploitation of Indian reservations to cultivate marijuana in Washington and Oregon. In Washington, in 2010, almost 82,000 marijuana plants were seized on tribal lands, nearly one-quarter of the more than 320,000 plants hauled in by law enforcement throughout the entire state, which is a noteworthy proportion, since only about 5 percent of Washington's land is tribal land. The number of marijuana plants found on tribal lands last year was more than nine times the number seized six years ago, according to the Washington State Patrol.⁴ In Oregon, the Oregon High Intensity Drug Trafficking Area (HIDTA) grantee now includes a fully-designated tribal partner, the Warm Springs Indian Reservation, which assists in law enforcement efforts to deal with the problem on the tribal lands there.

In 2010, the total number of marijuana plants eradicated in California was 7.4 million, primarily from outdoor grows. The U.S. Forest Service reports that nearly 88 percent of the 3,531,443 plants eradicated from National Forests were eradicated in California alone.

Indoor Grow Sites

Indoor grow sites pose considerable safety and health concerns for the general public, law enforcement officers, and first responders. Despite the increased law enforcement pressure, transnational criminal organizations – particularly Asian and Cuban ethnic groups⁵ - are utilizing indoor marijuana grows by manipulating plants with high levels of light and other methods to

¹ Drug Enforcement Administration's Domestic Cannabis Eradication/Suppression Program (DCE/SP), 2006

² Drug Enforcement Administration's Domestic Cannabis Eradication/Suppression Program (DCE/SP), 2010

³ *Domestic Cannabis Cultivation Assessment 2010*, National Drug Intelligence Center.

⁴ Harris, Amy. "Marijuana Growers Find Cover on Tribal Lands." *Seattle Times*. August, 24, 2011. Information confirmed by the Northwest HIDTA.

⁵ *Domestic Cannabis Cultivation Assessment 2010*, National Drug Intelligence Center. The identification of specific ethnic groups is made in the *Assessment*.

maximize THC content. Asian criminal groups residing in the U.S. remain mostly active in California and the Pacific Northwest, but have expanded operations throughout the country; whereas Cuban criminal groups have primarily limited their geographic scope to the Southeast, predominantly Florida.⁶

The overall number of plants eradicated from indoor grow sites has remained stable from 2006 to 2010.⁷ Overall, in 2010, approximately 4.5 percent of the domestic marijuana eradicated was from indoor grow sites. In California, 188,297 plants were eradicated; 44,844 plants were eradicated in Florida; and 31,808 plants were eradicated in Washington, making up more than 57 percent of all plants eradicated from indoor grows nationally in 2010. While California had more plants eradicated, Florida had more actual grow sites seized than any other state, including California, in 2010. Operation Rake, a drug operation spearheaded by the South Florida HIDTA grantee, resulted in the dismantling of 67 grow houses, the destruction of 3,308 plants, 63 arrests, and 13 firearms confiscated.⁸

Indoor grow site operators use fraudulent mortgage financing and multiple residences to conduct their operations. Operators outfit homes with hydroponic technology, elaborate lighting, and irrigation systems. These efforts often bypass meters and modify electrical circuitry, creating hazardous conditions that contribute to electrical shock or fire. For example, the San Mateo County Narcotics Task Force, located in Northern California, reported that marijuana cultivators operate multiple indoor grow sites in communities south of San Francisco. These communities have an abundance of inexpensive four or five bedroom houses with above-ground electricity poles situated near the rear of the properties, where marijuana cultivators can discreetly tap into electrical sources, either by tapping into the meters or by going directly to the electrical source, thereby avoiding detection through the meter itself.⁹ The equipment needed to maintain indoor grow sites can be dangerous. Propane vapor leaking from a cylinder connected to a carbon monoxide generator inside a grow house in Miami-Dade County, Florida, exploded, resulting in a partial collapse of the structure and the death of one of its occupants.

Public Safety Concerns

Transnational criminal organizations involved in illegal marijuana cultivation are often armed and dangerous. They protect their crops through the use of force and intimidation. Although violent crimes are currently reported nationwide, there is no mechanism available to capture the data as it specifically relates to illegal marijuana cultivation. However, HIDTAs have revealed trends related to violent crime and illegal marijuana cultivation. In 2010, law enforcement authorities in California and Oregon reported at least 11 incidents of armed confrontations or officer-involved shootings; seven of these incidents were officer-involved shootings that resulted in the deaths of seven growers after they aimed or fired their weapons

⁶ South Florida, Northwest, and California HIDTA 2011 Threat Assessments.

⁷ 2006: 400,892 plants; 2007: 434,728 plants; 2008: 450,986 plants; 2009: 414,604 plants; 2010: 462,419 plants; Drug Enforcement Administration's Domestic Cannabis Eradication/Suppression Program (DCE/SP), 2006-2010

⁸ South Florida HIDTA Budget Justification, 2010

⁹ Northern California HIDTA Drug Market Analysis, 2010

toward law enforcement officers.¹⁰ California reported one shooting on public lands in 2008 and one shooting in 2009. Debriefed arrestees in California have told law enforcement officials that they were directed to confront anyone looking like they may take something and to defend the marijuana from theft.

Law enforcement personnel and the public are at risk of encountering illegal marijuana grows in our national parks and forests. In June and July of 2010, Napa County, Santa Clara County, and Alameda County, California deputies were confronted by armed suspects in separate remote marijuana grow sites where both suspects were shot and killed. In addition, the U.S. Forest Service has also reported intimidation incidents targeting the public. For example, fishermen have found irrigation lines in the water and been confronted by marijuana grow tenders; hunters have encountered armed individuals tending grow sites; and biologists working in forests have been threatened and told to leave the surrounding areas.

While we have not received any reports of violence on public lands this year, there have been multiple incidents of violence around private outdoor grow sites in 2011. For example, in late August, Jere Melo, a forest land manager at a private timber company and Fort Bragg City (California) Council Member, received reports of marijuana and poppy grows on the company's land. When Melo and a co-worker went to investigate these possible grow sites, Melo was shot and killed by a transient who is believed to have been responsible for the grow site. The suspected shooter was killed on October 1 by members of a Sacramento County sheriff's SWAT unit deployed to the forests east of Fort Bragg to search for him.

Environmental Concerns

Outdoor marijuana cultivation also has negative environmental effects. These grow sites affect wildlife, vegetation, water, soil, and other natural resources through the use of chemicals, fertilizers, terracing, and poaching. Marijuana cultivation results in the chemical contamination and alteration of watersheds; diversion of natural water courses; elimination of native vegetation; wildfire hazards; poaching of wildlife; and disposal of garbage, non-biodegradable materials, and human waste.

Cultivators apply insecticides directly to plants to protect them from insect damage. Chemical repellants and poisons are applied at the base of the marijuana plants and around the perimeter of the grow site to ward off or kill rats, deer, and other animals that could cause crop damage. Toxic chemicals are applied to irrigation hoses to prevent damage by rodents. According to reports from the National Park Service, the toxic chemicals enter and contaminate ground water, pollute watersheds, and kill fish and other wildlife.

Law enforcement officials are increasingly encountering dumpsites of highly toxic insecticides, chemical repellants, and poisons, some of which are banned in the United States, that are purchased by Mexican criminal groups and transported into the country for use at their marijuana grow sites. Transnational Criminal Organizations purchase the chemicals in Mexico and transport them across the border rather than buying them in the United States to avoid

¹⁰ ONDCP collected data from HIDTAs and Public Land Agencies.

alerting U.S. law enforcement to their cultivation operations through large, bulk domestic purchases.

Outdoor marijuana grow site workers often create wildfire hazards by clearing land for planting (which results in piles of dried vegetation) and by using campfires for cooking, heat, and sterilizing water. In August 2009, growers destroyed more than 89,000 acres in the Los Padres National Forest in Southern California. The massive La Brea wildfire began in the Los Padres National Forest within the San Rafael Wilderness area in Santa Barbara County, California, and subsequently spread to surrounding county and private lands. According to United States Forest Service (USFS) reporting, the source of the fire was an illegal cooking fire at an extensive, recurring Drug Trafficking Organization-operated outdoor grow site where more than 20,000 marijuana plants were under cultivation. The fire ignited when an improper connection between a 20-pound propane tank and a two-burner camp stove failed and ignited surrounding vegetation. According to the USFS, suppression and resource damage costs total nearly \$35 million.

In addition to the environmental damage, the cost to rehabilitate the land damaged by illicit marijuana grows is prohibitive, creating an additional burden to public and tribal land agency budgets. Full cleanup and restoration costs range from \$14,900 to \$17,700 per acre.¹¹ Total costs include removal and disposal of hazardous waste (pesticides, fuels, fertilizers, batteries) and removal of camp facilities, irrigation hoses, and garbage. Full restoration includes re-contouring plant terraces, large tent pads, and cisterns/wells and re-vegetating clear-cut landscapes.

Interagency Collaboration

Federal agencies are working more closely than ever with their state, local, and tribal counterparts to respond to marijuana cultivation on public and tribal lands. We have combined efforts to enhance intelligence sharing and target investigations based on threat assessments. ONDCP and the Department of the Interior – through the Public Land Drug Control Committee (PLDCC) – are working closely with the Drug Enforcement Administration (DEA), Federal public lands agencies, the NDIC, and the National Guard Bureau to combat this threat. The PLDCC is focusing its efforts on the following areas: threat assessment, investigations, intelligence, prosecutions, rehabilitation and restoration, funding, and a way forward. For example, the committee has established a template and methodology for Federal land management agencies to develop drug threat assessments and is identifying opportunities to synchronize funding to reduce the threat. The committee meets quarterly to review progress on milestones, and will continue to collaborate to substantially reduce the illegal production, cultivation, processing, and trafficking of controlled substances on public and tribal lands through strategic analysis and policy actions.

In the field, the DEA, National Guard, as well as state, local and tribal entities are also providing critical assistance in funding, helicopter support, and intelligence analysis. The DEA,

¹¹ “Marijuana Site Reclamation and Restoration Cost Analysis.” U.S. Department of Interior, National Park Service. December 9, 2010.

USFS, Bureau of Land Management, National Park Service, Bureau of Indian Affairs, tribal nations, U.S. Fish and Wildlife Service, and Homeland Security agencies have increased their joint enforcement and investigative efforts with state and local enforcement agencies.

The Administration's 2011 *National Drug Control Strategy* highlighted a successful example of coordinated law enforcement and prevention efforts in 2010 - Operation Trident in the Central Valley California region. Operation Trident depended on a holistic approach involving a coalition of agencies and programs uniting to eradicate plants; reclaim public lands; conduct aggressive education and demand reduction programs; and investigate organizations to support successful prosecutions. Likewise, Operation Full Court Press in Northern California, modeled after Operation Trident, is an example of collaborating and using every tool at our disposal to reduce marijuana cultivation on public lands. Operation Full Court Press, completed last month, was a three-week long, multi-agency marijuana operation in Colusa, Glenn, Lake, Mendocino, Tehama, and Trinity counties. Targeting large scale, illegal marijuana grows in and around the Mendocino National Forest, the operation consisted of more than 300 personnel from 25 local, state, and Federal agencies.

Operation Full Court Press resulted in the seizure of 632,058 marijuana plants, 1,986 pounds of processed marijuana, \$28,031 U.S. Currency, 38 weapons, 20 vehicles, and the arrest of 159 individuals. Of those arrested, 118 persons were booked on various Federal and state charges to include marijuana, firearms, and immigration violations, while 14 were foreign nationals detained on administrative immigration violations. Additionally, more than 51,404 pounds of trash, 40 miles of irrigation line, 5,459 pounds of fertilizer, and 149 pounds of pesticides were removed from grow sites.

The expanding threat of marijuana cultivation on public and tribal lands is real. Officials in northern New Mexico discovered a rare marijuana grow in the remote area of Bandelier National Monument. Federal, state, and local law enforcement personnel, including a task force from the New Mexico HIDTA, successfully participated in the raid, resulting in the seizure of more than 9,000 plants.

Efforts to disrupt the illegal marijuana market, like Operation Full Court Press and the New Mexico operation, are vital for protecting public health and safety. Every level of law enforcement is working to successfully reduce marijuana cultivation. Their work – along with that of drug prevention and treatment providers across the Nation – is essential to dismantling criminal organizations and making our communities healthier and safer.

Closing

Violent transnational criminal organizations are exploiting some of our most pristine public and tribal lands as grow sites for marijuana. By reclaiming these illegal grow sites, and by apprehending and prosecuting the drug offenders and traffickers who operate them, Federal, state, local, and tribal law enforcement agencies are protecting public safety and the environment, while at the same time depriving marijuana traffickers of their illicit revenue.

Thank you for the opportunity to testify here today on this important issue, and I look forward to answering any questions you may have.