

MARIJUANA: IT COSTS MORE THAN YOU THINK

MAY 12, 2010

Summary

Mendocino County, (County), has had three consecutive years of below normal rainfall. The 2009-2010 Grand Jury, (GJ), looked into opportunities to improve the organization and management of water resources in the County. During this process the GJ became aware that there is significant illegal use, diversion, and pollution of the existing watershed at marijuana grow sites in the County. As a result of this illegal activity, precious water is being diverted and contaminated.

It is important for all citizens of the County to be vigilant and to report any suspected illegal use of water to the Mendocino County Sheriff's Office, (MCSO), Tip Line: (707) 467-9159. The GJ recommends the Mendocino County District Attorney's Office, (DA), rigorously prosecute water related crimes.

The GJ recommends the MCSO be the lead agency in the County for coordinating responses and investigations of reported water related crimes.

Method

The GJ interviewed elected officials and employees of the County, the cities of Ukiah and Willits, and representatives of various water districts and jurisdictions. The GJ attended public hearings, committee meetings, and reviewed public reports, statistics and photographic evidence concerning the County and the Russian River watershed.

Background

During the water shortage of 2009 the GJ was made aware of water being illegally diverted from irrigation canals in Potter Valley. This water was being transported and sold in other locations in the County. This is in violation of California Penal Code §484 and §487. There is a reasonable suspicion that much of this water was destined for the growing of illegal marijuana. The GJ found that over the past two years there has been an increase in citizen reports/complaints to law enforcement regarding environmental issues related to illegal marijuana farming in the County.

At a forum in Willits on October 29, 2009, the MCSO spokesperson reported they had seized 362,000 plants to date and believe this to be about 10% of what was grown illegally in the county during that grow season. Using the conservative estimate of one gallon of water per plant per day, illegal consumption would be 3.6 million gallons per day, (11 acre feet).

At the time of this investigation many County residents were subject to significant water rationing. Water for both residential and agricultural use was at a critically low stage.

Water released from Coyote Dam at Lake Mendocino was restricted during the summer to maintain sufficient flow to protect fish habitat in the fall.

Findings

1. During the summer of 2009 citizens observed and reported to the MCSO that tank trucks were making unauthorized withdrawals of water under cover of darkness, from the Potter Valley irrigation canals and other locations.
2. The theft of water is a violation of California Penal Code §484 (petty theft) or §487 (grand theft, over \$400).
3. The GJ obtained photographic evidence taken during the 2009 growing season, showing water being diverted from creeks for irrigation purposes at illegal marijuana growing sites.
4. Animal carcasses, human garbage, human waste, herbicides and animal poisons have been recently found at these sites.
5. Photos also show water being polluted by highly toxic compounds. These toxins are used as fertilizer and pesticides which are diluted by mixing them with water in dammed areas of the stream bed. Possession and use of many of these chemicals are banned in the United States. (See Appendix B)
6. Illegal marijuana growers have been responsible for the clear-cutting and clearing of vegetation, and the terracing of slopes that contribute to soil erosion and cause damage to the watershed.
7. Some streams have been diverted and others have carried toxins downstream to rivers and lakes. These toxins have devastated bird and aquatic life and pose a threat to human habitat.
8. Firearms and "booby" traps have been found at illegal grow sites. Federal inspectors and law enforcement officers have been injured during the process of cleanup activities.
9. Federal employees have stated: "illegal grows of marijuana have left portions of the public land off-limits". People have been shot and killed at these sites.
10. After law enforcement eradicates the crop, the materials used at remote sites are often left in place due to the difficulty and cost of removal.
11. These illegal grow sites are often re-used by growers utilizing the materials left from previous grows.
12. The Bureau of Land Management, (BLM), has used the California Conservation Corps to clean up illegal sites.
13. It is important for all citizens of the County to be vigilant and to report any suspected illegal use of water to the *Mendocino County Sheriffs' Office Tip Line*, (707) 467-9159.
14. The MCSO is qualified to be the lead agency in the County for coordinating responses and investigations of reported water related crimes.

Recommendations

The Grand Jury recommends that:

1. MCSO, Department of Fish and Game, United States Forest Service, and BLM mount a coordinated and concentrated effort to prevent environmental and watershed damage early in the growing season by initiating environmental inspections and cleanup programs for known sites. (Findings 3-11)
2. the Mendocino County District Attorney, (DA), support the efforts of law enforcement agencies by prosecuting those who cause damage to water resources and the environment. (Findings 1-5, 8)
3. the DA charge growers, found in control of illegal sites, with the cost of site cleanup. (Findings 3-7, 9)
4. the appropriate law enforcement agency use asset forfeiture funds to institute a program to clean up illegal sites, remove toxins, open the natural water flow, and dispose of material used at the site; i.e. plastic pipe, water storage containers, and plastic sheeting. (Findings 3-7, 9)
5. appropriate equipment and procedures be used to insure the safety of cleanup crews. (Findings 8, 11-12)
6. it is the responsibility of citizens to perform due diligence and report suspected unauthorized taking of water and or creek degradation/pollution. (Findings 1-2, 13-14)

Discussion

Access and unregulated illegal use of water resources in Mendocino County impact all of us. Illegal water diversion resulted in the conversion of approximately 3.6 million gallons of water per day for irrigation of illegal crops in the county, while legitimate water users were being rationed to 50% of normal use.

Irresponsible destruction of the environment results in pollution, damage to the watershed, loss of water source, pollutants carried downstream to rivers and lakes, bird and aquatic life being destroyed as well as the loss of land use by the general public. This results in a long term degradation of the natural environment.

Required Responses

Mendocino County Board of Supervisors as Mendocino County Water Agency (All Findings; All Recommendations)

Mendocino County Sheriff's Office (All Findings; All Recommendations)

Mendocino County District Attorney (All Findings; All Recommendations)

Requested Responses

California Department Fish and Game (Findings 1-7 Recommendations 1, 4-5)

Bureau of Land Management (Findings 3-14; Recommendations 1, 4-5)

United States Forest Service (Findings 3-14; Recommendations 1, 4-5)

Chairman of Mendocino County Inland Water and Power Commission (Findings 1-2;
Recommendation 2)

Appendix B



Hemlock Ranch Grow Site



Left-over Trash, Hemlock Ranch



Methamidaphos found at Grow Site



Left-over Trash, Headwaters of Scott's Creek



Sheldon Creek non-permitted Dam/Chemical Mixing Pool



Sheldon Creek – Trash Removal



Sheldon Creek – Trash Removal