

**Congress of the United States**  
**Washington, DC 20515**

November 21, 2013

The Honorable Patti B. Saris  
Chair  
United States Sentencing Commission  
One Columbus Circle N.E.  
Washington, D.C. 20002-8002

Dear Judge Saris:

As the U.S. Sentencing Commission begins the 2013-2014 guidelines amendment cycle, we write to recommend revising sentencing guidelines to respond to the direct threat to our environment and public safety posed by the production and cultivation of controlled substances, in particular marijuana, on public lands or while trespassing on private property. We are concerned that existing guidelines do not address the long term detrimental threats these operations pose to the environment and nearby communities.

Over the past decade, drug cultivation has significantly expanded in terms of both geography and scale. In rural and remote areas, today's marijuana operations can involve tens of thousands of plants and industrial-scale farming practices. Drug trafficking organizations (DTOs) composed of both foreign and American criminals have profited greatly from this expansion, and are making forests and open spaces unsafe for working and recreation. High powered weapons are routinely found on remote cultivation sites, and criminals have demonstrated a willingness to use them in order to defend their plots. Neal Ewald, Vice President of California Timberlands for a large privately-held timber company in the Pacific Northwest, recently described the impact of trespass marijuana operations on his workforce, stating "[they] are a serious safety concern for our employees and contractors. Green Diamond now conducts annual safety training for employees who may discover criminal drug trafficking during work in our forests."<sup>i</sup>

The damaging environmental impacts of trespass drug operations are documented in scientific literature and have elicited concern from a range of stakeholders including ranchers, farmers, local businesses, tribal leaders, environmental advocacy organizations, law enforcement officials, and local community leaders.<sup>ii</sup> A single 2011 law enforcement operation in Mendocino National Forest located 56 marijuana cultivation sites and removed 23 tons of trash, over a ton of fertilizer, 57 pounds of pesticides and herbicides, 22 miles of irrigation piping, and 13 man-made dams. This damage is expensive to remediate and often undoes significant federal, state, and private investment in the landscape.

In addition to the impacts of drug cultivation on public lands, we would like to draw your attention to the increasing number of drug traffickers trespassing on private lands. Rural communities with large ranching, agriculture, and timber lands are particularly vulnerable to criminals trespassing to cultivate and produce narcotics. Worker safety is a growing concern, and

the reclamation of abandoned cultivation sites can be both dangerous and expensive for the landowner. The U.S. Forest Service estimates that reclamation efforts average a cost of \$15,000 per cultivation site.<sup>iii</sup>

We are pleased that the Department of Justice, Department of the Interior, federal law enforcement agencies, and other federal entities have demonstrated increased interest in pursuing drug operations that inflict harm to wildlife and natural resources. Deputy Attorney General James Cole highlighted the issue in his recent testimony to the Senate Judiciary Committee, describing “enforcement against those who were wreaking environmental damage by growing marijuana on our public lands” as a federal priority.<sup>iv</sup> The Office of National Drug Control Policy’s 2013 National Drug Control Strategy identified the eradication of environmentally harmful marijuana cultivation sites as a top “drug problem” warranting heightened federal attention.<sup>v</sup>

As the Sentencing Commission continues to review sentencing guidelines, we urge you to consider the significant impacts of drug cultivation operations on public and trespassed lands throughout the country and add new emphasis to countering the environmental damages of drug production.

Thank you for your consideration of this important matter.

Sincerely,



Congressman Jared Huffman



U.S. Senator Dianne Feinstein



Congressman Mike Thompson



U.S. Senator Barbara Boxer



Congressman Doug LaMalfa



Congressman Sam Farr

<sup>i</sup> Neal Ewald, Letter to Jared Huffman, 25 July, 2013

<sup>ii</sup> Thompson, et al., “Impacts of rodenticide and insecticide toxicants from marijuana cultivation sites on fisher survival rates in the Sierra National Forest, California,” *Conservation Letters*, 2013

<sup>iii</sup> National Forest Service, “Marijuana Cultivation on National Forest System Lands Fact Sheet”

<sup>iv</sup> Cole, James. Statement to the Senate Committee on the Judiciary, *Conflicts between State and Federal Marijuana Laws*, Hearing, Sep. 10, 2013

<sup>v</sup> Office of National Drug Control Policy, 2013 National Drug Control Strategy. Washington, 2013.