



CALIFORNIA FARM BUREAU FEDERATION

FEDERAL POLICY DIVISION

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March 18, 2014

United States Sentencing Commission
Attention: Public Affairs
One Columbus Circle, N.E., Suite 2-500
Washington, DC 20002-8002
Submitted Electronically Via: Public_Comment@ussc.gov

Re: Comments Regarding Proposed Amendment to Offenses Involving Drug Production Operations

The California Farm Bureau Federation (Farm Bureau), California's largest general farm organization representing over 37,000 farmer, ranch and forestland owner members, respectfully submits the following comments on the proposed amendment pertaining to environmental and other harms caused by drug production operations including, in particular, the cultivation of marihuana.

Illegal marihuana grows on agricultural and public lands are creating real hardship for farmers, ranchers and foresters as well as the rural communities in which they live. These grows present the following safety concerns, economic loss, and biased regulatory frameworks for our law-abiding agricultural families:

Safety Concerns

- Private forest landowners often hire private helicopter services, at their own expense, to perform flyovers to look for trespass marihuana grows prior to performing a timber harvest to protect their employees from potential violent interactions;
- Access to grow sites on private and public rural lands is restricted at certain times of year because grow sites are guarded by live, armed, and dangerous individuals. Grow sites may also be protected by traps such as shotgun shells set by trip wires;
- Many private property owners are being restricted from areas of their own property due to fear of running into unknown trespass marihuana grows;
- Hunters who have gone to public United States Forest Service and Bureau of Land Management lands for generations are now afraid to take their children and grandchildren hunting due to an increased presence of marihuana production in the forest;

- Increased risk of wildfire in already dry climates. Fires are set by illegal marihuana growers to obscure visibility from police helicopters. Fires are also set by rival grow sites to burn out their competitors' crop; and
- Increased home invasions and indirect violence associated with illegal marihuana.

Economic Impacts

- Black market cash economy where undeclared, illegal cash is used in unreported transactions for high and low valued legal goods;
- The activity associated with marihuana production puts a huge burden on rural roads and other infrastructure without any correlating increased tax revenue to local governments as would occur from legitimate industry;
- Rural communities burdened by lack of funds to provide for school, hospital, law enforcement, and community services;
- Employers have difficulty locating truck drivers or equipment operators that can pass a drug test due the increased use of marihuana. Labor shortages are also seen during the marihuana harvest season as these individuals are paid cash under the table at a high wage;
- Incentivizes illegal development: roads, building pads, forest clearing, septic systems, etc.;
- Land values in rural areas with high levels of illegal marihuana production are so high many beginning farmers and ranchers are unable to purchase property or existing operations cannot expand;
- Loss of livestock to poaching and the loss of crop income from trespass marihuana being planted among legitimate farm commodities;
- Home leases must include specific clauses that marihuana not be grown, processed or kept on site. The high humidity condition of an indoor marihuana grow destroy carpets, walls, etc.; and
- Trespass growing in rental houses and buildings often leads to increased fire risk due to overloading of the electrical system. This in turn puts additional burden of fire departments that are responsible for responding to these calls.

Regulatory Bias

- Inequitable enforcement of lawful agricultural enterprises. There is a double standard in compliance with state and federal environmental laws whereby legitimate agricultural operations are subject to the enforcement of burdensome regulatory programs while pervasive marihuana production goes completely unregulated; and

- Legitimate agricultural operations that are compliant with water quality regulations can be liable for violations (sediment, pesticide, garbage, etc.) caused by trespass marijuana grows.

For the reasons provided above, the California Farm Bureau Federation believes that offenses involving drug production operations, including marijuana cultivation, committed while trespassing on private property should be considered an aggravating factor. Thank you for your consideration of this important matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Erin Huston". The signature is written in black ink and is positioned above the printed name.

Erin Huston
Consultant
Federal Policy