

113TH CONGRESS
1ST SESSION

H. R. 2735

To direct the United States Sentencing Commission with respect to penalties for the unlawful production of a controlled substance on Federal property or intentional trespass on the property of another that causes environmental damage.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2013

Mr. HUFFMAN (for himself, Mr. LAMALFA, Mr. THOMPSON of California, and Mr. LAMBORN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To direct the United States Sentencing Commission with respect to penalties for the unlawful production of a controlled substance on Federal property or intentional trespass on the property of another that causes environmental damage.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Lands
5 Against Narcotics Trafficking Act of 2013” or the
6 “PLANT Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) In 2012, well over 900,000 marijuana
4 plants were eradicated from 471 sites on National
5 Forest lands in 20 States from Hawaii to Virginia.
6 This represents just part of total eradication efforts
7 on public lands.

8 (2) Across Federal land management agency
9 holdings including U.S. Fish and Wildlife, the U.S.
10 National Park Service, the U.S. Bureau of Land
11 Management, and the U.S. Forest Service, mari-
12 juana grows have commonly been found in excess of
13 1,000 plants per cultivation site and some have in-
14 cluded more than 200,000 plants.

15 (3) As a result of these grow sites, public and
16 private lands are being destroyed by chemical con-
17 tamination and alteration of watersheds; diversion of
18 natural water courses; elimination of native vegeta-
19 tion; wildfire hazards; poaching of wildlife; and
20 harmful disposal of garbage, non-biodegradable ma-
21 terial litter, and human waste. In many cases the
22 damage is being done to watersheds where millions
23 of dollars in Federal and State funds have been
24 spent to improve conditions for threatened fish and
25 wildlife species.

1 (4) Research has found that listed and can-
2 didate species under the Endangered Species Act
3 like the Pacific fisher and Northern Spotted Owl
4 have been killed by poisons and hazardous sub-
5 stances at marijuana cultivation sites, increasing
6 pressure on legal land users to undertake conserva-
7 tion measures.

8 (5) State and Federal fish and wildlife officials
9 have found that environmentally destructive prac-
10 tices resulting from illegal marijuana cultivation, in-
11 cluding the removal of timber and vegetation, can
12 lead to excess river and stream sedimentation in
13 areas needed by salmon and other protected fish
14 populations.

15 (6) Timber companies, farmers, and ranchers in
16 northwest California report that illegal marijuana
17 cultivation on private lands has caused significant
18 damage to livestock, agriculture, and natural re-
19 sources.

20 (7) A single 2011 operation titled Operation
21 Full Court Press in Mendocino National Forest
22 (CA) located 56 cultivation sites and interdicted 32
23 firearms, 1,510 pounds of processed marijuana,
24 more than 468,950 plants and resulted in 102 ar-
25 rests. The operation also removed 23 tons of trash,

1 over a ton of fertilizer, 57 pounds of poison, 22
2 miles of irrigation piping, 13 man-made dams, and
3 120 propane tanks.

4 (8) Basic reclamation of marijuana cultivation
5 sites can cost well over \$15,000 per site. Citizen vol-
6 unteer groups, concerned with the extent of environ-
7 mental damage to local forests, have relationships
8 with law enforcement to reclaim and clean up cul-
9 tivation sites.

10 **SEC. 3. DIRECTION TO UNITED STATES SENTENCING COM-**
11 **MISSION.**

12 (a) IN GENERAL.—Pursuant to its authority under
13 section 994 of title 28, United States Code, and in accord-
14 ance with this section, the United States Sentencing Com-
15 mission shall review and amend the Federal sentencing
16 guidelines and policy statements to ensure that the guide-
17 lines provide for additional penalties otherwise applicable
18 to persons convicted of offenses under section 401(a) of
19 the Controlled Substances Act (21 U.S.C. 841(a)) while
20 on Federal property or intentionally trespassing on the
21 property of another if the offense involves any of the fol-
22 lowing:

23 (1) The use of a poison, chemical, or hazardous
24 substance for the unlawful production of a controlled
25 substance that—

1 (A) creates a serious hazard to humans,
2 wildlife, or domestic animals;

3 (B) degrades or harms the environment or
4 natural resources; or

5 (C) pollutes an aquifer, spring, stream,
6 river, or body of water.

7 (2) The diversion, redirection, obstruction,
8 draining, or impoundment of an aquifer, spring,
9 river, or body of water for the unlawful production
10 of a controlled substance.

11 (3) The substantial removal of vegetation or
12 clear cutting of timber for the unlawful production
13 of a controlled substance.

14 (b) REQUIREMENTS.—In carrying out this section,
15 the United States Sentencing Commission shall—

16 (1) assure reasonable consistency with other
17 relevant directives and with other sentencing guide-
18 lines; and

19 (2) assure that the guidelines adequately meet
20 the purposes and kind of sentencing available under
21 sections 3553(a)(2) and 3553(a)(3) of title 18,
22 United States Code.

1 **SEC. 4. RULE OF CONSTRUCTION.**

2 Nothing in the Act shall be construed to apply with
3 respect to the legal use of authorized pesticides, herbi-
4 cides, fertilizers, chemicals, or hazardous substances.

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