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June 10, 2010

Mendocino County Grand Jury  
P.O. Box 629  
Ukiah, CA 95482

Re: Response to Grand Jury Report titled: "Marijuana: It Costs More Than You Think"

Dear Grand Jurors:

Thank you for requesting a response from the Department of Fish and Game (Department) regarding the report referenced above. The Department welcomes the Grand Jury's interest in this important issue. You have asked for a response to Findings 1-7 and Recommendations 1, 4, and 5.

#### **I. Response to Findings**

**Finding 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.

The activities described in this finding are consistent with the illegal cultivation of marijuana.

**Finding 2:** The theft of water is a violation of California Penal Code §484 (petty theft) or §487 (grand theft, over \$400).

The Department agrees with this finding.

**Finding 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.

The Grand Jury's description of photographic evidence in this finding is consistent with what the Department has found at illegal marijuana growing sites throughout the state.

**Finding 4:** Animal carcasses, human garbage, human waste, herbicides and animal poisons have been recently found at these sites.

This finding is consistent with what the Department has found at illegal marijuana growing sites throughout the state.

**Finding 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)

This finding is consistent with what the Department has found at illegal marijuana growing sites throughout the state.

**Finding 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.

The Department agrees with this finding.

**Finding 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.

The Department agrees that illegal marijuana growers have adversely affected habitats by diverting streams, mixing toxins within streams, and allowing them to carry toxins downstream.

## **II. Response to Recommendations**

**Recommendation 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)

The Department has an excellent working relationship with these agencies and agrees that the agencies should continue to work together to prevent the environmental damage described in the Grand Jury's report.

**Recommendation 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)

The Department agrees with this recommendation.

**Recommendation 5:** Appropriate equipment and procedures be used to insure safety of cleanup crews. (Findings 8, 11-12)

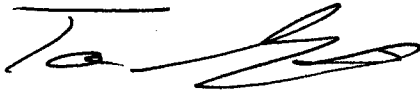
The Department agrees with this recommendation.

*Conserving California's Wildlife Since 1870*

Thank you for this opportunity to respond to your report. The illegal cultivation of marijuana has substantial adverse effects on natural resources throughout the state. The Department is committed to continuing to address this problem to the extent funding and staffing constraints allow. To learn more about the Department's efforts to remediate and eradicate marijuana grow sites, please see the video at the following web address:  
<http://www.youtube.com/watch?v=DDMMeAchYIc>

Please contact Senior Staff Counsel Nathan Goedde at (916) 651-7818 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Gibson', written over a horizontal line.

Tom Gibson  
General Counsel