

The Rathdrum Prairie

It's Transition from Agriculture to Development

The SEE effects

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Disclaimer

This presentation does not attempt to fully explain the nuisances, positions and/or complete context of news stories, merits, or legal issues surrounding the transition of the Rathdrum Prairie from primarily agricultural operations to commercial, residential and light industrial development.

The intent is to show how societal changes, priorities in public policy, environmental challenges and economics, dramatically influence communities and their surrounding areas.

A Burning Issue Grass-Seed Growers Are Split Over Pact To End Field Burning

Sun., Aug. 17, 1997

Ken Olsen And Craig Welch Staff writers, Spokesman Review

Angry grass growers say Jacklin Seed Co.'s pact to end field burning on the Rathdrum Prairie is a sham.

The community wants burning to stop, Jacklin said, and it "is the right thing to do."

He also urged the public to keep the pressure on. "We also believe the public should and will distinguish between those who are participating and those who are not," Jacklin said.

"This has nothing to do with the commercial development of commercial land," said Glenn Jacklin, the seed company's operations manager. "This is the right thing to do for the community and the right thing to do for the grass seed industry.

So begins the schism.

A Burning Issue Grass-Seed Growers Are Split Over Pact To End Field Burning - Continued

Sun., Aug. 17, 1997

For at least two years Jacklin representatives have pushed Kootenai County to change zoning along the corridor between Post Falls and Rathdrum from agriculture to commercial. Such a zone change can bring a tenfold increase in the value of the land and make the landowners instant millionaires on paper, according to records in the Kootenai County Assessor's office. Kootenai County refused to make such a sweeping zone change two years ago. But consultant J.P. Stravens is on the verge of submitting another proposal on behalf of the Jacklins and other landowners.

- **"I think what they have designed is to put more pressure on the rest of us so they can go to the land-use planners and say 'there's nothing else we can do with this ground,'" Meyer said.** He served on a Highway 41 committee two years ago ostensibly established to consider widening the thoroughfare from two lanes to four or five lanes, he said. Suddenly, during the final two meetings, the talk switched to rezoning the Highway 41 corridor.

A Burning Issue Grass-Seed Growers Are Split Over Pact To End Field Burning - Continued

Sun., Aug. 17, 1997

“The future appears to be that the corridor between Post Falls and Rathdrum is going to convert from agriculture to commercial,” Leffel said. It’s time to do it and do it right. Public pressure to stop burning only will increase, he added.

“Therefore, you have to look at the long-term,” Leffel said. “If you can’t farm it, you have to rezone it and do something with it.” County planning commissioners agree the change is inevitable.

They've considered using frontage roads, so the highway would wouldn't be broken by driveways. They also want future buildings set several hundred feet back from the highway.

With setbacks, the Idaho Transportation Department won't have to pay to knock down or move buildings when it widens Highway 41.

The Jacklins are fighting those restrictions. Attorneys Scott Reed and Denny Davis have reviewed proposals for Highway 41 on behalf of the Jacklins.

“There’s not much interest in being thoughtful about how we develop,” planning commissioner Jon Mueller said.

Judge Snuffs Out 4-Year-Old's Grass-Burning Lawsuit Post Falls Youngster Suffers From Cystic Fibrosis, Asthma

Fri., Sept. 5, 1997

By [Craig Welch](#) craigw@olywa.net

U.S. District Court Judge Edward Lodge tossed out a lawsuit that sought to ban the controversial practice in Kootenai County.

The family of Alexandria Heisel, a Post Falls girl with cystic fibrosis and asthma - conditions aggravated by field smoke - brought the suit.

It claimed Kootenai County should be forced to ban field burning under provisions of the Americans with Disabilities Act.

The Heisels are planning an appeal, and Richman said other clients will file similar suits based on other legal arguments. Some clean air advocates in Sandpoint, where prairie farmers' smoke often ends up, are even planting no-trespassing signs in their yards. They've contemplated challenging grass-burners on those grounds.

"There will be a lot of arrows launched," Richman said. "One of them will find the mark. We'll be as creative as we can be."

In late summer each year, farmers burn the stubble off thousands of acres of blue grass fields. The practice shocks the seeds, helps rid the stubble of pests and disease, and ensures a greater yield during the next season.

The practice sends plumes of smoke in the air. Farmers have been burning since the early 1960s, but population growth has sparked a bitter rift between growers and residents.

Clean-air group to sue over field burning

Idaho bluegrass fires are a health threat, medical experts say

By [Associated Press](#) Feb 10, 2002, 12:00am MST

SPOKANE, Wash. — Clean-air advocates say they intend to sue Idaho bluegrass seed growers who burn their fields each year — sending huge clouds of smoke billowing across the Inland Northwest — in an effort to stop the practice.

It's the latest battle in a long fight by medical experts and others to end field stubble burning. In neighboring [Washington](#), the state shut down almost all bluegrass burning in the late 1990s.

This week, SAFE sent letters to dozens of grass seed farmers, along with the U.S. Environmental Protection Agency and Idaho Department of Environmental Quality, informing them of its intent to file a lawsuit in federal court unless they permanently end field burning.

The lawsuit will target every grass seed farmer in Kootenai and Benewah counties, said Joel Gross of Washington, D.C., an attorney for SAFE.

"We have no interest in interfering in any way with how these growers grow, only to the extent their growing practices endanger public health," Gross said.

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF KOOTENAI
LAWRENCE ("BUD") MOON, JR., et al., Plaintiffs, vs.
NORTH IDAHO FARMERS ASSOCIATION, et al., Defendants.

Case No. CV 2002 3890

On June 10, 2002, plaintiffs filed their "Class Action Complaint" against defendants, seeking:

- 1) class certification (however, certification has not been brought before the Court at this time);
- 2) an order from the Court creating an independently supervised medical monitoring program;
- 3) a preliminary and permanent injunction ordering farmers to immediately stop any agricultural burning in the State of Idaho even if such burning is in compliance with any applicable provision of the Idaho "Smoke Management Plan";
- 4) a declaration that citizens' property was taken by the State of Idaho without just compensation and that Idaho Code § 52-108 and the immunity provisions of the Right to Farm Act (I.C. § 24-4503) are unconstitutional;
- 5) damages for just compensation for any taking and for future costs incurred as a result of exposure to smoke;
- 6) costs, attorney fees and the payment of the expenses of the medical monitoring program; and
- 7) "any other relief the Court deems just and equitable." Id. p. 55-56

Grass-field burning a hot issue once again

Tue., Jan. 25, 2005

- **Josh Wright** Staff writer Spokesman Review
- BOISE – After a contentious debate last year and in the midst of a prolonged lawsuit, the Idaho Department of Agriculture is trying again to create a new definition of an “economically viable alternative” to grass-field burning.
- The House Agricultural Affairs Committee introduced the bill Monday after Laura Johnson, bureau chief from the Agriculture Department’s marketing division, briefed committee members.
- “We think it’s very, very important to have the rule defined by the Legislature rather than a judge,” Johnson said.
- **The Idaho Conservation League, the American Lung Association and Safe Air For Everyone, a Sandpoint-based nonprofit organization that is opposed to field burning on public-health grounds, sued the state in 2003** over Agriculture Director Pat Takasugi’s determination that there was “no economically viable alternative” to field burning.

Field-burning lawsuit settles for \$891,450

Tue., Nov. 15, 2005

Betsy Z. Russell

Staff writer

BOISE – North Idaho and Spokane residents with breathing problems who suffered from Idaho field-burning smoke over the past six years are eligible for cash compensation, under a settlement that won preliminary approval in court Monday.

In the end, the \$891,450 settlement with 70 North Idaho farmers won't provide a fortune for many of the patients – those with cystic fibrosis will be eligible for up to \$50,000, and those with asthma or other breathing problems can get only up to \$1,000 apiece.

But attorneys who filed the class action over field-burning on the Rathdrum Prairie called the lawsuit a success.

"This case has never been about money per se," said Seattle attorney R. Brent Walton.

"It's about trying to stop the practice of burning. It's time for the farmers to find a new way to bring their crop to market, just as they do in Washington."

Federal judge dismisses field burning lawsuit

Wed., Nov. 15, 2006

- **From Staff Reports** The Spokesman-Review
- **New law bans similar suits**
- Last year, a separate class-action lawsuit brought by North Idaho residents with breathing problems against area farmers resulted in an \$891,450 settlement. After that suit was filed, the Idaho Legislature banned future nuisance lawsuits against farmers over smoke if the farmers comply with the state's smoke management rules.
- **A federal judge Tuesday dismissed a lawsuit that claimed the state illegally discriminates against North Idaho residents with respiratory ailments by managing field burning smoke in a way that prevents them from leaving their homes and going to public schools, parks or courthouses when farmers are burning.**
- **The class-action suit, filed in February by Sandpoint-based Safe Air For Everyone, charged that the state is violating the Americans with Disabilities Act and the federal Rehabilitation Act in its regulation of field burning smoke in North Idaho.**
- One of the named plaintiffs is Alex Heisel, a Post Falls teenager with cystic fibrosis. Smoke on the Rathdrum Prairie during the late summer burning season allegedly aggravates her disease, and Heisel has to leave school and move to the smoke-free Priest Lake region during that period, according to the suit.
- U.S. District Judge Edward Lodge ruled that plaintiffs failed to allege discrimination as required for a claim under those statutes. Lodge also suggested the remedy the plaintiffs sought may be more appropriately addressed by the federal Clean Air Act, which regulates agricultural burning, or by a change in state policy regarding field burning.

The SEE Effects

1. **Societal** changes from Agrarian to Urban brought about challenges to previously accepted farming practices between the 1960's (29,556) and 2021 (174,673 estimated)
2. **Environmental and Disability Laws** introduced increased emphasis on Air and Water Quality, with tighter rules and regulations
3. **Economic** factors such as lower commodity values, increased production costs, in many cases made farming no longer sustainable as a family farm operation on the Prairie.
4. The opportunity to cash-out caused by growth pressure increased the transition of land to development (\$5,000 to \$100,000 per undeveloped acre)