

People & Places

In defense of resource industries

Scott Horngren helps cultivate next generation of resource lawyers

By MATEUSZ PERKOWSKI
Capital Press

Work in the Northwest's rangelands and forests has been reshaped in recent decades by the environmental laws that ranchers and loggers must navigate.

The changes are often propelled by conflicts decided in federal court, an arena where attorney Scott Horngren has made his mark as a defender of natural resource industries.

Precedents matter

Important legal opinions can arise from lawsuits over relatively minor projects that affect endangered species and public lands — major subjects of litigation in the West.

For this reason, Horngren sees certain battles as worthwhile even if they don't involve enormous timber tracts or grazing allotments, since losing one fight can have a domino effect.

"That precedent is going to hurt you in the next case," he said.

The general thrust of major U.S. environmental statutes is set by Congress, and their enforcement is carried out by federal agencies, but key questions about how these laws should function are often answered by judges.

"It's up to the courts to decide what (statutes) mean in the absence of clear direction," Horngren said. "Those interpretations are a huge part of natural resource law."

In nearly three decades of legal practice, Horngren has represented private companies — often when they're caught in the middle of disputes between environmentalists and the government — and influenced federal policy as an attorney for the American Forest Resource Council, a nonprofit industry group.



Mateusz Perkowski/Capital Press

Scott Horngren, an attorney with the Western Resources Legal Center, has spent decades defending against environmentalist lawsuits and is now training the next crop of attorneys to represent the natural resources industry.

Now he's turned his attention to educating the next crop of natural resource attorneys while continuing to litigate cases that impact agriculture, timber and mining at the Western Resources Legal Center, which is affiliated with Lewis & Clark Law School in Portland.

Unlike most nonprofit environmental law centers, WRLC is dedicated to helping natural resource industries rather than thwarting them.

The program represents parties in select lawsuits that have the potential to set legal precedent and provide an educational experience for law students.

Horngren is a natural fit for this role as a teacher-litigator, as he's well-versed in a variety of industries affected by environmental laws, said Caroline Lobdell, executive director of WRLC.

"We can't let all that talent just walk out the door," she said. "He's the true definition of a natural resources lawyer."

'Wise sage'

New lawyers have long turned to Horngren for advice as a "wise sage" of natural resource law, said Tim Bernasek, chair of the agriculture,



Western Innovator

Scott Horngren

Occupation: Natural resource attorney

Age: 61

Hometown: Portland, Ore.

Family: Wife, Yona McNally, and a grown son

Education: Bachelor of science in Forestry from Oregon State University in 1977, juris doctor from Lewis & Clark Law School in 1988.

food and natural resources team at the Dunn Carney law firm.

After retiring from a successful private practice, Horngren is still contributing to the field instead of devoting himself to golf or other pastimes, he said.

"It's a testament to his character and devotion to this industry," Bernasek said. "There are not a lot of people who are willing to do that."

During his career, Horngren has noticed subtle shifts in the effect of environmental litigation on natural resource industries.

While the public's attention is often drawn to pivotal cases, the profusion of environmental litigation has also had a more gradual effect: Federal agencies have become more gun-shy about making decisions.

For example, because of pressure from environmentalists, the government is often persuaded to scale back watershed-scale thinning projects until they're a fraction of their original scope, Horngren said.

"The agencies continue to be scared of litigation and the environmental groups," he said.

Pendulum swings

The legal landscape facing natural resource users isn't all doom and gloom. Horngren said the 9th U.S. Circuit Court of Appeals, where many Western environmental cases end up, has grown more even-handed in recent years.

In the early days of Horngren's career, the 9th Circuit was "stacked" with judges who weren't sympathetic to

federal management policies, he said. More recent 9th Circuit appointees, though, are less biased in favor of environmental plaintiffs.

A key 2008 opinion by a broad "en banc" panel of 9th Circuit judges, known as *Lands Council v. McNair*, has also helped level the playing field.

Horngren represented logging companies and local governments in that case, which pitted environmentalists against a 3,800-acre selective logging project in the Idaho Panhandle National Forests.

In its ruling resolving the dispute, the 9th Circuit overturned one of its previous decisions for misconstruing federal forest management law.

The 9th Circuit held that it's "not a proper role for a federal appellate court" to "act as a panel of scientists" that scrutinizes federal decisions and orders agencies to "explain every possible scientific uncertainty."

"Since McNair, the pendulum has swung back more toward the middle," he said.

Though much of his work life has been spent in the courtroom, it was a love of the outdoors that started Horngren on his career path.

Lobbyist to lawyer

Bicycle trips through the woods convinced him to pursue a career in forestry, he said. "I figured I'd be a forester and sit in a lookout tower all day and life would be good."

After graduating from Oregon State University, however, the timber economy was depressed while the controversies over forest management were heating up.

In this climate, Horngren became a lobbyist for timber industry groups. However, he soon realized lawsuits were influencing forest managers more than reasoned arguments and he began studying for his law degree.

"I saw that the future of public lands management is all this litigation," he said.

Mid-Valley Winter Ag Fest debuts Feb. 27-28 in Rickreall, Ore.

By GEOFF PARKS
For the Capital Press

RICKREAL, Ore. — The first Mid-Valley Winter Ag Fest is the product of a labor of love for its organizers, who see agriculture as an integral part of the Willamette Valley's past — and its future.

Deb Thomas has coordinated the Polk County Home and Garden Show — held each year at the end of February — since 2000. Last year, she started thinking about a larger event that would build on "this exciting time in agriculture with the resurgence of the family farm and Saturday markets."

"The interest in the proposal for a February Ag Fest has been overwhelmingly positive," Thomas said. The event will be held in the Main Building of the Polk County Fairgrounds, with agricultural seminars taking place at the adjacent Polk County Museum.



Geoff Parks/For the Capital Press

Deb Thomas, Mid-Valley Winter Ag Fest event coordinator, works on promotional materials at the Polk County Fairgrounds Main Building in Rickreall, Ore. The first Mid-Valley Winter Ag Fest will be Feb. 27-28.

"The local 4-H Horse Club will bring horses and show tack and do riding demonstrations," Thomas said.

Proceeds will benefit local 4-H and FFA chapters.

Information

What: Mid-Valley Winter Ag Fest

Where: Polk County Fairgrounds, Rickreall, Ore.

When: 9 a.m. to 4 p.m. Saturday, Feb. 27, and 10 a.m. to 4 p.m. Sunday, Feb. 28.

Admission: \$5 for adults and free for those under the age of 18.

Parking: Free at the fairgrounds.

Website: www.mvwagfest.com
Email: mvwagfest@gmail.com

Some of the events featured over the two days:

- The 9th annual Home and Garden Show will be held concurrently in another area of the Main Building and feature a Farmers' Bounty Market.

- The 4-H will host a petting zoo from noon to 4 p.m. each day in the fairgrounds' swine barn, along with a Favorite Foods contest.

- Artisan vendors will be in the Main Building.

- Antique Powerland volunteers will display old-time tractors and implements.

- An agricultural drone will be on display.

- An authentic covered wagon will be displayed by the Yamhill Historical Society.

- Representatives from the Chemeketa Community College Viticulture Center will talk about winemaking.

- Representatives from Two Towns head cider and Rogue Brewery will be on hand.

- Eola Hills Winery will host an ag-themed brunch on Feb. 28.

A full slate of seminars also will be offered at the two-day Ag Fest:

Saturday, Feb. 27 Museum seminars

10:30 a.m.: John Burt, Farmers Ending Hunger, "Farm to Food Bank to Solve Things."

11 a.m.: Sherri Noxel, Oregon State University's Austin Family Business Program, "Planning for a Productive Family Farm Transfer."

Noon: Stephanie Wood, "Native American Natural Harvesting."

2 p.m.: Tiah Edmundson-Morton, OSU Hops and Beer History Archive, and Makaela Kroin, University of Oregon Folk Life Network, "History and Hop Lore in the Mid-Willamette Valley."

3 p.m.: Amy Garrett, OSU Extension Small Farms Program, "Farming without Irrigation."

Main Building Seminars

11 a.m.: Gretchen Anderson, "Secrets of the Lazy Urban Chicken Keeper."

1 p.m. Dr. Ryan Scholz, district veterinarian for Western Oregon, "Avian Influenza."

2 p.m.: Domenica Protheroe of MI Chicken Revolution, "Tips for the Winter Chicken Coop."

Sunday, Feb. 28 Museum Seminars

11 a.m. Local authors forum.

2 p.m.: Robert Faust of Bio-Ag, "Restoring Soil Health."

Main Building Seminars

1 p.m. Gretchen Anderson, "Other Tips on Raising a Flock from Chick to Hen."

Calendar

To submit an event go to the Community Events calendar on the home page of our website at www.capitalpress.com and click on "Submit an Event." Calendar items can also be mailed to Capital Press, 1400 Broadway St. NE, Salem, OR 97301.

Saturday, Feb. 20

Western Regional AgVocacy Conference, Silver Legacy Resort Casino, Reno, Nev. agchat.org/

Wednesday, Feb. 24

Southern Idaho Direct Seed Workshop, Shiloh Inn Conference Center, Idaho Falls, (208) 334-2353. www.idahowheat.org/

Saturday, Feb. 27

Mid-Valley Winter Ag Fest, Polk County Fairgrounds, Rickreall, Ore., 503-428-8224. Events will promote local ag commerce and education and provide an environment that is fun and informative for the entire family. mvwagfest.com/

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Tuesday, March 1

Fruit Ripening & Ethylene Management Workshop, Postharvest Technology Center, University of California-Davis. <http://postharvest.ucdavis.edu/>

Wednesday, March 2

Fruit Ripening & Ethylene Management Workshop, Postharvest Technology Center, University of California-Davis. <http://postharvest.ucdavis.edu/>

Friday, March 4

Ag Chemical Collection Event, Redwood Transfer Station, Grants Pass, Ore., 541-690-9983. Pre-reg-

istration is required by Feb. 18. www.rogueriverwc.org/

Saturday, March 5

Ag Chemical Collection Event, Rogue Disposal Transfer Station, White City, Ore., 541-690-9983. Pre-registration is required by Feb. 18. www.rogueriverwc.org/

Saturday, March 12

Spring into Gardening, McMinnville Community Center, McMinnville, Ore., 503-434-7517. This year's theme will be Home Landscaping: Small Changes, Big Impact. Presented by Oregon State University Extension and the Yamhill County Master Gardeners Association.

Friday, March 18

2016 Oregon FFA State Convention, Oregon State University, Corvallis. <http://www.oregonffa.com>

Northwest Horse Fair & Expo 2016, Linn County Fair and Expo Center, Albany, Ore. The largest equine expo in the Northwest will

feature fancy dancing horses, strutting stallions, clinics by world-class horse trainers and riders, breed and stallion review demos, equine entertainment and a trade show. <http://equinepromotions.net/>

Saturday, March 19

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Monday, March 21

2016 Oregon FFA State Convention, Oregon State University, Corvallis. <http://www.oregonffa.com>

California Fresh Fruit Association Annual Meeting, Resort at Pelican Hill, Newport Coast. <http://www.cafreshfruit.org>

Tuesday, March 22

California Fresh Fruit Association Annual Meeting, Resort at Pelican Hill, Newport Coast. <http://www.cafreshfruit.org>

Wednesday, April 6

Idaho FFA State Leadership Conference, College of Southern Idaho, Twin Falls. idahoffa.org/

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