



**Western  
Watersheds  
Project**

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*Working to protect and restore Western Watersheds*

Amy Ormseth  
Tongue District Ranger  
Bighorn National Forest  
2013 Eastside 2nd St  
Sheridan, WY 82801



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February 23, 2023

Amy Ormseth  
Tongue District Ranger  
Bighorn National Forest  
2013 Eastside 2nd St  
Sheridan, WY 82801

Dear Ranger Ormseth:

WWP has been involved in the North Tongue process since its inception a generation ago. While not perfect, the process has been one of the Forest Service's most rational and fact-based decision-making processes. While tediously slow compared to simply removal, the process has resulted in major improvements in conditions throughout the allotments it was applied. It should have been the model for the rest of the Districts in dealing with their severe overstocking problems. Unfortunately, the other Districts lacked the same dedication to their public trust responsibilities and have not implemented actions to deal with their well-known overstocking problems.

Over the years since the ROD, the permittees, Wyoming Department of Ag, UW and industry lobby groups have sought to destroy the progress made so far. The latest attempt has been the use of the pseudoscience, sham Benjamin et al. paper in a weak, manufactured attempt to discredit the long-term use of the robel pole on the District.

We have reviewed this paper and both the information we received under FOIA and the letter you recently received from the Council for the Bighorn Range (CBR) and feel compelled to offer the following comments.

We have reviewed the paper "Refining Robel Pole Applications for Grazed Idaho Fescue Grasslands in the Big Horn Mountains, Wyoming" by R. Benjamin, B.

Stam, and J.D. Scasta, and the issues raised by the letter from CBR. In a nutshell, we are in full agreement with the stance voiced by CBR in their letter. It is difficult to understand why this paper was even published in a scientific journal and incomprehensible why the Bighorn NF would even give consideration to this poorly designed study with R squared values varying from .39 to .52. In simple terms this means the models put forth in the paper cannot explain from 48% to 61% of the variability in the data they collected in support of those models. Compare this to the Uresk and Juntti model currently used on the Tongue District with R squared values of .81 and the choice is resoundingly clear. And if that isn't enough, a one-sided t-test can be applied to the robel pole data in the field (if data collected indicates the allowable use guideline has been exceeded) and when applied raises the reliability of the Uresk and Juntti model to 95%. This far exceeds the reliability of all other natural resource monitoring methods included in the R2 Range Analysis Guide. Why would the Bighorn NF even consider changing from a model with reliabilities greater than those in FS guidance to a model with a reliability much less than the other methods included in the monitoring guide?

We understand that public lands management is not an easy process, but there has to be the pole star of public trust responsibility, fact-based decision-making and what is best for the land, not twisting in the wind of extractive industry pressure.

The Benjamin et. al. study states all their data was collected on 12 sites within 11 pastures located on the Tongue Ranger District. This means data was collected from approximately 16% of the pastures on just the Tongue Ranger District without including other areas on the northern Bighorn NF. The Uresk and Juntti model sampled 131 sites using a stratified random design across the sedimentary soils found on the northern half of the Bighorn NF. The Benjamin et. al. study does not say specifically how the 12 sites were selected. This failure in itself calls into question if the 12 sites adequately represent the range of variability found on the sedimentary soils or were the 12 sites simply located on pastures within allotments grazed by the few permittees who initiated this study with the University of Wyoming?

Since all of the data were collected from only 12 sites, we also question the statistical analysis completed for the regressions shown in Figure 4. Are some of the data points shown on these graphs a pseudo replication of the 12 sites or do they represent a distinct and different sample area as did the 131 sites sampled by Uresk and Juntti did?

We strongly encourage the Bighorn NF to have the statistical analysis reviewed by a qualified statistician, either from the Rocky Mountain Research Station or a third party outside of the agency to make that determination.

The long-term monitoring data we have received in FOIA requests since 2002 show vegetative conditions have improved with the management direction implemented under the Tongue AMP ROD. Data from the Parker 3-Step transects show that many areas across several allotments were in a downward trend in 2002 and photo points in riparian key areas in most if not all Tongue District allotments were in deteriorated or undesirable conditions. Updated data received in recent FOIA requests clearly show that a large majority of the Parker transects and just about all of the riparian photo points have dramatically improved in conditions but have not yet reached desired conditions as described in the 2005 Tongue AMP. The desired conditions, as written, not only provides for a level of grazing but goes a long ways to provide for the other resources as mandated by the Multiple Use Sustained Yield Act. Once again it is incomprehensible why the Tongue District or the Bighorn NF would even consider making any change in management, especially in the allowable use guidelines for uplands and riparian, when current management continues to make strides to moving conditions towards the stated desired conditions.

On March 2, 2009, Randall Karstaedt signed a letter for Deputy Regional Forester Antoine Dixon outlining the conditions in which the Rocky Mountain Region would accept and use range monitoring data from a third party. Was there an analysis of the study based on the points in the letter? If so, could you send me a copy of that analysis? If not, will one be done? The letter stated the following conditions must be met for the data to be acceptable:

“it must be designed and collected in furtherance of Forest Service multiple use goals and objectives”

WWP would like an explanation as to how this study was designed to meet objectives for wildlife, soils and water, and recreation (including aesthetics) or was it simply completed in an effort to allow the permittees to question the allowable use guidelines currently being used on the District that they don't like?

“It must also be timely to the question or decisions at hand”

WWP asks if the Tongue District had identified a need to change management on any or all of the grazing allotments on the District or was the study driven by a

few permittees desiring to change a portion of the Annual Operating Instructions to include an allowable use guideline that would be more easily attainable and require less time on the ground to monitor use levels in each pasture?

“the Forest Service must verify the validity and accuracy of the information”

Please explain how the Tongue District was included in the design, data collection, and data analysis, and how the District was able to verify the accuracy of the information and conclusions throughout the three years of the study.

Federal decision-making is ultimately governed by the Administrative Procedures Act which requires that there be a rational connection between the fact found and the decision made.

In relation to our FOIA request, WWP has reviewed the annual allowable use monitoring data from the 2021 grazing season on the Tongue Ranger District. The 2021 Monitoring Summary excel worksheet shows that five allotments (East Lower Tongue, Nicklemine, West Freezeout, West Lower Tongue and Upper Tongue) were found to have one or more key areas where monitoring showed the Robel pole readings were less than the allowable use guidelines outlined in the permittee’s Annual Operating Instructions. The degree in which the permittees exceeded the allowable use guideline varied but in most cases, they exceeded the guideline by one or more band (greater than 20%).

Section 16.4, Uniform Suspension and Cancellation Guidelines of Chapter 10 of FSH 2209.13, Grazing Permit Administration Handbook, contains management direction on the administration of term grazing permits. Number 2 of this section, Failure to Follow Management Instructions, states the Annual Operating Instructions are part of the term grazing permit and the permittee must carry out its provisions. It also outlines a process for the authorized officer to follow when the terms and conditions of the permit are not met. With this in mind, WWP has the following questions:

What form of administrative action was taken towards the permittees of the East Lower Tongue, Nicklemine, West Freezeout, West Lower Tongue and Upper Tongue allotments following the 2021 grazing season? I saw no evidence that actions were taken in connection to these permit violations.

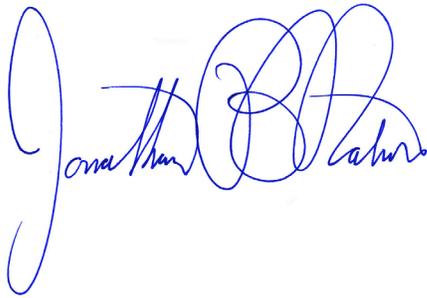
Were the East Lower Tongue, Nicklemine, West Freezeout, West Lower Tongue

and Upper Tongue allotments monitored during the 2022 grazing season. If so, did any key area within these same allotments exceed the upland (Robel pole or percent utilization where Robel pole could not be used) or riparian (stubble height) allowable use guidelines outlined in the Annual Operating Instructions during the 2022 grazing season?

If a permittee exceeded guidelines for the second consecutive year, what type of administrative action outlined in the Grazing Permit Administration Handbook will be taken with the permittee prior to the 2023 grazing season?

We look forward to receiving your response to our questions in the near future.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan B. Ratner". The signature is fluid and cursive, with the first name "Jonathan" written in a larger, more prominent script than the last name "Ratner".

Jonathan B Ratner  
Director – Wyoming Office

Cc:

Jacque Buchanan  
Clint Kolarich, Acting Forest Supervisor  
Council for Bighorn Range  
Forest Service Employees for Environmental Ethics  
Wyoming Wildlife Federation  
Bighorn Audubon Society – WY  
Wyoming Game and Fish – Sheridan