



DESERT TORTOISE COUNCIL

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CERTIFIED MAIL RETURN RECEIPT and email

March 17, 2025

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Regional Director
Southwest Region
Bureau of Indian Affairs
1001 Indian School Road, NW
Albuquerque, NM 87104

RE: Request by the Desert Tortoise Council to Be Identified as an Affected Interest for Actions
Considered under the National Environmental Policy Act

Dear Regional Directors,

The Desert Tortoise Council (Council) is a non-profit organization comprised of hundreds of professionals and laypersons who share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of desert tortoise species. Established in 1975 to promote conservation of tortoises in the deserts of the southwestern United States and northern Mexico, the Council routinely provides information and other forms of assistance to individuals, organizations, and regulatory agencies on matters potentially affecting desert tortoises within their geographic ranges.

Both our physical and email addresses are provided above in our letterhead for your use when providing future correspondence to us. When given a choice, we prefer to receive emails for future correspondence including notifications and documents, as mail delivered via the U.S. Postal

Service may take a week or more to be delivered. Email is an “environmentally friendlier way” of receiving correspondence, notifications, and documents rather than “snail mail.”

In the Bureau of Indian Affairs (BIA) National Environmental Policy Act (NEPA) Guidebook (2012), the agency states “Public disclosure and involvement is a key requirement of NEPA.”

In previous letters to the BIA’s Western Regional Office (e.g., September 21, 2020; April 17, 2022; October 23, 2022), the Council stated that the “Desert Tortoise Council wants to be identified as an Affected Interest for this and all other projects funded, authorized, or carried out by the BIA that may affect species of desert tortoises and that any subsequent environmental documentation . . . is provided to us at the contact information listed above.” We recently learned that this request is not being implemented by the BIA throughout the ranges of the four species of desert tortoises in the southwestern United States.

With this letter to the regional directors of the BIA in the Pacific, Western, and Southwestern Regions, the Council reiterates that it is identifying itself as an Affected Interest for all activities that are authorized, funded, or carried out by the BIA in the range of any of the four tortoise species in the southwestern United States (for *G. agassizii* – southeastern California, southern Nevada, southwestern Utah, and west central Arizona; for *G. morafkai* – northwestern, western, southwestern, central, and southern Arizona; for *G. flavomarginatus* – southern New Mexico; for *G. berlandieri* – southern and southwestern Texas) including areas that provide connectivity between tortoise populations/tortoise habitat. We are making this request to you as regional directors so you may share it with your staff and have them comply with our request.

The Council requests that you ensure that the BIA notifies the Council in a timely manner (e.g., by the first day of the public comment period, by the first day of the appeal period, etc.) of any action that may affect, either directly or indirectly, any of these species or occurs within the range of these species. If the BIA is unwilling or unable to do this, we request that it provide a written response to the Council explaining why it is unable to honor this request to comply with the purpose and intent of NEPA, federal regulations, and the BIA’s NEPA Guidebook (BIA 2012).

We look forward to reviewing BIA’s NEPA documents and descriptions and ensuring that BIA’s determinations under the BIA’s NEPA Guidebook of “no effect” or “may affect” to desert tortoises and the analysis that supports each determination reflects the latest information from the scientific literature and agency reports. Should you have any questions regarding this request, please contact me at the contact information on the Council’s letterhead above.

Respectfully,



Edward L. LaRue, Jr., M.S.
Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson

Cc: Ann McPherson, Environmental Review, U.S. Environmental Protection Agency,
mcperson.ann@epa.gov

Literature Cited

[BIA] Bureau of Indian Affairs. 2012. Indian Affairs National Environmental Policy Act (NEPA) Guidebook 59 IAM 3-H. August 2012.
https://www.bia.gov/sites/default/files/dup/assets/public/raca/handbook/pdf/59_IAM_3-H_v1.1_508_OIMT.pdf