United States Department of the Interior

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Prevention of Unnecessary or Undue Degradation
Northern and Eastern Colorado Desert plan amendment to the
California Desert Conservation Area Plan

Congress declared that the public lands be managed for multiple use and sustained yield, in a manner to protect certain land values, to provide food and habitat for species, and to provide for outdoor recreation and human occupancy and use. 43 USC 1701 (a)(7), (8). Multiple use management means that public land resources are to be managed to best meet the present and future needs of the American public, balanced to take into consideration the long term needs of future generations without permanent impairment of the lands. 43 USC 1702(c). BLM manages public land through its authorities in FLPMA including land use planning, acquisition, and disposition (FLPMA, Subchapter II), and regulation of use, occupancy and development (Subchapter III) of the public lands. See 43 USC 1711 to 1722, and 1731 to 1748, respectively. FLPMA specifically provides that in managing the use, occupancy, and development of the public lands, the Secretary shall take any action necessary to prevent unnecessary or undue degradation of the lands. 43 USC 1732(b).

The Northern and Eastern Colorado Desert (NECO) plan amendment area consists of approximately 3.8 million acres of public land under the administrative jurisdiction of the Bureau of Land Management. It falls within the boundaries of the California Desert Conservation Area (CDCA), an area that contains unique desert resources adjacent to a large and growing Southern California population. See 43 USC 1781(a). Congress specifically recognized multiple use and sustained yield management for the CDCA, providing for present and future use and enjoyment of the public lands, particularly outdoor recreation, and off-highway vehicle (OHV) use where appropriate. Id. The 1980 CDCA land use plan, as amended, identifies allowable uses of the public lands.

The express purposes of the NECO amendment to the CDCA plan are to balance the allowed uses of the public lands while providing for protection, conservation, and recovery of listed species and designated critical habitat. As stated in the NECO ROD, page D-3, the NECO plan "emphasizes ecosystem management with strong conservation measures and also broadly provides for multiple use of public lands." The NECO plan regulates use of public lands through the designation of Areas of Critical Environmental Concern and other special management areas specifically designated to promote species conservation, designates routes of travel on public lands, and establishes other management prescriptions to guide grazing, mineral exploration and development, recreation, and other public land uses.

Within the context of the 1980 CDCA plan, as amended over time, and as recently amended by the NECO plan amendment, BLM will take action necessary to manage the public's use, occupancy, and development of the public lands in order to prevent unnecessary or undue degradation of the lands. 43 USC 1732(b). For example, BLM may impose reasonable mitigation measures on authorized activities, or may use its enforcement authorities, including, for instance, closure of public land to OHV use if necessary, to ensure that unnecessary or undue degradation of the public lands does not result from public use, occupation, or development.

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