

# Review of How Ideological Divides Serve to Limit Bureaucratic Autonomy: A Case Study of the BLM

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## Abstract

The main question this article seeks to address is how the BLM's bureaucratic autonomy is affected by deep ideological divides over public lands management policy. Daniel Carpenter's (2001) theory of bureaucratic autonomy serves to provide the definition and method for evaluating the research question. The case study identifies that the bureaucratic autonomy afforded is intrinsically bound to interest group politics. There exists little room for initiative not supported by specific interests. Actions required by the multiple use mandates, but not supported by interests will be suppressed. But, of greater interest is in understanding that once support shifts for an initiative all previous action is undone or at least mitigated to a point of inconsequence. Hence, limited bureaucratic autonomy is afforded either way. The multiple use requirements will not satisfy all parties, and does not allow the BLM to ignore other potential uses of the public lands.

**Keywords:** Bureaucratic legitimacy • Interest group politics • Bureaucratic autonomy • Administrative discretion • Bureau of land management • Public lands management

## Introduction

The Bureau of Land Management (BLM), through its two defining legislative acts (the Federal Land Policy and Management Act (FLPMA) and the Multiple Use Sustained Yield Act of 1960), possesses vast discretionary ability. This perceived bureaucratic autonomy is nevertheless heavily constrained both internally and externally. Bureaucratic autonomy is defined as occurring: when bureaucrats take actions consistent with their own wishes, actions to which politicians and organized interests defer even though they would prefer that other actions (or no action at all) be taken [1]. This is a discussion within the larger category of administrative discretion, but it is bounded by the criteria of bureaucratic autonomy expressed by Carpenter. Autonomy, for Carpenter, is premised on the ability of an agency to establish political legitimacy and utilize this legitimacy to induce politicians and organized interests to defer to their judgment. The main research question attempts to partially explain this imposed constraint on the BLM's bureaucratic autonomy by seeking to understand the role deep ideological divides over public lands management policy have in delineating the perceived legitimacy of the actions.

## Literature Review

The main consideration is the procedural requirement of participation of vested interests in the planning process. This mandate fails to articulate what constitutes participation or the level of influence such participation should have on its decision-making [2]. Though the act provides a procedural basis for addressing federal land management, it does not provide a clear basis for addressing the ideological differences in how the actions will be perceived by actors with different ideological foundations. This limitation was presented in the case studies, presented in the article, which dealt with the impact of the National Environmental Policy Act (NEPA) on BLM land use policy and the resulting failed attempt to resurrect policy and planning control (bureaucratic autonomy).

The National Environmental Policy Act (NEPA) presented significant challenges to the BLM, both in terms of policy and planning. The BLM was

forced to adjust its policy and planning activities after resulting judicial decisions [3-5]. The resulting institutional challenges, coupled with changes in executive leadership, led to instituting larger environmentally focused changes, in an attempt to resurrect its control over policy and planning activities. The case studies identify that the level of bureaucratic autonomy afforded is intrinsically bound to interest group politics. There exists little room for initiative not supported by specific interests. Actions required by the multiple use mandates, but not supported by interests, will be suppressed. But, of greater interest is that once support shifts for an initiative all previous action is undone or at least mitigated to a point of inconsequence. The inability to satisfy all parties and/or ignore other potential users of the public lands is crucial to understanding the agency's limited ability to attain bureaucratic autonomy.

## Two competing land use ideologies

The impact of NEPA can only be understood by the realization that two mutually exclusive theories of federal land use are actively being utilized. The BLM's defining statutes (the Federal Land Policy and Management Act (FLPMA) and the Multiple Use Sustained Yield Act of 1960) was built and formulated around the first, conservationism. NEPA was formulated on the later, environmentalism. Progressive conservation represents the doctrine that was dominant during the establishment of the BLM reflecting the principles upon which FLPMA is established. Based on two principles central to the progressive era as a whole: opposition to the domination of economic affairs by narrow "special interests" (that is, large business firms) and a fundamental belief in rationality and science. Natural resources must be developed and preserved for the benefit of the many, and not merely for the profit of the few. Thus, an assertion of the public interest was an important ingredient of progressive conservation. Progressive conservation was based on Pinchot's principle of providing "the greatest good for the greatest number of people in the long run [3-5].

Opposition to narrow special interests, a fundamental belief in rationality and science, and multiple use highlighted progressive conservationism. However, as Panagia notes, this has to be viewed as part of a continuum, its commodification of natural resources is not very distant from the utilitarian theory of exploitation of resources [6]. Progressive conservationism stands in sharp contrast to environmentalism, or its related view of romantic preservationism [3].

The second philosophy, environmentalism, placed an intrinsic value on nature [3, 6]. Environmentalism views nature, as a retreat from the artificiality and disharmony of urban, technological culture and incorporates this view in its biocentric maintenance and renewal of the biosphere [3]. The divide between environmentalists and progressive conservationists is best understood by looking at their solutions to the problem of utilitarian exploitation. The progressives' two-part solution was to manage natural resources by

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- (1) Creating public agencies dedicated to the public interest, and
- (2) Using professional management by technical experts.

Conservationists of the progressive conservation mold focus first on human needs. For the environmentalists, and even more for the preservationist, however, the biosphere is primary, human use secondary [3].

The BLM's principles of multiple use and sustained yield seek to produce the greatest good for the greatest number. An entrusted public land, managed by public agencies staffed by professional land managers, is viewed as a means to achieve these principles. These principles were and remain almost identical to the progressive conservation movement of which they are products. However, Environmentalists, focusing on the biosphere, are not amenable to the principles of multiple use and sustained yield. They argue that such principles are environmentally destructive, non-conservational, and do not allow for biosphere renewal.

Environmental ideology holds that

(1) The policies of the agencies with respect to timber management, range management, wilderness, and some other issues are bad (that is, environmentally destructive, non-conservational, and not preferred by environmentalists);

(2) the agencies are subservient to user interest groups "bad guys," who prefer the bad policies described in item 1; and

(3) The agencies are subservient to user interests because representatives of the public interest (that is environmentalists) are systematically excluded from agency policymaking process embedded in excessive administrative discretion [3].

These mutually exclusive philosophies serve to create problems for the BLM in representing the interests of the public. The changing perceptions emerging from the competing natural resource management philosophies has left a legacy with an emphasis on participation and planning as cornerstones to prevent agency capture and ensure the public interest is represented.

### Procedure for analysis and evaluation

The analysis is based on the theory of bureaucratic autonomy, from which two evaluation criteria are ascertained to test the extent to which deep ideological divides over public lands management policy affect the BLM's bureaucratic autonomy (Table 1) [1]. The results indicate an overall evaluation, either positive or negative; this evaluation represents only the extent that the narrative evidence supports a positive or negative overall perception of the BLM meeting these criteria (Table 2). Hence it should be viewed not as a definitive binary evaluation, as the actual extent of meeting the criteria must be viewed as a continuous measure. As the perceptions of individual actors would depend greatly on their own ideological views; the extent to which they themselves felt that these views were propounded. The analysis model is illustrated in Figure 1.

### Case studies

**The first case study, NEPA:** Challenges to Policy and Planning, identifies

the legal and policy challenges, both in terms of policy and planning after the passage of the National Environmental Policy Act (NEPA). The BLM had to adjust its policy and planning activities after resulting judicial decisions [3-5]. Coordinated resource planning was foreclosed by the decision reached in *Natural Resource Defense Council v. Morton*, and, as such, serves to demonstrate the effects of outside influences on the planning process. Prior to the decision, the agency had attempted to coordinate their resource management activities in close cooperation with state and local government agencies, attempting to coordinate their activity and thus remove redundant or contradicting resource management activities. The suit demonstrated a divergence between the goals of resource management agencies and individuals [7]. Specifically, the decision led to a court order to prepare 212 environmental impact statements over a thirteen-year period that would assess the effect of domestic livestock grazing on the public lands. The order [7] halted AMP areas were planning and implementation of Allotment Management Plans (AMP) until an environmental impact statement had been prepared for the area in question. All plans outside of AMP areas were . This led to a policy of "restricted management", where the agency retreated from any new planning or implementation. This case study suggests that the BLM fails in the element of reputational uniqueness in that while it can create solutions, the limits imposed upon them bound the solutions possible and limit their capacity to provide services. The ideological divide among interested parties also suggests failure in the element of political multiplicity as parochial interests dominate constituencies.

**The second case study, ecosystem management:** Reassertion of Policy Control depicts how the resulting institutional challenges, from the first case, coupled with changes in executive leadership led to the institution of larger environmentally focused changes, in attempt to resurrect its control over policy and planning activities. This took the form of attempting to implement a focus on ecosystem management. However, several impediments arose to forestall ecosystem management policies. These impediments are three-fold: legal, political, and cultural [8]. The individual perception of stakeholders is key to understanding the salience of these impediments, as it is the stakeholders' judgments that effectively determine policy success or failure, given the lack of any consensus on measurement/evaluation. The main political barrier to implementation comes from funding. Congressional leaders, responsive to their constituents, impede the funding of programs that are perceived to cause injury to economic well-being. In addition, the demand to manage for particular uses and user groups further impedes the collaborative and adaptive aspects of ecosystem management, inhibiting the ability to balance different uses and groups. Cultural barriers are centered on agency culture, namely its resistance to change, innovation, and risk-taking [8]. Arguments are made for increased decentralization and participatory decision making to alter this impediment. However, these aspects present their own implications for making agency action uncertain and constrained. Lastly, the legal barriers to implementation revolve around appeals and litigation. The Healthy Forests Restoration Act (2003) limited citizen appeals and litigation on national forests. This raised grave concerns over the balance of powers/ability to redress grievances that

Table 1. Two evaluation criteria.

S. No	Criteria
1	Reputational Uniqueness is the BLM able to demonstrate that they can create solutions and provide services found nowhere else in the polity
2	Political Multiplicity the BLM needs to be able to draw on the support of multiple and diverse political affiliations, that do not fall on party lines or are based on parochial interest

Table 2. Evaluation results.

Criteria	Evaluation (+ or -)	Rationale
Reputational uniqueness	Negative	Political and judicial intervention
Political multiplicity	Negative	Ideology negates large support

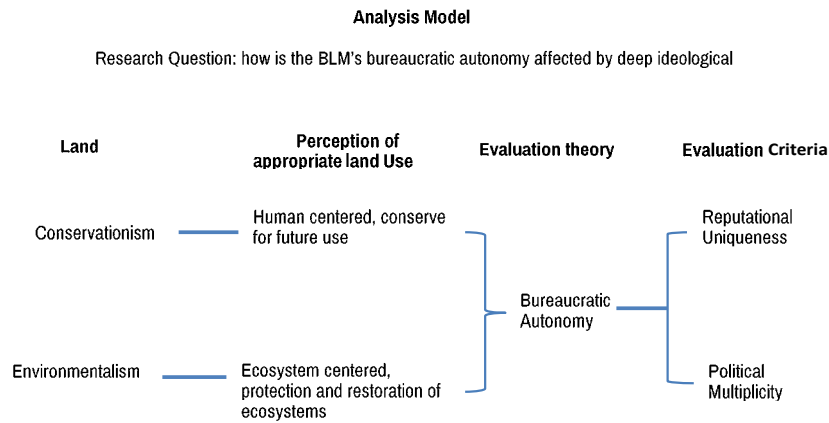


Figure 1. Analysis model.

they can seek to change or amend the implementation of these policies from outside the agency.

### Evaluation

**Criteria 1: Reputational uniqueness:** As evidenced in the decision of *Natural Resource Defense Council v. Morton*, the BLM has a limited ability to find and apply its solutions. This decision forestalled two attempts (cooperative agreements and coordinated resource planning) to assert its reputational uniqueness. In addition, even ecosystem management was reassessed after political fallout from Grand Staircase–Escalante national park formation. Hence the BLM has little reputational uniqueness, due to the political and judicial influences upon policy decisions.

**Criteria 2: Political multiplicity:** The Grand Staircase–Escalante and Northern Spotted Owl controversies did much to remove the ability to draw support for its policies. Much of the progress in building credibility and trust were eroded during this period as debates over basic agency activities were waged in Congress, the courts, and the press [3-5]. In addition, support for policies does not tend to cross-ideological lines and depends heavily on parochial interests. Hence, there is little political multiplicity in the BLM due to the inability to garner large political support across public lands management ideological lines.

## Discussion

Carpenter's theory of bureaucratic autonomy places the larger questions of administrative discretion within the reputation of government agencies themselves. Using the BLM as a sample agency, this study adds to our understanding of how public administrators engage with the idea of discretion in their work. As noted in the introduction, the first requirement of the Federal Land Policy and Management Act (FLPMA) requires the participation of vested interests in the planning process. Hence, interest group politics and the idea of pluralism becomes a primary focus. The inability to form or maintain any aspect of bureaucratic autonomy in light of strong ideological pressures presents a strong question to the legitimacy of the exercise of their regulatory power. Interest groups are structured to cast local and private issues in an illegitimate light [9]. They do so, because at the core, public lands planning and decision-making are politics: Who frames the debate which controls the language of legitimacy, who pays, who benefits, who loses. The need to aspire to something more than local or private issues enters the public debate. The notion of governance is key to understanding the interaction of interest groups in public lands management. Linking public managers, citizens, and stakeholders together in defined procedures to determine the shape of policy, its implementation, and its enforcement can create legitimacy through democratic processes. The decision-making process becomes the key factor in determining the legitimacy of agency action. The extent to which all stakeholders demands, grievances, and concerns are satisfactorily addressed is crucial. In public lands management, the concern has been and remains in balancing decentralized and centralized decision-making structures within

the BLM. The admonition to pursue the public interest for managers is one that leaves little tangible guidance, and instead places an inordinate amount of pressure on rule-making procedure. In the BLM's case, this is the planning process. Participation in this process is viewed as vital to legitimizing actions.

Participation in rulemaking is vital to the preservation of our democratic system. Rulemaking by agencies has eclipsed legislation by Congress as the most important source of law-making in at least three ways: sheer volume, specificity of command, and immediacy of effect. The legitimacy of rules is derived from two sources, with the first being the authorizing statutes noted above. The second source of legitimacy is the process by which unelected officials develop the rules. Public participation serves in effect, as a substitute for the electoral process that bestows constitutional legitimacy on legislation. Public participation in rulemaking also informs unelected officials [10].

The lack of any determinable criterion for judging the outcome of such procedures, due to the lack of a public interest, presents a key obstacle for any agency. The inherent conflicting philosophies that underpin natural resource management make such deficiency a problem [11].

## Conclusion

The changing perceptions of the legitimate application of the BLM's policy discretion illustrate four themes that build off of the influence of the philosophies surrounding natural resource management. First, there is no agreement on the proper purpose or goal of natural resource management. Second, citizen participation is viewed and treated as a procedural mechanism in order to achieve legitimacy given the lack of purpose. Third, procedural mechanisms have a limited role in ensuring legitimacy, as they fail to determine any criterion for judging the outcome of such procedures. Lastly, the ideological bent of the interested party or of the court appears to have a role in determining the course or strength of bureaucratic autonomy. The incommensurable ideals of the contending philosophies of natural resource management limit bureaucratic autonomy.

The case studies identify that the level of bureaucratic autonomy afforded is intrinsically bound to interest group politics. There exists little room for initiative not supported by interests. Actions required by the multiple use mandates, but not supported, will be suppressed. Once support shifts for an initiative all previous action is undone or at least mitigated to a point of inconsequence. Limited bureaucratic autonomy is afforded, as the multiple use requirements will not satisfy all parties, but does not allow the agency to ignore other potential uses of the public lands. The inability to utilize its expertise in determining or ignoring uses of the public lands severely handicaps its ability to establish bureaucratic autonomy as it cannot garner stable interest group support. Without a solid reputation and clearer law, agencies are stuck unable to implement fully the purposes of an Act. Interest group politics can take advantage of the situation (and conversely could be used to enhance the reputation in the future) to promote various positions, rendering an agency powerless or at least disadvantaged in its technical efforts.

This research, rather than offering advice for public administrators dealing with deep ideological divides instead directs toward a warning. The greater a government agency uses its discretion in acting within ideologically divided arenas the greater the likelihood of conflict with those who the agency is trying to serve. The BLM, as depicted, attempted to embrace both ideologies in isolation and then in concert. However, no attempt to appease one side can come without a corresponding loss for the other. Moreover, certain actions (those that impinge local economic activity and those to which perceived environmental destruction/loss) are actions that will raise the greatest conflict and resentment – and further erode confidence in the agency itself.

For public administrators, acting within an ideological minefield is a no-win scenario, as any potential bureaucratic autonomy soon disappears with judicial decisions or political change. Rather, it appears that the best solution, in these cases, may be one in which an agency does not seek to establish bureaucratic autonomy. Rather, appealing to legislative bodies to pacify the political minefield through clarified implementation policy may be the more prudent choice.

Waiting for the politics of a policy's implementation to be handled by the legislative branch may enhance the agency's reputation as it uses its discretion in more constrained ways. Otherwise, an agency must expend limited agency time and resources attempting the impossible: in the case of the BLM to get comment from, evaluate, and include preferences of all potential utilizers of the public lands despite their incommensurate demands to find agreement on how the public lands should be managed.

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## Consent Letter

The authors have no objection and agreed to make few moderate changes in the article. It is an asset article; we have made it to a review article.

## References

1. Carpenter, Daniel. *The Forging of Bureaucratic Autonomy: Reputations, Networks, and Policy Innovation in Executive Agencies*. Princeton: Princeton University Press, United States 57(2001): 53-79.
2. Arka, Jan. "Interest Representation and the Federal Land Policy and Management Act." *Michigan Law Review* 80 (1982): 1303-1325.
3. Culhane, J Paul. *Public Lands Politics: Interest Group Influence on the Forest Service and the Bureau of Land Management*. Baltimore: John Hopkins University Press, United States, (1981).
4. Muhn, James and Hanson R. Stuart. *Opportunity and Challenge: The Story of BLM*. Washington: Department of the Interior, Bureau of Land Management, United States, (1988).
5. Skillen, R. James. *The Nation's Largest Landowner: The Bureau of Land Management in the American West*. Kansas: University Press of Kansas, United States, (2008).
6. Panagia, Giancarlo. "The Political History of Federal Land Exchanges." *Electron Green J* 28 (2009): 1-20.
7. Turcott, George. "BLM on Coordinated Resource Planning". *Soc Range Manag* 4(1977): 172-173.
8. Koontz, Tom and Jennifer Bodine. "Implementing Ecosystem Management in Public Agencies: Lessons from the U.S. Bureau of Land Management and Forest Service." *Conserv Biol* 22 (2008): 60-69.
9. Fairfax K. Sally. "Interest Group Participation in Public Land Planning and Decision Making Processes: Paradigm Lost, Paradigm Found?" *Conf Proc* 1(1994): 1-16.
10. Furlong, R. Scott and Cornelius M. Kerwin. "Interest Group Participation in Rule Making: A Decade of Change." *J Public Adm Res Theory* 15(2005): 353- 370.
11. Malay, Joshua and Matthew R. Fairholm. "How Ideological Divides Serve to Limit Bureaucratic Autonomy: A Case Study of the BLM." *Am Rev Public Adm* 50(2020): 375-386.

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