

Section I: How Equity-focused EOs Are Reshaping the Risk Landscape for Outdoor Recreation Service Providers

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Agenda

Equity-focused Administrative Actions

- Executive Orders
- Agency Guidance

How're Your Organizations being Impacted?

- Federal Contracts & Partnerships
- Participant Experience

Where Do We Go From Here?

- Why Equity Work is Important
- How Do We Stay Engaged?

Disclaimer

- Due in part to federal court orders and ongoing litigation, implementation of these EOs have been slow
- Ambiguous language and uncertainty over what constitutes “illegal DEI”
- This is not legal advice

Key Takeaways

1. Understand what the emergent equity-related threats to your work are.
2. Gain an understanding of how these threats could create increased risk for your organization and how they might impact your work.
3. Become familiar with the tools and strategies that can help you manage these risks.

Equity-focused Administrative Actions

Executive Orders | Agency Guidance

EO 14151: “Ending Radical and Wasteful Government DEI Programs”

Termination Requirement: federal agencies must terminate all “equity-related” government contracts and grants and terminate all “illegal DEI” activities in the federal government

EO 14713: “Ending Illegal Discrimination and Restoring Merit-based Opportunity

Certification Requirement: Federal contractors and grantees must: certify that they do not operate any DEI programs that violate federal anti-discrimination laws; and agree that they comply “in all respects with all applicable Federal anti-discrimination laws” and that the certification is material for purposes of the False Claims Act (FCA)

Enforcement Requirement: Requires the Attorney General to develop and anti-DEI strategic enforcement plan and identify specific targets in the private sector that the administration believes operate DEI programs that violate federal anti-discrimination laws for potential civil compliance investigations

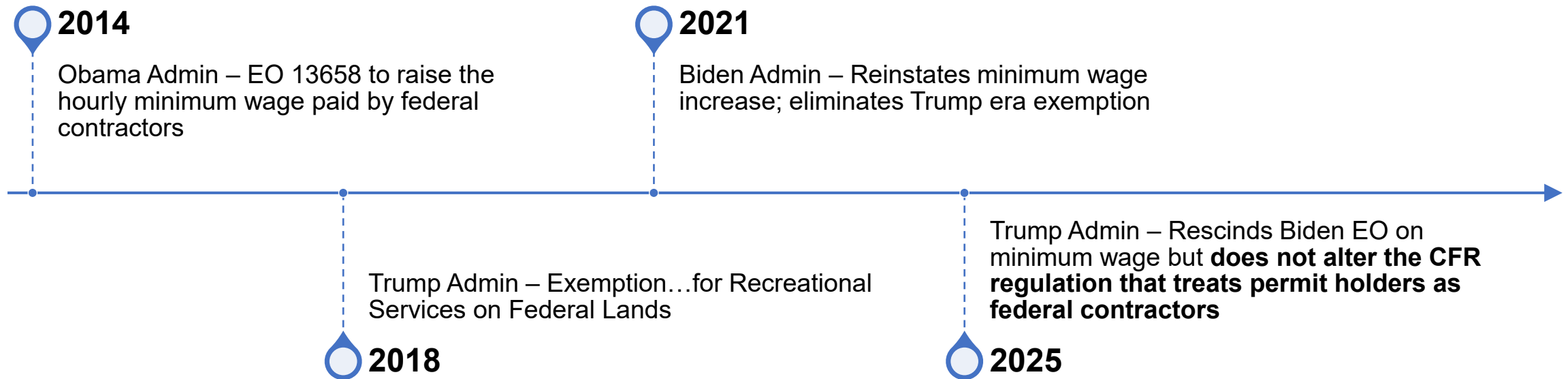
Are Special Recreation Permits Federal Contracts?

- Historically treated as contracts in other contexts
- Applicable regulation is broadly written -- 29 CFR 10.2 includes:
 - Includes “all contracts and any subcontracts of any tier thereunder, whether negotiated or advertised, including . . . **permits**, or any other type of agreement, regardless of nomenclature, type, or particular form, and whether entered into verbally or in writing.
 - Includes “**contracts in connection with Federal property or land and related to offering services for . . . the general public.**”

Are Special Recreation Permits Federal Contracts?

- Applicable regulation is broadly written -- 29 CFR 10.2 includes:
 - A contract or contract like instrument means an agreement between two or more parties creating obligations that are enforceable or otherwise recognizable at law. This definition includes, but is not limited to, a mutually binding legal relationship obligating one party to furnish services (including construction) and another party to pay for them. The term *contract* includes all contracts and any subcontracts of any tier thereunder, whether negotiated or advertised, including any procurement actions, lease agreements, cooperative agreements, provider agreements, intergovernmental service agreements, service agreements, licenses, permits, or any other type of agreement, regardless of nomenclature, type, or particular form, and whether entered into verbally or in writing. The term *contract* shall be interpreted broadly as to include, but not be limited to, any contract that may be consistent with the definition provided in the Federal Acquisition Regulation (FAR) or applicable Federal statutes. This definition includes, but is not limited to, any contract that may be covered under any Federal procurement statute. Contracts may be the result of competitive bidding or awarded to a single source under applicable authority to do so. In addition to bilateral instruments, contracts include, but are not limited to, awards and notices of awards; job orders or task letters issued under basic ordering agreements; letter contracts; orders, such as purchase orders, under which the contract becomes effective by written acceptance or performance; and bilateral contract modifications. The term *contract* includes contracts covered by the Service Contract Act, contracts covered by the Davis-Bacon Act, concessions contracts not otherwise subject to the Service Contract Act, and contracts in connection with Federal property or land and related to offering services for Federal employees, their dependents, or the general public.

Historical Context: Minimum Wage Increase for Federal Contractors



What We Know

- Anti-DEI executive orders target federal contracts, contractors, and grants.
- There is legal precedence for treating permit holders as federal contractors (e.g., Minimum wage increase for federal contractors).

What We Don't Know

- Does the definition of federal contracts under federal minimum wage law apply to applications of anti-DEI executive orders?
- If not, what definition will they use in the application of anti-DEI enforcement?
- How far will they go in the enforcement process?
 - Permits issued specifically for DEI and inclusive programming?
 - Permits issued to an organization for general operations where the recipient organization has some DEI programming?

Agency Guidance has not addressed federal contractors.

DOE issued a ["Dear Colleague" Letter](#) that threatened to revoke federal funding from educational institutions that fail to comply with equity EOs. (issued February 14, 2025)

DOJ Civil Division issued a [memo](#) outlining new enforcement actions for “combatting unlawful discriminatory practices in the private sector.” (issued June 11, 2025)

Office of the Attorney General issued “Guidance For Recipients Of Federal Funding Regarding Unlawful Discrimination” on July 29th. The [memo](#) includes:

- A categorized list of practices considered to be “unlawful discrimination”;
- A description of “key” federal discrimination provisions and laws;
- Example scenarios of “unlawful discriminatory practices”;
- And recommended “best practices” for avoiding prosecution under these laws

How're Your Organizations Being Impacted?

Federal Contracts & Partnerships | Participant Experience

Federal Contracts & Partnerships

- Loss of federal grants for failure to comply with anti-DEI EOs
- Termination of “equity-related” contracts
- Loss of contracts and partnerships with organizations that receive federal grants (e.g., educational institutions)



Mason Cummings

Participant Experience

- Attacks on DEI programs send a negative message to students (particularly those from marginalized communities) about their own identity.
- May have harmful effects on individual student learning, mental health, confidence and social skills, and impact students' ability to willfully engage in activities
- Prevent us from providing culturally competent care while in the field
- Decreasing participant retention

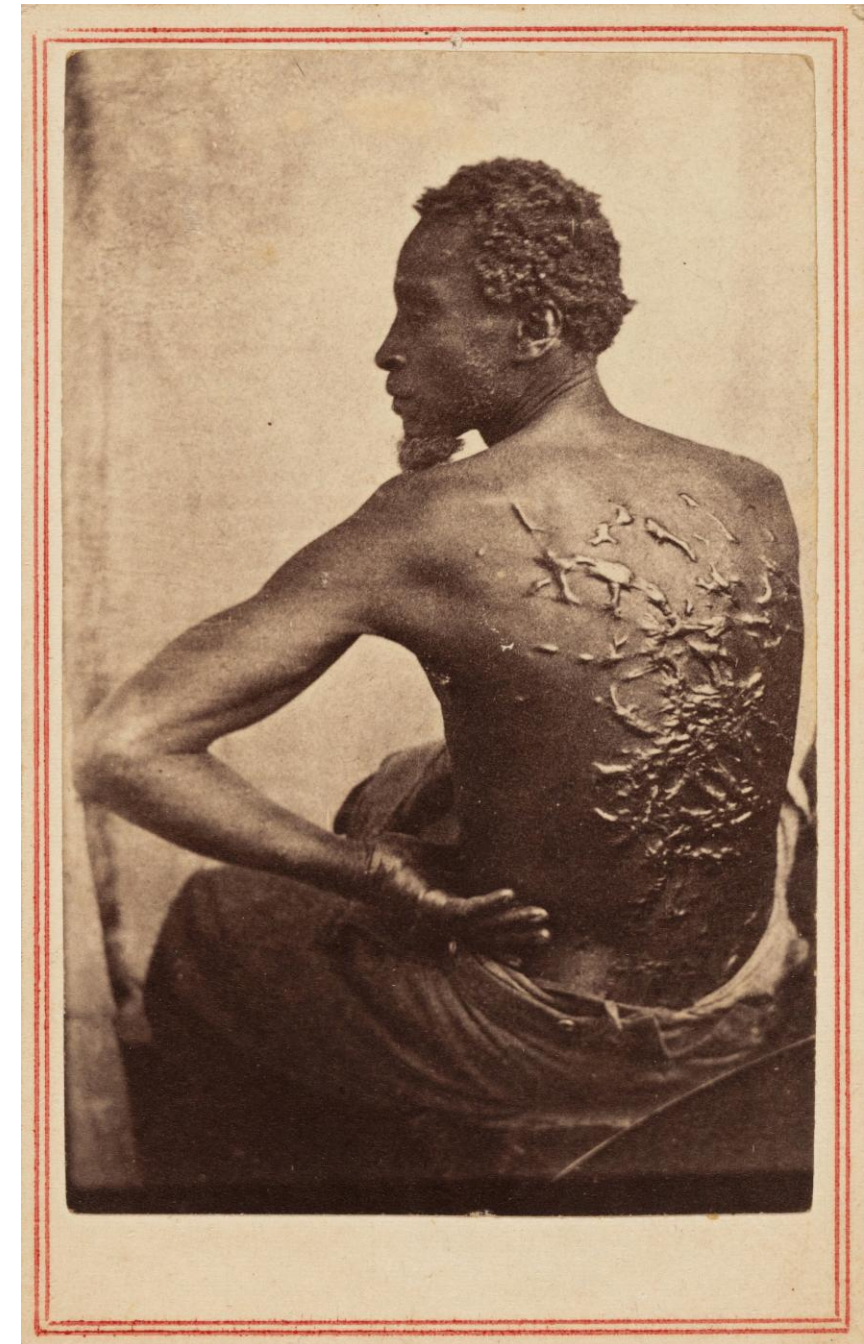
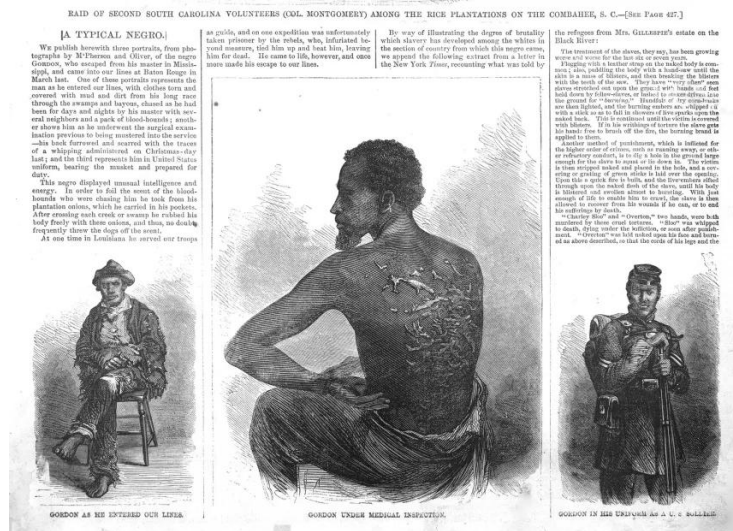


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“Scourged Back” Removal from Fort Pulaski National Monument

“Our national parks have the power to bring people together, to learn about our country’s trials and triumphs alike, and build a better world for future generations..”

- Alan Spears, Sr. Director of Cultural Resources, NPCA



Where Do We Go From Here?

Why Equity Work is So Important | How Can We Stay Engaged?

Why equity work is so Important.



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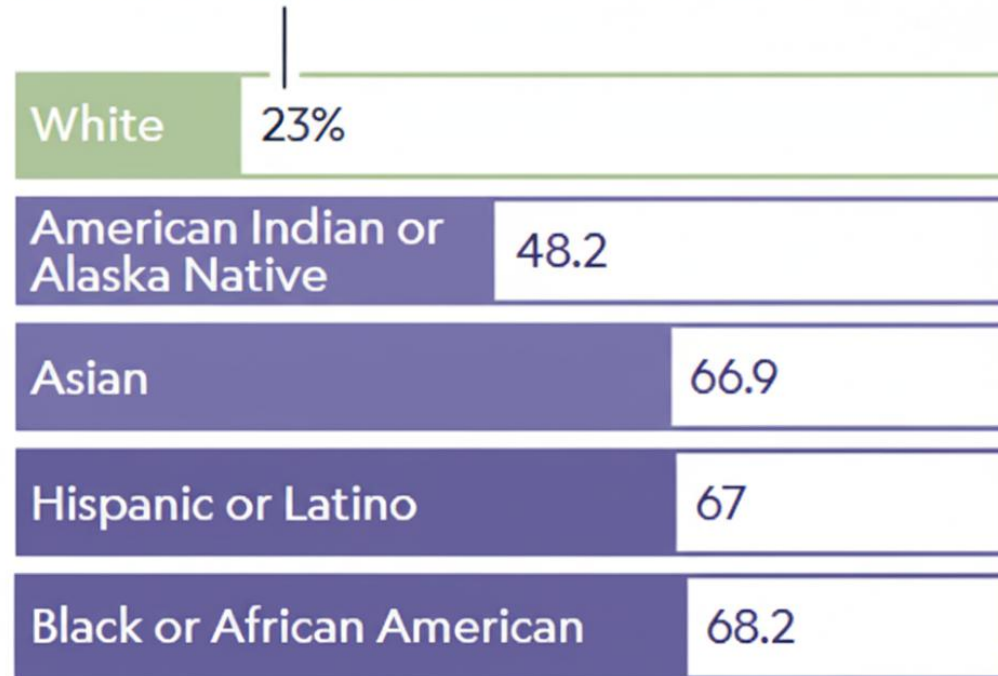
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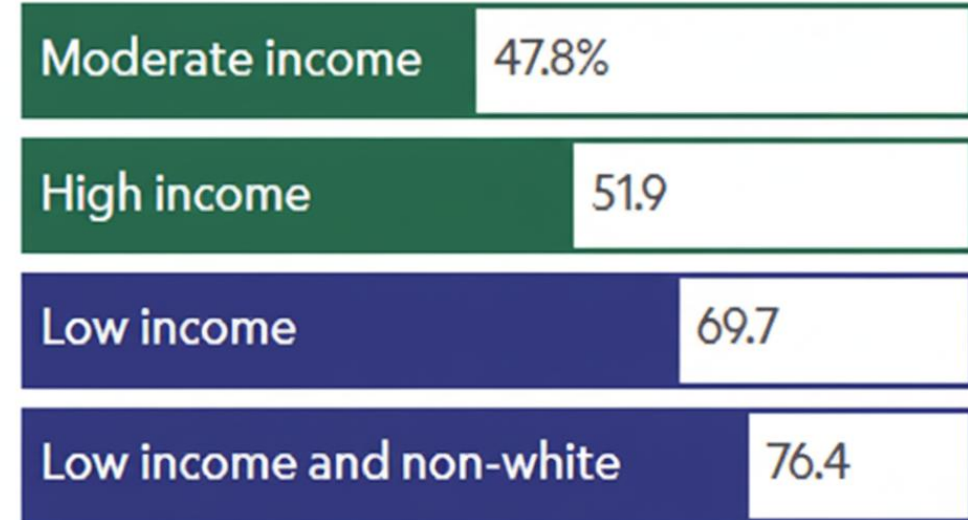
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People of color are more likely to live in an area that is deprived of nature.

Percent living in an area with less natural land than the U.S. state median



Low-income communities also live in less nature-rich areas.



DIANA MARQUES AND IRENE BERMAN-VAPORIS, NG STAFF
SOURCE: "THE NATURE GAP," JENNY ROWLAND,
CENTER FOR AMERICAN PROGRESS

1. **Communities of color are three times more likely than white communities to live in nature deprived places.** Seventy-four percent of communities of color in the contiguous United States live in nature-deprived areas, compared with just 23 percent of white communities.
2. **Seventy percent of low-income communities across the country live in nature-deprived areas.** This figure is 20 percent higher than the figure for those with moderate or high incomes.
3. **Nature destruction has had the largest impact on low-income communities of color.** More than 76 percent of people who live in low-income communities of color live in nature-deprived places.

How Can We Stay Engaged: Building Resilience Through Policy



**Every Kid
Outdoors (EKO)
Reauthorization
Act**



**Revitalizing
America's School
Yards Act of 2025**



**Transit to Trails
Act**



**EXPLORE Act
Implementation &
Amendments
Package**



How have changes at the government level (local → National) impacted (or will impact) your organization & how will you adapt to meet these challenges?

GROUPS OF 4–6

5 MINUTES TO TALK

**3 MINUTES TO HEAR
FROM 2-3 GROUPS**

Action Steps

1. Identify emergent physical, emotional, administrative, and business risks to your organization, staff, and participants.
2. DO NOT overcorrect. Use this information to accurately assess the risks that your organization might be facing and position yourself to better defend your work under a hostile administration.
3. Seek legal advice on whether your programs constitute “illegal DEI” under recently enacted policies.
4. Build a plan to create organizational resilience to face the myriad changes impacting our public lands and land managers both in the short and long-term

**HOW HAVE CHANGES AT THE
GOVERNMENT LEVEL (LOCAL →
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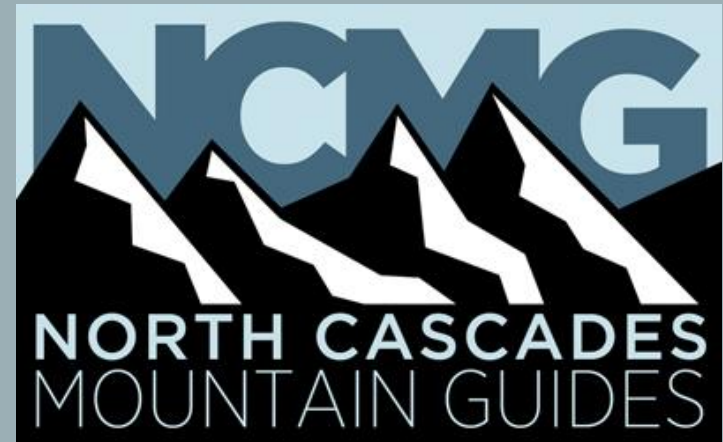


SECTION II: HOW GOVERNMENT CUTS ARE RESHAPING THE RISK LANDSCAPE

complex dynamic problems cannot be solved by linear thinking



EXPERIENTIAL
CONSULTING
*Risk Management
for
Outdoor Programs*



ALPINE LAKES WILDERNESS, WA



**11 wilderness rangers in 2024 →
1 in 2025**

**“Pit toilets overflow with human
waste, garbage mars
backcountry trails and illegal
campfires threaten a bone-dry
forest...Camping permits
issued via an oversubscribed
lottery mostly go unchecked”**

The Seattle Times

WHITE RIVER NATIONAL FOREST, CO

- 43 full-time workers (29%)
- 50 seasonal workers

“The public interface will be drastically reduced”

“The public will see trash, toilets and fewer rangers on the ground making sure fires are extinguished and people are recreating appropriately”



ASSATEAGUE ISLAND NATIONAL SEASHORE, DE, VA, MD



**All lifeguard positions were
vacant in mid-July**



BLACK CANYON OF THE GUNNISON, CO



Reduced staffing by 1/3 (– 24 positions)

All custodial staff terminated



USFS WILDFIRE

[Consolidation] will zero out the Forest Service's \$2.4 billion wildland fire management budget, sowing even more confusion and chaos

HighCountryNews

"They can claim we get all the support we need, but in reality, it isn't even close," said the fire chief, who asked not to be named for fear of retaliation.

 Reuters



4,500 firefighting positions (26%) vacant in mid-July

Vacancy rates of 39% in the Pacific Northwest and 37% in the Intermountain

Reorganization will close nine regional offices and relocate staff, a shift expected to trigger fresh resignations

HighCountryNews



**RASMUSSEN'S
RISK
MANAGEMENT
FRAMEWORK
(1997)**

“ACCIMAP”

Regulations

Policy &
Procedure

Training &
Mentorship

Field
Programs

Laws
EOs

Government

Regulatory & Assoc.

Company

Management

Staff

Work (the “field”)

Lobbying &
Advocacy

Changing
Market
Conditions

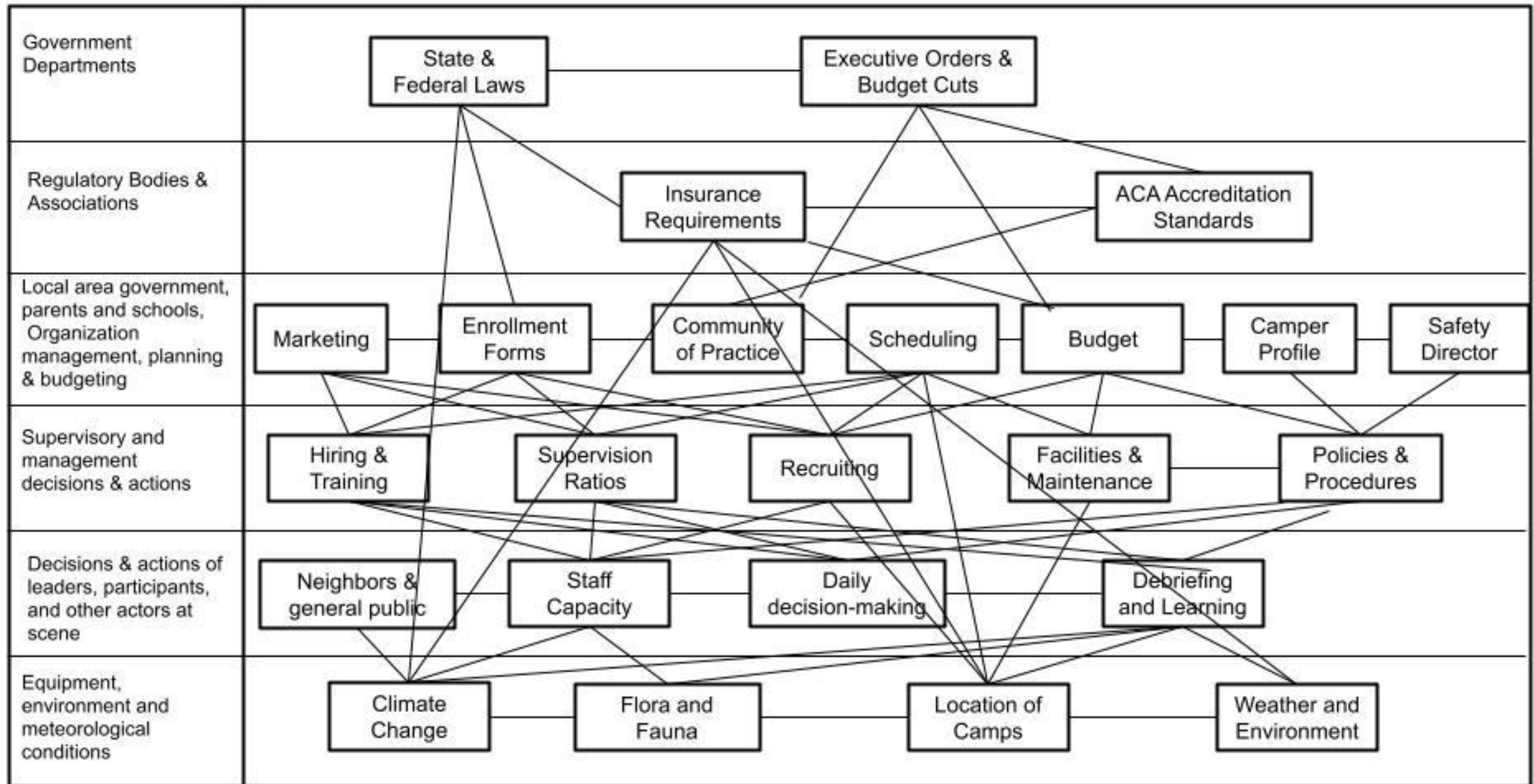
Changing
Competency,
Experience
Social Climate

Changing
Hazards,
Environment,
Conditions

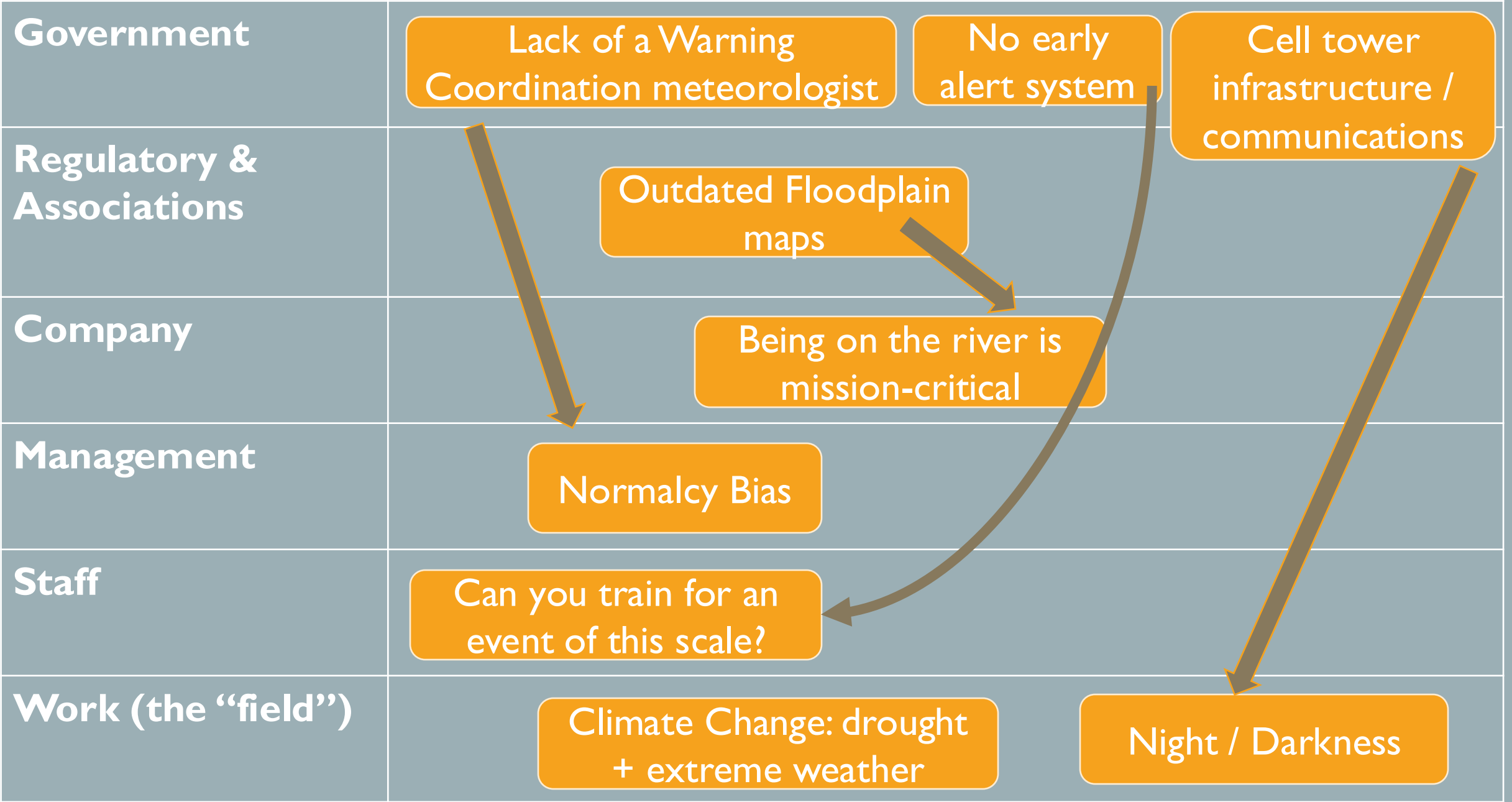


Government	Layoffs	Attrition	Decreased Emergency Services	Uncertainty
Regulatory & Associations	Decreased oversight & monitoring	Changing regulations	Assoc. Stretched	
Company	Rapidly changing economics	Inability to pivot	Mission Drift	
Management	Balancing Safety & Finances	Burnout	Staffing Challenges	Unaware of changes
Staff	Overwhelmed	Lack of training & mentorship	Ways of work no longer effective	
Work (the “field”)	Unmaintained trails & camps	Weather / Avalanche forecasts	Unrecognized & Unreported Hazards	

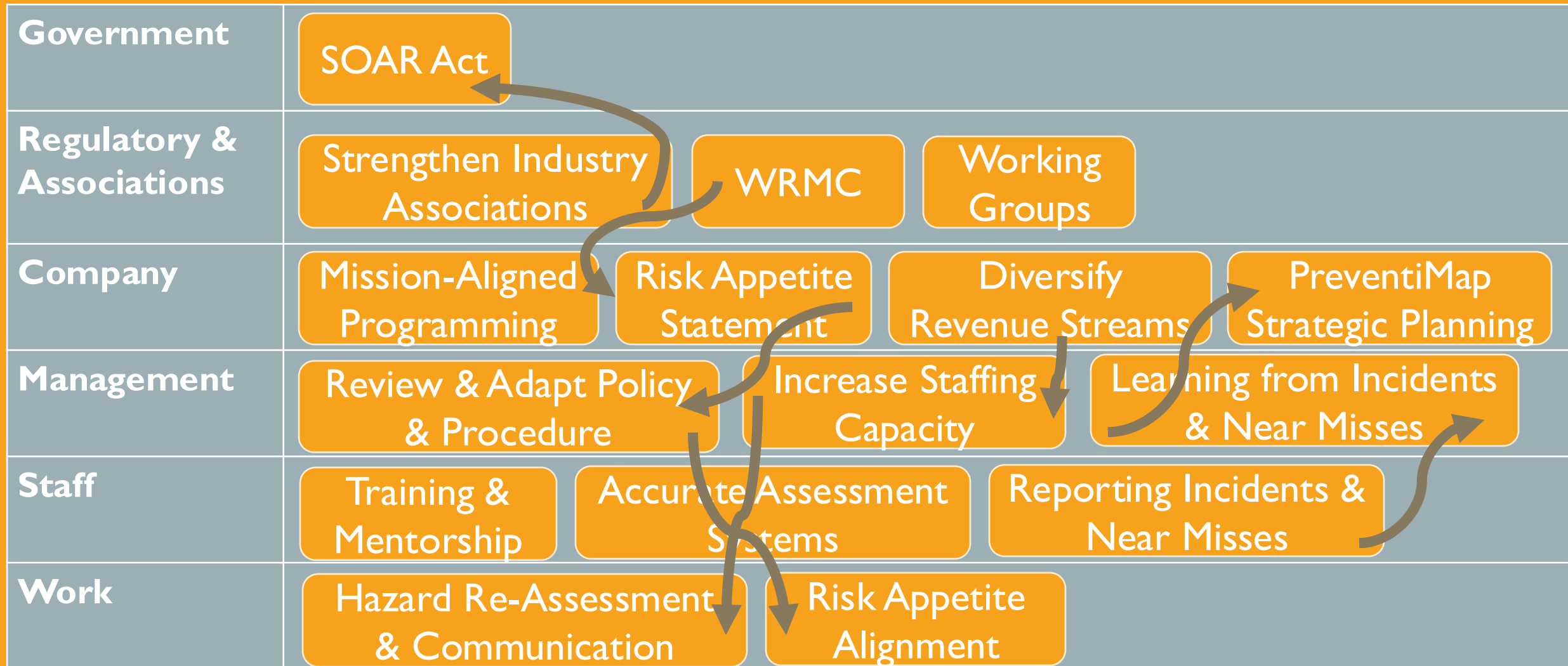
Systems Thinking for Audubon Camps







BUILDING RESILIENCE WITHIN YOUR ORGANIZATION (PREVENTIMAP)



***example:* BUILDING RESILIENCE WITH ASSOCIATIONS**



AMERICAN
AVALANCHE
ASSOCIATION



**Prioritize the avalanche
program as a national
public safety initiative**

**Allow extensions for
permanent seasonal
employees**

Authorize seasonal hiring

“Somehow through all the federal turbulence a number of organizations including the A3 and the NAC convinced the USFS that avalanche centers were actually quite important. So, we'll be bringing back all NWAC forecasters as permanent seasonals this winter...I really didn't believe it until I got my hiring notice and start date”



Northwest
Avalanche
Center



ACTION STEPS...

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The
Wilderness
Society

Outdoor Classrooms in Transition

Tracking changes to
our shared federal lands



© Michelle Craig

The Wilderness Society is collecting field reports from outdoor leaders who have led programs on federal public lands or interacted with land managers during the 2025 field season.

Use the QR code below to access our online form for sharing your observations from the field and experiences interacting with the agencies.



Scan here to access
a form where you can
submit your report.

For more information, please contact jmorris@tw.s.org at The Wilderness Society.



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