

Reason for Hope

**The EXPLORE Act Legislation and its Impact on Permitting
and Experiential Education on Federal Lands**

Wilderness Risk Management Conference 2025

Portland, Maine

Wednesday, October 1, 2025 10:30am

Speaker Bios



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**Matt Wade
Executive Director
American Mountain Guides Association**

Matt serves as the chief executive of the American Mountain Guides Association. In addition to his executive responsibilities, Matt oversees AMGA's policy advocacy work and chairs the Policy Committee of the Coalition for Outdoor Access. He has been advocating for improvements to the outfitter-guide permitting system since 2014. Before entering the nonprofit sector, Matt ran a successful mountain guide service in Colorado.

**Paul Sanford
Director of Equitable Access Policy
The Wilderness Society**

Paul is a public policy and government relations professional who works to increase access to nature and public lands for individuals and experiential education programs. He has been an attorney and policy advocate at the federal level since 1991. Paul began working to improve the recreational permitting system in 2011, first with the federal land management agencies and later with the U.S. Congress. Before coming to TWS, Paul served as Policy Director and Risk Manager at the American Canoe Association. He also ran the ACA's insurance program.

Overview and Disclaimer



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- I. Introductions and Agenda
- II. Overview of the EXPLORE Act
- III. Focus on the Permitting Provisions of Title III of EXPLORE
- IV. Implementation of the Legislation
- V. The Amendments Package
- VI. Take Home Action Steps and Q & A

Disclaimer:

We will provide a general description of the new law and try to answer general questions about how it will work in specific situations. However, our presentation should not be regarded as legal advice on the application of the law to your specific situation. If you need legal advice, consult an attorney.

Acknowledgement of Context



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- This presentation is about legislated policy changes relating to guided recreational access.
- Agency staff capacity will determine whether these changes get incorporated into agency policy in the near term.
- Recent events have dramatically reduced agency staff capacity.
- Agencies are being reorganized in ways that will also slow implementation.

EXPLORE Act Overview



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Title I - Outdoor Recreation and Infrastructure

- Congressional declaration of policy.
- Public recreation on federal lands and waters.
 - Biking on Long Distance Trails Act.
 - Protect America's Rock Climbing Act.
 - Shooting ranges.
 - Filming and photography on federal lands.
 - Motorized and non-motorized access (Travel Management).



EXPLORE Act Overview



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Title I - Outdoor Recreation and Infrastructure (continued)

- Gateway communities and park overcrowding.
 - Improved recreation visitation data.
- Broadband connectivity.
 - Internet access at developed recreation sites.
- Public-private parks partnerships.
 - Partnership agreements to modernize campgrounds and recreation facilities.
 - Outdoor Recreation Legacy Partnership Grant Program.

EXPLORE Act Overview



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Title II - Access America

- Access for people with disabilities.
 - Accessible trails inventory, new accessibility opportunities, assistive technology.
- Military and veterans in parks.
 - Promotion of outdoor recreation for servicemembers and veterans.
- Youth access.
 - Increasing youth recreation visits to federal lands.
 - Every Kid Outdoors Act extension.

EXPLORE Act Overview



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Title III - Simplifying Outdoor Access for Recreation

- Modernizing recreational permitting - more on this in a moment.
- Making recreation a priority.
 - Extension of seasonal recreation opportunities.
- Maintenance of public lands.
 - Volunteers on public lands.
- Recreation not red tape.
 - Good neighbor authority for recreation.
 - Permit relief for picnic areas.
 - Interagency report on special recreation permits for underserved communities.
 - MAPLand Act Amendments.

Key Features of Title III

Subtitle A - Modernizing Recreational Permitting

- Definitions and other FLREA Amendments
- Permitting Process Improvements
- Organized Group Activity or Event Permits
- Other Provisions
- Legal Liability for Permit Holders
- Cost Recovery



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FLREA Amendments



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EXPLORE inserts a detailed definition of “special recreation permit” into the Federal Lands Recreation Enhancement Act. [311(a)(10) amending section 802 of FLREA (16 USC 6801)]

- Replaces the generic definition of SRP with a detailed definition that describes nine types of recreation SRPs.
- The definition includes a new type of permit -- “organized group recreation activity or event permit.”





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FLREA Amendments

Special recreation permit fee guidelines. [311(b) amending section 803 of FLREA (16 USC 6802)]

- Permit fees codified [311(b)(3)(h)(2)(D-E)]
 - 3% fee for long-term permits
 - 5% fee for organized group permits
- Choice of fee [311(b)(3)(h)(2)(D-E)]
 - % of gross revenue or flat fee
- Elimination of “discount for time spent off lands” [311(b)(3)(h)(2)(F)]



FLREA Amendments



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Additional FLREA amendments

- Permit fees can be used to support the processing of applications and administration of permits [311(d)]
- Permit fees can be used to improve the operation of the permit system [311(d)]
- FLREA is reauthorized to 2031 [311(e)]





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Permitting Process Improvements

Requires agencies to review the entire permitting process and simplify it. [312(a)]

- Decrease processing times
- Eliminate duplicative processes
- Reduce costs
- Issue simplified permits





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Permitting Process Improvements

Encourages agencies to seek efficiency in the environmental review process. [312(b)]

- Expedite environmental review by using existing tools such as programmatic reviews
- Establish new categorical exclusions if needed





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Permitting Process Improvements

Other permitting process improvements:

- Eliminates the needs assessment phase of the permitting process. [312(c)]
- Requires agencies to respond to a permit application within 60 days. [314(b)]
- Requires the agencies to make permit applications available online within three years of enactment. [312(d)]





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Organized Group Activity Permits

New organized group recreation activity or event permit. [311(a)(10) and 312(e)]

- A new, simplified permit can be issued when:
 - The activity will not have significant impacts
 - The unguided public is not subject to a limited-entry system
 - Capacity exists during the days/times of use
- The simplified permit can be issued in addition to existing commercial use pools





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Organized Group Activity Permits

There are two types of organized group activity or event permits

- Type I - may be issued for up to 199 user days over a 1-year term; the activity may occur no more than three times at the same recreational site
- Type III - shall be issued for up to 39 user days provided the activity occurs in a group size of six participants (or less), over a maximum term of 180 days



Other Provisions



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- Permit holders can engage in substantially similar activities without additional analysis. [313(a)-(c)]
- Agencies are required to notify the public when visitor-use days are available. [314(a)]
- Agencies will develop a pilot program for multijurisdictional trips. [315(c)]



Other Provisions

- Extends the term of a temporary permit to two years and allows it to be converted to a long term permit after 2 years of satisfactory performance. [316]
- Protects service days not used due to unforeseen circumstances [317(b)(3)(B)]
- Establishes a system for unused permit days to be shared among recreation service providers. [318(b)]
- Additional capacity may be assigned to permit holders when available. [318(c)]



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Legal Liability for Permit Holders

- Waives the indemnification requirement for permit holders that are state entities and prohibited from provided indemnification, so long as insurance requirements are met. [319(b)]
- Requires the agencies to allow permit holders to use participation agreements that release the permit holder from liability, so long as certain requirements are met. [319(c)]
- Deeper dive during a session tomorrow at 8:30am. Paul will present with Frances Mock.



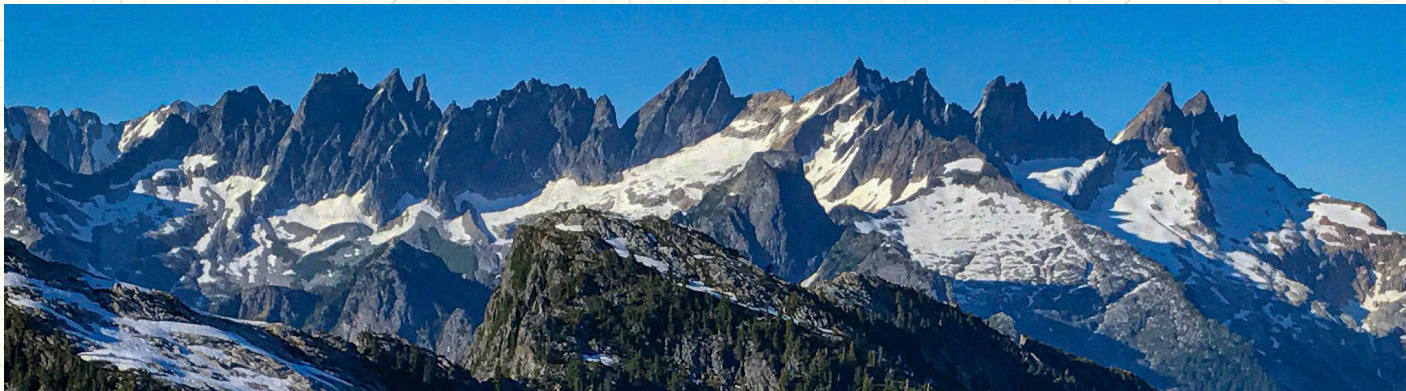


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Cost Recovery Codification

- Requires the agencies to establish a *de minimis* exception to the cost recovery requirement but it does not say what that exception should be. [320(b)]
- When processing multiple applications, requires the agencies to apply the *de minimis* exception on a prorated basis. [320(c)]



Implementation Deadlines

- July 3, 2025 -- Forest Service and BLM temporary permit system. [316(a)]
- January 1, 2026 -- Implementation of permitting process improvements [312(a)]
- January 4, 2027 -- Adoption of any necessary categorical exclusions. [312(b)]
- January 4, 2027 -- Pilot program for multijurisdictional trips. [315(c)(1)]
- January 4, 2027 -- Revise policies to allow use of liability release forms. [319(c)]
- January 4, 2028 -- Make permit applications available online. [312(d)]



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Constraints on Implementation

- January 20, 2025 Presidential Memorandum Imposing sixty-day regulatory freeze.
- Executive Order 14192 requiring elimination of ten regulations for every new regulation issued.
- Massive staff reductions within the agencies.
- Funding limitations and budget cuts.
- Agency reorganizations.





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Current Status of Implementation

- **National Park Service**
 - Liability release allowed, CUA availability posted, working on MJ permits
- **Forest Service**
 - 1st round policy changes prepared last summer
 - Notice of proposed directives released September 2, 2025
- **Bureau of Land Management**
 - 1st round policy changes could be released soon



Amendments Package



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- House passed bill April 2024, Senate changes made summer 2024
- Wording changes for clarity, technical fix in the fee section, updated deadlines
- Discussing avenues for passage with Energy and Natural Resources Committee staff



Action Steps



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- Educate your administrative staff on the contents of the EXPLORE Act and identify any opportunities it may create. At the same time, recognize that recent agency staff losses and budget cuts may impact the timeline for implementation.
- Consider whether any of the program activities you run or would like to run could be authorized using the new “organized group recreation activity or event” sections of the new law.
- Contact your permit administrator(s) to determine where your public land unit(s) stands regarding implementation. Offer to assist them with understanding the contents of the new law if you are able to do so. Alternatively, offer to connect them with organizations like AMGA or the Wilderness Society to learn more.

Reality-based Forecast

- EXPLORE Act has the potential to improve access for outdoor leaders.
- Implementation of EXPLORE could be a very slow process.
- Outdoor leaders should recognize the profound impacts of recent personnel actions.
- Outdoor leaders should have realistic expectations regarding implementation of the new law.



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Questions

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