



January 20, 2026

The Honorable Tom Tiffany
U.S. House of Representatives
Committee on Natural Resources
Subcommittee on Federal Lands
Washington, DC

Re: EXPLORE Act Implementation – One Year After Enactment

Dear Mr. Chair and Subcommittee Members:

America Outdoors Association (AOA) congratulates the Federal Lands Subcommittee on convening this important oversight hearing on EXPLORE America250: Celebrating One Year of the Expanding Public Lands Outdoor Recreation Experiences (EXPLORE) Act. The EXPLORE Act represents a remarkable bipartisan achievement that grew from years of sustained collaboration among outfitter and guide associations, conservation partners, and federal land agencies. Its passage in January 2025 was a landmark moment for outdoor recreation policy and reflects the shared commitment across the political spectrum to modernize how we manage recreation on America's public lands.

This law is not merely an extension of existing authority. It is a substantive reform that now makes binding, as statute, practices and principles that previously rested on policy. It standardizes permit administration across agencies, strengthens the use review process, clarifies credits for surrendered capacity including for reasons beyond the recreation service provider's control, reduces barriers to entry for new operators, and honors the partnership between recreation service providers and federal land managers. We thank the Subcommittee for its leadership in advancing this legislation and for convening this hearing to assess implementation as we celebrate the one-year anniversary of its enactment.

Background and Implementation Context

Since the EXPLORE Act's enactment, the U.S. Forest Service, Bureau of Land Management, and—to a lesser degree—National Park Service have been at work translating these statutory provisions into operational directives, revised handbooks, system upgrades, and permit language. The Forest Service has projected an April 2025 implementation date for "technical changes," that is, items the statute explicitly requires (marked by "shall") and that do not require full notice-and-comment rulemaking. The BLM has set a February 2, 2025, *go-live* date for its updated Recreation and Permit Tracking Online Reporting (RAPTOR) permitting system. The NPS has already moved ahead with policy changes to allow exculpatory agreements, partly in response to the Act.

Our member outfitters and guides appreciate the agencies' commitment to moving with speed and purpose. We also understand that the agencies are pursuing a phased implementation approach. We recognize that certain policy enhancements—including potentially modifications to existing categorical

exclusions, refinements to low-risk insurance definitions, and potential future adjustments to fee methodologies—may warrant broader stakeholder input and involve further appropriate agency process. We look forward to the opportunity to provide comment on specific sections that are subject to agency interpretation. Some provisions may require technical correction or other statutory adjustments, and we look forward to working with the Subcommittee to address these in the future.

As you convene this hearing, the agencies are at a critical juncture: they must balance speed with accuracy, national consistency with field-level discretion, and compliance with statute and good governance. The following sections outline AOA's key implementation priorities and requests.

I. Permit Continuity and Transition to Title III Compliance

For most of our member operators, the central concern is business continuity. The EXPLORE Act preserves the validity of existing signed permits. This is critical. At the same time, many operators wish to access the law's new benefits: e.g., improved use-of-allocation formulas, clarified surrendered capacity procedures, exculpatory agreement authorization, and low-risk insurance discretion.

As they continue to work on the development of new guidance and permit terms to implement Title III of the EXPLORE Act, the agencies continue to recognize the validity of existing permits and are moving ahead with the issuance or reissuance of permits that do not reflect the new Title III provisions. Once the development of guidance and permit terms are completed, it is our understanding that the agencies will allow permit holders to reapply for permits that include the new Title III benefits. It is critical that this process be provided in a way that is timely and streamlined, and that does not impose additional costs on permit holders.

Key requests:

1. **Permit Amendment Transparency:** Operators whose permits are reissued or renewed between now and April (for FS) or February 2 (for BLM) will likely receive permits containing language that does not yet reflect EXPLORE Act provisions. We urge the agencies to:
 - Clearly communicate to operators that interim permits will be amended once directives are finalized.
 - Specify that statutes supersede interim permit language where contradictory (e.g., if an interim permit states use is reviewed under the old "+15% over 1000 service days" formula, but the law now mandates "+25% of highest year over five"), and the statute controls until the permit is formally amended.
 - Expedite post-directive amendments to avoid prolonged periods of uncertainty.
2. **Reapplication Guidance and Timing:** The BLM's decision to frame EXPLORE Act benefits as available through reapplication (rather than automatic retrofit of existing permits) is operationally sound; it ensures that the updated RAPTOR system captures all Title III requirements and avoids missed compliance elements. However, operators need clear communication:
 - What is the expected processing timeline for Title III reapplications under RAPTOR?
 - Will BLM prioritize existing permit holders seeking Title III compliance, to avoid a processing backlog?

- Will operators have a grace period to continue operations under existing permits while reapplications are pending?
3. **Renewal and Reissuance Notification:** The Forest Service's existing 6-month renewal notice requirement is appropriate, but many operators report confusion about deadlines and procedures, particularly as the agencies undergo transition. We request:
- A coordinated outreach campaign notifying all permit holders of their specific renewal deadlines and the EXPLORE Act transition.
 - For renewals falling in the April-June 2026 window, clarification that permits will be amended to reflect EXPLORE provisions once directives are finalized.
 - Written confirmation to each permit holder of their renewal status, expected decision date, and next steps.

II. Use-of-Allocation Reviews, Surrendered Use, and Adjustment of Allocated Visitor-Use Days

The EXPLORE Act's reforms to use-of-allocation reviews and surrendered use represent some of the law's most important operational improvements for outfitters and guides. The shift to "125% of the highest year over five years" (FS) and the distinction between unused visitor-use surrendered for reasons within the recreation service provider's control (receiving half credit) and reasons beyond the recreation service provider's control (receiving full credit) provide operators with newfound clarity and fairness.

However, these provisions only work if applied consistently and transparently. We have seen regional and field-level variance in past interpretations of extenuating circumstances (particularly relating to fire, smoke, and low water), and we fear inconsistency in the new regime if guidance is not robust and example-driven.

Key requests:

1. **Use-of-Allocation Review Formulas and Timelines:**
 - The Section 317 proposed amendment requiring completion within 90 days of initiation is reasonable and should be adopted and incorporated into guidance; we strongly encourage the agencies to adopt this timeline and allocate the necessary resources accordingly.
 - If a use review has already occurred since January 2025 under the old formula, the agency should consider retroactive adjustment to the new formula, particularly if the difference is material.
2. **Surrender of Visitor-Use Processes:**
 - The agencies should issue detailed FAQs and guidance clarifying the distinction between surrendered visitor-use that will receive half credit and surrendered visitor-use that is entitled to full credit: surrendered use is volitional and must be submitted in advance (with a clear cutoff date, e.g., 30 days in advance); extenuating circumstances are events beyond the operator control, reported in real-time or shortly after occurrence.
 - BLM's February 2 FAQs should include comparable clarity and worked examples.
3. **Appeal and Reconsideration Mechanisms:**
 - AOA has discussed amendments to Section 318 to provide for an administrative appeal process for use-of-allocation review results and visitor-use-day adjustments. This is sound

policy and will significantly reduce disputes and litigation risk. We urge the agencies to adopt this and the Subcommittee to consider statutory reinforcement if needed.

- A clear appeal timeline (e.g., 30 days to file; 60 days for agency response) will help both the agency and the recreation service provider.

4. Consistency and Fairness:

- As agencies implement these provisions, AOA offers itself as a conduit for operator feedback. If members perceive inconsistency (e.g., one forest approving a low-water credit and a neighboring forest denying a similar claim), AOA will bring this to the agencies' attention so they can analyze and correct.
- We encourage the agencies to hold periodic working sessions (quarterly or semi-annually) with AOA to review implementation trends and adjust guidance as needed.

III. Cost Recovery, Minimum Fees, and Insurance/Liability

The EXPLORE Act clarifies that insurance policy requirements must be "commensurate with the level of risk" and establishes new frameworks for cost recovery, minimum fees, and insurance discretion. These provisions directly affect operator financial viability, particularly for small and emerging operators.

Minimum Fees and Predetermined Fees:

The law authorizes the Secretaries to establish predetermined fees (either fixed per permit or per visitor-use-day) for specific types of special recreation permit uses and to update those fees over time using appropriate factors. Beginning two years after enactment, in situations where no predetermined fee has been established for a particular use, the statute provides a default rate of six dollars per visitor-use day; existing predetermined fees set within two years of enactment may remain in effect, and this default does not function as a universal minimum fee floor for all permits.

Key requests:

1. Fee Methodology Clarity and Operator Election:

- The statute provides operators with fee methodology choices (predetermined fee, percentage of adjusted gross receipts (AGR) up to 3% for long-term permits), with the ability of the agencies to charge a minimum annual fee in certain instances. Operators should receive clear written guidance explaining each option, the calculation methodology, and how to elect among them, as well as how the agencies intend to implement the minimum annual fee language.
- For AGR-based fees, the statute should be clarified to exclude travel, lodging, and goods/merchandise provided outside the federal permit area regardless of the methodology applied. AOA has previously flagged this need; we support legislative clarification to remove any ambiguity.
- The agencies should provide written examples of how AGR is calculated for various operator models (day-trip outfitter, multi-day backcountry guide, water-based recreation, etc.).

2. Cost Recovery Reform and Transparency:

- Section 320 of the EXPLORE Act requires a de minimis threshold for cost recovery; AOA has long advocated for a 50-hour per permit threshold, though this is presently left to

agency discretion (pending release of final cost recovery rule). This is reasonable and we urge adoption.

- **Prior to issuing or reissuing a permit, the agency should provide a written estimate** of total anticipated administrative costs (permit processing, monitoring, compliance review, potential enforcement). This allows operators to budget and evaluate financial feasibility.
- Cost recovery should be transparent and tied to actual agency expenditures; indirect and overhead allocations should be reasonable and disclosed.
- Operators should have a right to contest cost recovery assessments they believe are erroneous or disproportionate, in particular for categories 4, 5, and 6.

3. Insurance and Liability Discretion:

- Agencies should develop guidance on what constitutes "low-risk" activities (e.g., guided walks on established trails with emergency services nearby, etc.) to help operators and officers apply the discretion fairly. BLM's emerging guidance on risk factors is a good start.

IV. Broader Access, Equity, and America 250

Beyond the SOAR (Simplifying Outdoor Access for Recreation) framework of Title III, the EXPLORE Act contains sweeping provisions on accessibility, youth, military and veterans, good neighbor authority, and sportsmen's access.

America Outdoors is deeply committed to enhancing access and administration of federally managed and permitted lands. Our member outfitters and guides are the custodians of public lands and the stewards of public access. We welcome the opportunity to be partners with agencies in implementing these broader access provisions.

Key requests:

- 1. Accessibility and Guided Recreation Integration** (EXPLORE Act Title II, sections 214-217):
 - As agencies develop 3- and 7-year reports on accessible trail and recreation development (per section 214), they should engage outfitters in planning and piloting accessible guide services (e.g., adaptive climbing, accessible river trips, beginner-friendly guided hikes).
 - Section 216 permits agencies to partner with "existing outfitting and guiding services" to provide assistive technology. We urge agencies to solicit proposals from qualified outfitters.
- 2. Youth Recreation Strategy** (sections 231-232, Every Kid Outdoors):
 - Section 231 directs agencies to develop a youth strategy (which AOA would like to see amended to include explicitly youth with families) by 2027). Outfitters can be partners in this effort, offering guided youth experiences, internships, and workforce development.
 - Agencies should engage AOA and its members in youth strategy development and solicit commercial partnerships where beneficial.
 - The Every Kid Outdoors Act extension (through 2031) should be leveraged to drive youth-led guide trips and mentorship programs.
- 3. Military and Veterans Recreation** (sections 221-226):

- The establishment of Military Veterans Outdoor Recreation Liaisons (section 222) is outstanding. These liaisons should actively engage outfitters in proposing veteran-focused guided trips, partnerships, and programming.
 - Veteran-serving programs, including those run by VA contractors and nonprofits, should be encouraged to partner with existing permitted outfitters to deliver veteran-focused trips on public lands, rather than relying on separate permit categories that could add administrative delay or complexity, where appropriate.
 - AOA members are eager to partner with VA and DoD on veteran wellness and transition initiatives; we stand ready to support outreach.
4. **Sportsmen's Access and Good Neighbor Authority** (sections 204-208, 204-210):
- The EXPLORE Act emphasizes equitable access for hunting, fishing, and shooting sports. Outfitters specializing in these activities should have equal access to permits and resources.
 - Section 205 (Good Neighbor Authority) should be streamlined to allow rapid permitting for outfitter-partner collaborations with adjacent private landowners on integrated hunting, fishing, and recreation experiences.
 - Agencies should remove administrative barriers to multi-jurisdictional trips (EXPLORE Act section 315, Service First Initiative) that link public land guides with adjacent private outfitting operations.
5. **Partnership and Pilot Opportunities:**
- AOA and its members are committed to piloting innovative access models: veteran-focused guide trips, youth education and internship programs, accessibility-centered recreation experiences, equitable access initiatives for underserved communities.
 - We invite agencies to propose pilot projects and co-design implementation with AOA. Our members will contribute expertise, operational support, and resources.

V. Closing: Implementation Partnership and America 250

The EXPLORE Act is a law of implementation. Its very enactment was outstanding. Its ultimate success, however, depends not on statutory language alone, but on how federal land agencies, working collaboratively with recreation service providers, turn statute into practice. Over the coming months and years, thousands of decisions will be made by authorized officers, regional coordinators, and national program managers. These decisions will either fulfill the law's promise or fall short of it.

America Outdoors and our members are committed to being implementation partners. We have the expertise, the ground-level knowledge, and the operational experience that agencies need. We also have a stake in success: our members' businesses and livelihoods depend on a fair, consistent, and predictable permitting environment. It is why America Outdoors is proud to have played a key role in the development of the EXPLORE Act.

We respectfully urge the Subcommittee and the agencies to:

Prioritize clarity and transparency in guidance, rules, and communications so operators can make informed business decisions and fully realize the intended benefits of the EXPLORE Act.



Adopt the timelines and processes proposed in the EXPLORE Act (e.g., 90-day use review completion, administrative appeal processes, cost recovery transparency).

Engage AOA as a partner through regular working sessions and feedback mechanisms; we will help identify implementation gaps, consistency issues, and areas for correction.

Dedicate resources to implementation, including staff training, system upgrades, and field-level support, so agencies can deliver on the law's promise.

Consider the proposed amendments that AOA has developed and previously shared, as technical amendments, as vehicles for refinement and consistency in Year Two and beyond.

As this nation celebrates America 250—the semi-quincentennial of American independence—the EXPLORE Act reminds us that outdoor recreation is not a luxury but a birthright. It is a means of connection to the natural world, to each other, and to the enduring values of public stewardship that animate our republic. Our national forests, grasslands, public lands, and waters belong to all Americans. The outfitters and guides represented by America Outdoors are the custodians of public access and the educators who introduce millions of Americans to these landscapes each year.

We thank the Subcommittee for its leadership, the agencies for their commitment to implementation, and our members for their patience and partnership as we work together to make the EXPLORE Act a success.

Respectfully submitted,

America Outdoors Association

Thank you for considering our comments.

Aaron Lieberman

Aaron Lieberman
Executive Director, America Outdoors Association

