

# EXPLORE ACT IMPLEMENTATION CLARIFICATIONS

AO has already been communicating the core elements of the EXPLORE Act / Title III. This document is not a rehash of the statute; it's an add-on: what the Forest Service and BLM clarified in response to specific questions at the 2025 AO Conference Explore Panel, and what those clarifications may mean for outfitters or implementation.

## Table of Contents

PURPOSE AND SCOPE.....	1
A. IMPLEMENTATION SEQUENCE: WHAT HAPPENS BEFORE PERMITS "MATCH" TITLE III.....	2
<i>What we heard (Agency responses):</i> .....	2
<i>Why this matters to operators:</i> .....	2
B. FOREST SERVICE NEAR-TERM TARGET: "TECHNICAL CHANGES" BEFORE THIS OPERATING SEASON .....	2
<i>What we heard (Agency responses):</i> .....	2
<i>Why this matters to operators:</i> .....	2
C. BLM CONTINUITY VS. "TITLE III BENEFITS": BLM FRAMED THIS AS AN OPT-IN REAPPLICATION PATHWAY .....	3
<i>What we heard (Agency responses):</i> .....	3
<i>Why this matters to operators:</i> .....	3
D. BLM TIMING: RAPTAR Go-LIVE TARGET AND NEAR-TERM OPERATOR-FACING GUIDANCE .....	3
<i>What we heard (Agency responses):</i> .....	3
<i>Why this matters to operators:</i> .....	3
E. RENEWALS: FOREST SERVICE EMPHASIZED THE 6-MONTH "NOTIFY INTENT TO RENEW" CLAUSE.....	4
<i>What we heard (Agency responses):</i> .....	4
<i>Why this matters to operators:</i> .....	4
F. TEMPORARY PERMITS: IMPLEMENTATION TIMING + A KEY DIVERGENCE FS FLAGGED .....	4
<i>What we heard (Agency responses):</i> .....	4
<i>Why this matters to operators:</i> .....	4
G. FIVE-YEAR REVIEWS AND ALLOCATIONS: BLM SIGNALED "MAXIMUM ALIGNMENT," WITH AN IMPORTANT CAVEAT .....	5
<i>What we heard (Agency responses):</i> .....	5
<i>Why this matters to operators:</i> .....	5
H. LOW-RISK INSURANCE DISCRETION: BOTH AGENCIES EMPHASIZED AUTHORIZED-OFFICER DISCRETION + DOCUMENTATION.....	5
<i>What we heard (Agency responses):</i> .....	5
<i>Why this matters to operators:</i> .....	5
I. SURRENDERED USE AND EXTRAORDINARY CIRCUMSTANCES: WHERE TO LOOK, AND HOW FS INTENDS TO TREAT SUDDEN EVENTS.....	6
<i>What we heard (Agency responses):</i> .....	6
<i>Why this matters to operators:</i> .....	6
J. MINIMUM FEES: FS DESCRIBED "NO INTENT TO DEVIATE" FROM THE CURRENT MINIMUM FEE APPROACH.....	6
<i>What we heard (Agency responses):</i> .....	6
<i>Why this matters to operators:</i> .....	7
REFERENCES .....	7

## A. Implementation Sequence: What Happens Before Permits "Match" Title III

### What we heard (Agency responses):

For the Forest Service, the Act is not treated as automatically self-executing at the permit clause level. FS described an implementation sequence where policy/directives updates come first, and permit clauses catch up after—meaning some permits may be reissued under existing clauses in the interim and then amended once directives are issued.<sup>i ii iii</sup>

### Why this matters to operators:

If you're in a renewal/reissue window, there may be a period where you're looking at existing permit language that does not yet reflect Title III changes—even though those changes are in statute. FS signaled that coordination with the local unit is key during this period.<sup>ii</sup>

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## B. Forest Service Near-Term Target: "Technical Changes" Before This Operating Season

### What we heard (Agency responses):

FS described targeting early April to implement a package of "technical changes" into handbooks/directives—items the statute directs the Secretary to do ("shall") and that FS described as not requiring notice-and-comment in that first round.<sup>i</sup>

FS gave examples of the types of items it expects to address in that "before this operating season" package: nominal effects determination, needs assessments limitations, temporary use permits changes, surrendered use / credits mechanics, use-allocation review and adjustments, fee calculation methods, monitoring requirements for temporary use, and exculpatory agreements (among others).<sup>i</sup>

### Why this matters to operators:

This is a concrete (if still tentative) internal implementation waypoint from FS, and it helps answer the member question: "When will I see this show up in directives / permits?"

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## C. BLM Continuity vs. "Title III Benefits": BLM Framed This as an Opt-in Reapplication Pathway

### What we heard (Agency responses):

BLM was explicit that existing signed permits continue under existing terms (continuity of operations).<sup>iv</sup> But BLM also framed Title III benefits as something that, in practice, operators should expect to access by reapplying through BLM's updated system rather than expecting BLM to "retrofit" every existing permit.<sup>v vi</sup>

BLM tied this to operational controls: they want an updated workflow to avoid missing required Title III elements because the statute is detailed and BLM's permit types expand significantly.<sup>vii</sup>

### Why this matters to operators:

This is a meaningful operational clarification: you may hear "Title III permit" used as shorthand for a new authorization processed in the updated system that captures Title III provisions, not as a term that implies your existing permit is invalid.

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## D. BLM Timing: RAPTAR Go-Live Target and Near-Term Operator-Facing Guidance

### What we heard (Agency responses):

BLM identified early February (Feb. 2) as the internal date they were working toward to go live with the updated RAPTAR workflow, and said they expected FAQs to be available by that time.<sup>viii ix</sup>

BLM also flagged expected volume (large number of SRPs; only a subset currently in RAPTAR) and the potential for a processing "traffic merge," with processing-time aspirations but uncertainty depending on field-office volume.<sup>x</sup>

### Why this matters to operators:

This gives members a planning cue: if you want to be early in the queue for the new workflow, pay attention to BLM's Feb. rollout and FAQs.



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## E. Renewals: Forest Service Emphasized the 6-Month "Notify Intent to Renew" Clause

### What we heard (Agency responses):

FS reiterated that priority use permits generally include a clause requiring permittees to notify the authorized officer 6 months in advance if they want renewal and underscored that permit holders should read and follow their permit timelines because the permit is binding.<sup>xi</sup>

### Why this matters to operators:

This wasn't a new statutory point; it was a pragmatic reminder: in the transition period, do not let procedural renewal windows slip while waiting for updated clauses.

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## F. Temporary Permits: Implementation Timing + a Key Divergence

### FS Flagged

### What we heard (Agency responses):

FS described temporary permits as part of the "technical changes" targeted for the early April implementation round.<sup>xii</sup> FS also flagged an open policy question: the statute does not include the same numeric visitor-day cap FS policy currently has, and FS is looking at options (including potentially removing the existing cap first, then revisiting in a later notice-and-comment round if needed).<sup>xii</sup>

BLM noted that Title III changes BLM's conversion pathway to require two years of satisfactory performance for conversion (and said permits issued after the February go-live would reflect those terms), while also indicating flexibility to issue a one-year temporary permit where appropriate, with the possibility of another year to meet the performance requirement.<sup>xiii</sup>

### Why this matters to operators:

This is one of the areas where implementation details will meaningfully affect growth pathways for new/additional use.



## G. Five-Year Reviews and Allocations: BLM Signaled "Maximum Alignment," With an Important Caveat

### What we heard (Agency responses):

BLM said they intend "maximum alignment" with FS and indicated intent to conduct five-year reviews but noted an important structural difference: many BLM permits do not currently have visitor-use allocations, and BLM is not intending to add allocations where they don't exist or aren't necessary.<sup>xiv</sup>

### Why this matters to operators:

Members should not assume "five-year review" will look identical across agencies if the underlying allocation structures differ.

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## H. Low-Risk Insurance Discretion: Both Agencies Emphasized Authorized-Officer Discretion + Documentation

### What we heard (Agency responses):

FS stated it already has discretion in directives for authorized officers not to require insurance when an activity is low risk and tied that to how risk is assessed (including nominal effects).<sup>xv</sup>

BLM likewise emphasized internal guidance and that authorized officers will make the call; BLM encouraged operators to document risk clearly and indicated they were still writing guidance and open to input.<sup>xvi</sup>

### Why this matters to operators:

This is a likely AO "implementation-shaping" opportunity: the statute's "low-risk" concept becomes real through definitions, examples, and decision tools.

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## I. Surrendered Use and Extraordinary Circumstances: Where to Look, and How FS Intends to Treat Sudden Events

### What we heard (Agency responses):

FS pointed operators to FSH 2709.14, chapter 50 as the place surrender/use-allocation mechanics will live and indicated the permit will likely include clauses as well.<sup>xxvii</sup> FS also read existing "extraordinary circumstances" language that allows adjusting the review period when a season is prevented (example: an administrative closure due to fire).<sup>xxviii</sup>

On the key operator question—what happens when you can't surrender use in advance because something sudden happens—FS differentiated extraordinary circumstances from surrendered-use pooling and said extraordinary circumstances would be treated as a common-sense standalone situation; when pressed, FS confirmed full use credit could apply when approved by the authorized officer.<sup>xxix xx</sup>

Both FS and BLM emphasized the practical process: put requests in writing, document the event, and explain why credit is appropriate.<sup>xxxi xxii</sup>

### Why this matters to operators:

This is the most actionable implementation detail from the panel: where members should look, and how they should present requests (written record + documentation).

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## J. Minimum Fees: FS Described "No Intent to Deviate" From the Current Minimum Fee Approach

### What we heard (Agency responses):

FS described that a minimum fee is already in place, adjusted periodically using index factors (with BLM taking a lead role in that adjustment cycle), and stated there was no intent to deviate from the current approach at this time (including for assigned site fees and outfitting/guiding minimums).<sup>xxxi</sup>

BLM clarified the minimum fee as a floor in practice, i.e., if a selected fee determination method comes in below the minimum, the minimum controls.<sup>xxiv</sup>

## Why this matters to operators:

This is one of the few places the panel addressed how "minimum fee" might function in practice.

## REFERENCES

<sup>i</sup> Sadie: "Basically um in consultation with OGC the act itself... it's not self self-enacting... we need to actually make those changes in our handbooks and manuals... before they can go into effect."

<sup>ii</sup> Sadie: "We cannot um until we update the policy, make those changes... coordination with the local unit is going to be key."

<sup>iii</sup> Sadie: "They will not. They will not. It will still be reissued in the interim and and then amended when we publish the new um directives."

<sup>iv</sup> Kevin: "Any permits that you have that are signed and valid uh can and will continue under the old terms and conditions... continuity of operations..."

<sup>v</sup> Kevin: "...if you want a title three permit and all the benefits... the way to get a title three... would be to apply."

<sup>vi</sup> Kevin: "We're not modifying existing permits. We're not hammering those."

<sup>vii</sup> Kevin: "We've gone from four permit types to nine permit types..."

<sup>viii</sup> Kevin: "Our intent is early February. February 2nd is the date I'm keeping in my pocket to go live with Raptor."

<sup>ix</sup> Kevin: "...we'll have a set of FAQs up by February 2nd as well..."

<sup>x</sup> Kevin: "We have 5,000 SRPs out there and only 1,300 in Raptor... a big traffic merge..."

<sup>xi</sup> Sadie: "For all of our priority use permits... 6 months in advance, you must... notify the authorized officer..."

<sup>xii</sup> Sadie: "This is another technical change that we're going to make... come April... Currently in our policy there is a 200... visitor use day... limit... we would like to increase that..."

<sup>xiii</sup> Kevin: "Explore Act... requires two years of satisfactory performance... permits issued after February 2nd will reflect those terms..." and "flexibility to issue... a one-year temporary permit..."

<sup>xiv</sup> Kevin: "We do intend to conduct those five-year... reviews... [but] many of our permits don't have a visitor use allocation and we're not intending to implement them where they're not existent..."

<sup>xv</sup> Sadie: "It is the discretion of the authorized officer if the activity is low enough risk that they do not have to require insurance..."

<sup>xvi</sup> Kevin: "We do have guidance on low risk... open to your ideas... The more documentation you can have on risk, the better."

<sup>xvii</sup> Sadie: "Forest Service Handbook 2709.14 chapter 50... is where that will be and it will likely... be a clause in the permit too."

<sup>xviii</sup> Sadie (reading): "The authorized officer may consider extraordinary circumstances... For example, an administrative closure due to a fire."

<sup>xix</sup> Sadie: "We're not going to know extraordinary circumstances upfront... those will be standalone from the surrendered use days..."

<sup>xx</sup> Sadie (direct answer): "Yes." (re: full use credit if extraordinary circumstances + AO approval)

<sup>xxi</sup> Sadie: "Generally... request everything in writing to your authorized officer."

<sup>xxii</sup> Kevin: "Put it in writing. Send us the doc. Explain why that credit appears to be appropriate."

<sup>xxiii</sup> Sadie: "We actually have a minimum fee in place right now... we don't have any intent to deviate from what we are currently doing."

<sup>xxiv</sup> Kevin: "...if the fee determination method comes in below [the minimum] then... it defaults to that minimum fee."