

Mt. Bachelor offers new option to opt out of signing standard liability waiver

BY JOE SIESS
CO Media Group

With fall beginning, and ski season just around the corner, Mt. Bachelor is implementing a new two-tiered season pass system that will allow passholders the option of paying more in order to skip signing a standard liability waiver.

The new pricing strategy is a response to a 2014 Oregon Supreme Court ruling, *Bagley v. Mt. Bachelor Inc.* According to Mt. Bachelor, the ruling set a precedent in the industry, making it beneficial for the mountain to provide passholders with a choice between signing or not signing a waiver.

The Oregon Supreme Court ruled Mt. Bachelor's liability release was "unconscionable" or excessively unreasonable, prompting the mountain to provide the two options.

The pricing system has been implemented by other ski areas in Oregon over the years since the ruling, such as Mt. Hood Meadows, but this is the first time Mt. Bachelor has adopted the system.

"We've been resisting it. We do think it adds complication as well as confusion into the market," said Johnny Sereni, director of marketing and communications at Mt. Bachelor ski area.

Basically, the new system will offer passholders the option of paying a couple hundred dollars more to opt out of signing the liability waiver, but will also provide the option of buying a cheaper pass that requires the signing of a standard waiver. The difference with the new system is that now the choice is offered, Sereni said.

The exact cost to skip the liability waiver has not been decided yet, Sereni said.

"If you do sign a release of li-



In this 2019 Bulletin file photo, a sign warns skiers and snowboarders of the dangers of tree wells and the potential of snow suffocation at the top of the Northwest Express Chair at Mt. Bachelor ski area.

ability, it says you realize there are risks involved in this sport, and you accept those risks," Sereni said. "And I think the important point is that no release of liability can protect Mt. Bachelor or any recreation facility from gross negligence. If we do something grossly wrong, people can sue us and we will be held accountable to that."

Sereni said the two-tiered pricing system is something that is becoming more common throughout the recreation industry in Oregon.

"We are trying to work together with the rest of the rec-

reation community in Oregon to get some changes whether they be legislative or otherwise," Sereni said.

REDUCING LAWSUITS

Sereni said lawsuits could potentially cost Mt. Bachelor hundreds of thousands of dollars to work through, and the new system is a way of reducing the amount of lawsuits that make it into a courtroom.

"If someone decides not to sign the release of liability, they are basically withholding their right to sue us for anything, below that gross negligence point,"

Sereni said. "What that means is for the next few years, a lot of people who do choose that higher price and don't sign the liability, may take us to court for certain things. And what will happen over the years is that will set up certain precedents."

In an email to passholders, Mt. Bachelor president and general manager, John McLeod, said the change is a result of the current legal landscape in Oregon.

"In recent years large lawsuits against outdoor recreation providers in Oregon, including many related to the inherent risks of skiing, snowboarding,

and mountain biking, have started to significantly threaten the outdoor recreation industry," McLeod said. "In 13 out of 14 Western states, liability releases are legally enforceable, helping outdoor recreation providers in those states address dangers that are inherent to recreating outdoors. Unfortunately, outdoor recreation providers in Oregon do not have this type of legal protection and are being challenged by rapidly increasing insurance premiums and legal costs."

McLeod pointed out some of the impacts of the current legal

landscape, such as the closure of downhill mountain biking at Mt. Hood Skibowl. He said there will be more similar impacts moving forward until the legal landscape is changed.

"We hope you will begin to hear more about this issue as the outdoor recreation industry engages in an effort to restore legal protections for outdoor recreation providers in Oregon and place us on an equal footing with our nearest neighbors and most other states in the nation," McLeod added.

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Redmond Cub Scouts Pack 27 hosts 'Scout Me in' event



Redmond Cub Scouts will host a "Scout Me In" event Sept. 28.

Photo courtesy Redmond Cub Scouts

Spokesman staff

Redmond Pack 27 is hosting a communitywide information event with an opportunity to join. All youth in grades kindergarten through fifth grade are invited to join the scouting adventure.

Cub Scouts provides a roadmap for adventure and opportunities for your family to do fun things together.

"For our family, Cub Scouts is a great compliment to school and sports. Cub Scouts is a year-round enrichment program for our entire family," said Jennifer Stephens, Redmond Pack 27 parent and leader.

Anyone who is interested in Cub Scouts, has questions, or is ready to join, is welcome to attend our "Scout Me In" event on Wednesday, Sept. 28.

The event is Sept. 28 from 6:30-7:30p.m. at the Community Presbyterian Church lawn,

529 NW 19th St in Redmond.

Scouting creates opportunities through programs and activities that allow youth ages 5 to 18 to try new things, provide service to others, build self-confidence and reinforce ethical standards.

ODFW closes fishing on Crooked River and Ochoco Creek as water levels drop

Spokesman staff report

Low levels in streams and waterways have prompted Oregon Department of Fish and Wildlife to temporarily halt fishing in the Crooked River and Ochoco Creek. The fishing closure is scheduled to begin Saturday and will last until at least Oct. 31.

This year the irrigation season is ending several weeks earlier than usual due to low levels in Prineville Reservoir. These levels forced dam regulators last week to reduce the flow out of Bowman Dam to 10 cubic feet per second. Following the reduction, river levels diminished to dangerously low levels for fish, with the stream below Bowman Dam now reduced to shallow pools with very limited water flowing into them.

Fish will concentrate in the remaining pool habitats and face increased competition for food resources as well as being more vulnerable to predators, ODFW

said in a release. Flows are expected to increase to 50 cfs in early November.

"While the closure will help protect fish congregating in the limited waters available, ODFW still anticipates a reduction in the size of these fish populations due to the low flows," said ODFW fish biologist Jerry George.

"These populations can rebound relatively quickly if conditions improve, but that will require a lot more rain and snow than we have been seeing in recent years," he said.

Current stream flow conditions have been caused by "several years of persistent drought," according to ODFW. Agriculture in Crook County is another factor, as irrigators divert water to raise livestock and grow alfalfa and other crops.

The exact regulation is as follows: from Sept. 24 through Oct. 31, fishing is closed:

- On the Crooked River from the U.S. Highway 97 Bridge (near Terrebonne) upstream to Bowman Dam.

- On Ochoco Creek from the mouth at the confluence with the Crooked River upstream to Ochoco Dam.

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