



February 18, 2025

**House Committee on Economic Development, Small Business, and Trade  
Oregon State Capitol, 900 Court Street NE  
Room 453  
Salem, Oregon 97301**

**Re: HB3140 Relating to recreation; declaring an emergency  
Supporting Oregon's Outdoor Legacy Through Balanced, Fair Liability Reform**

Chair Nguyen and Members of the Committee:

As General Manager of Mt. Bachelor located in Bend, I lead one of Oregon's largest year-round recreation destinations, providing skiing, mountain biking, rafting and outdoor experiences that connect Oregonians with their public lands. Our mission extends beyond recreation – we're committed to making outdoor adventure more accessible, from first-time skiers to longtime local riders who've held season passes for decades.

At Mt. Bachelor, safety is our priority. We invest substantially in infrastructure, employ and train teams that specialize in facilitating outdoor recreations, including ski and patrols, and provide extensive educational resources to help guests understand and navigate inherent risks. Our commitment to safety isn't just about protecting guests – it's about creating an environment where people can build confidence and experience the transformative power of outdoor recreation. Additionally, Mt. Bachelor employs more than 1800 people, and those employees and their families ride the same chairlifts and ski, snowboard, and mountain bike on the same trails as our guests. Safety is and will always remain a priority at Mt. Bachelor.

However, recent court decisions effectively nullifying liability waivers have created an unsustainable situation for Oregon's recreation providers. While Mt. Bachelor has fortunately maintained insurance coverage for lift-served mountain biking, we're now one of the few remaining operators offering this activity in Oregon. The rising cost of insurance directly threatens our ability to continue offering mountain biking, and to make recreation less accessible, regardless of the season, and particularly for families and young people just discovering outdoor sports.

There are inherent risks to certain outdoor activities, including skiing and mountain biking, that cannot be eliminated without changing the fundamental characteristics of those activities. Every other western state has found a balanced approach that protects both recreationists and recreation providers. This balanced standard allows businesses to be held accountable for gross negligence while enabling participants to accept certain inherent risks associated with outdoor activities. Oregon needs to realign with this reasonable approach to preserve access to outdoor recreation.

Our concern isn't just about business operations – it's about maintaining the strong legacy of outdoor recreation that defines our state. Without reform, Oregonians risk losing access to managed, professionally supported outdoor activities. This could push people toward unmonitored, unsanctioned locations without proper infrastructure, ultimately increasing risks for everyone. This bipartisan legislation would restore a balanced liability standard that has proven successful across the western United States.

In addition, we are supportive of the state conducting a climate study as a way to better understand and support the outdoor recreation industry. Climate change is both an immediate and long-term threat to our entire industry. Thankfully, we recently received support from local, state and federal governments to build an advanced wood energy facility at Mt. Bachelor. Currently, Mt. Bachelor uses approximately 225,000 gallons of propane annually to fuel the heating systems for the buildings involved in this project. It is anticipated the new wood energy project will reduce this consumption by two thirds, reducing CO2 emissions by approximately 1000 tons. The project will also significantly reduce the amount of fossil fuels that are trucked in from other areas, replacing that with a locally abundant renewable resource that supports wildfire mitigation and forest restoration efforts. Notably, this facility is supported by local, state, and federal governments.

I urge you to support HB3140 to protect Oregon's outdoor recreation heritage. Your support will help ensure that future generations of Oregonians can continue to experience the joy and challenge of outdoor recreation in safe, professionally managed environments.

Thank you for your service to our state and your consideration of this vital legislation.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Merriman', enclosed within a large, hand-drawn oval.

John Merriman  
President and General Manager, Mt. Bachelor