



Orange Torpedo Trips

America's Unique River Adventures

I am writing this letter in support of Senate Bill 1051 which would provide important recreational liability reform.

Mr. Chairman

My name is Erik Weiseth and I live in McCall Idaho. I am the managing partner of Orange Torpedo Trips out of Riggins Idaho, a small business guiding people on single day and overnight rafting and river based adventure trips on Idaho's public lands. I am also the VP of board of the Idaho Outfitters and Guides Association and I'm a member of the Idaho Outfitters and Guides Licensing Board. I am here to testify in support of Senate bill 1051.

As Idahoans we all know one of the great treasures of Idaho is our incredible outdoor destinations. These outdoor places are important for us as people; plenty of documentation exists showing the physical and mental health benefits of spending time recreating outdoors but they are also a vital vector point for an enormous and essential economic driver for the rural communities of Idaho. Outdoor recreation is a lifeblood for rural communities.

For the general public to fully experience many of these outdoor places they need guides and outfitters to help them. My guests come from all over the globe to Idaho to experience our amazing wild places. When they come I pay local vendors to support these trips, they pay local hotels, eat in local restaurants, shop at local stores. They book with us because they lack the skills and/or equipment to enjoy these resources of Idaho, but they do want to experience them. So without a thriving guide industry the state would not be able capitalize on the significant economic driver which is outdoor recreation as these people would not come to the state. Unfortunately, this vital industry is under threat.



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Our activities, by their very nature, are full of inherent risk. As guides and outfitters we exist as risk managers, working to mitigate risk but acknowledging we can never fully eliminate it, as that is ultimately impossible in the places we operate because the risks are truly inherent. You can never fully remove the risk of floating on a boat through rapids. You can never promise a tree will not fall randomly and injure someone on a hunt, you can never completely eliminate the risk of avalanches or weather related issues in the mountains. These risks are built into going to these places. In reality, it is the inherent risk, the "wild" of the places we operate which is a big part of what makes them special. One of the core tools we use to communicate these risks in our waivers. We are able to inform our guests of the inherent risks they will be taking on and what will be expected of them as part of their participation. This is typically not the only time we do this but it is the time where guests can expressly agree and where they can see the risks more completely laid out. Our guests understand when signing these that they are an agreement required for participation in the activity. The state should also recognize this. Our guests are choosing an adventure, not a fully controlled, artificial, theme park ride. The state should appreciate and officially recognize this reality as well.

Unfortunately the current legal landscape, and the lack of recognition of this inherent risk, and the lack of solid language supporting the validity of waivers, in Idaho leads to an incentive structure for parties to bring suits against outfitters in the expectation of settlements, **I have lived through this and it is sad and hard.** This is contributing to an exodus of insurance providers for the outdoor industry. The number of insurance providers for the river industry has essentially dwindled (from my understanding) to two providers. As the competition of providers has dwindled, the costs of insurance have sky rocketed (I know ours has) at the same time food, gas and labor costs have sky rocketed. Our cost increases far out strip our abilities to raise our rates and it **is** putting providers out of business.

Passing this legislation will have a direct impact on this trend and will help ensure that outfitting in Idaho is a long-term viable industry; just by simply acknowledging the reality of inherent risk and clarifying the validity of waivers, a reality those signing them already believe exists. Passing this legislation will help ensure an industry uniquely suited to supporting rural communities in sustainable ways remains viable into the future. Help ensure the state of Idaho



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can continue to capitalize on our amazing outdoor recreation resources into the future by supporting Senate Bill 1051.

Mr. Chairman I am happy to take any questions.