Legal issues in avalanche hazard forecasting and mitigation

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Ski resorts commonly perform avalanche hazard mitigation measures and test the stability of the snow pack by using hand charges, avalauncher rounds, and military ordinance. Despite the best efforts by snow safety personnel, skiers and riders have triggered avalanches after such measures have been performed in terrain that was open to the public. Such avalanches have resulted in minor to serious injuries and death. This presentation will address: 1) strict liability issues in the use of explosives; 2) negligence liability issues in avalanche hazard forecasting and control; and 3) whether the risk of avalanches is a risk inherent in skiing and riding in deep snow in steep terrain. Finally, the presentation will outline what documentation should be obtained to assist in the defense of a personal injury action arising out of an avalanche.