TIME

Saturday, Apr. 25, 2009

Get into Trouble Outdoors — Who Pays for the Rescue?

By Tiffany Sharples

Grinning at the news cameras awaiting them as they clunked along with their equipment, the skiers and snowboarder who ducked the rope at British Columbia's Grouse Mountain resort earlier this year freely admitted what they did was wrong. Despite high avalanche warnings throughout the region, the four young men passed a boundary into closed terrain — even after an explicit warning from a ski patroller not to go out of bounds. Because of the hazardous conditions, ski patrol was unable to follow the entourage into the closed area and instead rescuers had to use a helicopter to guide them to safety. When the group reached the bottom, they were stripped of their passes, banned for life from the resort, and told they would be responsible for the cost of the helicopter flight as well as the resources diverted from the rest of the mountain during their rescue.

Whether it's skiing or sailing or simply going for a day hike without a map, keeping outdoor enthusiasts safe can prove an exasperating challenge. Each time some cocky crew breaks the rules only to later need rescue, new life is breathed into a debate that has been simmering in the outdoor community for years: If you put yourself in danger, knowingly or through your own negligence, who should cover the bill for your rescue?

In much of Europe, the answer is simple. In most scenarios, you are responsible for yourself, and many outdoor enthusiasts travel with insurance specifically to offset costs should they need to be rescued. In the U.S., whether you have to pay depends on where exactly you are when you get into trouble. In any of the national parks, the government picks up the tab for your rescue. The National Park Service spends nearly $5 million annually on search and rescue (SAR) missions and that doesn't include the cost of hundreds of thousands of man hours that go into these searches. Yet unless rescuees violated a park rule — like trespassing into a protected archeological site, for example — they aren't responsible for the cost. "The majority of what we spend is really out of pocket," says Dean Ross, chief of Emergency Services at the park service's D.C. branch.

It's a similar scenario for the Coast Guard. Even if you were to take a canoe out into the Atlantic in the middle of a hurricane and the Coast Guard had to use a 110-ft. patrol boat (which costs $1,147 per hour) or a C-130 turboprop airplane ($7,600 per hour), you wouldn't have to pay a dime. Your story may be turned into a public service announcement on how to avoid endangering yourself/being an idiot on the ocean, but it wouldn't cost you any money. "If you get yourself in trouble, regardless of the circumstances, that doesn't weigh into any factor in our response," says Commander Erin MacDonald, chief of the Coast Guard's office for Search and Rescue Policy. (Of course, if you run out of gas on a sunny day, don't expect the Coast Guard to come racing over to tow you to shore. It will give you contact info for a towing company or put out an alert to good sea-maritans who might be able to help you out *gratis*, but the Coast Guard itself will only tow you in as a last resort — in which case you'll get unstranded for free.) In fact, the only time that the Coast Guard gets money back for rescues is when they are the victim of a hoax — like in the uniquely bizarre case of a middle schooler radioing in an emergency from the back seat of a school bus.

Many resorts out West are leased from the National Forest Service, so if you venture out of bounds and have a crisis, the government bears that responsibility in collaboration with local search and rescue organizations. In Wyoming’s Teton County, home to Jackson Hole resort, the search and rescue crew works in conjunction with the county sheriff. Each year, they conduct an average of 70 rescues, according to Doug Meyer, the area's SAR coordinator. And even though most of the rescuers are volunteers, costs can still add up for equipment and resources — such as leasing a helicopter, and maintaining ropes and radios. "We only get back about 20% of that cost," Meyer estimates. They do charge for helicopter flight time, which runs at about $1,600 per hour, but there is no strict enforcement of payment. That has been the unofficial policy for decades, but recent cost increases have opened the subject for debate. "Last winter we were really busy and the county started getting to that level where they talked about recouping the costs," Meyer says.

In New Hampshire, officials are already doing just that. A decade-old law charging people for the costs of their rescue if the behavior that got them into the mess was deemed "reckless" was rewritten this past summer, lowering the bar so that merely "negligent" behavior could saddle you with a bill.

The problem is there's no hard and fast rule for what counts as negligence. Going hiking in the early evening and then getting lost in the dark without a flashlight is considered distinct from an accident such as slipping and breaking your leg, says Colonel Martin Garabedian, chief of law enforcement for New Hampshire's Fish & Game Department. He estimates that rescues cost anywhere from $120 to more than $50,000. Annually, he oversees about 150 rescue missions, a figure that has remained steady for years. "What has changed is the cost of doing business — training, equipment, paying officers," he explains. Has the legislation made a difference? "We really won't know until two or three years down the road."

Yet while New Hampshire implements its new policy, many are wary of the slowly growing movement toward pay-for-rescue schemes. Howard Paul, former president of the Colorado Search and Rescue Board, worries that people will hesitate to call for help if they know it will come with a price tag. He points to numerous anecdotes in which people, fearing costs, have refused rescue despite grim injuries: a climber who hobbled down a 3,000-ft. mountain with a broken ankle; a woman who set out on her own to locate her missing husband; a lost and bewildered runner who hid from rescue crews. "We know that when people believe that they are going to receive a large bill for a SAR mission, they delay a call for help or they refuse to call for help," Paul says. For that reason, rescue organizations in Colorado generally don't charge rescuees. The only instance in which people are regularly billed is for violating the state's Ski Safety Act, which slaps skiers with a fine of $1,000 for accessing closed territory from resort property.

Adam Howard, a former *Backcountry* editor who also spent years as a ski patroller, thinks that while having to foot the bill may deter some people in real need from seeking help, it could prevent others from crying wolf too. "You'd probably get a lot fewer calls for sprained knees and hang nails," he jokes, but wonders at what cost. "It's a double-edged sword," he says.

Dr. Pascal Haegeli, a postdoctoral fellow at B.C.'s Simon Fraser University, recently started studying the mentality of people who venture knowingly into dangerous avalanche terrain. But until we have a better sense of what compels so many people to duck under the saftey ropes, he worries about rescue policies that might deter those in need from seeking help. And like other critics of pay-for-rescue rules, he argues that if you are to hold people responsible for negligence, then there has to be a very clear notion of competence, yet in most backcountry scenarios there is no absolutely correct way to behave. "Looking at it this way would put you on a slippery slope," he says. "What is a enough knowledge then, and what is not?" And despite the roiling debates and media scrutiny, he emphasizes that the vast majority of people who take to the outdoors return home safely.

Still, the backcountry dilemma persists. Its latest poster boys, the Grouse Mountain rope-duckers, did return home safely, with some observers questioning whether these elite skiers actually needed any help in the first place. Nevertheless, the quartet also had their names circulated to all of the major resorts in Western Canada, and will have to pay an undisclosed amount for their rescue. Still, both the resort and North Shore Search and Rescue, a volunteer organization that helped in the operation, have been careful in crafting their response, wary of dissuading anyone in danger from seeking help in the future. Grouse Mountain offered to donate the offenders' money to North Shore, but it declined so the cash will go to another charity. And Grouse spokesman William Mbaho carefully underscored one point. "We do not seek to punish people who unknowingly find themselves beyond the boundaries in a perilous situation," he said. "But if people want to violate safety regulations blatantly, those are the people that we feel should be taught a lesson."

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