



SENATE STANDING COMMITTEE REPORT

March 14, 2007

Page 1 of 1

Mr. President:

We, your committee on **Fish and Game** recommend that **House Bill 193** (third reading copy -- blue) be concurred in as amended.

Signed: _____

Senator Joseph (Joe) Tropila, Chair

To be carried by Senator Steven Gallus

And, that such amendments read:

1. Title, page 1, line 6.

Strike: "A LICENSED"

Insert: "AN"

Following: "VEHICLE"

Insert: "OR SNOWMOBILE"

2. Title, page 1, line 7.

Following: "VEHICLE"

Insert: "OR SNOWMOBILE"

3. Page 2, line 10.

Following: "(iii)"

Strike: "a licensed"

Insert: "an"

Following: "vehicle"

Insert: "or snowmobile"

4. Page 2, line 11.

Following: "vehicle"

Insert: "or snowmobile"

- END -

Committee Vote:

Yes 9, No 0

Fiscal Note Required

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**MONTANA STATE SENATE
2007 LEGISLATURE**

VISITOR REGISTER

FISH AND GAME COMMITTEE

DATE 3-13-07

BILLS BEING HEARD TODAY HB 364, HB 440

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Sheyla Wood	444-4360	MACE	440 364	X	
Chris Smith	444-5621	FWP	364		
"	"	"	440		X
Elaine K. Alvestad	932-5822	LLMP Board	364	X	
			440	X	
Hal Harper		Governa	364		
Janet Ellis	443-3949	MT Audubon	440		X
Janet Ellis	"	"	364	X	
Nelson West, (MAD)	266-4433	Myself as Wolf Advisory Council member	440	X	
Nelson West, (MAD)	266-4433	Myself MT Herpetol Assoc MT Angus Assoc	364	X	
Jay Bodner	442-3420	MSG A	364/440	X	
Jean Tolunson	458-6363	XAOGA	364/440	X	
John Youngberg	570-4103	MFBF	364/440	X	
Katie Kassmire	781-4934	MFU	364/440	X	
Pat Torgerson	480-5154	WIFE	440/364	X	
Robert Fink	606-774-3771	myself	440/364	X	
Ken Torgerson	774/3744	"	440/364	X	
Ken Torgerson	457-7604		440/364		
Ken Torgerson		SD 31	364	X	

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE RICK RIPLEY
HOUSE DISTRICT 17

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COMMITTEES:
APPROPRIATION NATURAL
RESOURCES -CHAIRMAN

Senator Tropila & members of the Senate Fish and Game Committee,

I am Rep. Rick Ripley, HD 17. Today I am submitting testimony as Rick Ripley, citizen rancher. I am in strong support of HB 440 sponsored by Rep. Barrett. I support this bill with no amendments, especially no amendments to section 1, article C which provides for "implementation of a policy to provide lethal removal of a wolf following a single incident of predation on livestock in order to prevent chronic predation." My support has been strengthened due to a local situation 55 miles north of Helena. In January, two yearling heifers were killed by wolves and since then, two more yearling heifers and one horse have been killed. On March 5th, a single wolf was trapped in the area, collared, and released to continue further predation. This bill addresses that problem, and I strongly support it.

Thank you.

A handwritten signature in black ink, appearing to read "Rick Ripley", written over the printed name.

Rick Ripley

The Forest Service was asked to provide followup information to the 3/8/07 Senate Fish and Game Committee hearing of HB 193.

HB 193 would clarify that a disabled hunter permit issued by FWP allows the permittee to shoot a game animal from any motorized conveyance that is legally operated on roads and trails open to motorized use. The Forest Service certainly supports measures that enhance a disabled individual's capacity to participate in recreational endeavors.

Motorized travel on National Forest system lands is regulated by 36 CFR 261.50 [please see attachment, particularly 261.50(b)] which provides authority to FS officials to determine the conditions under which motorized travel is authorized or restricted. National Forests in Montana are also subject to the 2001 OHV rule, which restricts motorized use to existing roads and trails (cross-country travel is prohibited). Decisions to prohibit motorized travel on existing roads are most frequently predicated on considerations such as the following: limited funds for maintenance; prevention of disturbance to wildlife such as within traditional birthing areas; accomodating non-motorized recreation; and/or desire to prevent displacement of hunted species onto adjacent private lands.

For the most part, disabled hunters are not afforded additional privilege to drive roads and trails where motorized travel by the general public is prohibited. However, a number of national forests in Montana have certain designated areas which offer disabled hunters exclusive motorized access in drainages which are otherwise closed to motorized use.

I hope this addresses the concern that was raised. Thank you.

Jerry Meyer
Liaison to Montana State Government
Northern Region, U.S. Forest Service
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3/12/07

§ 261.50

(c) Removing or attempting to remove, alter or destroy any official mark used to identify a wild horse or burro or its remains unless authorized or permitted by law or regulation.

(d) Violating any terms or conditions specified in a care and maintenance agreement or permit.

[46 FR 33520, June 30, 1981. Redesignated at 70 FR 68291, Nov. 9, 2005]

Subpart B—Prohibitions in Areas Designated by Order

§ 261.50 Orders.

(a) The Chief, each Regional Forester, each Experiment Station Director, the Administrator of the Lake Tahoe Basin Management Unit and each Forest Supervisor may issue orders which close or restrict the use of described areas within the area over which he has jurisdiction. An order may close an area to entry or may restrict the use of an area by applying any or all of the prohibitions authorized in this subpart or any portion thereof.

(b) The Chief, each Regional Forester, each Experiment Station Director, the Administrator of the Lake Tahoe Basin Management Unit and each Forest Supervisor may issue orders which close or restrict the use of any National Forest System road or trail within the area over which he has jurisdiction.

(c) Each order shall:

(1) For orders issued under paragraph (a) of this section, describe the area to which the order applies;

(2) For orders issued under paragraph (b) of this section, describe the road or trail to which the order applies;

(3) Specify the times during which the prohibitions apply if applied only during limited times;

(4) State each prohibition which is applied; and

(5) Be posted in accordance with § 261.51.

(d) The prohibitions which are applied by an order are supplemental to the general prohibitions in Subpart A.

(e) An order may exempt any of the following persons from any of the prohibitions contained in the order:

36 CFR Ch. II (7-1-06 Edition)

(1) Persons with a permit specifically authorizing the otherwise prohibited act or omission.

(2) Owners or lessees of land in the area;

(3) Residents in the area;

(4) Any Federal, State, or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty; and

(5) Persons engaged in a business, trade, or occupation in the area.

(6) Any other person meeting exemption requirements specified in the order.

(f) Any person wishing to use a National Forest System road or trail or a portion of the National Forest System, should contact the Forest Supervisor, Director, Administrator, or District Ranger to ascertain the special restrictions which may be applicable thereto.

[42 FR 2957, Jan. 14, 1977; 42 FR 24739, May 16, 1977, as amended at 42 FR 35959, July 13, 1977; 46 FR 33521, June 30, 1981; 66 FR 3218, Jan. 12, 2001]

§ 261.51 Posting.

Posting is accomplished by:

(a) Placing a copy of the order imposing each prohibition in the offices of the Forest Supervisor and District Ranger, or equivalent officer who have jurisdiction over the lands affected by the order, and

(b) Displaying each prohibition imposed by an order in such locations and manner as to reasonably bring the prohibition to the attention of the public.

§ 261.52 Fire.

When provided by an order, the following are prohibited:

(a) Building, maintaining, attending or using a fire, campfire, or stove fire.

(b) Using an explosive.

(c) Smoking.

(d) Smoking, except within an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material.

(e) Going into or being upon an area.

(f) Possessing, discharging or using any kind of firework or other pyrotechnic device.