

BY-LAWS OF THE PACIFIC FLYWAY COUNCIL

ADOPTED: March 23, 1953

AMENDED: MAY 2, 1954; MARCH 3, 1957; MARCH 1, 1959; SEPTEMBER 12, 1968; MARCH 16, 1975; MARCH 20, 1983; MARCH 22, 1987; MARCH 16, 2001; APRIL 2, 2002; MARCH 16, 2004; JULY 27, 2007

PREAMBLE

To implement the work of the National Flyway Council (NFC) and the four regional flyway councils as created by the International Association of Fish and Wildlife Agencies (IAFWA) and to develop and implement cooperative management programs throughout the Pacific Flyway, the Pacific Flyway Council (PFC) resolves

WHEREAS, the flyway structure of administering the migratory bird resources of the Continent has been adopted by the IAFWA and the U.S. Fish and Wildlife Service (USFWS) as the basis for migratory game bird regulations in the U.S.; and

WHEREAS, each of the states (U.S. and Mexico) and provinces and territories (Canada) within the Pacific Flyway should participate cooperatively in annual surveys and other management activities, both on the nesting grounds and in wintering areas, for the purposes of maintaining and/or improving the status of migratory birds and their habitats based on management objectives; and

WHEREAS, conditions prevail which present difficult management problems for the states, provinces, territories and the federal governments; and

WHEREAS, in order to bring about better understanding and cooperation, representatives of the official U.S. state agencies having primary jurisdiction for the management of migratory game birds should participate fully in the formulation of the annual migratory game bird hunting regulations of the U.S., and representatives of all member agencies should participate fully in the implementation of the North American Waterfowl Management Plan;

WHEREAS, in order to bring about better understanding and cooperation, representatives of the official U.S. state agencies having primary jurisdiction for the management of nongame migratory birds should participate fully in the identification and accomplishment of nongame migratory bird management in the U.S., and representatives of all member agencies should participate fully in the implementation of the Partners in Flight North American Land Bird Conservation Plan, U.S. Shorebird Conservation Plan, and the North American Waterbird Conservation Plan;

NOW, THEREFORE, it is hereby resolved that the PFC is established exclusively for the purposes of planning, coordinating, implementing, and evaluating the scientific management of migratory birds and their habitats in the public interest.

Be it further resolved that a memorandum of understanding be maintained between the PFC and the USFWS to continue cooperative collection, exchange, interpretation, and evaluation

of scientific data and other information used for determining the status of migratory bird populations; promulgating annual migratory game bird regulations and nongame bird regulations; developing cooperative management plans for migratory bird populations; and implementation of the four principal international migratory bird conservation plans.

Be it further resolved that the PFC, as a scientific policy body, recognizes and supports the Pacific Flyway Study Committee (PFSC), as its technical arm to collect and compile biological data, conduct technical analyses, evaluate science-based management programs, and to formulate recommendations pertaining to management of migratory game birds and their habitats in the Pacific Flyway.

Be it further resolved that the PFC, as a scientific policy body, recognizes and supports the Pacific Flyway Nongame Migratory Bird Technical Committee (PFNMBTC), as its technical arm to collect and compile biological data, conduct technical analyses, evaluate science-based management programs, and to formulate recommendations pertaining to management of migratory nongame birds and their habitats in the Pacific Flyway.

And be it further resolved that the following articles shall guide the structure and functions of the PFC to meet the mandates of cooperative migratory bird management.

ARTICLE I

Membership

Members of the PFC include one representative from the state/provincial fish and wildlife agency of Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming; the provincial fish and wildlife agency of Alberta, British Columbia, Northwest Territories, Nunavut and Yukon; the Mexican states of Aguascalientes, Baja California, Baja California Sur, Chiapas, Chihuahua, Colima, Durango, Guanajuato, Guerrero, Jalisco, Mexico, Michoacan, Morelos, Nayarit, Oaxaca, Puebla, Sinaloa, Sonora and Zacatecas.

Members of the PFC may include a Director of the agency, or their designee. All U.S. members as of March 16, 2001 are active members of the PFC. Inactive members may become active members upon written request to the Chair on first request for active membership. Members may designate themselves to be nonactive participants by written notice. Any member becomes nonactive upon the lack of participation at any three consecutive meetings of the PFC. Nonactive participants may obtain active status upon written request and approval of 2/3 of the active membership. Members may also designate a proxy at anytime.

The federal governments of the U.S., Canada and Mexico may provide an *ex officio* representative to the PFC. Alaskan subsistence harvest management bodies may also provide an *ex officio* representative.

ARTICLE II

Officers and Terms

Officers will include a Chair, Vice-Chair, Secretary and Treasurer. The Chair and Vice-Chair will rotate annually among active members but are limited to PFC members from U.S. states. The Vice-Chair will be from the state, which will become the Chair the following term. A Chair and Vice-Chair rotation schedule will be reviewed annually based on active membership and shall coincide with the rotation schedule of the PFSC.

The Chair has primary responsibility to conduct all business meetings and represent the PFC in all appropriate matters. The Chair also directs the designated consultants to the USFWS Regulations Committee. If for any reason, the Chair cannot function in their duties, the primary responsibility transfers to the Vice-Chair. Terms for Chair and Vice-Chair begin October 1 and end September 30 of the following year.

The Secretary shall be selected by a simple majority vote of the PFC and may be a nonmember of the PFC. The Secretary has no voting privileges. The Secretary shall serve until replaced by a simple majority vote of the PFC. Primary responsibilities of the Secretary shall be to conduct a roll call of official members at each PFC meeting, maintain a list of active and

nonactive members, maintain a record of Chair and Vice-Chair rotation, maintain a roster of PFC representatives to other councils or groups, keep an official record of all meeting transactions, distribute draft minutes within ninety (90) days after a meeting, coordinating public correspondence, and to transmit adopted recommendations to appropriate parties. If the Secretary is unable to perform their duties, the Chair shall select a temporary replacement.

The Treasurer shall serve both the PFC and PFSC and will be selected by a simple majority vote of the PFC. The treasurer is not required to be a member of the PFC or PFSC and has no voting privileges. The Treasurer shall serve until replaced by a simple majority vote of the PFC. Primary responsibilities of the Treasurer shall be to ensure that annual assessments are collected, keep an official record of all financial transactions, and to report to the PFC on the status of budgets and accounts. The Treasurer shall provide oversight of any financial service provider, approved by the PFC, to ensure that all transactions are authorized by the PFC, accounting records are accurate, and funds are properly administered. If the Treasurer is unable to perform the duties of the office, the PFC Chair shall select a temporary replacement.

ARTICLE III

Voting

In all U.S. regulatory matters, only U.S. state fish and wildlife agency members will have one vote. A quorum of state membership must be present during a meeting to consider regulatory recommendations. A quorum is considered to be 2/3 of the active state membership. A majority is considered to be more than 50 percent of the current active state membership. PFC and PFSC activities do not supersede regulatory decision making processes in Canada and Mexico.

In all non-regulatory matters, each PFC member will have one vote. A quorum of the PFC must be present during a meeting to adopt any formal recommendation. A quorum is considered to be 2/3 of the current active participants. A majority is considered to be more than 50 percent of the current active membership. Flyway management plans, even though they may contain some language on regulatory matters, are subject to majority approval by the full PFC membership (U.S. and non-U.S. members).

Voting members not present at a meeting may vote by proxy, by telephone or written communications (including electronic transmissions), or other means deemed appropriate by the Chair. In voting matters, the Chair will not recognize an active member of the PFSC as a proxy. Voting will be by formal motion and voting proceedings shall follow Robert's Rules of Order. The Secretary will be responsible for reviewing all proceedings for compliance with Robert's Rules of Order and shall provide a copy of the rules at all meetings.

ARTICLE IV

Meetings

Meetings shall be held at the call of the Chair or upon the written request of a simple majority of the members. Written notices, including electronic mail, of all meetings shall be given not less than thirty (30) days prior to each meeting called, such written notice to be directed to the office of each member by the Secretary. Final agenda establishment is the responsibility of the Chair. If the Chair is unable to facilitate a meeting for any reason, the Vice-Chair will assume responsibilities.

Scheduled annual meetings will be as follows:

Immediately before the North American Wildlife and Natural Resources Conference held normally in March of each year.

In late July prior to the late season USFWS Regulations Committee meeting of each year.

If deemed appropriate by the Chair, an unscheduled meeting may be scheduled with a two (2) day notice and may be conducted via telephone or other electronic means.

The PFC, by call of any active member and approval from the Chair, may excuse itself to an executive session by closing a meeting to all nonmembers. If deemed appropriate, the Chair may allow *ex officio* PFC members, active PFSC members, the Secretary and Treasurer to attend an executive session. An executive session can be called for any reason, if deemed appropriate by the Chair, but no formal recommendations will be adopted during an executive session.

The primary purposes of scheduled meetings shall be to review and adopt management and regulatory recommendations forwarded to PFC by the PFSC Chair. The PFC will accept public comment in person or in writing on all regulatory and non-regulatory matters prior to any vote.

ARTICLE V

Consultants to the U.S. Regulatory Process

Consultants representing the PFC to the USFWS Regulations Committee meetings will be limited to active U.S. members. Two (2) consultants will be selected from the membership of the PFC. The consultants will be selected at the July meeting, taking office October 1 and serving until September 30 on staggered two (2) year terms. In selecting consultants, one representative will be chosen from a coastal state and, on alternate years, one from an inland state.

In the event that a consultant is unable to attend a meeting of the Service Regulations Committee, the Chair may appoint an alternate from the entire PFC membership.

ARTICLE VI

Representation on Other Councils/Committees

The PFC will select a representative(s) to serve on the NFC and the IAFWA Migratory Wildlife Committee. NFC and the IAFWA by-laws will define terms and responsibilities. Membership on the NFC will be limited to U.S. members of the PFC.

The PFC will also select a representative(s) to serve on the North American Wetlands Conservation Council.

ARTICLE VII

Administrative and Financial Procedures

Notwithstanding any other provision of these articles, the PFC shall conduct its activities entirely within limits prescribed for tax exempt organizations in section 501(c)3 of the Internal Revenue Code of 1986 and future amendments.

An annual administrative cost shall be assessed to all active U.S. member states to cover business expenses incurred by the PFC and PFSC. The PFC may engage a reliable organization, approved by majority vote of the PFC, to conduct billings, maintain accounting records, issue approved disbursements, and provide banking functions for PFC funds.

The PFC will pay the travel expenses and related expenditures of the Secretary and Treasurer to attend all necessary PFC meetings. Expenses will be paid also for the PFC representative on the NFC.

In addition, the annual assessment shall be used to assist representatives or members of the PFC and PFSC to attend management meetings, implement PFC approved programs, or fund other projects that are determined to be in the best interests of the PFC.

The financial basis of all travel expenses shall be in conformity with the expense account regulations of the state or province from which the delegates or representatives originate.

Annual assessment fees will be determined by the PFC at the scheduled July meeting and will cover the following January 1 – December 31 period. The Treasurer will be responsible for ensuring that all assessments are billed in a timely manner.

In addition, the Treasurer shall assess registration fees as deemed appropriate to cover costs of any scheduled meeting of the PFC and PFSC.

Requests from the public for information, such as databases or meeting minutes, pertaining to PFC activities must be received in writing and addressed to the Secretary. All administrative costs related to public information requests shall be billed to the requesting party.

In the event that the PFC is dissolved, the residual assets of the PFC will be turned over exclusively for public purposes to State, Federal, or Local government units, or to other organizations that are tax exempt under sections 501(c)3 or 170(c) of the Internal Revenue Code.

ARTICLE VIII

Amendments

Amendments to these by-laws shall be by not less than a 2/3 majority vote of active members; provided notice of any proposed change or changes shall be furnished to each member at least thirty (30) days prior to the business meeting at which change is considered. Amended by-laws are effective immediately after adoption.

Preamble amended.

Amendment proposed and notice given on March 21, 2006.

Dan Yparraguirre, Secretary
Pacific Flyway Council

July 27, 2007