

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;
JULY 24, 2015

PREAMBLE

To implement the work of the National Flyway Council (NFC) and the four regional flyway councils as created by the Association of Fish and Wildlife Agencies (AFWA) 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 AFWA 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 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 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; 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 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 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 Technical Committee (PFNTC), 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 include the head of the agency or their designee. Active members may designate an alternate to act in their place at any time. Members of the PFSC or PFNTC may not be members of the PFC or serve as alternates. Active members may designate themselves to be inactive members by written notice to the Chair or by lack of participation at three consecutive regularly scheduled meetings of the PFC. Inactive members may become active members upon written request to the Chair.

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 that becomes Chair the following term. A Chair and Vice-Chair rotation schedule will be reviewed annually based on active membership. The rotation schedule of the PFSC and the PFNTC shall coincide with the rotation schedule of the PFC.

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 (SRC). 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 January 1 and end December 31.

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 unless they are an active PFC member. 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 inactive 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 sixty (60) days after a meeting, coordinate public correspondence, and 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 the PFC, PFSC, and PFNTC and will be selected by a simple majority vote of the PFC. The treasurer may be a nonmember of the PFC, PFSC, or PFNTC and has no voting privileges unless they are an active PFC member. 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

Meetings

Meetings shall be scheduled by the Chair or upon the request of a simple majority of the active members. Meeting notification shall be directed to the office of each member in writing or email by the Secretary in advance of the meeting. Development of the meeting agenda is the responsibility of the Chair.

A quorum of active members must be established for all meetings to conduct any formal business. A quorum is considered to be participation by 2/3 of the active membership of which 50 percent must be physically present for regularly scheduled meetings. Members may participate in person or by telephone or video, as allowed by the Chair, to establish a quorum and conduct business. Three weeks prior to regulatory meetings, the Council Secretary shall poll Council members to assure a quorum will be in attendance for the meeting. If lack of quorum is likely, the Secretary must inform the Council chair two weeks prior to the meeting so the Chair may call a special meeting.

At least two regularly scheduled meetings will occur each year, with notice provided at least thirty (30) days in advance, with the expectation that all members will attend in person. One meeting shall occur during the North American Wildlife and Natural Resource Conference, typically held in March. The primary purposes of regularly scheduled meetings shall be to review and adopt recommendations forwarded to the PFC by the PFSC and PFNTC.

If deemed necessary by the Chair, special meetings may be scheduled with advance notice of at least two (2) days and may be conducted via telephone, video conference, or other electronic means for any matter. Members do not need to be physically present at special meetings. Public comment is neither necessary nor required during any special meeting called by the Chair.

Executive sessions of the PFC may be called by the Chair or by majority vote of the members. Executive sessions shall be closed to non-members, except that the Chair may invite attendance by the Secretary, Treasurer, ex officio members or other deemed necessary to address the subject of the session. An executive session may be called for any reason, but formal actions resulting from the session shall be decided when the general open session resumes. The regular meeting minutes should indicate when the executive session began and ended, and the purpose of the executive session.

ARTICLE IV

Voting

Voting will be by formal motion and 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 upon request. In taking any action by vote, each active member shall have one vote. Motions may be passed by a simple majority (50 percent plus one), except for actions that require affirmation by larger majority, as specified in these by-laws.

Active members not present at a meeting may vote by telephone or written communications (including electronic transmissions), or other means deemed appropriate by the Chair. Absent members also may vote by granting a proxy to another member, provided that written or e-mail notice is given to the chair prior to the meeting. In voting matters, the Chair will not recognize an active member of the PFSC or PFNTC as a proxy.

In all U.S. regulatory and non-regulatory matters, only U.S. state fish and wildlife agency active members will have one vote. Business requiring a vote will be passed by a simple majority of U.S. members. 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 two active U.S. members of the PFC. Consultants will be selected for four-year terms at the second annual meeting, taking office January 1 and serving until December 31 of the fourth year. Consultant terms will be staggered two years from the other so that each pair of consultants will consist of one experienced consultant and one gaining experience. The initial cycle of this consultant schedule will begin on January 1, 2016, with the current senior consultant appointed to a two-year term and appointment of a new consultant to a four-year term.

The PFC consultants will include one representative from a coastal state and one from an interior state. Consultants can serve unlimited consecutive or non-consecutive terms. Members

serving as consultants can request that their state be skipped in the normal rotation of responsibilities for chairing the PFC. In the event that a consultant is unable to attend a single meeting of the SRC, the Chair may appoint an alternate consultant from the respective coastal or inland members of the PFC.

The PFC shall be represented on the National Flyway Council by the senior consultant during the last two years of their four-year term. That responsibility will be passed to the second consultant for the last two years of their term.

ARTICLE VI

Representation on Other Councils/Committees

The PFC will select representatives to serve on the AFWA Migratory Wildlife Committee, the North American Waterfowl Management Plan Committee, the North American Wetlands Conservation Council and other such groups deemed valuable to carry out the purposes of the PFC. The by-laws of those organizations will define terms and responsibilities of the PFC representative.

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, PFSC, and PFNTC. 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, and chairs of the PFSC and PFNTC as necessary to attend 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, PFSC, and PFNTC 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 Fall 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, PFSC and PFNTC.

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

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

Amendments adopted:

Preamble

Articles I – V

Article VII-VIII

Amendments proposed and notice given on June 25, 2015.



Brandon S. Reishus, Secretary
Pacific Flyway Council
July 24, 2015