

BY-LAWS OF THE PACIFIC FLYWAY NONGAME TECHNICAL COMMITTEE

ADOPTED JUNE 8, 2006, AMENDED JULY 24, 2015.

PREAMBLE

To support and implement the goals and objectives of the Pacific Flyway Council (PFC) and the National Flyway Council (NFC) created by the Association of Fish and Wildlife Agencies (AFWA), and to develop and implement cooperative management programs throughout the Pacific Flyway, the states and provinces of the Pacific Flyway Nongame Technical Committee (PFNTC) affirm:

WHEREAS, the administrative flyway structure for management and regulation of migratory bird resources of North America has been adopted by AFWA and the U.S. Fish and Wildlife Service; and

WHEREAS, each of the states (U.S. and Mexico) and provinces and territories (Canada) within the Pacific Flyway should participate cooperatively in the management of migratory birds and their habitats; and

WHEREAS, in order to increase knowledge and facilitate cooperation, representatives of the U.S. state agencies having primary jurisdiction for the management of nongame migratory birds should assist in the development of regulations for, and participate in the management programs of, migratory birds through the implementation of the North American Waterfowl Management Plan, United States Shorebird Conservation Plan, North American Waterbird Conservation Plan, North American Landbird Conservation Plan, Joint Ventures, and other conservation initiatives that benefit birds;

NOW, THEREFORE, it is hereby resolved that:

1. The PFNTC is established and maintained exclusively for the purposes of planning, coordinating, implementing, and evaluating the scientific management of nongame migratory birds and their habitats in the public interest.
2. The PFNTC is a scientific technical body, acting in support of the PFC and in conjunction with the Pacific Flyway Study Committee (PFSC), to collect and compile biological data, conduct technical analyses, evaluate science-based management programs, and to formulate recommendations pertaining to management of nongame migratory birds and their habitats in the Pacific Flyway.
3. The following articles shall guide the structure and functions of the PFNTC.

ARTICLE I

Membership

Members of the PFNTC shall include one representative from the U.S. state fish and wildlife agencies of Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; and may also include the Canada provincial fish and wildlife agencies of Alberta, British Columbia, Northwest Territories, Nunavut, and Yukon; and the Mexico state governments of Aguascalientes, Baja California, Baja California Sur, Chiapas, Chihuahua, Colima, Durango, Guanajuato, Guerrero, Jalisco, Mexico DF, Michoacan, Morelos, Nayarit, Oaxaca, Puebla, Sinaloa, Sonora, and Zacatecas. The federal governments of the U.S., Canada, and Mexico, and the Alaskan Migratory Bird Co-management Council each may provide an *ex officio* representative to the PFNTC. Members of PFNTC may not be members of the PFC.

Pacific Flyway member states shall provide representatives that are professional wildlife biologists with specific interests and expertise in nongame migratory bird resources and their management. Active members may designate an alternate to act in their place or a proxy at any time. Active members may designate themselves to be inactive participants by written notice to the Chair. In addition, members may be designated inactive by lack of participation at three consecutive regularly scheduled meetings of the PFNTC. Inactive members may become active upon written request to the Chair.

ARTICLE II

Officers and Terms

Officers will include a Chair, Vice-chair, and Secretary. The Chair and Vice-chair will rotate annually among active members, but are limited to U.S. state PFNTC members. A Chair and Vice-chair rotation schedule will be reviewed annually based on active membership and shall coincide with the rotation schedule of the PFC.

The Chair has primary responsibility to conduct all business meetings, finalize the meeting agenda, arrange for meeting facilities and support services, compile and finalize PFNTC recommendations, represent the PFNTC in all appropriate matters, and may attend meetings of the U.S. Fish and Wildlife Service Regulations Committee with the PFC consultants, as needed. If for any reason, the Chair cannot perform their duties, the responsibilities transfer to the Vice-chair.

The Vice-chair has primary responsibility to aid the Chair as needed, produce and distribute minutes of meeting proceedings within 60 days after a meeting, and to transmit adopted recommendations to appropriate parties. If for any reason, the Vice-chair is unable to perform their duties, the Chair shall select a temporary replacement.

The Secretary has primary responsibility to conduct a roll call of active members at each meeting, maintain a list of active and inactive members, maintain a roster of PFNTC representatives to other organizations or groups, maintain a schedule of subcommittee chair rotation with the goal of distributing workload and minimizing Subcommittee Chair responsibilities for the PFNTC Officers, and keep an official record of all meeting transactions. The Secretary shall be selected by a simple majority (50 percent plus one) vote of the PFNTC, may be a nonmember without voting privileges, and shall serve until replaced. If for any reason, the Secretary is unable to perform their duties, the Chair shall select a temporary replacement.

ARTICLE III

Meetings

Meetings shall be held at the call of the Chair, or upon the request of a simple majority (50 percent plus one) of active members. At least two regular meetings will occur annually prior to regular meetings of the PFC. Regular meetings of the PFNTC will be scheduled at least 30 days in advance by written or email notification, with the expectation that all members will attend in person. If deemed appropriate by the Chair, a special meeting may be held with two days notification and may be conducted via telephone, video conference, or other electronic means.

Executive sessions may be called by the Chair or by a majority vote (50 percent plus one) of the members. Executive sessions shall include only active U.S. state PFNTC members, except that the Chair may invite attendance by the Secretary, *ex officio* members or other individuals 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.

ARTICLE IV

Voting

A quorum of two-thirds of the active U.S. state PFNTC members must be established for all meetings to conduct any formal business, of which 50 percent of members must be physically present. 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 Secretary shall poll PFNTC members to assure a quorum will be in attendance for the meeting. If lack of quorum is likely, the Secretary must inform the Chair two weeks prior to the meeting so the Chair may call a special meeting.

Voting will be by formal motion and voting proceedings shall follow Robert's Rules of Order. The Secretary shall review all proceedings for compliance with Robert's Rules of Order and shall provide a copy of the rules at all meetings upon request. In passing a motion by vote,

each active U.S. state PFNTC member has 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. Voting on joint PFNTC and PFSC products will occur in tandem while in a Joint Business Session. Formal motions and voting proceedings shall be inclusive to each Committee and recorded separately by their respective Secretary. Members not physically present at a meeting may vote by proxy, by telephone or written communications (including electronic transmissions), or other means deemed appropriate by the Chair. The PFNTC and associated Subcommittees will accept public comment in person or in writing prior to any vote.

ARTICLE V

Subcommittees and Working Groups

The PFNTC may form a formal Subcommittee or informal Working Group as deemed necessary. All Subcommittee and Working Group recommendations and actions will be forwarded to the full PFNTC for review and/or approval prior to submission to the PFC.

Subcommittee membership shall include PFNTC members whose states/provinces encompass any portion of the range of a population of nongame migratory birds that are a focus to that particular Subcommittee, but are limited to one representative from each U.S., Canadian, and Mexican federal agency involved with management actions. The USFWS Pacific Flyway representative or their designee shall serve on each Subcommittee in an *ex-officio* capacity. Other persons deemed appropriate may become Subcommittee members or be removed from a Subcommittee by a two-thirds majority vote of the PFNTC.

Subcommittee officers will include a Chair and a Vice-chair. The Chair and Vice-chair will rotate among Subcommittee members. Subcommittee Chairs will be appointed for a minimum two-year term. The Subcommittee Chair will organize and conduct meetings, compile proceedings, present recommendations to the full PFNTC, and prepare an annual report summarizing activities of the Subcommittee.

Subcommittee voting will be by formal motion and voting proceedings shall follow Robert's Rules of Order. Each Subcommittee member shall have one vote and motions may be passed by a simple majority (50 percent plus one).

ARTICLE VI

Association of Fish and Wildlife Agencies

The PFNTC recognizes the importance of coordinating and/or working with AFWA committees/working groups. The PFNTC Chair or a designee shall attend annual meetings of these committees, as deemed appropriate by the PFC and PFNTC.

ARTICLE VII

Administrative and Financial Procedures

Funding for administrative and operating expenses of the PFNTC will be provided from the PFC administrative account, subject to approval and by-laws of the PFC.

Notwithstanding any other provision of these articles, the PFNTC 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.

The PFNTC will prepare annual budget proposals for the PFC as a basis for authorizing member assessments and anticipated expenditures for the year. Annual budgets and member assessment fees will be determined by the PFC.

ARTICLE VIII

Annual U.S. Regulatory Changes

Any U.S. state PFNTC member who proposes changes in federal regulatory frameworks shall provide written (including electronic mail) and/or verbal notice to the PFNTC. A written summary of the recommendation, including a biological justification, shall be provided to the PFNTC at least 30 days prior to the meeting at which it is to be considered. Other requests may be considered after consultation with the PFNTC Chair and approval by a simple majority (50 percent plus one) of active members.

ARTICLE IX

Amendments

Amendments to these by-laws shall be approved by not less than a two-thirds majority vote of active U.S. members; notice of any proposed changes shall be furnished to each member at least 30 days prior to the meeting at which amendments are to be considered. Amended by-laws are effective immediately after adoption by the PFNTC and approved by the PFC.

Amended June 24, 2015



Cris Tomlinson, Chair
Pacific Flyway Nongame Technical Committee



Tony Wasley, Chair
Pacific Flyway Council