

# **BY-LAWS OF THE PACIFIC FLYWAY STUDY COMMITTEE**

Adopted March 7, 2001

Amended July 24, 2002; March 13, 2004; March 10, 2006; July 23, 2015;

February 14, 2019

## **PREAMBLE**

**To support and implement the goals and objectives of the Pacific Flyway Council (PFC) and the National Flyway Council (NFC), those Councils 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 affirm:**

WHEREAS, the administrative flyway structure has been adopted by the AFWA and the U.S. Fish and Wildlife Service (USFWS) as the foundation for management and regulation of migratory game bird resources in the U.S.; and

WHEREAS the PFC representatives of the official U.S. state agencies and Canadian provincial agencies having primary jurisdiction for the management of migratory birds are responsible for the formulation of annual migratory game bird hunting regulations of the U.S. and Canada; and

WHEREAS the PFC representatives work collaboratively to manage, maintain and/or improve the status of migratory bird game populations and their habitats, including participation in population monitoring and other management activities; and

WHEREAS, each of the states (U.S. and Mexico) and provinces (Canada) within the Pacific Flyway seek to participate cooperatively in annual monitoring and other management activities on nesting, staging, and wintering areas, for the purposes of maintaining and/or improving the status of migratory game bird populations and their habitats; and

WHEREAS, representatives of all member agencies seek to participate fully in the implementation of the North American Waterfowl Management Plan;

NOW, THEREFORE, it is hereby resolved that the Pacific Flyway Study Committee (PFSC) is established and maintained exclusively for the purposes of planning, coordinating, implementing, and evaluating the regulatory framework and scientific management of migratory game birds in public trust.

Be it further resolved that the PFSC is a scientific technical body, acting in support of the PFC, a scientific policy body, and in conjunction with the Pacific Flyway Nongame Technical Committee (PFNTC), to collect and compile biological data, conduct technical analyses, evaluate science-based management programs, and to formulate recommendations

pertaining to management of migratory game bird populations and their habitats in the Pacific Flyway.

And be it further resolved that the following articles shall guide the structure and operations of the PFSC.

## ARTICLE I

### Membership

Members of the PFSC shall include one representative from each state fish and wildlife agency having primary jurisdiction for the management of migratory game birds in the Pacific Flyway, namely Alaska, Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming. The PFSC also affords full membership to those provincial and territorial fish and wildlife agencies of Canada (i.e. Alberta, British Columbia, Northwest Territories, Nunavut, and Yukon) and state governments of Mexico that choose formal membership and actively participate in committee business.

The USFWS, Canadian Wildlife Service, and Secretaria de Medio Ambiente y Recursos Naturales (Mexico) may provide an *ex officio* representative to the PFSC. The Alaska Migratory Bird Co-Management Council may also provide an *ex officio* representative.

Members of the PFSC shall provide technical knowledge of migratory game bird resources and their management, including the development of regulatory frameworks. Members may designate themselves to be inactive by written notice or become inactive upon the lack of participation at three consecutive meetings of the PFSC. Inactive participants may be reinstated to active status upon written request to the PFSC Chair.

## ARTICLE II

### Officers

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 PFSC members from U.S. states. 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 and represent the PFSC in all appropriate matters. The Chair may also attend meetings of the USFWS Regulations Committee with the PFC consultants, as needed. 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 Vice-Chair has the responsibility to set up meeting facilities, arrange for needed

audio visual aids and computer needs, and aid the Chair as needed. The Vice-Chair will assist the Chair in compiling and finalizing PFSC recommendations. The Vice-Chair will be from the state that will become the Chair the following term.

A Secretary may be selected by a simple majority vote of the PFSC and may be a nonmember of the PFSC. A nonmember has no voting privileges. Primary responsibilities of the Secretary shall be to conduct a roll call of active members at each PFSC meeting, maintain a list of active and inactive members, maintain a record of Chair and Vice-Chair rotation, maintain a roster of PFSC representatives to other organizations or groups, maintain a schedule of subcommittee chair rotation, keep an official record of all meeting transactions, distribute minutes of meeting proceedings within sixty (60) days after a meeting, 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 the PFC, PFNTC, 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, PFNTC or PFSC and a nonmember has no voting privileges. 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**

Annual 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. Final agenda establishment is the responsibility of the Chair. If the Chair is unable to conduct a meeting for any reason, the Vice-Chair will assume responsibilities. If deemed appropriate by the PFC and PFSC chairs, an emergency meeting may be scheduled with a two (2) day notice and may be conducted via telephone or other electronic means. Annual meetings may be scheduled as follows:

- Winter Work Session (November, December, or January). This work session is attended by: PFSC members, USFWS Regions, provincial and territorial fish and wildlife agencies of Canada who are members on subcommittees, or by invitation from the PFSC Chair. Items to focus on should include but not be limited to, the development and updating of flyway management plans and/or work plans for the coming year. The PFSC does not adopt formal recommendations at this meeting.

- Spring Meeting (February or March, prior to the North American Wildlife and Natural Resources Conference). This is considered a business meeting (nonregulatory) and recommendations adopted by the PFSC forwarded to PFC.
- Summer Meeting (August or September, prior to the USFWS Regulations Committee meeting and in conjunction with the PFC). This meeting is considered the regulatory business meeting; recommendations adopted by PFSC including season frameworks which are forwarded to the PFC immediately following the PFSC meeting.

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

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

## ARTICLE IV

### Voting

In all U.S. regulatory matters brought before the PFSC, only PFSC members representing U.S. state fish and wildlife agencies may vote. Each member has one vote and a majority is considered to be more than 50 percent of the current active U.S. participants. PFSC and PFC activities do not supersede regulatory decision-making processes in Canada or Mexico. Flyway management plans are subject to majority approval by the full PFSC membership (U.S. and non-U.S. members), before being transmitted to PFC for final review and adoption.

In all non-regulatory matters, each PFSC member (state fish and wildlife agencies, provincial and territorial fish and wildlife agencies of Canada and state governments of Mexico as defined in Article I, Membership) will have one vote. A majority is considered to be more than 50 percent of the current active membership.

A quorum of the PFSC must be present during a meeting to adopt any formal regulatory or non-regulatory recommendation. A quorum is considered to be 2/3 of the current active participants.

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. 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 V**

### **Other Participation and Subcommittee Membership**

Participation by USFWS and Canadian Wildlife Service regional representatives is strongly encouraged and paramount to the cooperative management of migratory bird populations and their habitats including implementation of cooperative monitoring programs (e.g., waterfowl banding), regulation development, research coordination, and management.

The PFSC may form subcommittees to conduct detailed analyses of data and management recommendations for individual populations or groups of migratory game birds. In addition, special ad hoc committees may be formed for any special projects deemed necessary. All recommendations and actions will be forwarded to the full PFSC for review and/or approval.

Membership on these subcommittees shall include only PFSC members whose states/provinces encompass any portion of the range of a population of migratory game birds. In addition, representatives from the USFWS, Canadian Wildlife Service, and Secretaria de Medio Ambiente y Recursos Naturales (Mexico) involved with management that encompass any portion of the range may also be members of a subcommittee. There shall not be more than one voting representative from each U.S., Canadian and Mexican federal agency. The Pacific Flyway Representative or their designee shall serve on each subcommittee in an ex-officio capacity. Other agencies or groups with relevant expertise or management interest may be invited to provide a representative to a subcommittee as a nonvoting participant. Voting and discussion will be by formal motion and voting proceedings shall follow Robert's Rules of Order.

Each subcommittee will have a chair for a 2-year term, beginning January 1 and ending December 31. The Secretary will maintain a rotation schedule of chairs for operating subcommittees to distribute workload and minimize subcommittee chair responsibilities for the PFSC Chair and Vice-Chair. Each January, the subcommittee chairs will report to the PFSC Chair on the makeup of membership of each subcommittee, organize and conduct meetings, compile proceedings and present recommendations to the full PFSC. Subcommittee chairs are responsible for providing subcommittee reports to the PFSC Chair for inclusion in the meeting product.

In addition, a schedule will be established for reviewing and updating flyway management plans. A member of the PFSC or other appropriate representative will be designated as the primary lead to maintain a review schedule and update databases annually.

## **ARTICLE VI**

### **Association of Fish and Wildlife Agencies**

The PFSC Chair or designee shall attend annual meetings of the Migratory Shore, Upland Game Bird, and Waterfowl working groups, as deemed appropriate by the PFC and PFSC, to report on Pacific Flyway activities and discuss management programs. All other business related to these subcommittees shall be reviewed by the PFSC Chair.

## **ARTICLE VII**

### **Administrative and Financial Procedures**

Funding for administrative and operating expenses of the PFSC will be provided from the PFC administrative account, subject to approval and bylaws of the PFC.

Notwithstanding any other provision of these articles, the PFSC 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 PFSC will prepare annual budget proposals for the PFC as a basis for authorizing member assessments and anticipated expenditures for the year.

## **ARTICLE VIII**

### **Annual U.S. Regulatory Changes**

Any U.S. member of the PFSC who proposes changes in regulatory frameworks shall provide written (including electronic mail) and/or verbal notice to the PFSC. Proposals for change shall be announced during the spring meeting. A written summary of the recommendation, including a biological justification, shall be provided to the PFSC at least thirty (30) days prior to the regulatory business meeting. Other requests may be considered after consultation with the PFSC Chair and a simple majority approval of PFSC members.

## **ARTICLE IX**

### **Amendments**

Amendments to these by-laws require a 2/3 majority vote of active members. Notice of any proposed change must be submitted to each member at least thirty (30) days prior to

the relevant meeting.

Originally established  
Proposed and adopted March 7, 2001.

Preamble and Article VII amended.  
Amendments proposed on February 1, 2006 and adopted March 10, 2006.  
Amendments proposed on June 19, 2015 and adopted July 23, 2015.

Preamble, Articles I, III, IV and V amended.  
Amendments proposed on January 17, 2018 and adopted February 14, 2019.