

BY-LAWS OF THE PACIFIC FLYWAY STUDY COMMITTEE

ADOPTED MARCH 7, 2001
AMENDED JULY 24, 2002; MARCH 13, 2004; MARCH 10, 2006

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 International Association of Fish and Wildlife Agencies, 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 IAFWA and the U.S. Fish and Wildlife Service as the foundation for management and regulation of migratory game bird resources in the U.S.; and

WHEREAS, each of the states (U.S. and Mexico) and provinces (Canada) within the Pacific Flyway seek to 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 game birds and their habitats; 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 seek to participate fully in the formulation of the annual migratory game bird hunting regulations of the U.S. and 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 scientific management of migratory game birds in the public interest.

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 Migratory Bird 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 birds 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 fish and wildlife agencies of Canada (Alberta, British Columbia, Northwest Territories, Nunavut, and Yukon) and state governments of Mexico that choose formal membership and actively participate in committee business.

Members of the PFSC shall provide technical knowledge of migratory game bird resources and their management. All U.S. members as of March 7, 2001 are active members of the PFSC. Members may designate themselves to be inactive by written notice. Any member becomes inactive upon the lack of participation at any three consecutive meetings of the PFSC. Inactive participants may be reinstated to active status upon written request to the Chair and approval of 2/3 of the active membership. Members may designate a proxy at anytime.

The U.S. Fish and Wildlife Service, 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 Comanagement Council also may provide an *ex officio* representative.

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 U.S. Fish and Wildlife Services' 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 October 1 and end September 30 of the following year.

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.

The Secretary shall be selected by a simple majority vote of the PFSC and may be a nonmember of the PFSC. A nonmember has no voting privileges. The Secretary shall serve until replaced by a simple majority vote of the PFSC. Primary responsibilities of the Secretary shall be to conduct a roll call of official members at each PFSC meeting, maintain a list of active and nonactive 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 ninety (90) 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 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

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. Scheduled annual meetings will be as follows:

During December, January or February of each year. This winter meeting will focus on the development and updating of flyway management plans and developing work plans for the coming year. Typically, the PFSC at this meeting adopts no formal recommendations and this meeting is considered a non-business meeting.

During March of each year prior to the North American Wildlife and Natural Resources Conference. This is considered a normal business meeting with formal recommendations adopted by the PFSC and forwarded to PFC.

In late July prior to the U.S. federal late season U.S. Fish and Wildlife Services' Regulations Committee meeting and in conjunction with the PFC. This is

considered a normal business meeting with formal recommendations adopted by the PFSC and forwarded to PFC immediately following the PFSC meeting.

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.

The primary purposes of scheduled meetings shall be to review and adopt management and regulatory recommendations to be 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.

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, even though they may contain some language on regulatory matters, 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 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

Subcommittees

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 PFSC members whose states/provinces encompass any portion of the range of a population of migratory game birds. In addition, one representative from each U.S., Canadian and Mexican federal agency involved with management actions may be a member of a subcommittee. The Pacific Flyway Representative or their designee shall serve on each subcommittee in an ex-officio capacity. Other persons deemed appropriate may become a subcommittee member or removed from a subcommittee after approval by a 2/3-majority vote of the PFSC. Each subcommittee member shall have one vote. 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.

Each subcommittee will have a chair for a 2-year term, each term beginning October 1 and ending September 30. The Secretary will maintain a rotation schedule of chairs for operating subcommittees, with the goal of distributing workload and minimizing subcommittee chair responsibilities for the PFSC Chair and Vice-Chair. The subcommittee chairs will report annually to the PFSC Chair on the makeup of membership of each subcommittee in January of each year as well as organize and conduct meetings, compile proceedings and present recommendations to the full PFSC. Subcommittee chairs are responsible for providing copies of subcommittee reports to the Secretary within ten (10) days of each PFSC meeting, for inclusion in the minutes.

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

International Association of Fish and Wildlife Agencies

The PFSC recognizes the Migratory Shore and Upland Game Bird and Waterfowl working groups of the International Association of Fish and Wildlife Agencies. The PFSC Chair or their designee shall attend annual meetings of these subcommittees, 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. Annual budgets and member assessment fees will be determined by the PFC at the scheduled July meeting and will cover the following January 1 – December 31 period.

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. An initial proposal for change shall be verbally announced during the winter meeting. For early season regulations, a written summary of the recommendation, including a biological justification, shall be provided to the PFSC at least thirty (30) days prior to the March meeting. For late season regulations, a written summary of the recommendation, including a biological justification, shall be provided to the PFSC at least thirty (30) days prior to the July 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 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 meeting at which change is considered.

Originally established

Proposed and adopted March 7, 2001.

Preamble and Article VII amended.

Amendments proposed on February 1, 2006 and adopted March 10, 2006.

Tom Hemker, Chair
Pacific Flyway Study Committee