

BY-LAWS OF THE NATIONAL FLYWAY COUNCIL

ADOPTED SEPTEMBER 12, 1952

AMENDED SEPTEMBER 15, 1998; MARCH 19, 2001; MARCH 25, 2013,

AND JULY 29, 2015

PREAMBLE

To implement the work of the National Flyway Council (NFC), formerly known as the National Waterfowl Council, as created by the Association of Fish and Wildlife Agencies (AFWA), formerly known as the International Association of Fish and Wildlife Agencies (IAFWA), and the International Association of Game, Fish and Conservation Commissioners, in its resolution Number Ten (10), Forty-First Convention, as follows:

WHEREAS, the flyway plan of administering the waterfowl resources of the Continent has been adopted by the U.S. Fish and Wildlife Service (USFWS) as the basis for migratory gamebird regulations; and

WHEREAS, each of the states within the several flyways should participate more actively in annual surveys, both on the nesting grounds and in wintering areas, to determine the status of waterfowl and other migratory birds, both hunted and non-hunted and the development of more adequate population monitoring surveys; and

WHEREAS, the state wildlife agencies within the several flyways bear a major share of the burden for enforcing migratory bird hunting regulations in the shaping of which they have practically no voice; and

WHEREAS, conditions prevail in each of the flyways which present difficult problems for both the states and the federal government, including waterfowl depredations on agricultural crops in some flyways, loss of important wetlands, etc.; and

WHEREAS, in order to bring about better understanding and cooperation, representatives of the official state agencies should participate fully in the formulation of the annual migratory bird hunting regulations of the U.S.;

NOW, THEREFORE, it is hereby recommended that there be established a Flyway Council in each flyway composed of representatives of the official state wildlife conservation agencies; and that each Flyway Council in turn select one of its members to serve on a NFC, and that the federal government departments of Canada and Mexico in charge of waterfowl management each be invited to appoint two advisory members, without voting powers, to meet with this NFC; said NFC to meet

with the USFWS to recommend annual regulations and such management practices and policies as they deem fitting.

Be it further resolved that coordinators be selected and assigned to each flyway by the USFWS to act as liaison agents for the coordination of research and management work of the various states and the federal government, and to combine state and federal findings and make such findings available to the respective flyway councils.

To fulfill the responsibility of the states of the U.S. as directed by resolution Number Four (4) of the Forty-second Convention of the IAFWA, as follows:

WHEREAS, Resolution Number 10 of the Forty-first Annual Convention of the IAFWA established among the states, Flyway Councils and NFC to work with the USFWS in an effort to insure the participation of the states in National Waterfowl Management; and

WHEREAS, the several states have efficiently organized such Councils for the four flyways and the NFC; and

WHEREAS, this principle and program has been accepted and implemented by the USFWS, which agency has recognized these State groups and has cooperated fully with them by setting up machinery for further close teamwork on a year around basis;

NOW, THEREFORE, be it resolved that the IAFWA in an annual convention assembled at Dallas, Texas, this 12th day of September, 1952, does hereby commend the USFWS for its progressive action which, through the coordinated activities of the federal and state agencies, will lead to better and more effective waterfowl management; and

Be it further resolved that the IAFWA endorses the progressive statement of objectives made by the NFC and presented to the USFWS as a course of action for the improvement of waterfowl management; and

Be it further resolved that the IAFWA does hereby instruct the NFC to complete its permanent organization in accordance with the previous resolution of the IAFWA, and to adopt by-laws for the government and procedure of the NFC and the several Flyway Councils under uniform provisions; and

Be it still further resolved that the President of the IAFWA be instructed to appoint from the membership of the NFC a temporary Chair with power to call meetings, to appoint a committee to draft by-laws, and to serve as and perform the usual duties of a Chair until the permanent organization is completed.

ARTICLE I

Membership and Terms

The Pacific, Central, Mississippi, and Atlantic Flyway Councils will each select a member who will sit on the NFC and the AFWA Bird Conservation Committee. Term limits will be 4 years. Members may be elected for more than one term at the discretion of their respective Flyway Council. Terms begin and end at the termination of the September business meeting of the AFWA.

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

ARTICLE II

Officers

Officers will include a Chair and Vice-Chair. The Chair and Vice-Chair will rotate annually. The Vice-Chair will be from the flyway, which will become the Chair the following term. Chair rotation will occur in the following order: Pacific Flyway, Mississippi Flyway, Central Flyway, Atlantic Flyway.

The Chair has primary responsibility to conduct all business meetings and represent the NFC in all appropriate matters. If for any reason, the Chair cannot function in the duties, the primary responsibility transfers to the Vice-Chair. Terms for Chair and Vice-Chair begin January 1 and concludes on December 31.

A Secretary shall be selected by a simple majority vote of the NFC and may be a nonmember of the NFC. The Secretary has no voting privileges. The Secretary shall serve until replaced by a simple majority vote of the NFC. Primary responsibilities of the Secretary shall be to conduct a roll call of official members at each NFC meeting, maintain a record of Chair and Vice-Chair rotation, keep an official record of all meeting transactions, distribute draft minutes within ninety (90) days after a meeting, coordinate public correspondence, keep records of any financial transactions and transmit adopted recommendations to appropriate parties. If the Secretary is unable to perform the duties, the Chair shall select a temporary replacement from the respective Flyway of the Chair.

ARTICLE III

Meetings

Meetings shall be held as scheduled below, at the call of the Chair, or upon the written request of a majority of the members. Written notices, including electronic mail, of all meetings shall be given not less than five (5) days prior to each meeting called, such written notice to be directed to the office of each member by the Chair. 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:

- In conjunction with USFWS Regulation Committee meetings when decisions are made relative to annual migratory bird regulations
- In conjunction with the North American Wildlife and Natural Resources Conference held normally in March of each year

The Chair may cancel any scheduled annual meeting.

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 NFC, 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. The Secretary and any *ex officio* member may be present during an executive session, as determined by the Chair. 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 NFC will accept public comment in person or in writing on any agenda item and prior to any voting matter.

ARTICLE IV

Voting

In all voting matters, each member will have one vote. A quorum at any meeting shall consist of not less than three NFC members. A majority is considered to be more than 50 percent of the NFC members.

A voting member 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

Administrative Costs of NFC/Information Requests

The NFC may assess an annual administrative cost to individual Flyway Councils to cover business-meeting expenses. The NFC may assist with travel expenses and related expenditures of

its members and Secretary to attend all necessary NFC meetings.

In addition, the annual assessment can be used to assist members of the NFC to attend related management meetings, implement NFC approved programs, or fund other projects that are determined to be in the best interests of the NFC.

Assessment fees will be determined by the NFC at the scheduled annual March meeting and will cover the time period for the following January 1 – December 31 period. The Secretary will be responsible for the billing of all assessments, disbursing funds authorized by the NFC, and maintaining the account of the NFC.

The financial basis of all travel expenses shall be in conformity with the current Federal per diem rate. The NFC may assess registration fees as deemed appropriate to cover costs at any scheduled meeting.

The NFC, if contracting for services, may pay contractor indirect fees up to a maximum of ten (10) percent.

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

Special assessments may be paid by flyways to cover the expenses for conducting projects outside of normal NFC activities. These projects may include but are not limited to stakeholder surveys, stakeholder meetings, public opinion surveys, and staffing for national initiatives. Indirect charges may part of the any agreements implementing these projects, but may not exceed 10% of the implementation costs.

ARTICLE VI

Amendments

Amendments to these by-laws shall be by a simple majority vote of the members present at any meeting; provided notice of any proposed change or changes shall be furnished to each member at least twenty (20) days prior to the meeting at which change is considered.