

BY-LAWS OF THE PACIFIC FLYWAY NONGAME MIGRATORY BIRD TECHNICAL COMMITTEE

ADOPTED JUNE 8, 2006

PREAMBLE

To support and implement the goals and objectives of the Pacific Flyway Council (PFC) and the National Flyway Council (NFC) created by the International Association of Fish and Wildlife Agencies (IAFWA), 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 bird resources of the Continent; and

WHEREAS, each of the states (U.S. and Mexico) and provinces (Canada) within the Pacific Flyway seek to participate cooperatively in monitoring 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; 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 birds seek to participate fully in the formulation of management programs and regulations for migratory birds of the U.S.; and

WHEREAS, representatives of all member agencies seek to participate fully in the implementation of the North American Waterfowl Management Plan, United States Shorebird Conservation Plan, North American Waterbird Conservation Plan, North American Landbird Conservation Plan, and other conservation initiatives that benefit birds;

NOW, THEREFORE, it is hereby resolved that the Pacific Flyway Nongame Migratory Bird Technical Committee (PFNTC) is established and maintained exclusively for the purposes of planning, coordinating, implementing, and evaluating the scientific management of nongame migratory birds in the public interest.

Be it further resolved that the PFNTC is a scientific technical body, acting in support of the PFC (a scientific policy body) 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.

And be it further resolved that 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 state/provincial fish and wildlife agency having primary jurisdiction for the management of nongame migratory birds from Alaska, Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington and Wyoming. The PFNTC also affords membership to those provincial fish and wildlife agencies of Canada (Alberta, British Columbia, Northwest Territories, Nunavut, and Yukon) and state governments of Mexico within the Pacific Flyway that choose formal membership and actively participate in committee business.

PFNTC member organizations shall provide representatives that are professional wildlife biologists with specific interests and expertise in nongame migratory bird resources and their management. All qualified organizations listed above will be considered active members upon formal notification to the PFNTC. Member organizations may designate themselves to be inactive participants by written notice. Members are designated inactive if they fail to participate in three consecutive meetings of the PFNTC. Inactive participants may regain active status upon written request and approval by two-thirds of the active membership. Members may designate a proxy at any time to retain active status.

The federal governments of the U.S., Canada, and Mexico each may provide an *ex officio* representative to the PFNTC. The Alaskan Migratory Bird Co-management Council may also provide an *ex officio* representative.

ARTICLE II

Officers

Officers will include a Chair, Vice-chair, and Secretary. When deemed necessary, such as when holding separate workshops or symposia related to nongame birds, the Secretary shall also serve as Treasurer. The Chair and Vice-chair will rotate annually among active members, but are limited to PFNTC 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 PFNTC in all appropriate matters. The Chair also may attend meetings of the U.S. Fish and Wildlife Service Regulations Committee (SRC) with the PFC consultants, as needed. If for any reason, the Chair cannot perform the duties of the office, primary responsibilities of the Chair transfer 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 responsibilities to arrange for meeting facilities and support services (e.g., audio-visual aids and computer needs), and aid the Chair as needed. The Vice-chair will

assist the Chair in compiling and finalizing PFNTC recommendations. The Vice-chair will be the member scheduled to become Chair in the next term.

The Secretary shall be selected by a simple majority vote of the PFNTC. The Secretary may be a nonmember without voting privileges. The Secretary shall serve until replaced by a simple majority vote of the PFNTC. Primary responsibilities of the Secretary shall be to conduct a roll call of official members at each PFNTC meeting, maintain a list of active and nonactive members, maintain a record of Chair and Vice-chair rotation, maintain a roster of PFNTC 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 temporarily unable to perform the duties of the office, the 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 active 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. Establishment of a final agenda for each meeting 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 PFNTC chairs, an emergency meeting may be scheduled with a two (2) day notice and may be conducted via telephone or other electronic means.

Regular meetings of the PFNTC will occur at least once annually, but not more than three (3) times in any given year, with scheduled meetings typically occurring in conjunction with existing meetings of the PFSC. Potential 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 PFNTC considers this a non-business work session and adopts no formal recommendations at this 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 PFNTC and forwarded to PFC.

In late July, in conjunction with the PFC and PFSC, prior to the U.S. federal late season U.S. Fish and Wildlife Services Regulations Committee meeting. This is considered a normal business meeting with formal recommendations adopted by the PFNTC and forwarded to PFC immediately following the PFNTC meeting.

The PFNTC or any subcommittee, by call of any active member and approval from the PFNTC 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* PFNTC members, the Secretary / 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 by the PFNTC to the PFC. The PFNTC 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

A quorum of PFNTC members representing U.S. state fish and wildlife agencies must be present during a meeting to adopt any formal regulatory or non-regulatory recommendation. A quorum is considered to be two-thirds of the current active U.S. members.

In all U.S. regulatory matters brought before the PFNTC, only PFNTC 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 current active U.S. participants. PFNTC and PFC actions do not carry any authority in 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 PFNTC membership (U.S. and non-U.S. members) before being transmitted to PFC for final review and adoption.

In all non-regulatory matters, each PFNTC member will have one vote. A majority is considered to be more than 50 percent of the current active membership.

Voting 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. 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.

ARTICLE V

Subcommittees

The PFNTC may form subcommittees to conduct detailed analyses of data and develop management recommendations for individual populations or groups of nongame migratory 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 PFNTC for review and/or approval.

Membership on these subcommittees shall include PFNTC members whose states/provinces encompass any portion of the range of a population of nongame migratory 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 subcommittee members or be removed from a subcommittee by a two-thirds majority vote of the PFNTC.

Chairs for subcommittees will be appointed on a two-year term. 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 PFNTC Chair and Vice-chair. The subcommittee chairs will report annually to the PFNTC 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 PFNTC. Subcommittee chairs are responsible for providing copies of subcommittee reports to the Secretary within ten (10) days of each PFNTC meeting, for inclusion in the minutes.

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

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 shall review all proceedings for compliance with Robert's Rules of Order and shall provide a copy of the rules at all meetings.

ARTICLE VI

International Association of Fish and Wildlife Agencies

The PFNTC recognizes the importance of coordinating and/or working with committees/working groups of the IAFWA. The PFNTC Chair or designee shall attend annual meetings of these committees, as deemed appropriate by the PFC and PFNTC, to report on Pacific Flyway activities and discuss management programs. The PFNTC Chair shall review all other business related to these committees.

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 bylaws 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 at the scheduled July meeting and will cover the following January 1 – December 31 period.

ARTICLE VIII

Annual U.S. Regulatory Changes

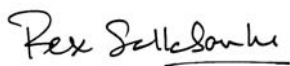
Any U.S. member of the PFNTC who propose changes in federal regulatory frameworks shall provide written (including electronic mail) and/or verbal notice to the PFNTC. A written summary of the recommendation, including a biological justification, shall be provided to the PFNTC at least thirty (30) days 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 of active members.

ARTICLE IX

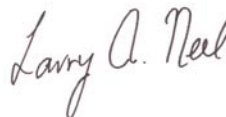
Amendments

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 thirty (30) days prior to the meeting at which amendments are to be considered.

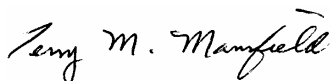
Adopted June 8, 2006



Rex Sallabanks, Chair
Pacific Flyway Nongame Tech. Committee



Larry A. Neel, Secretary
Pacific Flyway Nongame Tech. Committee



Terry M. Mansfield, Chair
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