

ALASKA MIGRATORY BIRD CO-MANAGEMENT COUNCIL
BY-LAWS

PREAMBLE

WHEREAS, the bilateral treaties for the protection of migratory birds between the United States of America, Canada (1916) and Mexico (1936) were amended to enable effective actions to be taken to improve the conservation of migratory birds; and

WHEREAS, the treaty protocol recognizes and provides for the customary and traditional subsistence taking of migratory birds and their eggs in the spring and summer by the indigenous inhabitants of Alaska consistent with the Nation's long-term commitment to the conservation of migratory birds for their nutritional, social, cultural, spiritual, ecological, economic and aesthetic values; and

WHEREAS the treaty protocol provides for an effective and meaningful role for indigenous inhabitants of Alaska in the conservation of migratory birds through the creation of management bodies that will include Native, Federal and State of Alaska representatives as equals;

NOW, THEREFORE BE IT RESOLVED, that the Alaska Migratory Bird Co-management Council, hereinafter referred to as the Council, is created as a statewide body to develop, implement, and promote a co-management program between Alaska Native, Federal and State governments in recognition of the subsistence use and conservation of migratory birds in Alaska. The Council, in partnership in the larger system of national and international migratory bird management, will provide approvals, advice, recommendations and information regarding subsistence use and the conservation of migratory birds in Alaska.

BE IT FURTHER RESOLVED that the following articles are adopted to guide the structure and functions of the Alaska Migratory Bird Co-management Council.

ARTICLE I

Purposes

The role of the Alaska Migratory Bird Co-management Council is to coordinate the effective and meaningful involvement of Alaska Native, Federal and State governments in the conservation and subsistence use of migratory birds, as part of the national migratory bird conservation system. The Council will participate fully in the formulations of migratory bird conservation programs and policies and spring/summer migratory bird subsistence take regulations.

The Council is hereby formed for the following purposes:

- a. To ensure the recognition of subsistence hunting and the conservation of migratory birds;
- b. To promote the co-management of migratory birds;

- c. To develop recommendations for spring and summer subsistence seasons, methods, means and bag limits which are consistent with the customary and traditional uses of migratory birds and their eggs by Alaska's indigenous inhabitants;
- d. To recommend law enforcement policies and to assist in their implementation;
- e. To develop cooperative programs to monitor migratory bird populations and harvests;
- f. To promote, recommend and assist in migratory bird research and incorporate traditional ecological knowledge in migratory bird research projects;
- g. To promote and recommend habitat protection policies;
- h. To provide education and information to the public, appropriate management agencies, and other interested parties;
- i. To provide guidelines within which the regional bodies can recommend harvest regulations and conservation measures;
- j. To coordinate the recommendations from the regional bodies and forward them to the U.S. Fish and Wildlife Service and Flyway Councils;
- k. To coordinate with other migratory bird groups, joint ventures, and teams regarding issues of common concern.

ARTICLE II

Membership

Members of the Alaska Migratory Bird Co-management Council are one federal representative designated by the Alaska Regional Director of the U.S. Fish & Wildlife Service, one state representative designated by the Commissioner of the Alaska Department of Fish & Game, and representatives from the regions listed below as co-management partners. Regions with more than one administrative organization may choose to send one representative or one representative per administrative organization. Each partner will determine its Council member selection and removal process, as well as filling of vacancies and terms for representatives and other appropriate membership procedures. Each partner may designate an Alternate Council member to serve in the absence of the regular Council member. Representative and alternate designations and any changes in appointments will be provided in writing to the Chair by state, federal or co-management partners.

The regions and the administrative organizations of the Alaska Migratory Bird Co-management Council are:

- a. Southeast/Southcentral Region - Central Council, Tlingit & Haida Indian Tribes; Cook Inlet Tribal Council; Copper River Native Association; and Chugach Regional Resources Commission;
- b. Southwest Region--Aleutian/Pribilof Islands Association, Kodiak Area Native Association;
- c. Bristol Bay Region - Bristol Bay Native Association;
- d. Western Region - Association of Village Council Presidents;
- e. Northwest Region - Kawerak;
- f. Northern Region - Maniilaq Association and the North Slope Borough;
- g. Interior Region - Tanana Chiefs Conference.

Current regional representatives of the Alaska Native Migratory Bird Working Group will serve on the Council and have full authority under these by-laws until the regions listed select and appoint representatives under their established procedures.

ARTICLE III

Officers

Council officers are Chair, Vice-chair and Secretary. The Chair will rotate on an annual basis between the regional, state and federal representatives, in that order, beginning at the first fall Council meeting. The Vice-chair will alternate between a regional and a state or federal agency representative, following the designated rotation of the Chair. The Vice-chair will serve a term of one year then succeed the Chair. A caucus of the regional members present at a meeting shall elect regional members to these offices. The Secretary will be elected by a majority vote of all Council members present at the meeting. The Secretary will serve a term of one year and may be reelected to subsequent terms.

The Chair will have the following duties:

- a. to call and preside over all meetings;
- b. to act as a consensus builder among the Council members;
- c. to represent and speak for the Council;
- d. to sign documents on behalf of the Council;
- e. to authorize and make public statements regarding actions of the Council;
- f. to establish ad hoc committees as necessary; and
- g. to perform other duties as prescribed by the Council.

The Vice-chair will have the following duties:

- a. in the absence of the Chair or in the event of his or her inability to act, the Vice-chair shall perform the duties of the Chair; and
- b. to perform other duties as may be assigned, from time to time by the Chair or the Council.

The Secretary shall have the following duties:

- a. to conduct a roll call at each Council meeting;
- b. to oversee the keeping of minutes for all meetings of the Council;
- c. to attest to the action of the Council; and
- d. to perform other duties as may be assigned, from time to time by the Chair or the Council.

ARTICLE IV

Flyway Representatives

Two regional representatives selected by the regional members of the Alaska Migratory Bird Co-management Council will serve as the Council's representatives to the Flyway Councils. The Chair may designate appropriate terms for these positions. The Flyway Representatives will be selected at the regular fall meeting. A representative's term will begin on December 1 of the year of appointment. In the event that a Flyway Representative is unable to attend a meeting of the Pacific Flyway or the Service Regulations Committee, the Chair of the Council may appoint an alternate regional representative from Council membership.

The Flyway Representatives shall have the following duties:

- a. to attend meetings of the Pacific Flyway Council and, as necessary, other Flyway Councils;
- b. to attend Service Regulations Committee meetings;
- c. to provide technical and harvest information to Flyway Councils and the Service Regulations Committee;
- d. to report back to the Council on actions of the Flyway Councils and the Service Regulations Committee; and
- e. to serve on other committees with other Flyway Council members.

ARTICLE V

Meetings

The Council will hold two regular meetings each year. The U.S. Fish and Wildlife Service is responsible for all meeting arrangements including issuing and publishing written notices, including electronic mail, of all meetings, not less than thirty (30) days prior to the date of each meeting. Final agenda establishment is the responsibility of the Chair.

Meetings will be conducted according to Roberts Rules of Order, which may be waived by the Chair. Members may participate in person or by teleconference. The Council will decide upon locations and times for regular meetings. Rotation to regional centers will be considered in order to provide greater public access to the Council's deliberations. Remote locations will be considered on a case by case basis.

Council meetings shall be open to the public and the public will have an opportunity to present proposals and comment on proposals under consideration.

The U.S. Fish and Wildlife Service will provide a staff recorder for all Council meetings. A record of meetings will be produced as a summary of discussion points and decisions and will be distributed to all Council members. Records will be available to the public on request.

Regular Meetings

A fall meeting will be held for the primary purpose of providing guidelines to the regions to develop regulatory and other recommendations for migratory birds.

A winter meeting will be held prior to the Flyway Council meetings to review and adopt co-management and regulatory recommendations that are forwarded to the Council by the regions. The Council will accept public comment on all regulatory and non-regulatory matters prior to any vote.

Special Meetings

The Council may convene other meetings or workshops as deemed necessary in the course of its business. The Chair may waive the 30 day meeting notice for special meetings after polling the members.

A current Council member may request a special meeting. A special meeting request must be made in writing to the Chair with copies to all current members and clearly state a proposed date and location and the purpose(s) for the special meeting. The Chair may approve the request, in consultation with the Council, and schedule a special meeting at times and places convenient to the Council members. At least seven days notice will be given for special meetings. Special meetings may be held by teleconference.

Quorum

A quorum for meetings of the Council shall require the presence, in person or by teleconference, of the Federal representative, the State representative and 50% plus one of the regional representatives. The Chair may seat authorized alternates.

Voting

Decisions and recommendations of the Council shall be by consensus wherever possible. If a vote becomes necessary, each party, Federal, State and Native, shall have one vote. Native representatives may caucus to decide their vote if so desired. The Chair shall be responsible for calling for a vote where necessary. No proxies are allowed in the voting process.

In the event of a conflict, the Chair may appoint a committee to craft an agreement, bring in an objective mediator or, in the event of a deadlock, initiate reasonable measures for resolving the disagreement on any issue which cannot otherwise be resolved.

ARTICLE VI

Committees

The Chair or the Council, by resolution adopted by a majority of the Council, may establish other standing committees whose members will be appointed by the Chair with the consent of the Council. The resolution must clearly state the committee's purpose(s), duration and proposed membership. Each committee shall consist of two or more Council members or their designees and other individuals the Council may designate.

Technical Committee

A Technical Committee shall be formed for the purposes of detailed analyses of data, management recommendations for individual populations or groups of migratory birds, and/or for preparation of management plans or agreements. The Technical Committee shall be appointed by the Chair and composed of Council members, staff from Council member organizations and others with necessary expertise to carry out the work of the committee. The Technical Committee shall provide scientific, technical and traditional ecological knowledge, advice and information to the Council regarding the management of migratory birds. All recommendations and actions of the Technical Committee will be forwarded to the Council for review and approval.

ARTICLE VII

Public Statements/Media Contacts

Any Council member, or designee, or any authorized staff to the Council may make public policy statements on behalf of the Council regarding issues on which the Council has taken a position, providing the content of the statement has been previously reviewed and approved by the Chair or the Chair's designee. If the Chair is unavailable to approve the statement and there is no designee, powers of approval are vested in the Vice-chair.

ARTICLE VIII

Administrative Costs

The U.S. Fish and Wildlife Service will make all arrangements for all Council meetings and workshops, cover the costs of meeting places, and provide staff to the Council. Travel and per diem for Council members will be paid for by the Fish and Wildlife Service through grants to the administrative partners. Travel and per diem for special meetings or workshops will be paid for by the Fish and Wildlife Service. The Fish and Wildlife Service will pay travel and per diem of the Flyway Representatives to attend all necessary meetings.

ARTICLE IX

Adoption and Amendment

These by-laws shall become effective when adopted by a majority vote of the Alaska Migratory Bird Co-management Council at a duly convened meeting at which a quorum is present.

Amendments to these by-laws shall be effective when adopted by a vote of the majority of the Council participating at a Council meeting, including members on teleconference, provided the Council members received prior notice that proposed amendments would be considered as an agenda item. Notice of the meeting must be mailed at least thirty days prior to the meeting at which the amendments are proposed and a copy of the proposed amendments must be included. Amended by-laws are effective immediately after adoption.

CERTIFICATION

We hereby certify that the foregoing by-laws of the Alaska Migratory Bird Co-management Council were adopted at a duly convened meeting of the Council at which a quorum was present on the 26 day of February, 2001.

Charles D. Brown
Chairman

Date: 02/28/01

Attest: B. Ann Wilson
Secretary

Date: 2/28/01