

# **Bylaws of the Northeast Aquatic Nuisance Species Panel**

## **ARTICLE 1 ENABLING LEGISLATION**

The Northeast Aquatic Nuisance Species Panel (hereafter NEANS Panel) was recognized in July 2001 under the provisions of the National Aquatic Nuisance Prevention and Control Act (NANPCA) of 1990 [reauthorized as the National Invasive Species Act (NISA) of 1996] by the approval of the Federal Aquatic Nuisance Species Task Force.

## **ARTICLE 2 MISSION, GOALS, AND OBJECTIVES**

Mission: Protect the marine and freshwater resources of the Northeast from aquatic nuisance species (ANS) through commitment and coordinated action.

Goals:

- A. Prevent the introduction, establishment, and dispersal of invasive ANS in the Northeast.
- B. Control the spread of invasive ANS already introduced into the Northeast.
- C. Mitigate the harmful ecological, economic, social, and public health impacts associated with the introduction, establishment, or spread of invasive ANS in the Northeast.

Objectives: (see Appendix A)

## **ARTICLE 3 FISCAL YEAR**

The NEANS Panel will operate on the same fiscal year as the Federal Government from 1 October to 30 September.

## **ARTICLE 4 MEMBERSHIP**

Membership of the NEANS Panel shall be comprised of panel members, committee members, and observers.

- A. Panel members: Panel members are representatives from Northeastern states, US government agencies, Canadian government agencies, trade, scientific, or professional associations/societies, non-government organizations, and academic institutes that have a significant interest or role in the prevention, control, or mitigation of aquatic nuisance species (hereafter ANS) or their impacts.
  - 1. Northeastern States and Provinces. Each of the following states from the Northeastern region of the United States and Eastern Canadian Provinces may identify two representatives for NEANS Panel membership. Each state and province may also designate two alternate representatives.
    - a. Maine
    - b. Massachusetts
    - c. New Hampshire
    - d. Vermont
    - e. Rhode Island
    - f. Connecticut
    - g. New York
    - h. Quebec
    - i. New Brunswick
    - j. Nova Scotia
    - k. Prince Edward Island
    - l. Newfoundland and Labrador

2. US and Canadian Federal Government agencies. Each of the following agencies may designate a representative and an alternate representative for NEANS Panel membership:
  - a. Agriculture Canada
  - b. Army Corps of Engineers (USACE)
  - c. Atlantic States Marine Fisheries Commission (ASMFC)
  - d. Coast Guard (USCG)
  - e. Department of Agriculture (USDA)
  - f. Department of Fisheries and Oceans
  - g. Environment Canada
  - h. Environmental Protection Agency (USEPA)
  - i. Fish & Wildlife Service (USFWS)
  - j. National Oceanic and Atmospheric Administration (NOAA)
  - k. National Park Service (NPS)
  - l. Transport Canada
  
5. Trade, scientific, or professional associations and societies, non-government organizations (NGOs), and academic institutes. The Steering Committee will identify and recommend organizations in this category to the USFWS for membership. The Steering Committee will identify and recommend organization in this category to the USFWS for membership.
  
6. Terms. Panel members serve on the NEANS Panel at the pleasure of the State, Province, agency, NGO, or other organization that they represent. That represented agency will determine the length of the term of service for their representative.
  
- B. Committee Members. Committee members are individuals serving on NEANS Panel committees. NEANS Panel Committees may recruit their own members without regard for professional affiliation. The only requirements for committee membership are an interest in ANS management and a willingness to commit time to the Panel. Committee members do not serve any specified term. The Committee Co-chairs are authorized to approve requests for committee membership, and are responsible for keeping the ANS Program Manager advised of committee membership status. The ANS Program Manager will maintain a list of committee members in each committee.
  
- D. Observers. An observer is an individual who is not affiliated with NEANS Panel in any other manner, but are interested in attending meetings or other NEANS Panel functions. Observers are invited to participate in and contribute to discussions, but do not vote on any matters before the Panel.

## **ARTICLE 5 OFFICERS**

The Officers shall consist of two Panel Co-chairs and Committee Co-chairs.

- A. Panel Co-chairs. The panel Co-chairs jointly preside over the operations the NEANS Panel and the Steering Committee. Panel Co-chairs must be NEANS Panel members. They are responsible for calling meetings/teleconferences of the Steering Committee, presiding over meetings, preparing the annual budget, preparing contracts for paid NEANS Panel staff, and insuring that the NEANS Panel is working to accomplish the goals and objectives of the NEANS Panel. Panel Co-chairs are chosen by the Panel members and serve for two-year overlapping terms, so that both Co-chairs would not come up for re-election/affirmation in the same year. A Panel Co-chair must advise the Steering Committee of their intention to step down from the position three months prior to the end of their term to give the Steering Committee the opportunity to identify new candidates. Panel Co-chairs are re-elected/reaffirmed or new Panel Co-chairs are elected at the first meeting of the Panel following the start of the new fiscal year. If it became necessary to select a new Panel Co-chair before the next meeting was held, the Panel Co-chair could be selected by a majority

vote of the Steering Committee, who would then serve the two-year term. Any official NEANS Panel document must be signed by the Panel Co-chairs. The signature of both Panel Co-chairs is not required if the action represented by the document was discussed and approved by the Steering Committee at a meeting or teleconference in which both Panel Co-chairs were present, the approval is documented in the meeting minutes, and the Co-chairs concur that only one of them needs to sign. Co-chairs may also delegate the signing of official NEANS Panel documents to the ANS Program Manager.

- B. Committee Co-chairs. Committee Co-chairs supervise and oversee the operations of their committee. They also serve on the NEANS Panel Steering Committee. Committee Co-chairs do not need to be NEANS Panel members. The Committee Co-chairs are responsible for preparing an annual committee work plan and budget. Committee Co-chairs are chosen by the committee members and serve for two-year overlapping terms, so that both Co-chairs would not come up for re-election/affirmation in the same year. A Committee Co-chair must advise the Steering Committee and the Committee membership of their intention to step down from the position three months prior to the end of their term to give the Committee the opportunity to identify new candidates. Committee Co-chairs are re-elected/reaffirmed, or new Committee Co-chairs are selected at the first meeting of the Panel following the start of the new fiscal year. If at any time the Committee is unable to select Co-chair(s), Committee Co-chair(s) will be appointed by a majority vote of the Steering Committee.

## **ARTICLE 6 ORGANIZATION**

The NEANS Panel is organized into committees. The committees include a steering committee, standing committees, and ad hoc committees.

- A. Steering Committee. The Steering Committee is responsible for the governance of the NEANS Panel. The Steering Committee consists of the two panel Co-chairs, the standing committee Co-chairs, and the NEANS Panel member representing the USFWS.
  - 1. Steering Committee meetings (or teleconferences) should be scheduled periodically, usually every one to two months. Either Panel Co-chair can convene a Steering Committee meeting.
  - 2. As the governing body of the NEANS Panel, official business will be decided by a majority vote. All votes will be duly recorded in the meeting minutes.
  - 3. A Quorum for the Steering Committee will consist of at least one Panel Co-chair, at least one Committee Co-chair from each of the standing committees.
- B. Standing Committees. A Standing Committee is a committee organized to accomplish key functions of the NEANS Panel. It was created by the Steering Committee and is expected to be in existence and performing its role as long as NEANS Panel is in existence.
  - 1. The existing Standing Committees include the following:
    - a. Ballast Water
    - b. Communication, Education, and Outreach
    - c. Policy and Legislation
    - d. Science and Technology
  - 2. Committees are responsible for arranging and conducting their own meetings/teleconferences. Committees will usually meet during NEANS Panel meetings.
  - 3. Under the leadership of the Committee Co-chairs, each standing committee is responsible for establishing a goal and objectives, an annual work plan, and project funding proposals. The Steering Committee must approve each committee's work plan and project proposals.
  - 4. Committees can recruit their own membership. There is no limit to the number of members a committee can recruit. Committee membership roles must be submitted to the ANS Program Manager every time a change occurs. Individuals can serve on

more than one committee, with the concurrence of the Co-chairs from each committee involved.

5. Each Standing Committee is lead by two Committee Co-chairs. Co-chairs are selected by the body of the committee and approved by the Steering Committee. In the event the committee as a whole is unable to select Co-chairs, they will be appointed by the Steering Committee.
  6. New Standing Committees can be created by a majority vote of the NEANS Panel.
- C. Ad Hoc Committees. Ad Hoc Committees are committees formed for specific purpose and for a specific period of time. Once the purpose for which the committee was formed has been accomplished, the committee is disbanded. All other bylaws pertaining to Standing Committees are applicable to Ad Hoc Committees. Ad hoc committees can be created by a majority vote of the steering committee.

#### **ARTICLE 7 QUORUM**

A quorum for conducting business at a NEANS Panel meeting will consist of at least: one Panel Co-chair; two Committee Co-chairs from different committees, and three state/provincial representatives and three representatives of federal/provincial agencies, none of whom are serving in any other position that is needed to form a quorum. For example, a designated state representative who is also a Committee Co-chair cannot fill both positions when determining if a quorum is present.

#### **ARTICLE 8 MEETINGS**

Meetings are to be held twice a year. Meeting locations will rotate through the various states/provinces in the Northeast Region. Locations for subsequent meetings can be selected by the Panel as a whole at the preceding meeting. If the Panel is unable to select a location for a subsequent meeting, the Steering Committee will select future meeting locations by a majority vote. If a quorum is not present, a meeting can still proceed, but no official business (e.g. election of officers) can take place. Any business that is deferred because of a lack of a quorum must be addressed by the Steering Committee.

#### **ARTICLE 9 MOTIONS AND RESOLUTIONS**

A motion is a recommendation that discussion of a particular issue be terminated and a vote taken. A resolution is a statement formally adopted by the Panel that expresses the Panel's perspective on a given issue or topic. A resolution can either call for a course of action or simply be a statement of the Panel's opinion. Any voting member can make or second a motion. Voting members include all NEANS Panel members and Committee Co-chairs.

- A. Motions must be expressed in such a manner as to allow a simple YEA - NAY vote to adopt or reject.
- B. Motions must be seconded by another member of the Panel. Panel Co-chairs cannot make motions or seconds.
- C. Once a motion has been made and seconded, one of the Panel Co-chairs will call for discussion. When the discussion appears to have been completed, a Panel Co-chair will call for a vote. If a quorum is present, a vote will be held. If a quorum is not present, the matter will be referred to the Steering Committee. The meeting minutes will record the original motion, who made it, who seconded it, the vote count, and the final, approved version of the motion.
- D. The Panel Co-chairs will assign any task necessitated by the vote to the appropriate Standing Committee or Ad Hoc Committee for action.
- E. Elections

1. Panel Co-chairs are elected by the NEANS Panel. The first item of new business conducted by the Panel during the first meeting after the beginning of the fiscal year is the election of Panel Co-chairs. The Senior (non-retiring) Panel co-chair will call for nominations. Any NEANS Panel member can nominate or be nominated. After all nominations are in, each nominee will be given an opportunity to address the Panel. Following the nominees' addresses, they will be asked to leave the room, and the panel will vote on each nominee. The nominee receiving the most votes will be selected as the Panel Co-chair.
2. The new Panel Co-chair will assume the position immediately following the election.
3. Committee Co-chairs are elected by the committee. They will follow the same process at the first committee meeting during the first NEANS Panel meeting of the new fiscal year.

#### **ARTICLE 10 AMENDMENTS**

These bylaws can be amended by a majority vote of the steering committee.

#### **ARTICLE 11 PAID CONTRACT STAFF**

The NEANS Panel may contract with an ANS Program Manager and other contractors that they deem are required. The Panel Co-chairs will determine the duties, responsibilities, and compensation for paid staff will be detailed in an annual contract.

## Appendix A. Objectives of the Northeast ANS Regional Panel

- 1) **Provide regional coordination and leadership to federal, state, provincial, and tribal governments and commercial, private, and public organizations conducting invasive ANS programs or activities.**
  - A) Advise the ANS Task Force regarding national and regional priorities and projects. Respond to specific requests from the ANS Task Force providing regional perspectives and recommendations.
  - B) Encourage partnership among agencies and organizations to enhance efforts limited by financial or staff resources. Stimulate and strengthen partnership with stakeholders.
  
- 2) **Provide regional support for and encourage commitment to state, provincial, and regional ANS policies.**
  - A) Secure the commitment of states and provinces within the geographic scope of the Panel to recognize the significance of invasive ANS, elevate awareness, and advance efforts to develop and implement ANS policies and management.
  - B) Develop and establish regional policy guidance to encourage consistency among the states and provinces within the geographic scope of the Panel.
  - C) Encourage states and provinces within the geographic scope of the Panel to develop and adopt ANS policies.
  
- 3) **Provide regional support for the use of regulatory and legislative authorities, when necessary, to prevent and control invasive ANS.**
  - A) Encourage states and interstate organizations within the geographic scope of the Panel to develop and implement comprehensive ANS management plans. Encourage Canadian provinces to develop and implement similar management plans and to participate in developing and implementing plans for bi-national waters.
  - B) Develop guidance to assist states and provinces in evaluating existing legislative authorities and law enforcement practices.
  - C) Encourage states, provinces, and tribal authorities to develop and establish consistent legislation and enforcement to address invasive ANS.
  
- 4) **Increase ANS awareness among all sectors of the public emphasizing the need for and importance of prevention.**
  - A) Stimulate legislative and resource manager awareness to promote the importance of ANS and the implementation of prevention and eradication techniques.
  - B) Increase awareness among stakeholders emphasizing the critical role they can play in ANS prevention.
  - C) Increase awareness among state, federal, and provincial law enforcement agencies with importation inspection responsibilities.
  - D) Increase awareness among the general public to advance general understanding of the harmful impacts associated with invasive species, to promote support from the public for increased funding to address invasive species issues, to foster proper use of prevention techniques, and to advance early detection and surveillance efforts through volunteer monitoring efforts.
  
- 5) **Support and foster research initiatives that advance control, eradication, base line monitoring, and prevention of invasive ANS. Support and foster research that contributes to the understanding of the biology, ecology, and potential impacts of invasive ANS and the vectors by which they are dispersed.**
  - A) Support ANS inventory and assessment research initiatives in freshwater and marine ecosystems.
  - B) Support research studying species-specific biology, ecology, and control vulnerability to advance control and management of ANS.
  - C) Support research exploring new prevention alternatives that could be easily conducted by the general public.

- D) Support research investigating alternative control technologies.
  - E) Encourage funding agencies to support invasive ANS research.
- 6) **Serve as a regional resource or clearinghouse to coordinate and promote information sharing among all the states and provinces within the geographic scope of the Panel.**
- A) Ensure that state, provincial, and regional information and data is available to resource agencies, stakeholders, and the public.
  - B) Provide a mechanism for researchers to share technical and scientific information with Panel member agencies and organizations for efficient dissemination to stakeholders and the public.
  - C) Ensure that information and data is shared with existing invasive ANS clearinghouses or data centers (e.g. National Aquatic Nuisance Species Clearinghouse maintained by New York Sea Grant, National Nonindigenous Species Database maintained by US Geological Survey, Gainesville, FL).
- 7) **Evaluate Panel progress and effectiveness to ensure the work of the Panel meets the needs of its members, is consistent with the Panel's Mission and Goals, add value to existing efforts, and contributes to the successful prevention, control, and management of invasive ANS.**
- A) Prepare and submit an annual report summarizing the progress and accomplishments of the Panel to the ANS Task Force.
  - B) Prepare annual work plans outlining priority activities that the Panel and its committees will undertake.
  - C) Evaluate Panel membership as needed to ensure appropriate agencies, organizations, and stakeholders are represented.
  - D) Evaluate the Operational Framework of the Panel including the Mission, Goals, and Objectives as needed.

*Adopted by the Northeast Aquatic Nuisance Species Panel on May 17, 2004*