

# **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 (hereafter 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 MANAGEMENT**

All funding for the NEANS Panel will be housed and managed by the Northeast Aquatic Nuisance Species Council, a 501(c)(3) not-for-profit organization. The NEANS Panel will operate on the same fiscal year as the Federal Government, from October 1 to September 30.

## **ARTICLE 4 MEMBERSHIP**

The NEANS Panel shall be comprised of Panel members and observers.

- A. Panel members: Panel members are representatives from Northeastern state governments, U.S. federal government agencies, Eastern Canadian provincial governments, Canadian federal 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 ANS or their impacts. Members representing any Canadian organizations or government agencies may not vote on issues regarding funding. Members from U.S. organizations and government agencies have full voting rights. In the event that a member is unable to participate in a meeting or conference call of the full NEANS Panel, he or she may designate a proxy from the entity he or she represents to take his or her place. The member must submit a written statement (e-mail is acceptable) to the ANS program manager that states the proxy is designated to take the place of the absent member during a specified meeting or conference call. In the event that the member is not available to submit the written statement, a written statement may be submitted by the member's superior. This policy only applies to meetings or conference calls of the full NEANS Panel and not to the Steering Committee.
  - 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. The process for selecting representatives is to be determined by each state or province.
    - 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. U.S. and Canadian Federal Government agencies. Each of the following agencies may designate a representative for NEANS Panel membership:
    - a. Agriculture Canada
    - b. U.S. Army Corps of Engineers (USACE)
    - c. Atlantic States Marine Fisheries Commission (ASMFC)
    - d. U.S. Coast Guard (USCG)
    - e. U.S. Department of Agriculture (USDA)
    - f. Canadian Department of Fisheries and Oceans
    - g. Environment Canada
    - h. U.S. Environmental Protection Agency (USEPA)
    - i. U.S. Fish & Wildlife Service (USFWS)
    - j. U.S. National Oceanic and Atmospheric Administration (NOAA)
    - k. U.S. National Park Service (NPS)
    - l. Transport Canada
  3. Trade, scientific, or professional associations and societies, non-government organizations (NGOs), and academic institutes. The Panel will identify and recommend organizations in this category to the USFWS for membership.
  4. 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 its representative.
- B. Observers. An observer is an individual who is not affiliated with NEANS Panel in any other manner, but is interested in attending meetings or other NEANS Panel functions. Observers are invited to participate in and contribute to discussions and participate in Committees and Workgroups, but do not vote on any matters before the Panel.

**ARTICLE 5  
OFFICERS**

The Officers shall consist of two Panel Co-chairs and an Immediate Past Co-chair.

- A. Panel Co-chairs. The Panel Co-chairs jointly preside over the operations of the NEANS Panel and the Steering Committee. Panel Co-chairs must be NEANS Panel members. They are responsible for calling meetings/conference calls 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 its goals and objectives. Panel Co-chairs are chosen by the Panel members and serve for two-years as an active Co-Chair and one year as an Immediate Past Co-Chair. The terms of the two Co-Chairs are offset, so that both Co-chair positions do not come up for election in the same year. 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 conference call 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. The role of the Immediate Past Co-Chair is to aid in the transition of Co-Chairs and to follow through on initiatives that began during his or her term. The Immediate Past Co-Chair will participate on Steering Committee calls and assist the current Co-Chairs as needed.
- B. Treasurer. The role of the Northeast Aquatic Nuisance Species Panel Treasurer will be

filled by the Treasurer of the Northeast Aquatic Nuisance Species Council.

## **ARTICLE 6 ORGANIZATION**

The NEANS Panel is organized into a Steering Committee, Standing Committees, and project-specific Workgroups.

- A. **Steering Committee.** The Steering Committee is responsible for the governance of the NEANS Panel, including preparation and approval of the annual budget. The Steering Committee consists of the two Panel Co-chairs, the Immediate Past Co-Chair, one member from each state, one member from each Canadian province, two federal or non-governmental representatives, and one representative of the USFWS. If a Panel Co-Chair or Immediate Past Co-Chair is a representative of a state, he or she will also serve as the Steering Committee member for his or her state. If a Panel Co-Chair is a representative of a federal government agency or non-governmental organization, he or she will also serve as one of the two federal or non-governmental representatives on the Steering Committee. Canadian members may not vote on funding-related decisions. The Co-chairs of the Steering Committee will be the Panel Co-chairs.
1. Steering Committee meetings (or conference calls) 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 consensus. All decisions will be duly recorded in the meeting minutes.
  3. A Quorum for the Steering Committee will consist of at least one Panel Co-chair and at least four other Steering Committee members who have full voting rights.

B. **Standing Committees.** Standing Committees are groups that are organized around a particular topic that is of interest to the NEANS Panel. Current Standing Committees are: Communication, Education, and Outreach; Policy and Legislation; Science and Technology; and Shipping. The role of the Standing Committees is to advise the Panel on issues related to the Standing Committee's area of expertise by suggesting a particular direction or project for the Panel. Standing Committees will brainstorm project ideas to be presented to the Panel. NEANS Panel Standing Committees may recruit their own members without regard for professional affiliation. The only requirements for Standing Committee membership are an interest in ANS management and a willingness to commit time to the Panel. Standing Committee members do not need to be official Panel members. Standing Committee members do not serve any specified term. The Standing Committee Co-chairs are authorized to approve requests for Standing Committee membership, and are responsible for keeping the ANS Program Manager advised of Standing Committee membership status. The ANS Program Manager will maintain a list of Standing Committee members in each Standing Committee and an email listserv for each Standing Committee. Each Standing Committee shall have two Co-Chairs. Standing Committee Co-chairs do not need to be NEANS Panel members. The Standing Committee Co-chairs are responsible for providing counsel for Panel initiatives. Standing Committee Co-chairs are chosen by the Standing Committee members and serve for two-year terms with no term limits. The terms for the two Co-Chairs are offset so that the Co-Chair positions do not come up for election at the same time. A Standing Committee Co-chair must advise the Steering Committee and the Standing Committee membership of their intention to step down from the position two months prior to the end of his or her term to give the Standing Committee the opportunity to identify new candidates.

C. **Workgroups.** A Workgroup is a group organized to accomplish specific tasks or projects of the NEANS Panel. It will be created by the Panel to accomplish a specific objective or objectives. Its coordination will be performed by the Steering Committee. Workgroups are in existence only during the time that a particular project is being carried out. A workgroup

is formed when a project idea is approved by the Panel and it is dissolved when the project is complete. .

1. During Panel meetings, ideas for Panel projects will be proposed by Standing Committees and individual Panel members. Project proposals should include a draft workplan and budget. The Panel will decide by consensus which projects will be funded. Immediately following approval of projects, Panel members will be asked to volunteer to join workgroups that will undertake these projects.
2. Once a Workgroup is formed, it will be responsible for finalizing the proposed budget and workplan to accomplish the task it has been assigned. The workplan and budget must be approved by the Steering Committee before proceeding with the project. The workplan and budget will also be shared with the Standing Committee Co-Chairs for their input prior to Steering Committee approval.
3. Workgroups are responsible for conducting their own meetings/conference calls. Workgroups will usually meet during NEANS Panel meetings.
4. Workgroups can recruit their own membership. There is no limit to the number of members a workgroup can recruit. Workgroup membership roles must be submitted to the ANS Program Manager every time a change occurs. Individuals can serve on more than one Workgroup.
5. Each Workgroup will have a Chair or two Co-Chairs. Chairs/Co-chairs are selected by the body of the Workgroup.
6. Workgroups will provide progress reports to the Panel at Panel meetings and provide interim reports in between Panel meetings to the Steering Committee on monthly Steering Committee conference calls. All Workgroup reports will be shared with Standing Committee Co-Chairs.

#### **ARTICLE 7**

##### **QUORUM**

A quorum for conducting business at a NEANS Panel meeting will consist of at least: one Panel Co-chair; four state representatives (from four different states) and one representative of a U.S. federal agency, 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 Panel 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**

##### **DECISION MAKING**

- A. With the exception of funding-related issues and elections, the NEANS Panel will make decisions with a defined consensus approach. Consensus refers to a decision making process by which an agreement is made by all members of a group, rather than a majority or a select group of representatives. To reach this agreement, the Panel will go through a non-hierarchical consensus process with assumptions, methods, and results that differ from traditional parliamentary or majority voting procedures. Essential elements include having a degree of trust among members, a common purpose, time to understand the question, problem or proposal carefully, a belief that each person has the right to be heard, and attention to the process used for arriving at decisions. A consensus decision represents a reasonable decision that all members of the group can accept. It is not necessarily the optimal decision for every

individual. If a Panel member is not in agreement with a decision, he or she will have two options. The first option is for he or she to “stand aside” and let the minutes record the action. People choose to stand aside if they feel they need to do so for personal reasons. Standing aside does not stop the group from moving forward and implementing a decision. The other option is for he or she to “stand in the way” or “block” a decision. Blocking occurs when one or more individuals believe that the decision being reached will be detrimental to the group or organization. Whoever feels this way is obligated to stop the action from moving forward and to explain why. This individual is also required to propose an alternative to the decision they are blocking.

When the decision to be made regards funding, the consensus process will be used to come to a decision and then a formal vote will be taken.

## B. 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, 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. Standing Committee and Workgroup Chairs and Co-chairs are elected by the Standing Committees and Workgroups. They will hold elections at the first Standing Committee and Workgroup meetings 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 Panel.

### **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 and 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 11, 2004*

*Amended by the Northeast Aquatic Nuisance Species panel on November 17, 2006*

*Amended by the Northeast Aquatic Nuisance Species Panel on November 10, 2009*