

**Bylaws of the
National Fish Habitat Board**

As established under the

“America’s Conservation Enhancement Act” Public Law 116-188 Title 2

BACKGROUND AND INTRODUCTION

The National Fish Habitat Partnership is a cooperative, non-regulatory nationwide program to conserve (protect, restore, and enhance) the habitats of the Nation’s marine and freshwater fish populations, and to increase public fishing opportunities. The National Fish Habitat Board serves as the body overseeing the implementation of Title II of the America’s Conservation Enhancement Act ([ACE Act, Public Law 116-188](#)). Board members serve voluntarily and represent a broad suite of interests who seek to protect, restore, and enhance fish habitat through partnerships that foster conservation and improve the quality of life for the American people.

NATIONAL FISH HABITAT BOARD CHARTER

There is established a board, to be known as the “National Fish Habitat Board”, whose duties are—

- (1) to promote, oversee, and coordinate the implementation of this title;
- (2) to establish national goals and priorities for fish habitat conservation;
- (3) to recommend to Congress entities for designation as Fish Habitat Partnerships; and
- (4) to review and make recommendations regarding fish habitat conservation projects.

MISSION and GOALS

The purpose of the National Fish Habitat Partnership (NFHP), as stated in the ACE Act, is to encourage partnerships among public agencies and other organizations or individuals to promote fish habitat conservation—

- (1) to achieve measurable habitat conservation results through strategic actions of Fish Habitat Partnerships that lead to better fish habitat conditions and increased fishing opportunities by—
 - (A) improving ecological conditions;
 - (B) restoring natural processes; or
 - (C) preventing the decline of intact and healthy ecosystems;
- (2) to establish a consensus set of national conservation strategies as a framework to guide future actions and investment by Fish Habitat Partnerships;
- (3) to broaden the community of support for fish habitat conservation by—
 - (A) increasing fishing opportunities;
 - (B) fostering the participation of local communities, especially young people in local communities, in conservation activities; and

- (C) raising public awareness of the role healthy fish habitat plays in the quality of life and economic well-being of local communities;
- (4) to fill gaps in the National Fish Habitat Assessment and the associated database of the National Fish Habitat Assessment—
 - (A) to empower strategic conservation actions supported by broadly available scientific information; and
 - (B) to integrate socioeconomic data in the analysis to improve the lives of humans in a manner consistent with fish habitat conservation goals; and
- (5) to communicate to the public, conservation partners, and other stakeholders—
 - (A) the conservation outcomes produced collectively by Fish Habitat Partnerships; and
 - (B) new opportunities and voluntary approaches for conserving fish habitat.

The National Fish Habitat Board's (hereafter referred to as “the Board”) role in executing the Mission and Goals of NFHP is to:

- Provide national leadership and coordination of agency and stakeholder involvement in the National Fish Habitat Partnership.
- Develop and implement appropriate policies and guidance for recommending Fish Habitat Partnerships for Congressional approval and developing new Fish Habitat Partnerships as needed to continually improve the program’s ability to conserve fish habitat.
- Develop and implement processes to prioritize and deliver fish habitat conservation funds to the Fish Habitat Partnerships.
- Establish interim and long-term national fish habitat conservation goals, support regional goals, and determine the effectiveness of each Fish Habitat Partnership in meeting these goals.
- Measure and communicate the status and necessary measures to conserve fish habitat nationally.
- Report to Congress, States and other partners on the status and accomplishments of the National Fish Habitat Partnership.
- Address administrative, organizational, or procedural matters as necessary.

BOARD BYLAWS

1. Membership

A. Members-The Board shall consist to 26 members. The initial Board shall consist of representatives as described in the following subparagraphs (i) through (xv)

(i) 1 shall be a representative of the Department of the Interior;

(ii) 1 shall be a representative of the United States Geological Survey;

(iii) 1 shall be a representative of the Department of Commerce;

(iv) 1 shall be a representative of the Department of Agriculture;

(v) 1 shall be a representative of the Association of Fish and Wildlife Agencies, who will serve as Board Chair;

(vi) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(vii) 2 shall be a representative of either—

(I) Indian tribes in the State of Alaska; or

(II) Indian tribes in States other than the State of Alaska;

(viii) 1 shall be a representative of either—

(I) the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act ([16 U.S.C. 1852](#)); or

(II) a representative of the Marine Fisheries Commissions, which is composed of—

(aa) the Atlantic States Marine Fisheries Commission;

(bb) the Gulf States Marine Fisheries Commission; and

(cc) the Pacific States Marine Fisheries Commission;

(ix) 1 shall be a representative of the Sportfishing and Boating Partnership Council;

(x) 7 shall be representatives selected from (I)-(VI) below, with at least one from each:

- (I) the recreational sportfishing industry;
- (II) the commercial fishing industry;
- (III) marine recreational anglers;
- (IV) freshwater recreational anglers;
- (V) habitat conservation organizations; and
- (VI) science-based fishery organizations;

- (xi) 1 shall be a representative of a national private landowner organization;
- (xii) 1 shall be a representative of an agricultural production organization;
- (xiii) 1 shall be a representative of local government interests involved in fish habitat restoration;
- (xiv) 2 shall be representatives from different sectors of corporate industries, which may include—
 - (I) natural resource commodity interests, such as petroleum or mineral extraction;
 - (II) natural resource user industries; and
 - (III) industries with an interest in fish and fish habitat conservation; and
- (xv) 1 shall be in a leadership position in the private sector or landowner representative of an active partnership.

B. Terms of Service

- (i) Normal Term- Except as provided in this subsection, a member of the Board described in paragraphs v through xv of Subsection A, shall serve a term of 3 years. A member elected to fill an unexpired term shall serve a full 3-year term.
- (ii) Chair- shall serve a term of 3 years and may not serve more than two consecutive terms as Chair.

C. Vacancies

(i) Board Member Appointment Process

- (I) Vacancies of Board representatives from the Departments of the Interior, Commerce, and Agriculture, as well as the U.S. Geological Survey shall be filled by the leadership of those respective agencies.
- (II) Vacancies of Board representatives from state agencies shall be filled by nomination by regional associations of fish and wildlife agencies.

- (III) Candidates to fill vacancies of Board representatives from Indian Tribes shall be nominated by the Secretary of the Interior. Nominations should be solicited at least one year prior to the expiration of current board member terms. The Secretary shall recommend to the Board a list of not fewer than 3 Tribal representatives, from which the remaining members of the Board shall select a representative to fill the vacancy.
- (IV) All other Board member vacancies shall be filled according to the provisions of the ACE Act under the process and timeline outlined in Table 1.

Table 1. Process and timeline for addressing expiring terms for Board members.

Action	Time
Notification of Board of upcoming term expirations	Fall Board meeting and letters from Chair
Board member notifies Chair of desire to serve another term via a letter of interest	No later than 30 days prior to the Winter Board meeting
Board votes on reappointment (if eligible).	During or shortly after the Winter Board meeting
In the event of a vacancy, the following procedure is followed:	
Chair distributes open solicitation for expiring Board seat	At least 60 days prior to term expiration
Letter of interest and CV submitted to the Board by interested individuals	No less than 30 days prior to term expiration
Board staff distribute application packages for vacant Board seats to Executive Committee for review	No less than 21 days prior to the Spring Board meeting
Executive Committee presents candidates to the Board for vote	Spring Board meeting
New Board member orientation	No more than 30 days following the Spring meeting

*The Fall meeting is typically held in September. The Winter meeting is typically held in December. The Spring meeting is typically held in March. The Summer meeting is typically held in June. Meeting dates may shift into adjacent months in some years to avoid conflicts with major conferences.

(ii) Voting Procedure for Filling Vacant Board Seats

- (I) A separate vote must be taken for each open Board seat.
- (II) If there is a circumstance where a vote on the reappointment of an existing member occurs at the same meeting as an election of a new member, the vote on the new member should be conducted first.
- (III) The Board may enter executive session to discuss the candidates, but all votes must be held in open session.
- (IV) Reappointing an existing Board member or electing a new Board member requires

approval of two-thirds of those present, with the member or candidate in question recusing themselves from the discussion and vote.

- D. Continuation of Service – A Board member may serve a second term unopposed. Following a member’s second term, that seat will be considered vacant, but the member may reapply. An individual whose term expires may continue to serve on the Board until a successor is appointed.
- E. Removal – If a member of the Board described in any of subparagraphs (vii) – (xv) of Section A, misses 3 consecutive regularly scheduled Board meetings, the members of the Board may vote to remove that member and appoint another individual in accordance with Section C above (Vacancies). Two-thirds of the members present must approve this action. Acceptable participation in a Board meeting includes in-person, phone, or virtual attendance.

2. Procedures

- A. Meetings--The Board shall meet at the call of the Chair at least twice each calendar year. The Chair shall propose a meeting schedule identifying potential meeting dates within the twelve-month period following each meeting of the Board. Except as provided below, the Chair must give Board members at least two months’ notice of a Board meeting. Notice must be provided in writing but may be delivered by email to each Board member. The Chair with due cause may call the Board for emergency meetings, provided, however, that business of an emergency meeting must be restricted to the reasons for which the meeting is called.

The Board shall meet to perform all duties and functions prescribed in Title II of the ACE Act. All Board meetings must be held in public. The Board may meet in executive sessions closed to the public to discuss personnel, legal matters, or any other matter of a private or necessarily confidential nature. The Board may not take any statutorily required actions or make any final decisions while in executive session. These closed sessions shall be clearly identified in the meeting announcement. Notification of Board meetings shall be made to members of the Fish Habitat Partnerships (FHPs) and other interested parties.

Reasonable notice of the meeting time and agenda should be provided to the public at least two weeks prior to the meeting unless in the case of emergency. Publication on the NFHP website (fishhabitat.org) shall serve this purpose.

- B. Quorum-- A simple majority of Board members (n = 14) shall constitute a quorum for the transaction of business.
- C. Participation and Attendance--If a Board member is not able to attend a Board meeting, he or she may appoint a designee provided an official proxy is presented to the Board Chair. Notification by email prior to the meeting is sufficient.
- D. Voting--The Board will strive to achieve consensus on all actions proposed. If consensus cannot be

achieved within the time frame allotted to the action on the agenda, all recommendations specified in the ACE Act¹ must be approved by the vote of two-thirds of all members (n = 18). Other actions of the Board require a minimum of a simple majority of those present for approval. Each Board member shall have one vote. All voting shall proceed under Robert's Rules of Order. The Board may extend the discussion period for items on the agenda or consider items not on the proposed agenda for a meeting, provided that such changes to the agenda must be approved by a vote at the time they are proposed.

- E. Other Procedures--The Board shall establish other procedures as needed to schedule meetings, develop agendas, and otherwise facilitate and conduct business, including those procedures or matters required to comply with any requirements resulting from incorporation of the Board under law.
- F. Chair's Responsibilities—In addition to such duties established elsewhere in these bylaws, the Chair shall:
 - i. Prepare a written agenda of all matters to be considered by the Board at any meeting;
 - ii. Prepare and issue all notices, including notices of meetings, required to be given to the Board and public;
 - iii. Preside at all meetings of the Board and, unless otherwise directed by the Board, present items of business for consideration by the Board in the order listed on the agenda for the meeting;
 - iv. Conduct all meetings in accordance with Robert's Rules of Order and these bylaws;
 - v. Appoint committee members as required; and
 - vi. Perform other duties as requested by the Board.
- G. Appointment of Vice-Chair—The Board may elect a Vice-Chair from among the Board membership. The Vice-Chair shall serve no more than two consecutive terms. Nominations will be solicited by the Chair via email four weeks prior to a Board meeting when the election will be held. The term of the Vice-Chair shall be three years, non-coincident with the term of the Chair.
- H. Vice-Chair's Responsibilities-- In the absence of the Chair, or in the event of the Chair's inability to act, or a conflict of interest for the Chair, the Vice-Chair shall perform the duties of the Chair. A Vice-Chair may not call a meeting of the Board, but otherwise shall have all the powers of and be subject to all the restrictions upon the Chair. The Vice-Chair shall perform duties assigned by the Chair or requested by the members.

3. Board Responsibilities

- A. Coordination - The Board will coordinate agency and stakeholder involvement at the national level to provide funding and other resources to the FHPs and other efforts of the National Fish Habitat Partnership.
- B. National Conservation Priorities and their Goals and Objectives - As required by the ACE Act, the

Board shall develop and revise, as appropriate National Conservation Priorities (NCPs) for America's fish habitat along with their implementation goals and objectives with the advice from the Science and Data Committee established pursuant to Section 5 (A) below. At minimum, NCPs will be fully reviewed and, if necessary, revised every three years. The Board will address any prioritization of NCPs annually at one of the Board meetings.

C. Reports to Congress

- i. National Fish Habitat Assessment - As required by Sections 201 and 209 of the ACE Act, the Board shall develop and implement an assessment of the state of the nation's fish habitat and deliver a report to Congress on its findings. The first such assessment shall be completed in 2025 and subsequent assessments be completed every five years.
- ii. Progress Report - In accordance with Section 209 of the ACE Act, the Board shall submit a report to Congress detailing the progress of NFHP, the status of fish habitats in the United States, and enhancements or reductions in public access resulting from the activities of FHPs. The report shall be completed in 2025 and every 5 years after and will be shared with States and other partners.

D. Fish Habitat Partnerships

- i. Recognition - The Board shall recommend to Congress the designation of FHPs in accordance with the requirements outlined in Section 204 the ACE Act. The Board shall distribute the criteria and establish a process for parties to use in seeking recognition as an FHP and maintain a publicly accessible registry of recognized FHPs. Such criteria shall include provisions to promote transparency and the highest standards of ethical conduct in the decision-making of the Board regarding recognition of FHPs. By February 1 of each year, the Board shall submit a report to the appropriate Congressional committees entitled "Report to Congress on Future Fish Habitat Partnerships and Modifications" that identifies each FHP that the Board recommends for designation, describes any proposed modifications to existing FHPs, and describes how each FHP fulfills the requirements of Section 204 of the ACE Act.
- ii. Evaluation- The Board will establish national measures of success and evaluation criteria guidelines for FHPs. The Board shall, as part of the annual NFHP project submission process, review the performance of all FHPs to ensure they are complying with the language and intent of the ACE Act.

E. Funding - The Board will develop and implement strategies to increase public and private funding for fish habitat conservation, provided that the responsibility for implementation of such strategies by any Board member shall be limited by any legal or administrative restrictions that may apply to the activities of any such member.

4. Coordination and Support

A. Staff—The Board may accept staff support provided by the Association of Fish and Wildlife Agencies,

the National Oceanic and Atmospheric Administration's National Marine Fisheries Service, the U.S. Fish and Wildlife Service, the U.S. Geological Survey, other federal agencies, state fish and wildlife agencies, marine fisheries commissions, and tribal agencies. The Chair, in consultation with the contributing entities, shall act on behalf of the Board in directing the activities of the staff. The Chair, in consultation with the Board, may accept additional staff or other support from other entities. The contributing entities shall use their best efforts to provide office space for all Board staff and take such other measures as they deem appropriate to facilitate communication, cohesiveness, and efficient operations for the benefit of the Board.

- B. Technical and Scientific Assistance- Per Sections 206 and 212(A)(3) of the ACE Act, the U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, Environmental Protection Agency, U.S. Geological Survey, and the U.S. Forest Service are each authorized to be appropriated \$400,000 per fiscal year to carry out, and provide technical and scientific assistance to FHPs, participants in fish habitat conservation projects, and the Board. This assistance may include –
1. providing technical and scientific assistance to States, Indian Tribes, regions, local communities, and nongovernmental organizations in the development and implementation of FHP objectives;
 2. providing technical and scientific assistance to FHPs for habitat assessment, strategic planning, and prioritization;
 3. supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by FHPs and the Board;
 4. supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through FHPs;
 5. supporting and providing recommendations for a national fish habitat assessment;
 6. ensuring the availability of experts to assist in conducting scientifically based evaluation and reporting of the results of fish habitat conservation projects; and
 7. providing resources to secure State agency scientific and technical assistance to support FHPs, participants in fish habitat conservation projects, and the Board.

C. Board and Committee Expenses- A member of the Board may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board. All Board travel authorizations and reimbursements will be administered by the Association of Fish and Wildlife Agencies (AFWA) using their standard processes with the Board staff member that is an AFWA employee being the contact person.

5. Committees

The Board may establish and otherwise manage committees and/or ad-hoc working groups as needed to carry out the responsibilities of the Board. Such committees may include individuals who are not members of the Board. Standing Board Committees include the following:

- A. Science and Data Committee --The Board shall establish a Science and Data Committee (SDC) co-chaired by a State representative (either active or retired) and a USGS representative or other entities recommended by the Committee and approved by the Board. The SDC shall consist of a minimum of two Board members, four FHP representatives, four State agency representatives, four

Federal agency representatives, two non-governmental organization representatives and two academic representatives. Additional members can be added by the SDC chairs to fill knowledge gaps. All SDC members will have demonstrated knowledge of NFHP's science foundation. The Board shall solicit information from the SDC and incorporate that information, and other appropriate information, into the National Conservation Priorities and their implementation goals and objectives. The SDC shall be responsible for the development and implementation of the Board's National Fish Habitat Assessment, a required product specified in the ACE Act, following the direction and guidance of the Board. The Board and participating agencies will support the SDC by providing necessary staff, funding, data, and other resources needed to complete the national assessments and reports called for in the ACE Act.

- B. Governance Committee - The Board shall establish a Governance Committee whose principal responsibility is to ensure that the Board abides by statutory requirements and meets its statutory obligations. The Governance Committee will consist of a minimum of three Board members and be supported by a minimum of two Board staff. The Governance Committee chair shall be a Board member and additional committee members can be requested to be added by the chair as required. The Committee chair can also request to have FHP representation as non-voting members. Governance Committee duties shall include writing and updating the Board's Bylaws, development of board operating policies and securing answers to legal questions brought by the Board or FHPs relative to executing the mission of the Board. The Governance Committee shall review standing Committee Terms of Reference as part of annual Board evaluation and oversee the annual evaluation of the Board.
- C. Federal Caucus—The Board shall coordinate with the broadest possible range of Federal agencies through the Federal Caucus, a partnership of Federal agencies organized to coordinate Federal participation in the implementation of the NFHP and make every attempt to expand the Federal Caucus to include all Federal agencies involved with fish habitat. The Board shall coordinate with Federal agencies to develop and implement habitat protection and rehabilitation strategies at national and regional scales, to ensure that Federal agencies' policies are consistent with the Plan, and to otherwise support implementation of the Plan. The Federal Caucus shall be responsible for development of, and implementation of the Interagency Operational Plan described in Section 208 of the ACE Act.
- D. Partnerships Committee- The purpose of the Partnerships Committee is to provide information, analysis, and recommendations for Board action on the full range of issues affecting the FHPs in response to Board requests or as generated by the Partnerships Committee. Between 2-3 co-equal Chairs will lead the committee, with a minimum of one Chair being a Board Member and one Chair being an FHP Coordinator. Chairs will be appointed by the Board Chair and serve a three-year term starting with the first meeting of the calendar year and with no limit to the number of terms served. The committee will also work to evaluate and score annual funding proposals from FHPs.
- E. Policy Committee- The Board shall establish a Policy Committee to oversee and assist with interpretation, implementation, compliance with, and reauthorization of the provisions of the ACE Act and relevant federal, state, and tribal policies. The Policy Committee shall consist of at minimum three Board members and will be supported by a minimum of two Board staff members. The Policy Committee chair shall be a Board member. The Committee chair can also request to have FHP representation as non-voting members.

F. Communications Committee- The Communications Committee develops guidelines and oversees consistent, effective communication aligned with the NFHP mission and brand. The committee maintains the brand standards and defines the voice and tone of the organization. The committee develops and reviews annual communications products such as the Waters to Watch campaign and the NFHP Annual Report. The Communications Committee shall consist of at minimum three Board members and will be supported by a minimum of one Board staff member. The Communications Committee chair shall be a Board member. The Committee chair can also request to have FHP representation as non-voting members.

G. Executive Committee- The Executive Committee will comprise the Board Chair, Board Vice-Chair, a tribal representative, and the Chairs of each Board committee listed above. The Federal Caucus will be represented by the USFWS in a non-voting role. The Executive Committee will meet at least four times per year to discuss pending issues to be presented to the full Board.

PROCEDURE TO AMEND BYLAWS

The Board may decide to amend these bylaws by consensus, or by a two-thirds vote of all members present and voting, and following the guidance as stated in Robert's Rules of Order. Any proposed change to these bylaws must be noted on the draft agenda that is sent out at the time the meeting is scheduled and include the proposed language changes by section.

Footnotes:

Items mentioned in the ACE Act requiring a two-thirds majority vote for approval: designation of FHP's, and approval of annual proposed project lists.