

Charter

ERIE CANALWAY NATIONAL HERITAGE CORRIDOR COMMISSION

This charter is for the purpose of formally acknowledging the Erie Canalway National Heritage Corridor Commission as an entity within the U.S. Department of the Interior, established to carry out functions authorized and specifically assigned to the Commission by the Erie Canalway National Heritage Corridor Act. The Commission is subject to administrative requirements applicable to other functional units of the Department of the Interior, except as may be otherwise stipulated by the Erie Canalway National Heritage Corridor Act and indicated in other sections of this charter. The requirements of the Federal Advisory Committee Act, 5 U.S.C. Appendix, do not apply to this Commission; this charter communicates instructions from the Secretary of the Interior on operation of the Commission.

1. **AUTHORIZATION.** The Erie Canalway National Heritage Corridor Commission was established by the Erie Canalway National Heritage Corridor Act (hereinafter referred to as the Act), Appendix D, Division B, title VIII, section 804(a) of Public Law 106-554, the Consolidated Appropriations Act, 2001, December 21, 2000. See, 114 Stat. 2763, 2763A-297 (2000).
2. **DUTIES.** The Commission was established to:
 - a. Work with Federal, State, and local authorities to develop and implement a comprehensive preservation and management Canalway Plan. The plan will be submitted to the Secretary of the Interior (Secretary) and the Governor of New York (Governor) not later than September 30, 2004. The Canalway Plan submitted must include:
 - (1) A review of existing plans for the Corridor, including the Canal Recreationway Plan and Canal Revitalization Program, and incorporate them to the extent feasible to ensure consistency with local, regional, and State planning efforts;
 - (2) A thematic inventory, survey, and evaluation of historic properties that should be conserved, restored, developed, or maintained because of their natural, cultural, or historic significance within the Corridor in accordance with the regulations for the National Register of Historic Places;
 - (3) An identification of public and private-sector preservation goals and strategies for the Corridor;
 - (4) A comprehensive interpretive plan that identifies, develops, supports, and enhances interpretation and education programs within the Corridor that may include:
 - (a) Research related to the construction and history of the canals and the cultural heritage of the canal workers, their families, those that traveled along the canals, the associated farming activities, the landscape, and the communities;
 - (b) Documentation of and methods to support the perpetuation of music, art, poetry, literature, and folkways associated with the canals; and

- (6) Ensuring that clear, consistent signs identifying access points and sites of interest are put in place in the Corridor.

3. **POWERS.** To the extent that Federal funds are appropriated, the Commission is authorized to:

- a. Procure temporary and intermittent services and administrative facilities at rates determined to be reasonable by the Commission to carry out the responsibilities of the Commission.
- b. Enter into cooperative agreements with the State of New York, with any political subdivision of the State, or any person for the purposes of carrying out the duties of the Commission.
- c. Make grants to assist in the preparation and implementation of the Canalway Plan.
- d. Seek, accept, and dispose of gifts, bequests, grants, or donations of money, personal property, or services, received from any source. For purposes of section 170(c) of the Internal Revenue Code of 1986, any gift to the Commission shall be deemed to be a gift to the United States.
- e. Assist others in developing educational, informational, and interpretive programs and facilities, and other such activities that may promote the implementation of the Canalway Plan.
- f. Hold hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may consider appropriate; the Commission may not issue subpoenas or exercise any subpoena authority.
- g. Use the United States mails in the same manner as other departments or agencies of the United States.
- h. Request and receive from the Administrator of General Services, on a reimbursable basis, such administrative support services as the Commission may request.
- i. Establish such advisory groups as the Commission deems necessary.

4. **MEMBERSHIP.**

- a. The Commission will be composed of 27 members appointed by the Secretary as follows:
 - (1) The Secretary ex officio or the Secretary's designee.
 - (2) Seven members, appointed by the Secretary after consideration of recommendations submitted by the Governor and other appropriate officials, with knowledge and experience of the following agencies or those agencies' successors: The New York State Secretary of State; the New York State Department of Environment Conservation; the New York State Office of Parks, Recreation and Historic Preservation; the New York State Department of Agriculture and Markets; the New York State Department of Transportation; the New York State Canal Corporation; and the Empire State Development Corporation.
 - (3) The remaining 19 members who reside within the Corridor and are geographically dispersed throughout the Corridor will be from local governments and the private sector with knowledge of tourism, economic and

community development, regional planning, historic preservation, cultural or natural resource management, conservation, recreation, and education or museum services. These members will be appointed by the Secretary as follows:

- (a) Eleven members based on recommendation from each member of the United States House of Representatives whose district shall encompass the Corridor. Each will be a resident of the district from which they will be recommended.
 - (b) Two members, one each based on a recommendation from each United States Senator from New York State.
 - (c) Six members who will be residents of any county constituting the Corridor. One such member will have knowledge and experience of the Canal Recreationway Commission.
- b. Members of the Commission other than ex officio members will be appointed for terms of 3 years. Any member of the Commission appointed for a definite term may serve after expiration of the term until the successor of the member is appointed. Any member appointed to fill a vacancy will serve for the remainder of the term for which the predecessor was appointed. Any vacancy on the Commission will be filled in the same manner in which the original appointment was made.
- c. Members of the Commission will receive no compensation for their service on the Commission. Members of the Commission, other than employees of the State and Canal Corporation, while away from their homes or regular places of business to perform services for the Commission, will be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed under section 5703 of title 5, United States Code.

5. ETHICS RESPONSIBILITIES OF MEMBERS.

All members will serve as special government employees and will comply with applicable ethics rules and regulations. The Department of the Interior will provide materials to those members appointed as Special Government Employees, explaining their ethical obligations and with which the members should be familiar. Consistent with the ethics requirements, members will endeavor to avoid any actions that would cause the public to question the integrity of the Commission's operations, activities, or advice. The provisions of this paragraph do not affect any other statutory or regulatory ethical obligations to which a member may be subject.

6. PERSONNEL.

- a. In general, the Secretary is authorized to assist the Commission in the completion and implementation of the Canalway Plan. The Commission may request from the Secretary the following:
 - (1) Prior to approval of the Canalway Plan, the Commission may request the Secretary to provide technical and planning assistance for early actions that are important to the purposes of the Act and that protect and preserve resources.
 - (2) Pursuant to an approved Canalway Plan, the Commission may request the Secretary to enter into cooperative agreements with, provide technical assistance to and award grants to the Commission to provide for the

- (c) Educational and interpretative programs related to the Erie Canalway developed in cooperation with State and local governments, educational institutions, and nonprofit institutions;
 - (5) A strategy to further the recreational development of the Corridor that will enable users to uniquely experience the canal system;
 - (6) A set of proposed programs to protect, interpret, and promote the Corridor's historical, cultural, recreational, educational, scenic, and natural resources;
 - (7) An inventory of canal-related natural, cultural and historic sites and resources located in the area;
 - (8) Recommendations for Federal, State, and local strategies and policies to support economic development, especially tourism-related development and recreation, consistent with the purposes of the Corridor;
 - (9) Criteria and priorities for financial preservation assistance;
 - (10) A strategy to identify and foster strong cooperative relationships between the National Park Service, the New York State Canal Corporation, other Federal and State agencies, and nongovernmental organizations;
 - (11) A recommendation for specific areas for development of interpretive, educational, and technical assistance centers associated with the Corridor, and
 - (12) A program for implementation of the Canalway Plan by all necessary parties.
- b. Undertake action to implement the Canalway Plan so as to assist the people of the State of New York in enhancing and interpreting the historical, cultural, educational, natural, scenic, and recreational potential of the Corridor identified in the Canalway Plan.
- c. Support public and private efforts in conservation and preservation of the Canalway's cultural and natural resources and economic revitalization consistent with the goals of the Canalway Plan.
- d. Consider the following priority projects which may be carried out by the Commission:
- (1) Assisting in the appropriate preservation treatment of the remaining elements of the original Erie Canal;
 - (2) Assisting State, local governments, and nonprofit organizations in designing, establishing, and maintaining visitor centers, museums, and other interpretive exhibits in the Corridor;
 - (3) Assisting in the public awareness and appreciation for the historic, cultural, natural, scenic, and recreational resources and sites in the Corridor;
 - (4) Assisting the State of New York, local governments, and nonprofit organizations in the preservation and restoration of any historic building, site, or district in the Corridor;
 - (5) Encouraging, by appropriate means, enhanced economic development in the Corridor consistent with the goals of the Canalway and the purposes of this title; and

preservation and interpretation of the natural, cultural, historical, recreational, and scenic resources of the Corridor.

- (3) Each fiscal year during the existence of the Commission, the Commission may request the Secretary to detail to the Commission, on a nonreimbursable basis, two employees of the Department of the Interior to enable the Commission to carry out the Commission's duties with regard to the preparation and approval of the Canalway Plan. Such detail will be without interruption or loss of civil service status, benefits, or privileges.


b. To the extent that Federal funds are appropriated, the Commission is authorized to:

- (1) Request and accept the services of personnel detailed from the State of New York or any political subdivision, and to reimburse the State or political subdivision for such services.
- (2) Request and accept the services of any Federal agency personnel, and to reimburse the Federal agency for such services.
- (3) Appoint and fix the compensation of staff to carry out its duties.

7. ADMINISTRATION. The Northeast Regional Director (or designee), National Park Service, will serve as the Secretary's liaison with the Commission.

- a. The Commission will elect the chairperson and the vice chairperson on an annual basis. The vice chairperson will serve as the chairperson in the absence of the chairperson.
- b. Fourteen members of the Commission will constitute a quorum but a lesser number may hold hearings. Any member of the Commission may vote by means of a signed proxy exercised by another member of the Commission; however, any member voting by proxy will not be considered present for purposes of establishing a quorum. For the transaction of any business or the exercise of any power of the Commission, the Commission will have the power to act by a majority vote of the members present at any meeting at which a quorum is in attendance.
- c. The Commission will meet at least quarterly at the call of the chairperson or 14 of its members. Notice of Commission meetings and agendas for the meeting will be published in local newspapers throughout the Corridor. Meetings of the Commission will be subject to section 552b of title 5, United States Code (relating to open meetings).
- d. By the conclusion of its third meeting, the Commission will adopt by-laws governing its operation, including:
 - (1) Procedures by which the Commission will avoid the appearance of conflict of interest when addressing matters that come before the Commission;
 - (2) Requirements for Commission members participation in Commission proceedings; and
 - (3) Procedures by which the Commission may recommend to the Secretary the replacement of Commission members due to non-participation.
- e. Except as provided for leasing administrative facilities under section 3.a., of this charter, the Commission may not acquire any real property or interest in real property.

- f. The Commission will comply with all applicable Federal statutes and regulations governing the use of appropriated funds, with the National Park Service Northeast Regional Director providing appropriate oversight and direction as needed.
 - g. The Commission will prepare a budget detailing how its funds will be utilized, and institute a system of accounting and management controls which adequately safeguards its funds. The Commission's expenses will not exceed the amount appropriated by Congress for the Commission's purposes plus donations that it may obtain from other public or private entities.
 - h. For any year in which Federal funds have been received under this title, the Commission will submit an annual report and will make available an audit of all relevant records to the Governor and the Secretary identifying its expenses and any income, the entities to which any grants or technical assistance were made during the year for which the report was made, and contributions by other parties toward achieving Corridor purposes.
 - i. All activities undertaken by the Commission and its staff will be consistent with the laws, regulations, guidelines, policies, and practices applicable to the Department of the Interior, except where the Act allows exception. The National Park Service will provide appropriate oversight and direction as needed.
8. TERMINATION. The Commission will terminate on December 21, 2010.

 JUN 25 2004

Secretary of the Interior / Date