

**U. S. Department of the Interior
National Park Service**

**Niagara Falls National Heritage Area Commission
Charter**

The Charter is for the purpose of formally acknowledging the Niagara Falls National Heritage Area 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 section 427 of the Consolidated Natural Resources Act of 2008.

- 1. Authorization.** The Niagara Falls National Heritage Area Commission (hereinafter referred to as the Commission) is a Federal operating commission established by Public Law 110-229, Subtitle B, section 427, of the Consolidated Natural Resources Act of 2008 (hereinafter referred to as the Act).

- 2. Purpose and Duties.** The Commission shall assist in the transition of the management plan of the NHA from the Commission to the Local Coordinating Entity (LCE) designated under the Act. For five years the Commission shall serve as the LCE and shall:
 - a. Prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary in accordance with Section 424 of the Act;

 - b. Submit an annual report to the Secretary for each fiscal year for which the Commission received Federal funds under the Act, specifying:
 - (1) the specific performance goals and accomplishments of the Commission;
 - (2) the expenses and income of the Commission;
 - (3) the amounts and sources of matching funds;
 - (4) the amounts leveraged with Federal funds and sources of the leveraging; and
 - (5) grants made to any other entities during the fiscal year;

 - c. Make available for audit for each Fiscal Year for which the Commission receives Federal funds under the Act, all information pertaining to the expenditure of the funds and any matching funds;

 - d. Encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area; and

- e. Coordinate projects, activities, and programs with the Erie Canalway National Heritage Corridor.

3. Membership. The Commission shall be composed of 17 members, of whom:

- (1) One member will be the Director of the National Park Service (or a designee);
- (2) Five members shall be appointed by the Secretary, after consideration of the recommendation of the Governor of New York, from among individuals with knowledge and experience of:
 - (a) the New York State Office of Parks, Recreation and Historic Preservation, the Niagara River Greenway Commission, the New York Power Authority, the USA Niagara Development Corporation, and the Niagara Tourism and Convention Corporation; or
 - (b) Any successors of the agencies described above;
- (3) One member shall be appointed by the Secretary, after consideration of the recommendation by the mayor of Niagara Falls, New York;
- (4) One member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of the village of Youngstown, New York;
- (5) One member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of Lewiston, New York;
- (6) One member shall be appointed by the Secretary, after consideration of the recommendation of the Tuscarora Nation;
- (7) One member shall be appointed by the Secretary, after consideration of the recommendation of the Seneca Nation of Indians; and
- (8) Six members shall be individuals who have an interest in, support for, and expertise appropriate to tourism, regional planning, history and historic preservation, cultural or natural resource management, conservation, recreation, and education, or museum services, of whom:
 - (a) four members shall be appointed by the Secretary, after consideration of the recommendation of the two members of the Senate from New York; and

- (b) two members shall be appointed by the Secretary, after consideration of the recommendation of the Member of the House of Representatives whose district encompasses the NHA.

4. Operations.

- a. A member of the Commission shall be appointed for a term not to exceed 5 years.
- b. A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.
- c. A vacancy on the Commission shall be filled in the same manner as the original appointment was made.
- d. The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.
- e. The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.
- f. A member of the Commission shall serve without compensation.
- g. A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an Agency under Subchapter 1 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 Commission.
- h. Non-Federal members will be appointed as “special Government employees” and are required to file on an annual basis a confidential financial disclosure form.

5. Administration.

- a. A majority of the members of the Commission shall constitute a quorum.
- b. 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 shall meet at least quarterly at the call of the Chairperson or a majority of the members of the Commission.
- d. Notice of Commission meetings and agendas for the meetings shall be published in local newspapers that are distributed throughout the NHA.

- e. Meetings will be open to the public.
- 6. Authorities.** For the purposes of preparing and implementing the approved management plan for the NHA, the Commission may use Federal funds made available under the Act to:
- a. Make grants to political jurisdictions, nonprofit organizations, and other parties within the NHA;
 - b. Enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;
 - c. Hire and compensate staff, including individuals with expertise in:
 - (1) natural, historical, cultural, educational, scenic, and recreational resource conservation;
 - (2) economic and community development; and
 - (3) heritage planning;
 - d. Obtain funds or services from any source, including other Federal programs;
 - e. Contract for goods and services;
 - f. Support activities of partners and any other activities that further the purposes of the NHA and are consistent with the approved management plan;
 - g. Request and accept from the head of any Federal agency, on a reimbursable or non-reimbursable basis, any personnel of the Federal agency to the Commission to assist in carrying out the duties of the Commission;
 - h. Request and accept from the head of any State agency or any agency of a political subdivision of the State, on a reimbursable or non-reimbursable basis, any personnel of the Agency to the Commission to assist in carrying out the duties of the Commission;
 - i. Seek, accept, and dispose of gifts, bequests, grants, or donations of money, personal property, or services; and
 - j. Use the United States mails in the same manner as other agencies of the Federal Government.
 - k. The Commission will comply with all applicable Federal statutes and regulations governing the use of appropriated funds, with the National Park Service providing appropriate oversight and direction as needed.

1. Except as provided for the leasing of administrative facilities under the Act, the Commission may not use Federal funds made available to the Commission under the Act to acquire any real property or interest in real property.

7. **FACA Non-Applicability.** The Federal Advisory Committee Act, 5 U.S.C. Appendix, does not apply to operations or meetings of the Commission.

8. **Termination.** The Commission will terminate May 8, 2013, unless otherwise extended by Congress.

Ken Salazar

SEP 23 2010

Secretary of the Interior

Date