§ 46-0109. Powers and duties of the commission.

The commission shall have the power:

1. To sue and be sued.

2. To make by-laws for the management and regulation of its affairs.

3. To make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this article.

4. To appoint an executive officer, officers, agents and employees, and prescribe their duties and qualifications and fix their compensation.

5. To utilize, to the extent feasible, the staff and facilities of existing state and local agencies, pursuant to an allocation to be made by the state division of the budget or the chief executive officer of the local government as applicable.

6. To contract for professional and technical assistance and advice.

7. To contract for and to accept assistance, including but not limited to gifts, grants, easements or loans of funds or real property or personal property from the federal government or any agency or instrumentality thereof, or from any agency or instrumentality of the state, or from any other public or private source and to comply, subject to the provisions of this article, with the terms and conditions thereof, subject to the approval of the division of the budget. Notwithstanding the provision of section eleven of the state finance law, the commission may accept gifts, grants, devises and bequests, whether conditional or unconditional, with the approval of the director of the budget.

8. To conduct scientific and environmental studies.

9. Notwithstanding the provisions of section 9-1105 of this chapter or any other provision of law, to take, or cause to be taken, necessary and appropriate fire management actions to protect the flora and fauna of the preserve provided that:

(i) such actions have been approved in writing by the commissioner and are pursuant to a written plan for the conduct of the requested burn, which plan shall include provisions for limiting the area to be burned and restricting the burn to that area, as well as emergency suppression procedures; and

(ii) no burning shall be conducted until the chief or other official in charge of the fire department or company within whose territorial jurisdiction the proposed burn is located has been given the opportunity to review and comment on the written plan and the fire department or company dispatcher has been notified of the actual date and time and estimated duration of such action; and

(iii) no burning shall be prescribed within seventy-five feet of privately owned land within or adjacent to the preserve which has not been dedicated to the preserve, except upon the approval of such adjacent landowner.

10. To construct, or cause to have constructed, necessary facilities including paths and trails, an environmental education center and related parking areas on no more than five percent of the preserve.

11. To conduct environmental education programs.

12. To facilitate and provide passive recreational activities including hiking, nature study and photography.

13. To control access and use of the preserve as is necessary and appropriate to maintain the ecological community of the preserve including establishment of an admission control system by permit on either a group or individual.

14. To review and approve proposed dedications to the preserve and recommend additions to the preserve.

15. To advise and assist state agencies, municipalities and private property owners whose land adjoins the preserve on land use and management techniques that are compatible with the land management needs of the preserve.

16. To encourage individuals, corporations, associations and public entities to protect and preserve the unique resources of the preserve.

17. To prepare an annual report on the conduct of its activities which shall include a recommended budget for the next year.

18. To exercise and perform such other powers and duties as shall have been or may be from time to time conferred by law.

19. To acquire real property as may be necessary for the purposes and functions of the commission. Such real property may be acquired in the name of the commission by purchase, exchange, gift, devise, bequest, or by other legal means.