§ 35.05 Management plan. 1. For each area designated in subdivision one of section 35.03 of this article the commissioner shall request preparation by the appropriate local governmental or heritage area planning entity of a comprehensive management plan as hereinafter provided. The commissioner shall fully cooperate and be consulted in preparation of such plan and shall ensure that relevant private interests are consulted. Such plan shall be deemed to be the plan for both state and local government. Each such plan shall be completed and submitted to the commissioner for his or her approval as provided in subdivisions three and four of section 35.03 of this article.

2. The commissioner may require the chief executive officer of each local government with general jurisdiction over all or a portion of a designated area to identify a local official or local agency to be the agent for the local government in coordinating the preparation of the management plan and to appoint a local heritage area advisory committee representative of local civic, commercial, historic preservation, educational, recreational and conservation interests to advise the commissioner and local government during preparation of the management plan. At least one public hearing on a draft management plan shall be held in each designated area.

3. The local legislative body of each city, town or village within a designated area except that for the area designated pursuant to paragraphs (h), (o) and (q) of subdivision one of section 35.03 of this article the legislative body of each county included in whole or in part within the area must approve the management plan before it is submitted to the commissioner for its approval. Each such plan shall be completed and submitted to the required local legislative bodies for approval and to the commissioner within forty-five days of the local approval.

4. Management plans shall be the fundamental document defining the goals and boundaries for each state designated heritage area, and the means for the area's implementation and management. A management plan shall include, but need not be limited to:

(a) The boundaries of the heritage area set forth in text and depicted on a map. Areas or zones within the heritage area shall be identified

for particular nature and intensity of use including those zones most appropriately devoted to public use and development by state or local government and private use. Boundaries shall be located as deemed necessary or desirable for the purposes of resource protection, scenic integrity, and management and administration in furtherance of the purposes of this title and the estimated cost thereof;

(b) An inventory and designation of the natural and cultural resources within the heritage area;

(c) Statement of the goals and objectives of the heritage area;

(d) Identification of the types of uses, both public and private, to be accommodated and their linkages to the overall statewide system;

(e) Identification of properties, if any, to be acquired;

(f) Description of the interpretive and educational exhibits and programs to be undertaken;

(g) Description of the program for encouraging and accommodating visitation to the heritage area;

(h) An economic assessment of the long and short term costs and benefits related to the establishment, operation and maintenance of the heritage area, including comprehensive estimate of the costs of implementing the management plan identified by source of funding and specifically delineating expected state, local, federal and private contributions;

(i) Description of the techniques or means for the preservation and protection of the natural and cultural resources within the heritage area including the means such as appropriate local legislation for designation and protection of historic properties or natural areas to assure that future local actions will be consistent with established and agreed upon preservation standards or criteria;

(j) Description of the organizational structure to be utilized for planning, development and management of the heritage area, including the responsibilities and interrelationships of local, regional and state agencies in the management process and a program to provide maximum feasible private participation in the implementation of the management plan. Such organizational structures may include but not be limited to utilization of existing state and local agencies for administrative and finance purposes through contracts and letters of agreement between state and local agencies or, where necessary, proposed legislation for

new entities to administer and finance implementation of a management plan; and

(k) A schedule for the planning, development and management of the heritage area.

5. Each management plan must demonstrate that the capability exists at the local level to implement and manage the heritage area including, but not limited to, the ability to:

(a) Accept and disburse funds;

(b) Acquire, improve, and dispose of property;

(c) Manage, operate, and maintain appropriate heritage area facilities identified as being of local responsibility without state financial assistance; and

(d) Promulgate and enforce land use and preservation criteria and standards as required to protect the resources within each heritage area.

5-a. The management plan for the heritage area established by paragraph (s) of subdivision one of section 35.03 of this article shall authorize state agencies and the county of Chautauqua to collaborate and cooperate with governmental entities in the state of Pennsylvania with regard to the stewardship and development of the grape wine and juice industries within such state and the heritage area established by such paragraph. The collaboration and cooperation authorized by this submission shall include, but not be limited to, joint project planning and grant funding.

6. Selected individual requirements or portions thereof for the management plan submissions may be waived by the commissioner provided that prior submissions to the office during a previous planning process are judged to provide sufficient data to fulfill the purpose of the management plan, except that in no case shall the requirements of paragraph (h) of subdivision four or of subdivision five of this section be waived.

7. The commissioner shall review and approve acceptable management plans for state designated heritage areas, and proposed changes or

amendments to a previously approved management plan. Such approval shall be based upon the plan's consistency with the policy and goals of this title generally and particularly to its attainment of resource protection and the provision of educational, recreational, preservation, economic and cultural benefits for the public at large. The commissioner shall tender in writing such approval or a denial of approval with written reasons therefor within ninety days after receipt of the locally approved management plan or change or amendment thereto. If there has been a denial of approval, a revised management plan, change or amendment may be submitted to the commissioner.

8. Approval of the management plan by the commissioner shall:

(a) Establish eligibility for the receipt of acquisition, development and programming assistance from the state within the defined heritage area boundaries;

(b) Establish those properties defined in the management plan as significant for consideration for eligibility for the state register of historic places; and

(c) Require, for continuance in the program, appropriate local action to protect and safeguard the defined resources in the heritage area.

9. The commissioner may, after holding a public hearing in the state designated heritage area subject to review, withdraw approval of a management plan where he or she finds that the local government with immediate general jurisdiction over all or a portion of such heritage area has taken actions which have had a significant adverse impact upon heritage area resources or has generally failed to implement its role under a management plan. When approval has been withdrawn, the heritage area shall no longer be deemed to be state designated. The commissioner shall report such withdrawal of approval to the governor and the legislature stating the reasons for such action.