Section 601.1. Authority, intent and purpose.

This Part is adopted pursuant to sections 911, 912, 913, 914, 915, 915-b, 916, 917, 918 and 922 of the Executive Law to implement the optional Local Waterfront Revitalization Program (LWRP) provisions of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. It includes:

- procedural requirements for voluntary participation by local governments;
- criteria for review of local programs by the secretary;
- procedural requirements for review and comment on each LWRP submitted.

Section 601.2. Submission of Local Waterfront Revitalization Programs.

Every submission of an LWRP to the secretary, in order to be deemed a completed submission eligible for approval, must be accompanied by a resolution of the legislative body providing for such submission. In those instances where two or more local governments are cooperatively submitting an LWRP, resolutions from each of the participating local governments shall be necessary before a submission is deemed complete and eligible for review by the Secretary.

Each LWRP shall include, for purposes of a completed submission eligible for review by the secretary, all of the elements contained in sections 911(6), 915(5) and 922 of the Executive Law.

Section 601.3. Criteria.

In order to approve a submitted LWRP as eligible for the benefits of sections 916 and 922 of article 42 of the Executive Law, the Secretary must find:

- that the LWRP incorporates the criteria listed in sections 911(6), 915(5) or 915(5-a), and 922 of article 42 of the Executive Law to an extent commensurate with the circumstances of the local government or local governments seeking approval;
- that the LWRP is consistent with the policies of article 42 of the Executive Law as contained in section 600.5 or 600.6 of this Chapter; and
- after consultation with potentially affected State and Federal agencies, that the LWRP will not conflict with any applicable State or Federal policy.

Section 601.4. Procedure for review.

Upon receipt of a completed LWRP the secretary shall circulate the program to such parties as the secretary shall deem appropriate, which parties shall include:
(1) every State agency (as defined in article 42 of the Executive Law) with programs identified in the submitted LWRP as having the potential to affect the achievement of that LWRP;

(2) any adjacent local government with contiguous coastal or inland waterway area;

(3) the county wherein the LWRP area is situated; and

(4) the regional planning board, if any, wherein the LWRP area is situated.

All parties shall have 60 days for review and comment before the Secretary can render a decision as to the approvability of such LWRP.

(c)

(1) Major amendments to any approved LWRP, such as a substantial alteration in the coastal area boundary, or of applicable coastal policies, shall be reviewed in the same manner as any original LWRP.

(2) Minor amendments to any approved LWRP, such as updates which reflect changing characteristics of the community, incorporation into the LWRP of policies contained in the State Coastal Management Program, or adoption of local laws or ordinances which further implement the LWRP, shall be subject to a 21-day period for review and comment by all parties before the secretary may render a decision on approvability of the amendment.

Notice of disapproval by the secretary shall be issued in writing and shall include findings with respect to the criteria which the LWRP fails to meet. Disapproval of a LWRP shall be without prejudice and any local government may resubmit a LWRP without regard to prior disapprovals.

The secretary may, as a condition to approval of a LWRP, require that notice of certain identified actions of that local government or its agencies be given to the Secretary prior to such actions being taken.

Section 601.5. Submission, approval and effect of local laws or ordinances.

Local laws or ordinances adopted to implement harbor management plans shall be submitted to the secretary with the completed LWRP.

Such local laws or ordinances shall be approved and become effective as provided in section 922 of the Executive Law and Part 603 of this Title.

Section 601.6. Approved programs.

A LWRP approved by the secretary shall be eligible for the benefits provided in article 42 of the Executive Law.

Section 601.7. Review of approved programs.

The secretary shall periodically review the administration and implementation of every approved LWRP to assure, among other things, that the local government itself acts consistent with the goals of its approved LWRP.

The secretary shall, after written notice to the legislative body of the participating local government, revoke approval if at any time he/she finds that the policies and goals of the approved LWRP are not
being carried out in accordance with the terms of such LWRP.

**Section 601.8. Withdrawal.**

A local government may withdraw its approved LWRP at any time as provided in the Executive Law. Withdrawal of an approved LWRP will effect an immediate termination of all benefits accruing under the Executive Law, including but not limited to any funding or other technical assistance and the effect of any local law or ordinance or portions thereof which required approval of and were approved by the secretary pursuant to section 922 of the Executive Law and Part 603 of this Title.

**Section 601.9. Repealed**