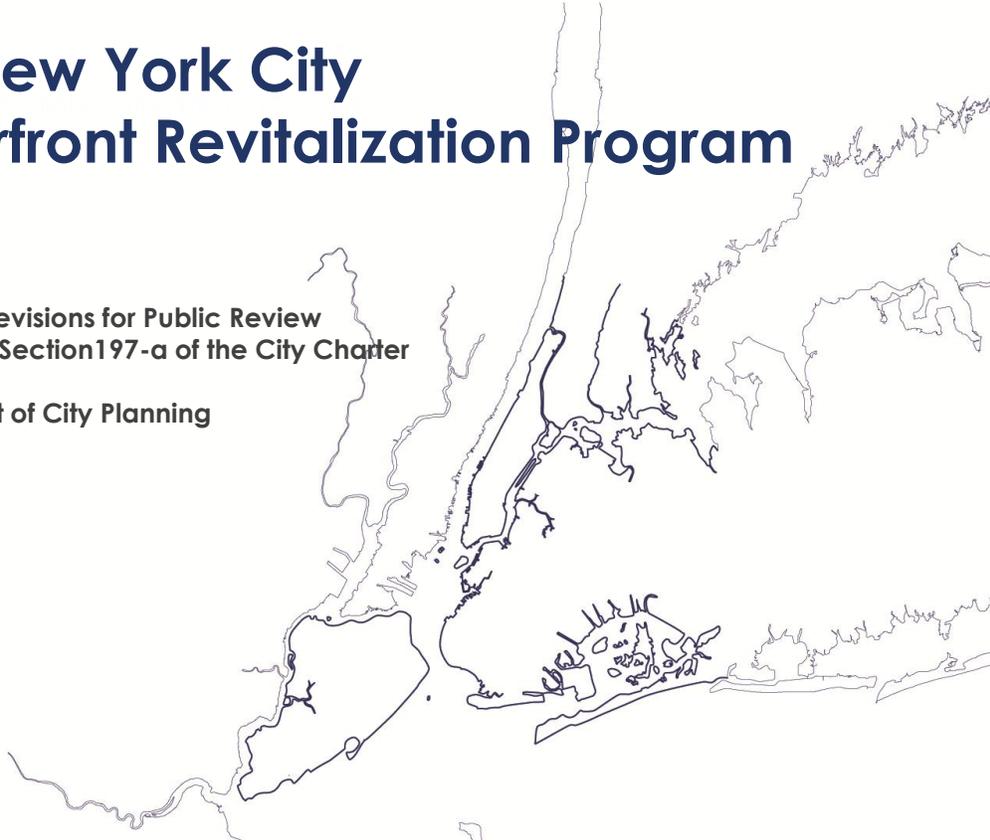


The New York City Waterfront Revitalization Program

Proposed Revisions for Public Review
Pursuant to Section 197-a of the City Charter

Department of City Planning
March 2012



WATERFRONT VISION AND ENHANCEMENT STRATEGY | DEPARTMENT OF CITY PLANNING

The New York City Department of City Planning is proposing a series of revisions to the Waterfront Revitalization Program, or the WRP. These revisions are based on *Vision 2020*, the City's Comprehensive Waterfront Plan released in 2011. The revisions are part of the Waterfront Vision and Enhancement Strategy, Mayor Bloomberg's interagency initiative to create a sustainable blueprint for the city's 520 miles of waterfront.

Presentation Outline:

- 1. What is the WRP?**
2. Why are we revising the WRP?
3. How are we revising the WRP?

This presentation is in three parts. The first part is an overview of the WRP as it currently works. Next is an explanation of why revisions are necessary. And last is a general overview of the specific policy changes the Department is proposing.



What is the WRP?

The New Waterfront Revitalization Program



New York City Department of City Planning 

The WRP is a regulatory review tool that helps the city to make the most of its waterfronts—as thriving economic, ecological, and recreational places—through ensuring projects are consistent with the 10 local policies.

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The WRP is a regulatory review tool. The overarching purpose of the program is to promote the use of the waterfront to achieve multiple goals—such as economic development, ecological restoration, and public recreation. It does this by laying out a set of 10 policies that projects must be consistent with.



What is the WRP?

The Waterfront Revitalization Program reviews projects within New York City's **Coastal Zone**.



■ New York City Coastal Zone Boundary

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The WRP reviews projects that fall within the City's Coastal Zone. This is a defined boundary which includes all land located on the waterfront up to the first upland street at least 300 feet inland. It also includes all coastal wetlands, waterfront parks, floodplains, and other significant coastal features.



Why revise the WRP?



Last year, we released *Vision 2020: the NYC Comprehensive Waterfront Plan*. It is a strategic 10-year plan for the city's waterfront.

The WRP is a regulatory tool that is being updated to advance the strategies of *Vision 2020*.

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In March 2011, the Department released *Vision 2020: the NYC Comprehensive Waterfront Plan*. Vision 2020 is a strategic 10-year plan for the city's waterfront. We are now updating the WRP to reflect the plan's goals and priorities.



Legislative Background

- **1972: Federal Coastal Zone Management Act**
Federal legislation designed to assist states in the implementation of waterfront management programs
- **1981: New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act**
Enables municipalities to adapt statewide policies to local coastal management programs
- **1982: NYC's first Waterfront Revitalization Program**
Incorporated state and local coastal management policies and designated the citywide Coastal Zone
- **2002: New NYC Waterfront Revitalization Program**
Simplified program through reducing number of policies and prioritizing policies based on location

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The WRP is authorized through city, state and federal legislation. The 1972 Federal Coastal Zone Management Act recognized the importance of the nation's coastal resources and directed coastal states to create coastal zone management programs. In 1981, New York State adopted the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. This act enables municipalities to adapt statewide policies into local coastal management programs. New York City was the first area in the state to do so. In 1982, NYC created its first citywide Waterfront Revitalization Program. The program was last revised in 2002.



The Current WRP

There are 10 policy areas:

1. Residential and Commercial Redevelopment
2. Maritime and Industrial Development
3. Waterways Usage
4. Ecological Resources Protection
5. Water Quality
6. Flooding and Erosion
7. Solid and Hazardous Wastes
8. Public Access
9. Visual Quality
10. Historic, Archaeological, and Cultural Resources

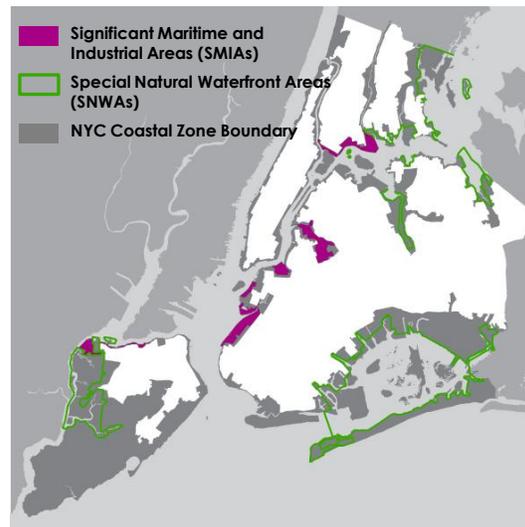
In its current form, the WRP covers 10 policy areas: Residential and Commercial Redevelopment, Maritime and Industrial Development, the Use of the Waterways, Ecological Resources, Water Quality, Flooding and Erosion, Solid and Hazardous Waste, Public Access, Visual Quality, and Historic Resources



The Current WRP

Special area designations within the Coastal Zone:

- **Significant Maritime and Industrial Areas (SMIAs)** – areas that are prime for waterfront industry
- **Special Natural Waterfront Areas (SNWAs)** – biodiversity-rich areas that require intensive habitat protection and improvement efforts



The program prioritizes certain policies in defined geographical areas. For projects within the city's six Significant Maritime and Industrial Areas or SMIAs (marked in pink on the map), policy 2, on promoting maritime and industrial development is prioritized. For projects within the city's three Special Natural Waterfront Areas, Special Natural Waterfront Areas or SNWAs (outlined in green), policy 4, on protecting and restoring ecological resources, is prioritized.



WRP Consistency Review

Not all projects within the Coastal Zone are subject to WRP, only those that require a city, state, or federal discretionary action, such as:

- ULURP applications (such as rezonings, city map changes, disposition of city-owned land, etc.)
- City capital projects
- State/federal environmental permits for in-water construction and wetlands (such as piers, docks, bulkheads, rip-rap, etc.)
- Use of federal funds

⊘ As-of-right construction that only requires a building permit does not require WRP review

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Not all projects within the city's coastal zone are reviewed for consistency with the WRP. Only projects that require a city, state, or federal discretionary action are reviewed. These actions include all ULURP applications (such as rezonings, city map changes, or disposition of city-owned land), as well as city capital projects. Generally this is part of the City Environmental Quality Review process. State and federal permits for in-water construction are also reviewed. This includes projects like the construction of piers, docks, and bulkheads. In addition, the use of federal funds for a project triggers WRP review. However, as-of-right construction that only requires a building permits does not require WRP review.



WRP Consistency Review

To determine which policies are relevant to the project, the WRP requires applicants to answer a number of questions, for example:

- Is the project located in an SMIA or SNWA?
- Is it located in a flood zone?
- Does the project involve the transport, storage, treatment or disposal of solid waste or hazardous materials?
- Does the project require a waterfront site? (is it a water-dependent use)
- Would the project result in a reduction of public access to the waterfront?

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The consistency review process works like this: A project sponsor or applicant provides answers to a number of questions to determine which policies are relevant to the proposed project. This process identifies if the project is located in a areas where certain policies are prioritized, such as an SNWA or SMIA. It identifies specific potential hazards, such as flooding or hazardous materials. It identifies special needs of the project, for instance if it requires waterfront access. It also identifies potential ways the project may be inconsistent with the WRP policies, for instance if it would result in the reduction of public waterfront access.



WRP Consistency Review

The WRP does not set strict **requirements**. Instead, it asks projects to be **consistent** with a policy, for example:

If the project is in a SNWA:

WRP Policy 4.1 (B): Avoid fragmentation of natural ecological communities.

↳ To be consistent, a project should incorporate ecologically sensitive site planning that avoids or minimizes impacts on surrounding natural resources.



Example: Vegetated buffer zone

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Unlike other regulations, like zoning, the WRP does not set strict requirements for projects. Instead it asks projects to be *consistent* with a policy. Often there are many ways that a project can be consistent. For instance, projects in SNWAs should avoid fragmentation of natural ecological communities. One way a project could do so is to incorporate ecologically sensitive site planning, such as a vegetated buffer, to minimize impacts on an adjacent waterway.



WRP Consistency Review

	Actions:	Review by:	Consultation with:
Local	Actions requiring approval by the City Planning Commission (e.g., ULURP)	The City Planning Commission makes the consistency determination.	NYS Dept. of State reviews determination.
	Actions not requiring approval by the City Planning Commission (e.g., non-CPC actions subject to CEQR)	The Lead Agency makes the consistency determination.	NYC Dept. of City Planning advises. NYS Dept. of State reviews determination.
State	Direct Actions or Permits Granted by a State Agency (e.g., State highway construction, NYC Dept. of Environmental Conservation Permits)	State agency determines consistency and notifies Dept. of State.	NYC Dept. of City Planning advises State Agency.
Federal	Direct Actions or Permits Granted by a Federal Agency (e.g., FAA Funding, U.S. Army Corps. Permits)	NYS Dept. of State concurs with or objects to an applicant's determination using approved local WRP.	NYC Dept. of City Planning advises NYS Dept. of State.

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There are many actors involved in the WRP consistency review process. This chart shows how for different types of actions, different agencies are the lead reviewer and other agencies are advisory. For all actions that require approval from the City Planning Commission, the City Planning Commission is the lead, with consultation by the New York State Department of State. For all other local actions, the lead local agency is responsible for reviewing the project's consistency, with consultation from the Department of City Planning and the New York State Department of State. For state actions, the state agency leading the project is responsible. For federal projects, the New York State Department of State is responsible for the review. For all state and federal projects, the Department of City Planning plays an advisory role in the review process.

Presentation Outline:

1. What is the WRP?
- 2. Why are we revising the WRP?**
3. How are we revising the WRP?

The WRP was last updated in 2002. Since that time, new plans have been issued and some coastal areas have changed. These proposed revisions will update the WRP with the latest in city policy and on-the-ground conditions.



Release of Vision 2020, March 2011

In March 2011, the City of New York developed a new comprehensive waterfront plan entitled *Vision 2020*.

This plan puts forth citywide goals and strategies for improvement of the waterfront over the next 10 years.

Most significantly for this process, *Vision 2020: New York City's Comprehensive Waterfront Plan*, the City's 10-year plan for the waterfront and waterways, was released last year. It puts forth citywide goals and strategies to initiate projects and guide future policy decisions.



The plan was the culmination of a year-long participatory planning process:

- 9 public meetings, including one in each borough
- Advisory Board of local stakeholders and state/federal agencies
- Workgroup of 8 city agencies



Bronx Community Workshop. Photo by Ian Douglas, Metropolitan Waterfront Alliance.

Vision 2020 was created through a year long public planning process with extensive opportunities for public input. We held a total of nine public meetings, including workshops in every borough. We convened an advisory board of local industry representatives, advocates, civic organizations, and state and federal agencies. And we worked alongside 8 city agencies to develop a comprehensive and collaborative plan.

VISION 2020: NEW YORK CITY COMPREHENSIVE WATERFRONT PLAN			
 <small>Photo by Daniel Avila</small>	GOAL 1 Expand public access.	 <small>Photo by Don Riepe</small>	GOAL 5 Restore the natural waterfront.
 <small>Photo by Daniel Avila</small>	GOAL 2 Enliven the waterfront.	 <small>Photo by Daniel Avila</small>	GOAL 6 Enhance the Blue Network.
 <small>© Carolina Salguero</small>	GOAL 3 Support the working waterfront.		GOAL 7 Improve government oversight.
	GOAL 4 Improve water quality.		GOAL 8 Increase climate resilience.

Vision 2020 is organized in 8 goals, from expanding public access, to cleaning our waterways, to economic development and ecological restoration. Goal 6, enhancing the Blue Network, is about using the waterways themselves as a place for recreation, transportation, and cultural events. Goal 7, on improving government oversight, looks at how to improve the permitting process for waterfront projects to help the projects we have planned come to fruition. And Goal 8 looks at the impact of flooding on coastal areas and how to make the city more resilient to our climate today and in the future.

Presentation Outline:

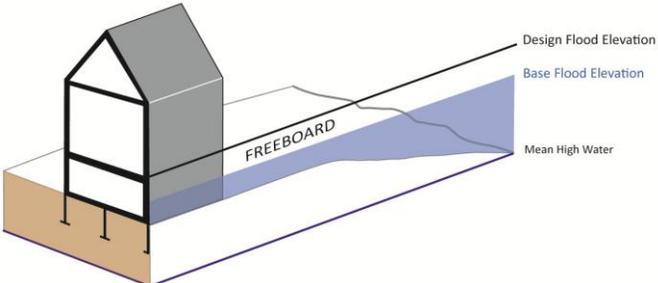
1. What is the WRP?
2. Why are we revising the WRP?
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This next section provides a high-level overview of each WRP policy and how we are proposing to change it.



Policy 1:
Residential and Commercial Redevelopment

- Maximize the compatibility of new non-industrial development adjacent to SMIA's (eg. Triple-glazed windows).
- Promote climate-resilient design to reduce increasing risks of flooding and storm surge (eg. Freeboard).



"Freeboard" = increasing a new building's flood resistance by raising the elevation of the lowest floor.

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Policy 1 is to promote residential and commercial redevelopment in waterfront areas best-suited to such development.

We are proposing to add measures that maximize the compatibility of new residential development adjacent to Significant Maritime and Industrial Areas compatible with industrial activities that may create noise, dust, lights, and vibration at all time of the day and night. This includes design strategies, such as triple-glazed windows, and management practices, such as disclosure of adjacent operations to potential buyers. We are also adding measure to promote climate-resilient design to reduce the risks of flooding and storm surge. One design option would be "Freeboard", which raises the elevation of the lowest floor to above the base flood elevation.



Policy 2:
Maritime and Industrial Development

- Spur reinvestment in underutilized sites in SMIA's and promote investment in bulkheads by considering a wider range (eg. Light industrial) of compatible uses on upland portions of lots.



Example: Brooklyn Navy Yard uses revenue from non-water dependent upland development to fund maintenance of maritime infrastructure.

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Policy 2 is to support maritime and industrial development in areas well-suited to such activities.

Within this policy we are looking at ways to promote reinvestment in underutilized sites by including a wider-range of uses on the upland portion of the lot, while maintaining the shoreline for maritime uses such as vessel tie-up. The uses would still be limited to ones that are compatible with heavy industry, such as light industrial or commercial. By allowing a wider range of uses, the development can generate additional sources of revenue, which can then be used to fund the development or maintenance of maritime infrastructure and dredging. For example, The Brooklyn Navy Yard uses revenue from upland, non-maritime development to fund its waterfront infrastructure maintenance.



Policy 2:
Maritime and Industrial Development

- Encourage best practices to minimize adverse impacts of industrial uses on nearby neighborhoods and ecological resources (eg. Stormwater management, vegetative shorelines)
- Reaffirm the applicability of all WRP policies to projects within SMIA's (eg. policies for public access, flood, water quality)



Image courtesy of Selldorf Architects

Example : The new SIMS recycling facility in Sunset Park will be built using sustainable design practices to minimize environmental impact.

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Also in Policy 2, we are looking to encourage best practices to minimize the adverse impacts of industrial uses on nearby neighborhoods and ecological resources. For example, the use of stormwater management and vegetative shorelines to reduce run-off and enhance intertidal habitat.

And we are reaffirming the applicability of all WRP policies to projects within SMIA's. This will clarify that all projects, even industrial projects within an SMIA, must be consistent with all the policies of the WRP, including the policies on public access, hazardous waste, and water quality.



Policy 2:
Maritime and Industrial Development

- Designate the Arthur Kill Ecologically Significant Maritime and Industrial Area (ESMIA) in northwest Staten Island.
- Area is both prime for waterfront industry and rich in biodiversity.
- Special ESMIA policies promote balance between these two goals.



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West Shore - Proposed Boundaries

Boundaries:
Proposed ESMIA boundary
Proposed ESMIA boundary
Proposed ESMIA boundary
Wetlands
Parkland

0 0.25 0.5 1 Miles

New York Container Terminal
Arthur Kill
Arthur Kill Creek
Arthur Kill Marsh
Arthur Kill Wetlands
Arthur Kill Parkland

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On the west shore of Staten Island, we are proposing to create a new area designation to promote industrial development in concert with preservation and enhancement of ecological resources. A portion of the Northwest Staten Island Special Natural Waterfront Area would be re-mapped as the Arthur Kill Ecologically Sensitive Maritime Industrial Area. There is no other area within the City’s Coastal Zone that presents similar opportunities and constraints. The area is well suited for a mix of maritime and industrial development, with large tracts of vacant, industrially-zoned land, close proximity to the New York Container Terminal, connections to rail and highways, and access to deep water. And the area is among the most extensive concentrations of intact tidal wetlands in the City.

The new WRP policies for this area will promote redevelopment for industrial uses of suitable sites, the preservation of intact wetlands, and use of design strategies to minimize the impact of development on adjacent natural resources.



Policy 3:
Use of the Waterways

- Promote in-water recreation in safe and suitable locations (eg. Where conflicts with other boats are minimal)
- Promote multi-functional designs of piers and bulkheads (eg. recreational, ferries, tall ships)



Red Hook Boaters at Valentino Pier, Brooklyn

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Policy 3 is on the use of the waterways for transportation and recreation. The policy aims to promote a diversity of waterborne activities, while ensuring safety and minimizing conflicts. We are proposing a new sub-policy that is specific to in-water recreation, such as kayaking and canoeing. This new policy outlines criteria for suitable locations for human-power boat launches, for instance, where conflicts with other boats are minimal.

We are also changing this policy to promote designs of piers and bulkheads that are multi-functional and can accommodate vessels of various sizes and types, such as tall ships and passenger ferries.



- Establish “Priority Marine Activity Zones” to promote maintenance of necessary shoreline infrastructure for waterborne transportation (freight and passenger) in priority locations.



Barge on Newtown Creek transporting fuel.

Also in Policy 3, we are creating a new area designation called “Priority Marine Activity Zones.” These are areas with shoreline infrastructure, such docks, piers, and bulkheads, that are utilized for commercial and industrial water-dependent transportation, both freight and passenger. This includes port terminals, maritime support services, ferry terminals, cruise terminals, and commercial marinas.

The goal of this revision is to provide an additional level of clarity to the permit review process, and to promote the maintenance of infrastructure necessary to support the city’s maritime support services and waterborne transportation network.

The policy for these zones will be to encourage shoreline designs that accommodate boat tie-up or another form of maritime activity. In other areas, the provision of in-water infrastructure will remain consistent with this policy, but the design of shoreline structures should consider other factors, such as wave attenuation and intertidal habitat.



Policy 4:
Ecological Resources

- Identify additional "Recognized Ecological Complexes" (outside current Special Natural Waterfront Areas) as priorities for ecological restoration (eg. Upper Bronx River)
- Promote a wider range of restoration objectives (eg. oysters, mussels, eelgrass)
- Encourage consideration of climate change in design of restoration projects (eg. choose salt-water tolerant plants)



Photo: Mike Feller, DPR

Udall's Cove, Queens

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Policy 4 is to protect and restore the quality and function of wetland and ecological systems within the coastal zone. In this policy, we are adding another new area designation called Recognized Ecological Complexes. These are sites that are outside of the three Special Natural Waterfront Areas, but which possess ecological resources and present an opportunity for restoration.

We've also added a new sub-policy that promotes restoration objectives beyond wetlands, including in-water projects like oysters, mussels and eelgrass.

And we're looking to encourage ecological restoration projects to consider the impacts of climate change in designs, for instance choosing plant species that are resilient to inundation and flooding.



Policy 5:
Water Quality

- Incorporate the City's latest plans for improving water quality, including the Green Infrastructure Plan.



Enhanced Tree Pit, Brooklyn

Policy 5 is to protect and improve water quality. We are updating this policy to include the City's latest Green Infrastructure Plan. This plan promotes the use of green infrastructure, such as bioswales, to capture and retain stormwater. This is a cost-effective way of improving water quality while also greening the city.



Policy 6:
Flooding and Erosion

- Promote the use of the city's climate change projections in project planning.
- Require risk assessments to identify a project's vulnerabilities to flooding and storm surge.
- Encourage resilient or adaptable designs.



Governors Island Park Master Plan takes in sea level rise into consideration, elevating many sections of the park above the projected future flood plain.

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Policy 6 is to minimize risks from flooding and erosion. Here we are proposing to promote the use of climate change projections in the planning and design of projects. The City convened the New York City Panel on Climate Change, a group of climate scientists and other experts, to create projections that are specific to New York City. This new sub-policy would ask projects to prepare a risk assessment that identifies current and future flood risks, based on the range of sea level rise projections available and the lifespan of the project. It would encourage projects to take measures to minimize these risks through resilient design strategies, to the extent practicable, or to allow for future adaptive measures.



Policy 7:
Solid and Hazardous Waste

- Expand policy to include materials that may pose risks to public health and safety and the environment in the event of a coastal storm.
- Promote the use of best management practices for industrial uses to minimize flood impacts and prevent contaminated storm run-off.



Open industrial uses on the waterfront include such activities as construction material storage.

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Policy 7 is to minimize environmental degradation and impacts of public health from solid and hazardous waste. In this policy, we are adding consideration of open industrial uses, such as salvage yards and construction and demolition debris storage. These are uses that may pose risks in the event of a coastal storm. For such uses, the policy will promote the use of best management practices to minimize flood impacts and prevent contaminated storm run-off.



Policy 8:
Public Access

- Incorporate design principles for waterfront public spaces described in *Vision 2020*.



Design principles promote a mix of seating and other amenities, like shade.

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Policy 8 is to provide public access to the waterfront. We are proposing to provide greater guidance on the design of public waterfront spaces through a set of design principles. These principles were laid out in *Vision 2020*. Like the city’s Waterfront Zoning, these principles promote a mix of seating and other amenities.



Policy 9:
Scenic Resources

- Promote the use of interpretive signage at public vantage points.



Image: Russell Design

Interpretive signage at Erie Basin Park.

Policy 9 is to protect the scenic resources of the city's coastal zone. In this policy we are looking to promote the use of interpretive signage at public viewing sites, including both natural areas and industrial areas.



- Include historic vessels in list of historic resources.
- Promote provision of tie-up for historic vessels and other tall ships.



The historic Dutch Flat bottoms fleet in Atlantic Basin, Brooklyn

Policy 10 is to protect and enhance historic and cultural resources on the waterfront. We are proposing to include historic vessels in the list of potential historic resources, and also to promote the public programming of historic resources through providing sites for their tie-up.



WRP Maps and Boundaries

- Update maps of SMIA's and SNWAs.
- Create maps of Arthur Kill ESMIA, Recognized Ecological Complexes and Priority Marine Activity Zones.
- Update Coastal Zone boundaries to conform to more recent FEMA maps.
- Give the City and State input into off-shore projects in federal waters.

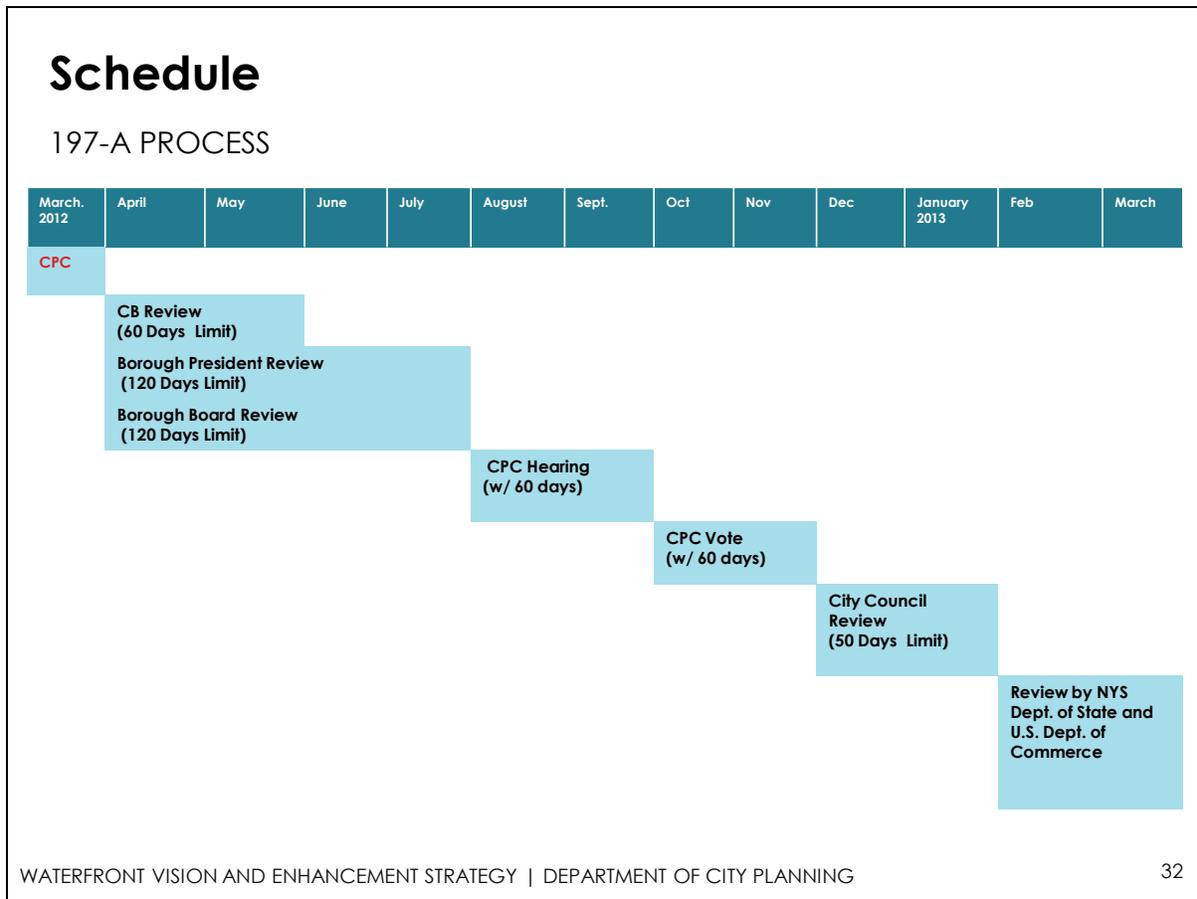
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In addition to the policy revisions, we are creating updated maps of the Significant Maritime and Industrial Areas and the Special Natural Waterfront Areas. We are also creating new maps of the Arthur Kill Ecologically Sensitive Maritime and Industrial Area, the Recognized Ecological Complexes, and the Priority Marine Activity Zones.

We are also updating the Coastal Zone Boundary to include the latest flood zone maps from FEMA.

And we are clarifying the role of the city and state in reviewing projects in federal waters. Projects in federal waters which have an impact on the city's coastal zone, are subject to WRP review. This will give the city and state input into projects like off-shore wind proposals.



The revisions to the WRP will be adopted following the process in section 197-a of the City’s Charter. The City Planning Commission will review the plan for threshold standards, then refer it out to all affected community boards, all borough presidents and all borough boards. Following their review, the City Planning Commission will hold a public hearing and vote. Then the plan goes before the City Council. Once the revisions have been adopted by the city council, the new version will apply to all city actions. However, the program must be adopted by the New York State Dept. of State and the US Dept. of Commerce before it applies to state and federal actions.

The New York City Waterfront Revitalization Program

www.nyc.gov/wrp



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To learn more about the proposed revisions, to read the specific revisions to the text, and to view the maps, be sure to visit our website at www.nyc.gov/wrp.