6. LIST OF ACRONYMS

ACHP Advisory Council on Historic Preservation

ACS American Community Survey

ADA Americans with Disabilities Act

ADR Alternatives Development Report

ADT Average Daily Traffic

APC Air Pollution Control

APE Area of Potential Effects

APT Augusta Public Transit

ARC Atlanta Regional Commission

ARPA Archaeological Resources Protection Act

ARRA American Recovery and Reinvestment Act

ASIP Agency and Stakeholder Involvement Plan

B-C Benefit-to-Cost Ratio

BGEPA Bald and Golden Eagle Protection Act

BMP Best Management Practice

CAA Clean Air Act of 1970

CAAA Clean Air Act Amendments of 1990

CATBus Clemson Area Transit

CATS Charlotte Area Transit System

CDOT Charlotte Department of Transportation

CE Categorical Exclusion

CEQ Council on Environmental Quality

CFR Code of Federal Regulations

cfs Cubic feet per second

CLT Charlotte-Douglas International Airport

CMAQ Congestion Mitigation and Air Quality Improvement Program

CMCOG Central Midlands Council of Governments

CO Carbon monoxide

CR County Road

CRTPO Charlotte Regional Transportation Planning Organization

CSX Chessie-Seaboard Express Railroad Transportation

CTP Comprehensive Transportation Plan

CUPD Clemson University Police Department

CWA Clean Water Act

DART Dial-A-Ride Transit

dB Decibel

DB1B Airline Origin and Destination Survey

DEIS Draft Environmental Impact Statement

DFIRM Digital Flood Insurance Rate Map

DHEC Department of Health and Environmental Control (of South Carolina)

DMU Diesel Multiple Unit

DNR Department of Natural Resources

DOT Department of Transportation

DWQ Division of Water Quality

DRPT Virginia Department of Rail and Public Transportation

EA Environmental Assessment

EIS Environmental Impact Statement

EJ Environmental Justice

EPA Environmental Protection Agency

EPD Environmental Protection Division (of the Georgia Department of Natural

Resources)

EFH Essential Fish Habitat

ESA Endangered Species Act

ESC Erosion and Sediment Control

FASTLANE Fostering Advancements in Shipping and Transportation for the Long-term

Achievement of National Efficiencies

FD Final Design

FDPA Flood Disaster Protection Act

FEIS Final Environmental Impact Statement

FEMA Federal Emergency Management Agency

FHWA Federal Highway Administration

FONSI Finding of No Significant Impact

FRA Federal Railroad Administration

FTA Federal Transit Administration

FY Fiscal Year

GADNR Georgia Department of Natural Resources

GCT Gwinnet County Transit

GDNR Georgia Department of Natural Resources

GDOT Georgia Department of Transportation

GEPA Georgia Environmental Policy Act

GHBS Georgia Historic Bridge Survey

GHG Greenhouse gases

GHMPO Gainesville-Hall Metropolitan Planning Organization

GIS Geographic Information Systems

GNAHRGIS Georgia's Natural, Archaeological, and Historic Resources GIS

GNHP Georgia Natural Heritage Program

GPATS Greenville-Pickens Area Transportation Study

GRTA Georgia Regional Transportation Authority

GSP Greenville-Spartanburg International Airport

GWQC Georgia Water Quality Control

HCP Habitat Conservation Plan

H-JAIA Hartsfield-Jackson Atlanta International Airport

HOT High Occupancy Toll

HPD Historic Preservation Division

HPOWEB Historic Preservation Office GIS Web Service

HSIPR High Speed and Intercity Passenger Rail

HSR High Speed Rail

HUC Hydrologic Unit Codes

I-24 Interstate 24

I-77 Interstate 77

I-285 Interstate 285

I-85 Interstate 85

ICTF Intermodal Container Transfer Facility

IPAC Information, Planning and Conservation System (of the USFWS)

LEP Limited English Proficient

LWCF Land & Water Conservation Fund

LOD Limits of Disturbance

LOS Level of Service

LRTP Long Range Transportation Plan

MACORTS Madison Athens-Clarke Oconee Regional Transportation Study

MAP-21 Moving Ahead for Progress in the 21st Century Act

MARTA Metropolitan Atlanta Rapid Transit Authority

MBTA Migratory Bird Treaty Act

MMPT Multi-modal Passenger Terminal

MOA Memorandum of Agreement

MOE Measure of effectiveness

mph Miles per hour

MPO Metropolitan Planning Organization

MS4s Municipal Separate Storm Sewer Systems

MSAP Multimodal Station Area Plan

MSAT Mobile Source Air Toxics

MSFCMA Magnuson-Stevens Fishery Conservation and Management Act

NAAQS National Ambient Air Quality Standards

NAGPRA Native American Graves Protection and Repatriation Act

NAHRGIS Natural, Archaeological Historical Resources Geographic Information Systems

NCAC North Carolina Administrative Code

NCDEQ North Carolina Department of Environmental Quality

NCDOT North Carolina Department of Transportation

NCRR North Carolina Railroad Company

NEPA National Environmental Policy Act

NFIP National Flood Insurance Program

NGRDC North Georgia Regional Development Center

NHL Database of National Historic Landmarks

NHPA National Historic Preservation Act

NO2 Nitrogen Dioxides

NOx Nitrogen Oxides

NOAA National Oceanic and Atmospheric Administration

NOI Notice of Intent

NPDES National Pollutant Discharge Elimination System

NPS National Park Service

NPV Net Present Value

NRCS National Resources Conservation Service

NRHP National Register of Historic Places

NRI Nationwide Rivers Industry

NRIS National Register Information System

NWI National Wetlands Inventory (of the United States Fish and Wildlife Service)

NS Norfolk Southern Railway

O3 Ozone

OCGA Official Code of Georgia

O&M Operating and Maintenance

P3s Public Private Partnerships

Pb Lead

PE Preliminary Engineering

PFO Palustrine Forested

PEM Palustrine Emergent

PSS Palustrine Scrub-Shrub

PIP/CP Public Involvement and Coordination Plan

PIP Piedmont Improvement Program

PM Particulate Matter

PM2.5 Particulate matter with a diameter of 2.5 micrometers and smaller

PM10 Particulate matter with a diameter of 10 micrometers and smaller

ppm parts per million

PRCIP Passenger Rail Corridor Investment Plan

PRIIA Passenger Rail Investment and Improvement Act

RIBITS Regulatory In-lieu Fee and Bank Information Tracking System

ROD Record of Decision

ROW Right-of-way

RRIF Railroad Rehabilitation and Improvement Financing



RTC Rail Traffic Controller

RTP Regional Transportation Plan

SAFETEA- Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for

LU Users

SC Southern Crescent

SCC Standard Cost Categories

SCDAH South Carolina Department of Archives and History

SCDOT South Carolina Department of Transportation

SCIAA South Carolina Institute of Archaeology and Anthropology

SDP Service Development Plan

SEHSR Southeast High-Speed Rail

SEPA State Environmental Policy Act (of North Carolina)

SFHA Special Flood Hazard Area

SHPO State Historic Preservation Office

SIP State Implementation Plan

SO2 Sulfur Dioxide

SOx Sulfur Oxides

SR State Route

SPARTA Spartanburg Area Regional Transit Agency

SPATS The Spartanburg Area Transportation Study

SRTA State Road and Tollway Authority

STIP State Transportation Improvement Program

STP Surface Transportation Program

STS Special Transportation Service

SWTP Statewide Transportation Plan

TCP Traditional cultural property

TEA-21 Transportation Equity Act for the 21st Century

THPO Tribal Historic Preservation Offices

TIFIA Transportation Infrastructure Finance and Innovation Act

TIGER Topologically Integrated Geographic Encoding and Referencing

TIGER Transportation Investment Generating Economic Recovery

TIP Transportation Improvement Program

TOD Transit-oriented development

TTI Travel time index

UGA University of Georgia

US United States

USACE United States Army Corps of Engineers

USC United States Code

USC University of South Carolina

USDA United States Department of Agriculture

USDOI United States Department of the Interior

USDOT United States Department of Transportation

USEPA United States Environmental Protection Agency

USFS United States Forestry Service

USFWS United States Fish and Wildlife Service

USGS United States Geological Survey

VMT Vehicle miles traveled

VRE Virginia Railway Express

7. GLOSSARY OF TERMS

100-year floodplain – Areas along or adjacent to rivers, streams, or other bodies of water that convey floodwaters during a 100-year frequency storm event.

Accessibility – A measure of how reachable locations or activities are from a given site; it is influenced by changes in travel time, safety, vehicle operating costs, and transportation choice.

Adverse effect – Defined in Section 106 of the National Historic Preservation Act (NHPA) (36 CFR 800.5(a) (1)). An adverse effect to a historic property occurs when the project under consideration alters any characteristic that qualifies the property for inclusion in the National Register of Historic Places in a manner that would diminish the integrity of the property.

Affected environment – Ambient conditions at the time an Environmental Impact Statement is prepared.

Alighting(s) – The act of a passenger disembarking from a transit vehicle; see boarding(s).

Alignment – The ground plan of a roadway, railway or other fixed route.

Ambient air – A physical and chemical measure of the existing concentration of various chemicals in the outside air, usually determined over a specific time period (e.g., one hour, eight hours).

Ambient background noise – The existing cumulative noise that is characteristic of an area based on current activity levels.

Archaeological Resources Protection Act of 1979 (ARPA) – governs the excavation of archaeological sites on federal and Indian lands in the United States, and the removal and disposition of archaeological collections from those sites

Area of Potential Effect (APE) – For purposes of complying with Section 106 of the NHPA, a geographic area or areas where an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties are located in the area of the project. At-grade – level with the ground surface.

Atlanta Approach – The options to accommodate the approach of the three Corridor Alternatives for rail transition into the Atlanta downtown area

Atlanta Regional Commission (ARC) – The Atlanta Regional Commission (ARC) is the regional planning and intergovernmental coordination agency for the 10-county area including Cherokee, Clayton, Cobb, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry and Rockdale counties, as well as the City of Atlanta.



Average Daily Traffic (ADT) - The total traffic volume during a given time period, ranging from 2 to 364 consecutive days, divided by the number of days in that time period, and expressed in vehicles per day.

Best Management Practices – Specific standards utilized during construction and design to minimize the impact on surrounding resources.

Boarding, passenger – The count of passengers embarking onto a transit vehicle or route for the purposes of measuring ridership or fare revenue.

Capital costs – The cost to construct a transportation system such as HSGT. Costs include design fees, vehicle procurement, environmental mitigation, property acquisition, construction materials, and labor for the construction of a project.

Census tract – A small statistical subdivision of a county defined by a local committee of census data users for the purpose of presenting census information every ten years. The census tract boundaries, which are nested within counties, generally follow visible features and governmental unit boundaries.

Centerline – The line corresponding to the central geometric axis of a railroad track, road, trail or other transportation corridor. It is typically used as the reference point for measurements of track dimensions and location.

Clean Air Act of 1970 (CAA) – Legislation mandating the U.S. Environmental Protection Agency (EPA) to set national air quality standards to protect the public against common pollutants. State governments are required to devise clean-up plans to meet these EPA standards.

Clean Air Act Amendment of 1990 (CAAA) – A strategy for the U.S. to address the problem of urban smog. It requires states and the federal government to reduce emissions from automobiles, trucks, buses, ships, barges, and consumer products, and to meet air quality standards. It particularly addresses the urban problem of ozone, carbon monoxide (CO), and particulate matter. It defines how areas are designated "attainment" and allows the EPA to classify "non-attainment" areas as those that do not meet the federal air quality standards.

Corridor Alternative – A generalized area of travel, 600 feet wide, under consideration as the proposed action during the Tier 1 EIS process.

Cross section – The configuration of a transportation corridor (railway, trail, roadway, etc.) that specifies typical widths for tracks/travel lanes, related facilities, buffer areas and total right-of-way.



Comprehensive Plan – A plan required by state law to be used by local municipalities as a guide to decision-making about the natural and built environment.

Commuter rail – A mode of passenger transportation where either diesel or electric-powered locomotives and their associated rail cars use tracks that are part of a general rail network. Commuter rail is distinguished from intercity rail in the relatively smaller geographic scope of service area.

Conformity – A designation given to transportation plans, programs, and projects that conform to federally mandated state air-quality plans.

Congestion Mitigation and Air Quality (CMAQ) – Authorized under the Intermodal Surface Transportation Equity Act (ISTEA), this law provided \$6 billion in funding for surface transportation and other related projects that contribute to improvements in air-quality and reduce congestion. Section 1101 of MAP-21 authorizes funds for the CMAQ program and Section 1105 amends 23 U.S.C. 104(b)(4) and provides for the apportionment of funds.

Council on Environmental Quality (CEQ) – Established in the Executive Office as part of the National Environmental Policy Act of 1969 (NEPA), the council coordinates federal environmental efforts, policies, and initiatives, and ensures that federal agencies meet NEPA requirements.

Cumulative impact – The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions.

Day-lighting – pedestrian safety measure achieved by removing parking spaces adjacent to curbs around an intersection, increasing visibility for pedestrians and drivers and minimizing conflicts.

 $\mathbf{Decibel} - \mathbf{A}$ unit of measure of sound pressure used to describe the loudness of sound on the \mathbf{A} -weighted scale.

Determination of eligibility – The decision made by the State Historic Preservation Office (SHPO) regarding whether historic buildings or districts are eligible for listing or listed in the National Register of Historic Places (NRHP).

Direct effects – Effects that occur as a direct result of the project.

Double-track – The construction of two (usually parallel) transit lines for the purpose of enhancing the efficiency of operations.

Draft Environmental Impact Statement (Draft EIS) – A comprehensive study of potential environmental impacts related to federally assisted projects. Projects for which a DEIS is required are defined in the National environmental Policy Act of 1969, as amended.

Effects – Synonymous with impact, includes the result from actions that may have a beneficial or detrimental outcome.

Endangered species – A species whose prospects for survival are in immediate danger based on a loss of habitat, over-exploitation, predation, competition, or disease. An endangered species requires immediate attention or extinction will likely follow.

Environmental Justice (**EJ**) – Provides for equal protection from environmental hazards and fair treatment for all people regardless of race, ethnicity, or economic status, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment implies that no population of people bear an unequal share of negative environmental impacts of pollution or environmental hazard resulting from industrial, municipal, and commercial operations or the execution of federal, state, or local policies.

Environmental Screening Area – Refers to the geographic areas GDOT evaluated for environmental resources. The Tier 1 EIS generally utilizes a 600-foot wide "environmental screening area" to identify and evaluate impacts to environmental resources; however, the EIS can define environmental screening areas as narrow as 100 feet where constrained by known resources, such as in developed urban areas, or as wide as 1,000 feet, depending on the resource.

Federal Highway Administration (FHWA) – As part of the United States Department of Transportation (USDOT), the FHWA is charged with the broad responsibility of ensuring that America's roads and highways continue to be safe and technologically up-to-date.

Federal Railroad Administration (FRA) – Created by the Department of Transportation Act of 1966 (49 U.S.C. 103, Section 3(e)(1)). Its purposes are to enforce regulations, administer railroad assistance programs, and conduct research and promote rail safety.

Federal Transit Administration (FTA) - As part of the United States Department of Transportation (USDOT), the FTA provides financial and technical assistance to local public transit systems and oversees safety measures.

Freight rail – A mode of freight transportation where either diesel or electric-powered locomotives and their associated rail cars use tracks that are part of a general rail network.

Final Environmental Impact Statement (FEIS) – The document is published following a Draft Environmental Impact Statement (DEIS). It addresses revisions in the design of the proposed project, incorporates public and agency comments received during the public circulation period of the DEIS and during the DEIS public meeting, and identifies the Preferred Corridor Alternative.

Geographic Information Systems (GIS) – A system of computer software and hardware, data, and personnel to manipulate, analyze and present geographically referenced information or data that is identified according to their locations.

Georgia Department of Transportation (GDOT) – The Georgia Department of Transportation plans, constructs, maintains and improves Georgia's road and bridges. The Department also provides support for other modes of transportation such as freight and intercity passenger train service, mass transit and airports, and airport and air safety planning.

Georgia Natural Heritage Program (GNHP) – state-run program that inventories the occurrences and status of rare plant and animal species and native communities in the state.

Grade crossing – An intersection where a roadway crosses a railway at the same elevation.

Grade-separated – Used to describe an alignment that is elevated or below ground, or crossings that use an overpass or an underpass. Grade separation allows traffic or transit vehicles to pass stopping for opposing traffic on the crossed facilities.

Greenspace – general term describing an area of parkland, open space or other type of natural or vegetated land.

Ground-borne vibration and noise – The vibration-induced levels that propagate over ground between the source and a receptor such as a building; typically assessed indoors.

Habitat – The area or environment where an organism or ecological community normally lives or occurs.

High-level platforms – Station platforms constructed at the same level as a typical train-floor, approximately four feet above top of rail. Done to increase passenger boarding and alighting speeds and to comply with the Americans with Disabilities Act.

High Speed Ground Transportation (HSGT) – High Speed Ground Transportation is a mode of transportation that travels at greater speeds than traditional rail technology. The FRA defines HSGT as having the ability to travel at a speed of greater than 110 mph. For the purposes of this Project, HSGT is defined as having the ability to travel at speeds at or above 180 mph. The technology is most often used to move passengers rather than freight, and is a self-guided intercity passenger transportation mode that is time-competitive with air and auto for trips of 100 to 500 miles in length.

Hydric soils – A soil that formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part.



Hydrology indicators – The presence of water at or near the surface for a designated amount of time.

Hydrophytic vegetation – Plant-life that thrives in wet conditions.

Infill –The process of developing vacant or under-used parcels within existing urban areas that are already largely developed.

Intercity – traveling between two cities.

Jurisdictional determination (JD) – Regulatory review of previously identified wetlands and waters of the United States Army Corp of Engineers (USACE) in compliance with Section 404 of the Clean Water Act.

Land use – Classification providing information on land cover and the types of human activity occurring on a parcel of land, such as "commercial," "industrial," "residential," or "open space."

Level of service (LOS) – A letter grade designation used to describe given roadway conditions with "A" being at or close to free-flow conditions and "F" being at or close to over-saturation of the roadway; usually based on the progression of vehicles through the green phase of a signal, driver discomfort/frustration, lost travel time, and fuel consumption.

Low-income – Any household with income at or below the U.S. Bureau of the Census poverty thresholds.

Moving Ahead for Progress in the 21st Century (MAP-21) - Signed into law Public Law 112-141, provides funds for surface transportation programs.

 $\begin{tabular}{ll} \textbf{Metropolitan Atlanta Rapid Transit Authority (MARTA)} - \textbf{The principal rapid transit system} \\ \textbf{in the metropolitan Atlanta region.} \\ \end{tabular}$

Mass transit – Transportation that provides regular and continuing general or special transportation to the public; does not include school buses, charters, or sightseeing transportation.

Master plan – An exhaustive plan that defines a short- and long-term development needs.

Metropolitan Planning Organization (MPO) – The forum for cooperative transportation decision making for a metropolitan area. Title 23 U.S.C. §134 requires that (1) a MPO be designated for each Urbanized Area (UZA) containing 50,000 or more persons based on the latest US Census, and (2) the metropolitan area has a continuing, cooperative and comprehensive transportation planning process.

Micron – A unit of length equal to one millionth (10^{-6}) of a meter.



Minority – A member of the following races: (1) Black or African American, (2) American Indian or Alaska Native, (3) Asian, (4) Native Hawaiian or other Pacific Islander, (5) Hispanic or Latino Origin.

Mitigation – The actions necessary to reduce or eliminate an impact and thereby restoring the affected environment and personnel to manipulate, analyze and present geographically referenced information or data that is identified according to their locations.

Mitigation banking – The restoration, creation, enhancement, and preservation of wetlands and/or other aquatic resources, for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources.

Multi-family – A classification of housing where multiple separate housing units for residential (i.e. non-commercial) inhabitants are contained within one building.

National Environmental Policy Act of 1969 (NEPA) – Requires federal agencies to consider the environmental impacts of major federal projects or decisions, to share information with the public; to identify and assess reasonable alternatives; and to coordinate efforts with other planning and environmental reviews taking place.

Native American Graves Protection and Repatriation Act (NAGPRA) - requires federal agencies and institutions that receive federal funding to return Native American" cultural items" to lineal descendants and culturally affiliated Indian tribes and Native Hawaiian organizations. Cultural items include human remains, funerary objects, sacred objects, and objects of cultural patrimony.

National Historic Preservation Act (NHPA) - Legislation intended to preserve historical and archaeological sites in the United States of America. The act created the National Register of Historic Places, the list of National Historic Landmarks, and the State Historic Preservation Offices

National Register of Historic Places (NRHP) – A federal list of buildings, sites, district or other properties that have a historic significance. The National Register of Historic Places is maintained by the Keeper of the National Register.

No-Build Alternative – The future condition of an area in the absence of a project; assumes that no improvements will be made with the exception of periodic maintenance and minor enhancements needed to maintain safe operation and those already designated in the approved plan.

Norfolk Southern Railway (NS) – A national freight rail company operating within the study area.



Off-peak period – Used to describe times where travel is not at its peak, or highest level, during the day. Off-peak travel usually occurs in the midday and evenings in most cities.

Operating costs – The periodic and usual expenses a company incurs to generate revenues.

Park-and-ride facility – A parking facility that is part of a transportation facility; an access mode for patrons to drive private vehicles to a transportation facility.

Passenger Rail – A passenger railroad service that operates between cities on tracks that are usually part of the general railroad system.

The Project – refers to the Tier 1 EIS for the Atlanta to Charlotte Passenger Rail Corridor Investment Plan

Record of Decision (ROD) – A formal decision made by a lead federal agency based on its interpretation of a Final Environmental Impact Statement (FEIS).

Ridership – The number of people using a public transportation system during a given time period.

River basin – The entire geographical area drained by a river and its tributaries.

Right-of-way (**ROW**) – Land available for operation of transportation facilities (roadways or rail lines). The land is typically government-owned (local, state, or federal). A transportation facility may occupy all or a portion of the right-of-way. ROWs can be grade-separated or at-grade.

Scoping – The effort taken at the beginning of a study to consider all issues that should be addressed in the study. It is the first phase of activity to prepare an Environmental Impact Statement.

Secondary impact – The effect of an action that takes place sometime after a primary event has occurred.

Single-family – Land use characterized by lots containing individual residential homes surrounded by yards.

Southeast High Speed Rail (SEHSR) Corridor – One of eleven USDOT-designated high-speed rail corridors. FRA plans to develop an integrated passenger rail transportation solution for the Southeast with high-speed rail from Washington, DC through Richmond, VA and Charlotte and Raleigh, NC, and from Charlotte to Atlanta, Georgia.

State Historic Preservation Office (SHPO) – A state administrative agency responsible for carrying out consultation in accordance with the National Historic Preservation Act of 1966, as amended and other state historic preservation regulations.



Steel-wheeled – The most common type of transit, characterized by that form of wheel on locomotives running along steel rail.

Stormwater – Runoff water that is generated by a rain event. Storm water discharges include runoff from land, pavements, building rooftops and other surfaces. Storm water runoff can accumulate a variety of pollutants such as oil and grease, chemicals, nutrients, metals, and bacteria as it travels across land before discharging into surface and other receiving waters. Heavy surges in storm water runoff can cause other negative effects, including flooding and erosion, to streams and adjacent low-lying areas, especially in urbanized watersheds.

Study Area – The area containing all reasonable Corridor Alternatives connecting the logical termini under study for the Project, for purposes of evaluating environmental impacts. Therefore, the boundary of the Study Area generally follows I-20 (between Atlanta and Columbia), I-77 (between Columbia and Charlotte), and the Norfolk-Southern rail line (between Charlotte and Atlanta). The Study Area also contains I-85 between Charlotte and Atlanta as well as parts of surrounding metropolitan areas.

Tier 1 Environmental Impact Statement (EIS) – A written statement, required by Section 102 (2) (C) of the NEPA for projects that involve a federal action such as funding. The Tier 1 EIS serves to provide information about significant environmental impacts and informs decision-makers and the public of practical alternatives that would prevent or minimize adverse impacts or improve the quality of the human environment.

Threatened species – A species that may become endangered if surrounding conditions begin or continue to deteriorate.

Topography – The surface features of a place or region.

Wetlands – Tidal areas or swamps with water saturated soil characteristics and associated vegetation that meet certain criteria on which filling and development are federally- and/or state regulated.