



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION III
Delaware, District of
Columbia, Maryland,
Pennsylvania, Virginia,
West Virginia

1760 Market Street
Suite 500
Philadelphia, PA 19103-4124
215-656-7100
215-656-7260 (fax)

August 2, 2018

Mr. Kevin B. Quinn, Jr.
Administrator
Maryland Transit Administration
6 St. Paul Street
Baltimore, Maryland 21202-1614

RE: Purple Line – Tree-Clearing Restrictions

Dear ^{Kevin}Mr. Quinn:

The Federal Transit Administration (FTA) has received Maryland Transit Administration's (MTA) letter and supporting enclosures of July 27, 2018 regarding proposed modifications to tree clearing restrictions for the Purple Line project (Project). As you are aware, FTA's record of decision (ROD) for the Project, prohibits tree clearing from April 1 to August 31. The purpose of this restriction is to minimize potential impacts on nesting migratory birds and forest interior dwelling species. As stated in FTA's March 19, 2014 ROD, any changes to the Project that are inconsistent with the ROD, must be approved in writing by FTA and evaluated in accordance with the National Environmental Policy Act and FTA's environmental regulations at 23 CFR 771.129 and 771.130.

To date, clearing restrictions have been maintained for the Project per the ROD, but at the request of Rosemary Hills Elementary School, MTA is seeking approval from FTA to allow for limited tree clearing during the month of August 2018. Allowing for clearing activities in August, would minimize tree clearing work around the school and it would help avoid potential safety concerns for the children and disruption of school activities once the school year commences on September 4, 2018.

Notably, since issuance of FTA's ROD for the Project, additional coordination with the Maryland Department of Natural Resources (DNR) has been undertaken by MTA, and in a letter dated August 17, 2016 from DNR to MTA, DNR stated that tree clearing restrictions were no longer necessary for the Project. Additionally, the proposed clearing activities are outside of the restricted timeframe for the Northern long-eared bat from FTA's coordination with U.S. Fish and Wildlife Service on February 4, 2016.

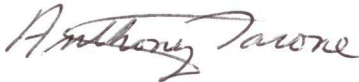
On July 23, 2018 and July 30, 2018 MTA conducted survey work to determine whether any nesting migratory or forest interior dwelling species are present in the proposed area. The survey concluded that it is doubtful that protected species would be affected by tree clearing on August 1, 2018. Based on DNR's August 17, 2016 letter, the results of MTA's recently completed bird survey, and the provided enclosures from your July 27, 2018 letter, FTA approves the proposed tree clearing near the Rosemary Hills Elementary School to occur during the month of August 2018.

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FTA requests that the mitigation monitoring and commitment plan for the project be updated to reflect this change and that the results of the biological survey be shared with appropriate resource agencies. FTA also requests to be notified of when clearing activities will occur and when notifications to the public are made. The ROD for the project continues to be subject to review and while MTA does not anticipate any requests to modify restrictions on tree clearing, MTA must advise FTA if the nature and/or scope clearing activities change. Should you have any questions regarding this letter, please contact Mr. Daniel Koenig, Environmental Protection Specialist, at daniel.koenig@dot.gov or (202) 366-8224.

Sincerely,

A handwritten signature in cursive script that reads "Anthony Tarone".

Anthony Tarone
Deputy Regional Administrator