

Canopy Trail Project
United States National Arboretum,
Washington, D.C.

FONSI Attachment A: Final EA Errata

August 2, 2024

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1. INTRODUCTION

The United States Department of Agriculture (USDA) - United States National Arboretum (USNA) is the lead Federal agency for the preparation and coordination of the Environmental Assessment (EA) (40 CFR § 1501.7) prepared for the proposed Canopy Trail attraction. The National Capital Planning Commission (NCPC) is participating as a cooperating agency (40 CFR § 1501.8) during the EA process to satisfy the NCPC Commission's NEPA obligation for the project. NCPC is also a Consulting Party for the project's concurrent process under Section 106 of the National Historic Preservation Act.

For NCPC to meet its NEPA and Section 106 obligations, proposed projects are subject to NCPC's review and approval process. In the case of the Canopy Trail Project, NCPC's review process consists of two stages: Preliminary Review and Final Review, corresponding with the publication of the Draft EA and Final EA, respectively. Both stages provide NCPC with increasingly detailed information as the project and related NEPA and Section 106 analyses progress. Project materials submitted to NCPC at each stage of the review process are considered public materials, available to the public for review at NCPC's offices and on the NCPC website ([Project Search \(ncpc.gov\)](#)). In addition, the monthly meeting, during which the NCPC Commission reviews project materials, is open to the public with the monthly meeting agenda, meeting minutes, and NCPC Commission's actions posted on the NCPC website. NCPC's review process and project submission requirements for the Canopy Trail Project are described as follows.

NCPC Preliminary Review Process

The Preliminary Review process provides an opportunity for the NCPC staff and the NCPC Commission to review the Canopy Trail Project for consistency with NCPC plans, policies, and planning principles. NEPA and Section 106 submittal requirements at this stage included publication of the USNA Canopy Trail Draft EA for public review and the associated Draft Section 106 Assessment of Effects issued for the Canopy Trail's Section 106 consultation process. The end point of this review is the NCPC Commission's action to either approve or reject the preliminary site and building plans for the Canopy Trail Project. The NCPC Commission has the option to include requirements, recommendations, and requests with its Preliminary Review action. Details on the outcome of the NCPC Preliminary Review are provided below, in the Section "Draft EA Publication and Review".

NCPC Final Review Process

The Final Review process provides an opportunity for the NCPC Commission to confirm design details of the Canopy Trail Project that may have developed since the Preliminary Review. Before the NCPC Commission can provide its final approval of the Canopy Trail Project, it requires the completion of the final NEPA document (i.e., Final EA) and USNA's approved NEPA decision document (i.e., Finding of No Significant Impact [FONSI]). In addition, the Section 106 consultation process for the project must be completed and final documentation for the Section 106 process executed.

2. DRAFT EA PUBLICATION AND REVIEW

On March 29, 2024, the USNA and NCPC published a Draft EA for the proposed Canopy Trail Project, as well as a notice of availability (NOA) of the Draft EA on their respective websites. Public comments were accepted for a 30-day period, from March 29, 2024 to April 28, 2024. During the public comment period, no comments were received by USNA or NCPC.

Concurrent with the publication of the Draft EA was the NCPC’s Preliminary Review process with the NCPC Commission’s review of the Canopy Trail Project scheduled for its May 2, 2024 meeting. On this date, the Commission’s action was to approve the preliminary site and building plans for the Canopy Trail Project. Comments by the NCPC included as a part of its preliminary review approval are shown in **Table 1**, along with the USNA Canopy Trail Project commitments and responses to those comments.

Table 1. NCPC Commission Preliminary Review and Project Commitments

NCPC Commission Preliminary Review Approval and Comments	USNA Canopy Trail Project Commitment and Response
<p>“The project is to be installed in a manner that does not harm existing trees or require tree removal.”</p>	<p>Protection of the existing trees is a priority for the project and only one tree would require removal from the area because it is a safety hazard. As stated on page 6 of the EA:</p> <p>“The three Canopy Trail segments (Phase 1, Phase 2, and Phase 3) would consist of a series of bridges and platforms attached to existing trees. Tree-Mendous Aerial Adventures has developed a construction approach that does not damage the trees used for this type of project and only uses sustainably and locally harvested lumber derived from rot-resistant species. Only trees and free-floating center poles would be used, if needed, to relieve weight from the trees. Proprietary hardware would be used to mount the decks to the trees. This hardware is specially designed to attach to and grow with the trees without impacting their health (Appendix A).”</p>
<p>“The USNA should continue refining the entry building (i.e., treehouse building/ticket booth) to help it further blend into the woodland setting, while meeting programmatic (e.g., Section 106) requirements.”</p>	<p>In response to requests of the Section 106 Consulting Parties, design of the treehouse building/ticket booth, fence, and entry gate continued to be refined to make the structures more sympathetic to the surrounding woodland setting and historic nature of the Arboretum (see FONSI Attachment B). In March 2024, via personal communication between the Commission of Fine Arts (Carlton Hart, Senior Urban Planner) and FONA (Craven Rand, Executive Director), the CFA approved of the treehouse building/ticket booth design as presented in the Draft EA.</p>
<p>“The USNA should provide signage and lighting plans, if applicable, as part of the final project submission.”</p>	<p>Neither signage nor lighting plans are included in the project. Because the Arboretum closes at 5:00 PM each day, additional lighting was not considered necessary. During project implementation of Phase 1, signage would be developed in accordance with the USNA’s wayfinding/signage guidelines.</p>

Project-related materials reviewed by the Commission included a project synopsis, project narrative, project plans, and staff report. These materials, as well as the Commission Action document, are available on the NCPC website ([Project Search \(ncpc.gov\)](https://www.ncpc.gov)) by searching for File Number 8538 or “Canopy Trail”. A copy of the NCPC Commission’s preliminary review approval and the supporting information prepared by NCPC are provided in *Appendix G: Additional Coordination Errata* (see **FONSI Attachment E**).

3. FINAL EA ERRATA PUBLICATION

This document represents the USNA and NCPC's Final EA for the Canopy Trail Project and describes changes to the Draft EA and the nature of those changes. As previously stated, no comments were received on the Draft EA and no substantive changes are required as part of the NCPC's approval of the Canopy Trail Project's preliminary site and building plans. All changes made to the Draft EA are either minor corrections to text or related to the refinement of project design elements required as part of the Section 106 consultation process.

The USNA and NCPC are issuing the Canopy Trail Project's Final EA using errata sheets. The use of errata sheets when changes are minor is consistent with 40 CFR 1503.4(c). The purpose of the Final EA/errata is to correct errors and make other revisions that may be required after publication of the Draft EA. In addition, these changes include updates on and completion of the project's Section 106 consultation process, including minor changes to several draft design plan sheets (Appendix A) and the corresponding revision to those figures provided in the EA. This Final EA/Errata will be included with the USNA's and NCPC's agency decision documents to comprise a full and complete record of the environmental analysis for the Canopy Trail Project. The EA will not be reprinted. Note that where the EA is referred to as a "Draft EA", the issuance of this Final EA/errata amends these references to read as "Final EA".

4. SUMMARY OF CHANGES

Following the publication of the Draft EA, the USNA and NCPC continued consultation under Section 106 of the National Historic Preservation Act as follows.

- All Section 106 correspondence since the Draft EA and Draft Assessment of Effects were submitted via email to the Consulting Parties. The DC HPO asked to see the fence design and once shared, had no comments on the proposed design. The fence design was separated into its own document to share with the Consulting Parties on June 14, 2024.
- Draft Plan Sheets C1.0, Overall Site Plan, and C1.1, Phase I Site Plan, were updated on June 26, 2024 to reflect the current treehouse design footprint and fence locations (see *Appendix A: USNA Canopy Trail Draft Plans Errata* in **FONSI Attachment B**).
- On July 11, 2024, the DC HPO provided a conditional finding of no adverse effect for the Canopy Trail project via email (see **FONSI Attachment C**).
- On July 29, 2024, the DC HPO submitted its final determination of effect for the Build Alternative. The DC HPO concurred with the USDA's determination of no adverse effect on above-ground historic properties, that no archaeological resources were identified, and that no additional archaeological investigations are necessary at this time (see **FONSI Attachment C**). The DC HPO's determination is contingent upon the USNA's fulfillment of the conditions below:
 - 1) The USNA submits a final, full technical Cultural Resources report, revised per DC HPO comments and per DC Archaeology Guidelines.

- 2) The USNA submits to the DC HPO copies of all data generated (digital and paper) of all field notes, associated records, and GIS data for curation, all prepared following DC Archaeology Guidelines and the existing Collections Agreement for this project.
- 3) The USNA will conduct additional consultation with the DC HPO, should project plans change.
- 4) If any type of post-review / unanticipated archaeological discovery is made during construction, the USNA will immediately contact the DC HPO.

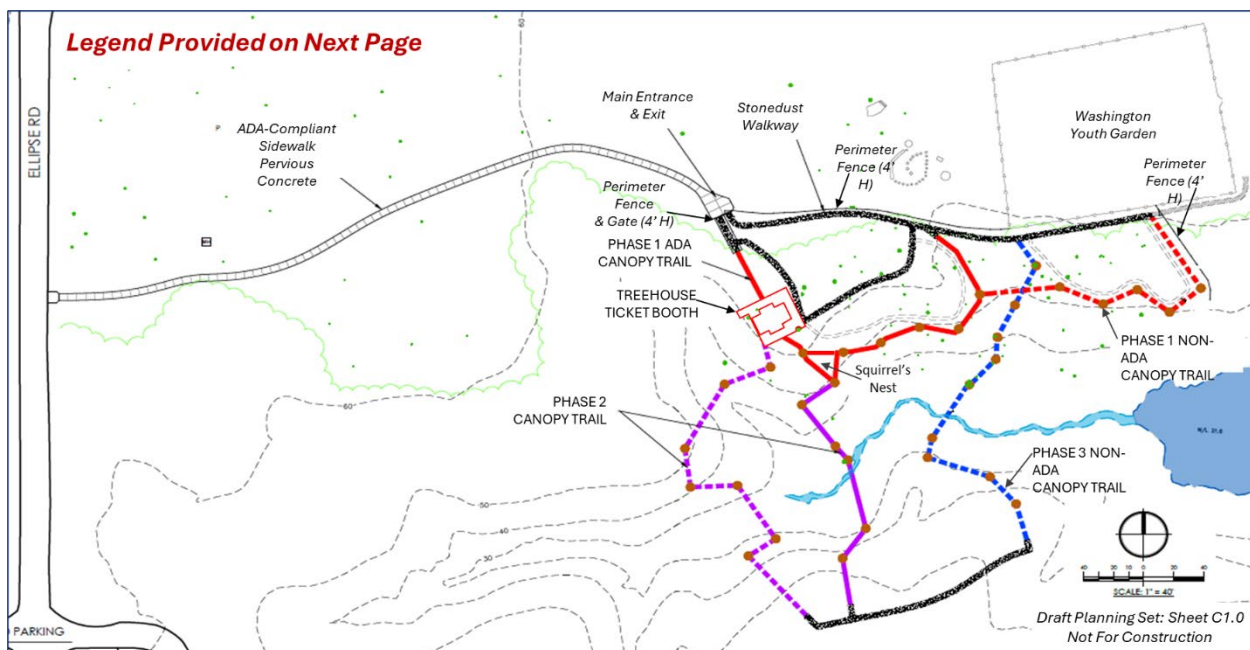
Following USNA’s receipt of the DC HPO’s determination of no adverse effect, the requested materials will be submitted to the DC HPO, in the appropriate format, in August 2024. In addition, the USNA commits to additional consultation with DC HPO should the Build Alternative plans change and/or should an unanticipated archaeological discovery be made during construction.

Several pages in this Final EA/Errata have been updated from the Draft EA with new or corrected material. Page numbers referenced pertain to the Draft EA released to the public for review on March 29, 2024. Original text from the Draft EA is included to provide context and to allow for comparison to the text change. Changes are in red with additions to text underlined and deleted text shown by ~~strikeout~~.

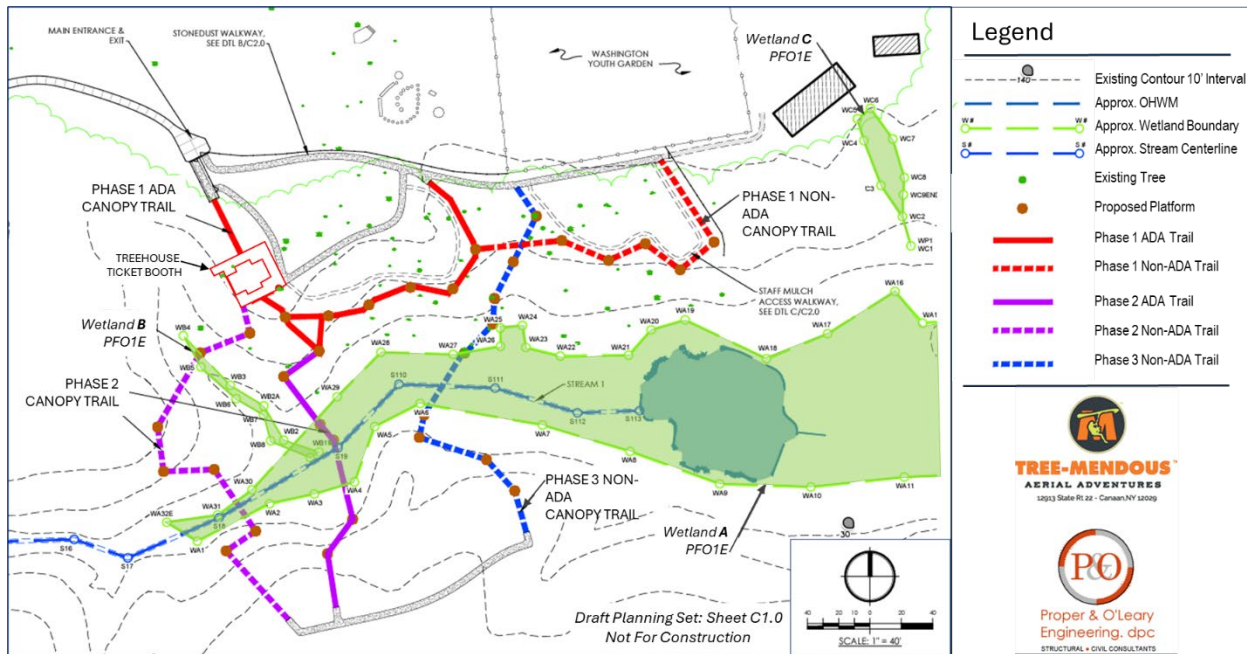
4.1 Revised Exhibits

EA Exhibit 2-1 and EA Exhibit 3-5 have been revised to reflect the treehouse ticket booth footprint design modification requested by the Section 106 Consulting Parties.

Revised Final EA Exhibit 2-1. Build Alternative – Proposed Canopy Trail Network



Revised Final EA Exhibit 3-5. Surface Water and Wetlands



4.2 Revised Rare, Threatened, and Endangered Species – Bald Eagles

Draft EA Section 3.2.2 Environmental Consequences

On Draft EA page 24, the construction activity time of year restriction for bald eagles was mistakenly stated to extend from December 15 to June 31 for the breeding season. The correct period is from December 15 to June 31 and applies to the combined breeding and fledging season. The text is revised to read as follows.

The USFWS’s *National Bald Eagle Management Guidelines* recommends seasonal restrictions for activities that have temporary impacts, such as the use of loud machinery (e.g., construction activities). These types of activities can generally be conducted outside of the breeding season without causing disturbance to the eagles (USFWS 2007). Therefore, measures to minimize harm include scheduling onsite construction activities outside of the bald eagle breeding **and fledging** season (i.e., no construction activity from December 15 to **July 1 June-31**) (USFWS 2023e). Onsite construction activities would be relatively short in duration (approximately five to six months). Vegetation removal and physical disturbance of the site would be minimal. No timber cutting, land clearing or grading, or road construction is proposed. No loud and heavy earth-moving equipment would be needed for construction, minimizing noise disturbances to the eagles. Temporary construction activities are not expected to have permanent adverse effects on the eagles.

Therefore, the Build Alternative would not likely adversely affect the nesting pair of eagles, given the combination of existing and proposed factors (steep terrain, tree cover, distance, existing human activity in the vicinity of the eagle nest, time-of-year construction restrictions during the eagle’s

breeding and fledging season, and compliance with USFWS’s activity category impact minimization measures). Neither temporary trail construction nor the permanent operation activities of the attraction, individually or combined, are anticipated to agitate or bother the nesting pair of eagles to a degree that interferes with or interrupts normal breeding, feeding, or sheltering habits (i.e., nest abandonment). As such, the Build Alternative is not anticipated, with reasonable certainty, to cause incidental take of bald eagles, avoiding the need for a Bald Eagle Incidental Take Permit from the USFWS.

4.3 Revised Cultural and Historic Resources

Draft EA Section 3.11.2 Environmental Consequences

On Draft EA page 47, the second photo in Exhibit 3-15 incorrectly described the view of the Grove of State Trees as looking north. It should have stated the view was looking south.



On Draft EA page 48, the fourth paragraph from the top of the page was revised to include an update of additional consulting party consultation and design modifications. The paragraph now reads as follows.

The treehouse design was modified a third time, taking into consideration the comments, concerns, and suggestions provided at the December 2023 meeting. The current treehouse building/ticket booth design under consideration was shared with the consulting parties in March 2024 via email and is shown in Exhibit 2-5 (Appendix A, Sheet B1.0) of the Draft EA. Feedback on this design from the consulting parties was positive. In June 2024, additional details on the perimeter fence and entry gate designs were shared with the consulting parties via email. Feedback from DCHPO, DOEE, and NCPC was also positive (see FONSI Attachment B for revised draft plan sheets and see FONSI Attachment C for subsequent consulting party letters).

The basis for USDA’s Section 106 final determination of effect provided to the DC HPO was inserted on Draft EA page 49 as follows.

On June 27, 2024, the USDA submitted its Section 106 determination of effect letter to the DC HPO for their consideration. The USDA copied the consulting parties in the distribution of the letter. The USDA's letter stated:

"The USDA has determined that the proposed Project will have a direct effect on the NRHP-listed National Arboretum, however, that the effect will not be adverse. The LOD is a densely vegetated forest area with steep inclines down to a ravine with water collecting at the bottom. The Canopy Trail will be built using natural materials, such as Black Locust logs, that are designed to blend into the existing environment. While visibility of the trail will be greater in the winter months, it is still not likely that the Canopy Trail will adversely affect character-defining USNA viewsheds from any portion of the APE.

The forest where the Canopy Trail will be located is not a designed feature like the nearby National Grove of State Trees, and instead, it has been allowed to grow freely for many decades. The Washington Youth Garden is the closest built resource to the proposed trail entrance, and its existing wood-chipped trail and play area will be improved during this project. The Canopy Trail is designed to blend into the existing natural area and will not extend higher than the current tree canopy. Vegetative clearance will be minimal, if at all. Tree-Mendous prides itself on providing a nature experience, and the purpose of the project is to immerse people in nature without disturbing the dense forest as it exists today. The USDA has assessed effects for all stages of the phased installation approach to the proposed Canopy Trail project. In conclusion, the proposed Canopy Trail Project will have no adverse effect on historic properties.

In accordance with Section 106 of the NHPA and its implementing regulations (36 CFR § 800), the USDA requests concurrence from the DC HPO on its determination of no adverse effect for the Project." (FONSI Attachment C).

On Draft EA pages 49 and 50, following the insertion of the USDA's Section 106 final determination of effect letter to the DC HPO, the following changes were made to incorporate the DC HPO's final Section 106 determination of effect concurrence.

Neither USDA nor NCPC anticipate the Build Alternative would have an adverse effect to historic resources, either directly, indirectly, or cumulatively. Section 106 consultation with the District of Columbia Historic Preservation Office (DCHPO), CFA, NCPC, DCPL, DOEE and others is ongoing. Their concurrence of this recommendation is anticipated following their review of the Draft EA. The Final EA will not be prepared until the Section 106 process has been completed to the satisfaction of the consulting parties.

In its July 29, 2024 response to USDA, the DC HPO concurred with the USDA's determination of no adverse effects on above-ground historic properties, that no archaeological resources were identified, and that no additional archaeological investigations are necessary at this time (see FONSI Attachment C). The DC HPO's concurrence is contingent upon the USNA's fulfillment of the conditions below:

- 1) The USNA submits to DC HPO a final, full technical Cultural Resources report, revised per DC HPO comments and per DC Archaeology Guidelines.

- 2) The USNA submits to the DC HPO copies of all data generated (digital and paper) of all field notes, associated records, and GIS data for curation, all prepared following DC Archaeology Guidelines and the existing Collections Agreement for this project.
- 3) The USNA will conduct additional consultation with the DC HPO, should project plans change.
- 4) If any type of post-review / unanticipated archaeological discovery is made during construction, the USNA will immediately contact DC HPO.

Following USNA's receipt of the DC HPO's determination of no adverse effect, the requested materials will be submitted to the DC HPO, in the appropriate format, in August 2024. In addition, the USNA commits to additional consultation with DC HPO should the Build Alternative plans change and/or should an unanticipated archaeological discovery be made during construction.

In summary, the proposed Canopy Trail Project would have no adverse effect on historic properties, thus concluding the Section 106 process. In the absence of future design changes, no additional coordination or consultation under the NHPA is required for the proposed Canopy Trail Project.

4.4 Revised Conclusion

Draft EA Section 4 Conclusion

The DC HPO's determination of no adverse effect on historic properties was incorporated into Section 4.0 Conclusion, Draft EA pages 56 and 57. The second paragraph in this section was revised as follows.

The Canopy Trail Project, as proposed in the Build Alternative, would help meet the mission of the USNA and the goals of the U.S. National Arboretum Strategic Plan 2013-2017, as well as the concept Master Plan Update & Core Framework (Draft) which was previously reviewed by NCPC in April 2021. The USNA plans to submit a more refined concept Master Plan and Transportation Management Plan (TMP) to NCPC in the future. The Build Alternative would contribute to the expansion of recreational and educational opportunities within the Arboretum and the surrounding area. Revenue generated by the proposed Canopy Trail Project would be distributed to the Arboretum to help support its missions and goals. The overall adverse impact of the Build Alternative would be minimal, given the nature of the proposed action: there would be minimal creation of impervious surfaces; there would be minimal ground-disturbing activities during construction and none post-construction; impacts to air quality and noise would be minimal during construction and absent post-construction; canopy trails would avoid physical disturbance of wetlands and WOUS by bridging over these resources; limited ground-disturbing activities would minimize the potential for erosion and sedimentation during and post-construction; on July 29, 2024, the DC HPO concurred with USDA's determination of no adverse effect on above-ground historic properties, that no archaeological resources were identified, and that no additional archaeological investigations are necessary at this time pending; adherence to time-of-year restrictions for construction activities and minimal alteration of existing vegetation minimize potential impacts to the nesting pair of bald eagles and migratory bird species; and a determination of NLAA the NLEB has been provided by the USFWS.

4.5 Final EA Appendix A: USNA Canopy Trail Draft Plans Errata (see FONSI Attachment B)

After the publication of the Draft EA, changes were made to several draft plan sheets in Appendix A. The changes reflect requests made by the Section 106 Consulting Parties to either provide additional design detail or to modify the earlier design to be more consistent with the historic context and setting of the National Arboretum. The nature of the changes is described below.

- [Sheet C1.0 Replaced on 6/24/2024: The footprint of the entry treehouse and ticket booth was revised to mirror the revised design footprint.](#)
- [Sheet C1.1 Replaced on 6/24/2024: The footprint of the entry treehouse and ticket booth was revised to mirror the revised design footprint.](#)
- [Sheet C2.0 Replaced Fence Image on 6/24/2024: The perimeter fence and access gate designs were revised to show greater design detail.](#)
- [Sheet G1.0 Replaced Fence Image on 6/24/2024: The perimeter fence and access gate designs were revised to show greater design detail.](#)

The revised draft plan sheets are included as errata in **FONSI Attachment B**

4.6 Final EA Appendix E: Section 106 Coordination Errata (see FONSI Attachment C)

The Section 106 Consultation Process continued after the publication of the Draft EA. Consultation materials added since the Draft EA include:

- [DC HPO Section 106 Review Form to USNA acknowledging concurrence with USDA's final determination of no adverse effect. July 29, 2024.](#)
- [Email from DCHPO stating conditional concurrence on USDA Section 106 Final Determination of Effects. July 11, 2024.](#)
- [USDA Section 106 Final Determination of Effects concurrence request to DCHPO. June 27, 2024.](#)
- [Email package copying Consulting Parties on USDA Section 106 Final Determination of Effects concurrence request to DCHPO. June 27, 2024.](#)
- [Email discussions and coordination among Section 106 Consulting Parties regarding approval of proposed design modifications. June 24, 2024 through June 26, 2024.](#)
- [USNA Canopy Trail Section 106 Draft Determination of Effects Letter to DCHPO requesting concurrence on USDA Draft Determination of Effects. March 29, 2024.](#)

The new consultation letters are included as errata in **FONSI Attachment C**.

4.7 Final EA Appendix F: Final Cultural Resources Report (see FONSI Attachment D)

In the Draft EA, Appendix F consisted of the Draft Phase I Cultural Resources Report. On July 23, 2024, the report was made final following approval by the DC HPO. The Final Phase I Cultural Resources Report is included in its entirety in **FONSI Attachment D**.

4.8 Final EA Appendix G: Additional Coordination Errata (see FONSI Attachment E)

After publication and public review of the Draft EA, the NCPC Commission conducted its review of the Canopy Trail Project for consistency with NCPC plans, policies, and planning principles. NCPC staff prepared multiple supporting documents for the NCPC Commission's review. As previously stated, the NCPC Commission approved the preliminary project information and plans. The NCPC Commission's preliminary approval decision, as well as the NCPC staff's supporting documents, are included as errata **FONSI Attachment E**.