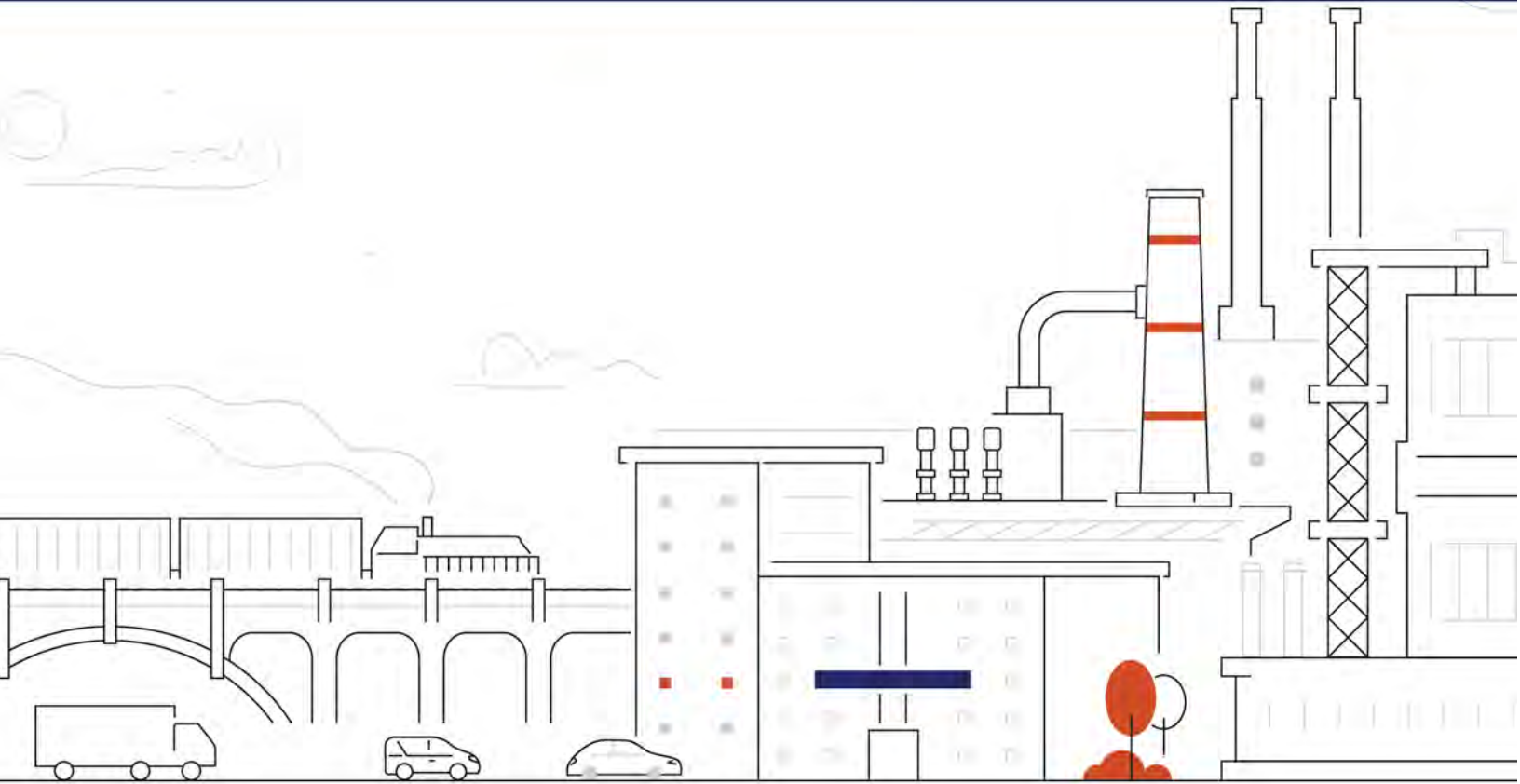


Appendix E.

State Historic Preservation Office and Consulting Parties Correspondence since Publication of the Environmental Assessment





History Colorado

Ms. Jane Hann
Manager, Environmental Programs Branch
Colorado Department of Transportation
2829 W. Howard Pl., 4th Floor
Denver, Colorado 80204

RE: Additional NRHP Eligibility Comments from Consulting Party
Vasquez Boulevard (US 6): I-270 to 64th Avenue NEPA and Design (Vasquez Blvd.: I-270 to 64th Ave. Project), Commerce City, Adams County
CDOT Project No. STU NHPP 006A-069 / Subaccount No. 22922
History Colorado No. 80982

Dear Ms. Hann:

Thank you for your correspondence dated and received December 22, 2023, regarding consultation for the aforementioned project under Section 106 of the National Historic Preservation Act of 1966, as amended (54 USC § 306108), and its implementing regulations, 36 CFR Part 800.

We understand that during the course of consultation in accordance with the National Environmental Policy Act for the aforementioned undertaking, a consulting party provided additional information regarding two properties that CDOT identified during consultation for Section 106. After reviewing the consulting party's comments (dated December 15, 2023) as well as your letter of December 22, 2023, we remain in concurrence with your determinations that 5AM.4046 and 5AM.4073 are *not eligible* for inclusion in the National Register of Historic Places under any of the four Criteria for Evaluation (see 36 CFR § 60.4).

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR §800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings. Please note that our compliance letter does not end the 30-day review period provided to other consulting parties.

Thank you for the opportunity to comment. If we may be of further assistance, please contact Mitchell K. Schaefer, Section 106 Compliance Manager, at (303) 866-2673 or mitchell.schaefer@state.co.us.

Sincerely,

Dr. Holly Kathryn Norton

Dawn DiPrince
State Historic Preservation Officer

Digitally signed by Dr. Holly Kathryn Norton
Date: 2024.01.18 10:48:31 -07'00'



COLORADO

Department of Transportation

Region 1
Planning & Environmental
2829 W. Howard Place
Denver, CO 80204-2305

December 22, 2023

Ms. Dawn DiPrince
State Historic Preservation Officer
History Colorado
1200 Broadway
Denver, CO 80203

*RE: Additional Eligibility Comments, Vasquez Blvd. (US 6): I-270 to 64th Ave.
City of Commerce City, Adams County
CDOT Project No. STU NHPP 006A-069, SA #22922
History Colorado No. 80982*

Dear Ms. DiPrince,

This letter and the attached documents provide the State Historic Preservation Officer (SHPO) with additional comments related to the Colorado Department of Transportation (CDOT)'s Vasquez Boulevard (US 6) I-270 to 64th Ave. Project in Commerce City. The comments, which relate to National Register of Historic Places (NRHP) Eligibility, were received after completion of the Section 106 (36 CFR 800) consultation but during the Environmental Assessment (EA) public review under the National Environmental Policy Act (NEPA). CDOT is serving as the lead agency under Section 106 on behalf of the Federal Highway Administration (FHWA) for this project. Note that one of the properties in question, 5AM.4046, was coordinated with your office as part of I-270 EA Section 106 consultation (HC#79271).

Project Background and Prior Consultation

- I-270 EA Area of Potential Effects (APE) and Eligibility HC #79271: SHPO Concurrence letter dated March 5, 2021
- Vasquez Boulevard (US 6) I-270 to 64th Ave APE and Eligibility HC #80982: SHPO Concurrence letter dated March 1, 2022
- Vasquez Boulevard (US 6) I-270 to 64th Ave EA Public Comment Period: November 9 – December 15, 2023

See *Attachment A. Prior Eligibility Consultation Materials.*

December 2023 Comments

The additional comments CDOT received that relate to the Section 106 process are dated December 15, 2023, and concern the NRHP eligibility of two properties within the project's Area of Potential Effect (APE): Pepper Tank Company Building at 5699 Dexter St. (5AM.4046) and Pepper Tank Co./Banderet Equipment Co. at 4500 E. 60th Ave. (5AM.4073). The comments include additional historical background information and "encourage reconsideration of whether these properties are eligible for historic designation." See *Attachment B. Comments on EA Re Eligibility.*

As requested in the comments, CDOT will provide the additional survey forms (5AM.4046 and 5AM.4047) completed as part of HC#79271. All other questions raised in the comments, including those related to Section 4(f) of the US Department of Transportation Act of 1966, will be addressed by CDOT in consultation with the Federal Highway Administration (FHWA) as part of the EA process.

Eligibility and Additional Historical Background

We first address the comments as they relate to both properties, given that both properties were constructed by the Pepper Tank Company in 1964 and the new historical information relates to both equally. We then discuss determinations of eligibility for each property. See *Attachment C. Site Forms*.

The comments state that 5AM.4046 and 5AM.4073 “arguably are associated with events that have made significant contribution to broad patterns of history [NRHP Criterion A] or with the life of a person significant to the past of Commerce City [Criterion B].” CDOT has reviewed the additional historical information provided and has determined that this information does not provide new evidence of significance under Criterion A or Criterion B as they relate to either property.

Criterion A: The areas of significance which could apply to these properties, as described in the *National Register of Historic Places Bulletin 15: How to Apply the National Register Criteria for Evaluation* include commerce, economics, ethnic heritage, and industry. The new historical information does not demonstrate the importance of the Pepper Tank Company to the commercial, economic and industrial growth of Commerce City beyond what CDOT had already established and provided your office in consultation, in 1403 Architectural Inventory Forms and in the Historic Cultural Resource Survey Report.

The comments do not demonstrate the significance of the Pepper Tank Company above the many businesses that were founded or moved to Commerce City during the 1940s-1960s. No historical evidence, such as employment numbers, statewide, regional or national importance of the business, or impact on local economic or industrial growth, is provided. The new information discusses Joseph Pepper’s early investment in Commerce City in the 1940s, and the Pepper Company’s longstanding business interests in the community, from the 1940s continuing to this day, “spanning five generations.” However, such a commitment and longstanding interest does not demonstrate a significant contribution to the economic or industrial development of Commerce City. Though Joseph Pepper was a Jewish immigrant from Russia, this property is not significant for that association, and no new information is provided to clarify that association. The religion and ethnicity are provided when there is a possibility of significance in that area; other survey forms may not have found anything notable to include.

The comments discuss the donation of a parcel of land to Commerce City as part of Sand Creek Regional Greenway in 1997 by the Pepper Tank Company. The donated land is not directly associated, located on, or adjacent to, the two properties in question. The donation provides no evidence of historical importance of the Pepper Tank Company or of the significance of members of the Pepper Family to our past.

Criterion B: The information provided confirms that Joseph Pepper was a successful businessman and entrepreneur. However, there were many successful entrepreneurs and business owners in the Denver area, and in Commerce City, in the 1940s and through the post-war era. As stated in *NRHP Bulletin 15*, “A property is not eligible if its only justification for significance is that it was owned or used by a person who is a member of an identifiable profession, class, or social or ethnic group. It must be shown that the person gained importance within his or her profession or group.” The information does not provide sufficient evidence of Joseph Pepper’s importance within the business community beyond what has already been documented in the survey forms and report.

As stated in *NRHP Bulletin 15*, “Each property associated with an important individual should be compared to other associated properties to identify those that best represent the person's historic contributions.” Many modest commercial buildings, such as these, were constructed as part of growing businesses in Commerce City in the post-war era—mere association with a successful entrepreneur does not make such modest properties eligible. In this case, the Pepper Company owned multiple buildings in Commerce City and the new information does not demonstrate a more significant association between

these buildings and Joseph Pepper over the other properties owned by the Pepper Company even if Joseph Pepper were found to be significant in our past.



Figure 1. Photo of 5AM.4046 main building view northwest, courtesy Mead & Hunt 2019.

Pepper Tank Company Building (5AM.4046): This commercial property, located at 5699 Dexter St., includes two modest commercial buildings constructed in 1964 and a storage shed constructed in 1984. CDOT determined that the property did not have significance under NRHP Criteria A, B, C, or D and was *not eligible* for inclusion in the NRHP. The SHPO concurred in March 2021.

As described above, the additional information does not change CDOT's determination of significance under the NRHP Criteria for this property. CDOT determines that 5AM.4046 remains *not eligible* for listing in the NRHP.

Pepper Tank Co./Banderet Equipment Co. (5AM.4073): This commercial property, located at 4500 E. 60th Ave., includes one modest metal-clad commercial building constructed in 1964. CDOT determined that the property did not have significance under NRHP Criteria A, B, C, or D and was *not eligible* for inclusion in the NRHP. The SHPO concurred in March 2022.



Figure 2. Photo of 5AM.4073 view south, courtesy Kristi Miniello 2020

As described above, the additional information does not change CDOT's determination of significance under the NRHP Criteria for this property. CDOT determines that 5AM.4046 remains *not eligible* for listing in the NRHP.

Summary

We are concurrently sending these comments and our updated eligibility determinations to Commerce City and Adams County, the consulting parties for this project. We request your formal concurrence with CDOT's determinations of eligibility as described in this letter. If you have any questions or require additional information, please contact Jamie Shapiro at (303) 512-4672 or jamie.shapiro@state.co.us.

Sincerely,

Danny Herrmann for

Lisa Streisfeld
Region 1 Environmental Manager

Enclosed: Attachment A: Prior Eligibility Consultation Materials
Attachment B: Comments on EA Re Eligibility
Attachment C: Site Forms



Ms. Vanessa Henderson
Region 1 Environmental Manager
Colorado Department of Transportation
2829 W. Howard Place
Denver, Colorado 80204

RE: I-270 Environmental Assessment
Commerce City and Adams County, Colorado
CDOT No. STU 2706-043 (Subaccount 23198)
History Colorado No. 79271

Dear Ms. Henderson:

Thank you for your correspondence dated February 5, 2021, which our office received on February 5, 2021, regarding the review of the aforementioned project under Section 106 of the National Historic Preservation Act of 1966, as amended (54 USC § 306108), and its implementing regulations, 36 CFR Part 800.

We have reviewed all documentation submitted for this project and agree the defined area of potential effect (APE) is appropriate for the undertaking.

DETERMINATIONS OF ELIGIBILITY

Twenty (20) previously identified properties are located within the project APE. All twenty were determined *not eligible* for inclusion in the National Register of Historic places in 2007:

5AM.1363	5AM.1842	5AM.1847	5AM.1893	5AM.1904
5AM.1416	5AM.1843	5AM.1848	5AM.1894	5AM.1905
5AM.1417	5AM.1845	5AM.1891	5AM.1895	5AM.1906
5AM.1418	5AM.1846	5AM.1892	5AM.1899	5AM.1907

We concur with your recommendations of eligibility regarding fifty-one (51) properties identified within the project APE. The following thirty-nine (39) properties are *not eligible* for inclusion in the National Register of Historic Places under any of the four Criteria for Evaluation:

5AM.1849	5AM.4038	5AM.4048	5AM.4111	5AM.4121.1
5AM.1850	5AM.4039	5AM.4049	5AM.4112	5AM.4122
5AM.4031	5AM.4040	5AM.4050	5AM.4113	5AM.4144
5AM.4032	5AM.4041	5AM.4070	5AM.4114	5AM.4145
5AM.4034	5AM.4042	5AM.4107	5AM.4115	5AM.4146
5AM.4035	5AM.4043	5AM.4108	5AM.4116	5AM.4147
5AM.4036	5AM.4045	5AM.4109	5AM.4117	5AM.4148
5AM.4037	5AM.4046	5AM.4110	5AM.4118	

HISTORY COLORADO

Five (5) segments—5AM.464.21, 5AM.465.9, 5AM.472.41, 5AM.1298.3, and 5AM.2410.2—*support* the integrity of the respective overall linear resources.

Four (4) segments—5AM.1292.2, 5AM.3924.2, 5AM.3924.3, and 5AM.4101.2—*do not support* the integrity of those respective overall linear resources.

Two (2) properties—5AM.4047 and 5AM.4119—are individually *eligible* for inclusion in the National Register of Historic Places under Criterion C and Criterion A, respectively.

Due to issue regarding access, the project consultant was unable to comprehensively survey, document, and evaluate the Suncor Energy facility (5AM.4044). We concur a finding of *needs data* is appropriate for that property and understand such shall be treated as eligible for purposes of this Section 106 review.

ASSESSMENT OF EFFECTS

We concur the undertaking will result in no historic properties affected for the following fifty-nine (59) properties:

5AM.1363	5AM.1893	5AM.4034	5AM.4048	5AM.4115
5AM.1416	5AM.1894	5AM.4035	5AM.4049	5AM.4116
5AM.1417	5AM.1895	5AM.4036	5AM.4050	5AM.4117
5AM.1418	5AM.1899	5AM.4037	5AM.4070	5AM.4118
5AM.1842	5AM.1904	5AM.4038	5AM.4107	5AM.4121.1
5AM.1843	5AM.1905	5AM.4039	5AM.4108	5AM.4122
5AM.1845	5AM.1906	5AM.4040	5AM.4109	5AM.4144
5AM.1846	5AM.1907	5AM.4041	5AM.4110	5AM.4145
5AM.1847	5AM.1849	5AM.4042	5AM.4111	5AM.4146
5AM.1848	5AM.1850	5AM.4043	5AM.4112	5AM.4147
5AM.1891	5AM.4031	5AM.4045	5AM.4113	5AM.4148
5AM.1892	5AM.4032	5AM.4046	5AM.4114	

We concur the undertaking as described will result in *no adverse effect* to the following eleven (11) properties (those marked with an asterisk * are linear resources):

5AM.464*	5AM.1292*	5AM.3924*	5AM.4101*
5AM.465*	5AM.1298*	5AM.4044	5AM.4119
5AM.472*	5AM.2410*	5AM.4047	

SECTION 4(f)

Lastly, we acknowledge the Federal Highways Administration (FHWA) may use a few different findings to fulfill responsibilities under Section 4(f) of the U.S. Department of Transportation Act of 1966, as amended, and its implementing regulations 23 CFR Part 774.

- We understand FHWA may use the *Historic Transpiration Facility Exception* regarding: 5AM.4101; 5AM.3924; 5AM.2410; 5AM.464; 5AM.472; 5AM.4119; and 5AM.1298.



- We understand FHWA may use the *Temporary Occupancy Exception* for 5AM.4044 and 5AM.465. We agree the requirements are met to use this exception under Section 4(f).
- We understand FHWA may use a *de minimis* finding for 5AM.1292.

Should unidentified archaeological resources be discovered in the course of the project, work must be interrupted until the resources have been evaluated in terms of the National Register eligibility criteria (36 CFR §60.4) in consultation with our office pursuant to 36 CFR §800.13. Also, should the consulted-upon scope of the work change, please contact our office for continued consultation under Section 106 of the National Historic Preservation Act.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR §800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings. Please note that our compliance letter does not end the 30-day review period provided to other consulting parties.

Determinations of National Register eligibility subject to this letter were made in consultation pursuant to the implementing regulations of Section 106 of the National Historic Preservation Act, 36 CFR Part 800. Please note other Federal programs such as the National Register of Historic Places and the Federal Investment Tax Credit Program may have additional documentation and evaluation standards. Final determinations remain the responsibility of the Keeper of the National Register.

Thank you for the opportunity to comment. If we may be of further assistance, please contact Mitchell K. Schaefer, Section 106 Compliance Manager, at (303) 866-2673 or mitchell.schaefer@state.co.us.

Sincerely,

Dr. Holly Kathryn Norton

Steve Turner, AIA
State Historic Preservation Officer

Digitally signed by Dr. Holly Kathryn Norton
Date: 2021.03.05 16:33:33 -07'00'

ST/mks



COLORADO
Department of Transportation

Region 1
Planning & Environmental
2829 W. Howard Place
Denver, CO 80204-2305

December 22, 2023

Ms. Jen Rutter
Adams County Planning and Development Director
4430 S. Adams County Parkway
Brighton, CO 80601

Jennifer Jones
Commerce City
7887 E. 60th Ave.
Commerce City, CO 80022

*RE: Additional Eligibility Comments, Vasquez Blvd. (US 6): I-270 to 64th Ave.
City of Commerce City, Adams County
CDOT Project No. STU NHPP 006A-069, SA #22922
History Colorado No. 80982*

Dear Ms. Rutter and Ms. Jones,

This letter and the attached documents provide additional comments related to the Colorado Department of Transportation (CDOT)'s Vasquez Boulevard (US 6) I-270 to 64th Ave. Project in Commerce City. The comments, which relate to National Register of Historic Places (NRHP) Eligibility, were received after completion of the Section 106 (36 CFR 800) consultation but during the Environmental Assessment (EA) public review under the National Environmental Policy Act (NEPA). CDOT is serving as the lead agency under Section 106 on behalf of the Federal Highway Administration (FHWA) for this project. We are contacting you as a consulting party.

Project Background and Prior Consultation

- I-270 EA Area of Potential Effects (APE) and Eligibility HC #79271: SHPO Concurrence letter dated March 5, 2021
- Vasquez Boulevard (US 6) I-270 to 64th Ave APE and Eligibility HC #80982: SHPO Concurrence letter dated March 1, 2022
- Vasquez Boulevard (US 6) I-270 to 64th Ave EA Public Comment Period: November 9 – December 15, 2023

See *Attachment A. Prior Eligibility Consultation Materials.*

December 2023 Comments

The additional comments CDOT received that relate to the Section 106 process are dated December 15, 2023, and concern the NRHP eligibility of two properties within the project's Area of Potential Effect (APE): Pepper Tank Company Building at 5699 Dexter St. (5AM.4046) and Pepper Tank Co./Banderet Equipment Co. at 4500 E. 60th Ave. (5AM.4073). The comments include additional historical background information and "encourage reconsideration of whether these properties are eligible for historic designation." See *Attachment B. Comments on EA Re Eligibility.*

As requested in the comments, CDOT will provide the additional survey forms (5AM.4046 and 5AM.4047) completed as part of HC#79271. All other questions raised in the comments, including those related to Section 4(f) of the US Department of Transportation Act of 1966, will be addressed by CDOT in consultation with the Federal Highway Administration (FHWA) as part of the EA process.

Eligibility and Additional Historical Background

We first address the comments as they relate to both properties, given that both properties were constructed by the Pepper Tank Company in 1964 and the new historical information relates to both equally. We then discuss determinations of eligibility for each property. See *Attachment C. Site Forms*. The comments state that 5AM.4046 and 5AM.4073 “arguably are associated with events that have made significant contribution to broad patterns of history [NRHP Criterion A] or with the life of a person significant to the past of Commerce City [Criterion B].” CDOT has reviewed the additional historical information provided and has determined that this information does not provide new evidence of significance under Criterion A or Criterion B as they relate to either property.

Criterion A: The areas of significance which could apply to these properties, as described in the *National Register of Historic Places Bulletin 15: How to Apply the National Register Criteria for Evaluation* include commerce, economics, ethnic heritage, and industry. The new historical information does not demonstrate the importance of the Pepper Tank Company to the commercial, economic and industrial growth of Commerce City beyond what CDOT had already established and provided your office in consultation, in 1403 Architectural Inventory Forms and in the Historic Cultural Resource Survey Report.

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Criterion B: The information provided confirms that Joseph Pepper was a successful businessman and entrepreneur. However, there were many successful entrepreneurs and business owners in the Denver area, and in Commerce City, in the 1940s and through the post-war era. As stated in *NRHP Bulletin 15*, “A property is not eligible if its only justification for significance is that it was owned or used by a person who is a member of an identifiable profession, class, or social or ethnic group. It must be shown that the person gained importance within his or her profession or group.” The information does not provide sufficient evidence of Joseph Pepper’s importance within the business community beyond what has already been documented in the survey forms and report.

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businesses in Commerce City in the post-war era—mere association with a successful entrepreneur does not make such modest properties eligible. In this case, the Pepper Company owned multiple buildings in Commerce City and the new information does not demonstrate a more significant association between these buildings and Joseph Pepper over the other properties owned by the Pepper Company even if Joseph Pepper were found to be significant in our past.



Figure 1. Photo of 5AM.4046 main building view northwest, courtesy Mead & Hunt 2019.

Pepper Tank Company Building (5AM.4046): This commercial property, located at 5699 Dexter St., includes two modest commercial buildings constructed in 1964 and a storage shed constructed in 1984. CDOT determined that the property did not have significance under NRHP Criteria A, B, C, or D and was *not eligible* for inclusion in the NRHP. The SHPO concurred in March 2021.

As described above, the additional information does not change CDOT’s determination of significance under the NRHP Criteria for this property. CDOT determines that 5AM.4046 remains *not eligible* for listing in the NRHP.

Pepper Tank Co./Banderet Equipment Co. (5AM.4073): This commercial property, located at 4500 E. 60th Ave., includes one modest metal-clad commercial building constructed in 1964. CDOT determined that the property did not have significance under NRHP Criteria A, B, C, or D and was *not eligible* for inclusion in the NRHP. The SHPO concurred in March 2022.



Figure 2. Photo of 5AM.4073 view south, courtesy Kristi Miniello 2020

As described above, the additional information does not change CDOT’s determination of significance under the NRHP Criteria for this property. CDOT determines that 5AM.4046 remains *not eligible* for listing in the NRHP.

Request

Please respond by email with any questions or comments by **January 22, 2024**. Please also respond if you have no questions or comments to help us expedite this review. If we do not receive any comments we will assume you have none. We are concurrently sending these comments and our updated eligibility determinations to the State Historic Preservation Officer (SHPO). If you have any questions or require additional information, please contact Jamie Shapiro at (303) 512-4672 or jamie.shapiro@state.co.us.

Sincerely,

Danny Herrmann for

Lisa Streisfeld
Region 1 Environmental Manager

Enclosed: Attachment A: Prior Eligibility Consultation Materials
 Attachment B: Comments on EA Re Eligibility
 Attachment C: Site Forms