June 13, 2012

Ms. Caroline D. Hall, Assistant Director
Federal Property Management Section
Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW
Washington, D.C. 20004-0001

Re: Ukiah Post Office Disposal
Ukiah, California

Dear Caroline:

Thank you for your June 5, 2012 letter regarding the Postal Service’s May 16, 2012 submission. As the Advisory Council correctly notes, the Postal Service’s submission proposes a finding of no adverse effect with regard to the disposal of the Ukiah Post Office. In accordance with the regulations the Postal Service requested that the Advisory Council provide an opinion as to whether the adverse effect criteria have been correctly applied to this proposed finding; however, the Advisory Council has not done so. Instead the Advisory Council has stated that the Postal Service’s submission contains discrepancies and has requested additional information. We disagree and address each of these issues in turn.

First, the Advisory Council has directed the Postal Service to provide it with an entity that will ensure the covenant the Postal Service provided, as Exhibit 2, is enforced, because the California State Historic Preservation Office (“CSHPO”) objects to enforcing the covenant. The Postal Service is not required to do so. The Postal Service is only required to provide “adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.” 36 C.F.R. § 800.5(a)(2)(vii). The covenant provided is both adequate and legally enforceable. Assertions by CSHPO that it will not fulfill its responsibilities or seek to enforce the covenant do not render the covenant either inadequate or unenforceable. Moreover, as written, the covenant allows another entity with standing to enforce the covenant; Section (6) of the covenant states that “[t]he failure of the CA SHPO to exercise any right or remedy granted under this instrument shall not have the effect of waiving or limiting the exercise of any other right or remedy or use of such right or remedy at any other time.”

Second, the Advisory Council alleges that the Postal Service did not provide it with a description of the affected historic properties or information on the characteristics that qualify them for the National Register under 36 C.F.R. § 800.11(e)(3). The description of the affected properties can be found on both the first page of our submission, which discusses the Ukiah Post Office and in
Exhibit 9, entitled “Description of Affected Historic Properties.” The Postal Service has sufficiently discussed the affected historic properties and information on the characteristics that qualify them for the National Register under 36 C.F.R. § 800.11(e)(3). As such, the Postal Service has complied with its obligations under 36 C.F.R. § 800.11(e)(3).

Third, the Advisory Council alleges that the Postal Service did not provide a description of the undertaking’s effects on all historic properties within the Area of Potential Effect pursuant to 36 C.F.R. § 800.11(e)(4). This information can be found in Exhibit 10, entitled “Description of Undertaking’s Effect on Historic Properties,” which shows that the Postal Service determined that there is no effect on historic properties. As such, the Postal Service has complied with its obligations under 36 C.F.R. § 800.11(e)(4).

Fourth, the Advisory Council alleges that the Postal Service did not provide an explanation of why the criteria of adverse effect were found applicable or inapplicable pursuant to 36 C.F.R. § 800.11(e)(5). The Postal Service provided this information in Exhibit 11, entitled “Explanation of why the criteria of Adverse Effect were found inapplicable,” where the Postal Service states that it finds the criteria of Adverse Effect to be inapplicable because “the USPS has imposed conditions upon the sale of the Property which avoid the adverse effects.” As such, the Postal Service has complied with its obligations under 36 C.F.R. § 800.11(e)(5).

Fifth, the Advisory Council alleges that the Postal Service did not evaluate other measures to avoid or minimize the undertaking’s adverse effects. Because the Postal Service has proposed a finding of no adverse effect, such considerations are not required by 36 C.F.R. § 800.11(e).

Lastly, this response from the Advisory Council was not provided in the time required by Section 106 regulations. The Advisory Council received the Postal Service’s submission on May 18, 2012, as evidenced by the signed return receipt included with this letter as Attachment A. Responses to requests made under 36 C.F.R. § 800.5(c)(2)(i) are due from the Advisory Council within 15 days of receipt, pursuant to 36 C.F.R. § 800.5(c)(3)(i). The 15 day period expired on June 4, 2012. Even if this correspondence had been timely, because it does not provide the Postal Service with either an opinion as to whether the adverse effect criteria have been correctly applied or an indication that the Advisory Council intends to extend its time to respond to the Postal Service’s submission by an additional 15 days, as set out by 36 C.F.R. § 800.5(c)(3)(i), it is inadequate under the regulations. As a result, the Postal Service considers its responsibilities under Section 106 to be fulfilled.

Sincerely,

Dallan C. Wordkeumper, CCIM
Federal Preservation Officer

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1100 Pennsylvania Ave
Washington DC

PS Form 3800, June 2002
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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:
Ms Caroline O Hall
Assistant Director
Federal Property Management Section
Advisory Council Historic Preservation
1100 Pennsylvania Ave
Washington DC 20004

2. Article Number
(Transfer from service label)
7006 0010 0005 5110 5492

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A. Signature
X D Stanley

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B. Received by (Printed Name)
D Stanley

C. Date of Delivery
5/8/20

D. Is delivery address different from item 1?

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No

4. Restricted Delivery? (Extra Fee)

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No

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