July 23, 2012

Mr. Reid J. Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Ave NW, Suite 803
Washington DC 20004-2501

Re: USPS Owned Facility – Venice CA
1601 Main Street, Venice, Los Angeles County, CA 90291 ("Venice MPO")

Dear Mr. Nelson:

The United States Postal Service (USPS) is writing to the Advisory Council on Historic Preservation (the "ACHP") in response to the ACHP’s letter to the USPS of July 13, 2012 ("July 13th Letter") to express its disagreement with your opinion in the July 13th Letter that the proposed preservation covenant fails to meet the requirements of Section 106. The USPS has considered your opinion as well as the following:

(1) A preservation covenant must provide adequate and legally enforceable restrictions or conditions pursuant to 36 C.F.R. § 800.5(a)(2)(vii) of the Section 106 Regulations;
(2) A preservation covenant does not need a designated entity to monitor it to make a determination that such preservation covenant is legally enforceable;
(3) Section 106 regulations do not require a federal agency or establishment to identify any particular individual or organization to monitor or enforce a preservation covenant;
(4) You have asserted that the California State Historic Preservation Officer (CA SHPO) is not authorized by California stat law to accept the preservation covenant, however, you did not provide any legal basis for that statement; and
(5) The fact that the CA SHPO is not legally required to monitor covenants does not mean that it is legally prohibited from doing so.

In light of the foregoing, the Postal Service disagrees with your opinion, and finds no reason to revise the USPS' finding that the covenant is both adequate and legally enforceable and supports a finding of "no adverse effect."

Although the USPS hereby affirms its proposed finding of no adverse effect, the USPS and the prospective purchaser have worked out an arrangement with the City of Los Angeles, California (the "City") whereby the City will act in lieu of the California SHPO for purposes of the preservation covenant for the Venice MPO. A copy of the preservation covenant, along with a letter from the City acknowledging its willingness to assume the duty of reviewing and approving proposed alterations to the Venice MPO under the preservation covenant, is attached.
The sending of this letter to you, the CA SHPO, the Native American tribes or their representatives and the consulting parties concludes the Section 106 process for the Venice MPO.

Sincerely yours,

Dallan C. Wordekerper, CCIM
Federal Preservation Officer – Postal Service

Enclosures

cc (w/enc.) via Certified Mail/Return Receipt Requested:
California State Parks, Office of Historic Preservation
Venice Stakeholders Association
Mayor Antonio Villaraigosa, City of Los Angeles
Councilman Bill Rosendahl, City of Los Angeles
Venice Neighborhood Council
Los Angeles Conservancy
Native American Heritage Commission
Mr. Dunlap, Gabrieleno Tongva Nation
Mr. Morales, Gabrieleno/Tongva San Gabriel Band of Mission Indians
Mr. Acuna, Gabrieleno Tongva Tribe
LA City/County Native American Indian Commission
Ti'At Society/ Inter-Tribal Council of Pimu
Tongva Ancestral Territorial Tribal Nation
Gabrieleno Tongva Indians of California Tribal Council
Gabrieleno Tongva Tribe
Gabrieleno Band of Mission Indians
Congresswoman Janice Hahn