

From: W. James Biederman (9P2PZF)
To: William Preston Bowling
Sent: Monday, March 19, 2012 11:46 AM
Subject: Re: Santa Susana GSA Questions

Dear Mr. Bowling,

Thank you for your interest in the disposition process for the federal land at Santa Susana. Attached please find a copy of the "Notice of Availability of Excess Real Property" also known as the Federal screening notice. This was distributed electronically to our database of federal agencies on February 1, 2010. This, the first step in the disposal process, makes the property available to other federal agencies -- including BIA on behalf of a federally recognized Indian Tribe that is interested in acquiring the site at fair market value (or at no cost if approved by OMB) for a programmatic purpose (no casinos) under the Indian Self-Determination and Education Assistance Act. Typically Federal screening notices require receipt of an expression of interest within 30 days. If an agency were interested and willing to pay fair market value (or, if approved by OMB, no cost), then GSA would transfer custody and accountability for the property from NASA to the new federal agency. The transfer of custody would not be an "undertaking" under the National Historic Preservation Act because the property would remain in federal ownership.

I received one phone call from a federal agency with a few questions, but no expressions of interest. I received an email from the attorney for the Santa Ynez Band of the Chumash expressing interest in acquiring the site. I met with the Tribe's Business Committee and explained that if they wanted to perfect and preserve their priority right to acquire through BIA all or a portion of the federal land at the excess level (as opposed to public auction), then GSA had to receive a written expression of interest on their behalf from BIA within a limited period of time before GSA proceeded to step two of the disposition process.

At step two of the disposition process, the property is determined surplus to the Federal government and offered to the state and local governments for certain public benefit conveyances (PBCs) at low or no cost. PBCs include park, wildlife conservation, education, corrections, port, etc. The state or a local government can also acquire the property at this stage via a "negotiated sale". A negotiated sale is a sole source (no competition) conveyance at fair market value for economic development. Under the negotiated sale, any "excess" profits made by the state or local government within the first three years would have to be paid to the U.S.

GSA has not yet determined the property surplus, but could do so at any time. We have paused the process for now to allow NASA time to finish its EIS and Section 106 processes, and for NASA and DTSC to finish or at least make substantial progress toward completing the characterization of contamination on federal land. It is not unusual for federal, state and local

governments to transfer land before completion of the environmental cleanup. As I brought up at one of the public meetings, California even has a law promoting transfer of brownfield properties. GSA will not convey federal land at Santa Susana unless it is safe to do so.

As to the letter from a company called Biederman Redevelopment Ventures, this is the first that I have heard of this company or Daniel Biederman. He is no known relation of mine. As to your question regarding who can bid at a public auction -- anyone who fills out the bidder registration form and puts up the cash bid deposit can bid. I hope I answered all your questions. I will be attending NASA's NEPA information meeting on the evening of March 27th and would be happy to answer any additional questions you may have at that time.

Kind regards,
Jim

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W. James Biederman, Program Expert
Real Property Utilization & Disposal Division
PBS Office of Real Property Asset Management
U.S. General Services Administration

On Tue, Mar 13, 2012 at 2:58 PM, William Preston Bowling

<williamprestonbowling@yahoo.com> wrote:

Dear Mr. Biederman,

During the March 1st, 2012 meeting of the National Aeronautics and Space Administration (NASA) led National Historic Preservation Act Section 106 process, you mentioned that you, had, on behalf of GSA, formally offered the NASA-controlled portions of the Santa Susana Field Laboratory (SSFL) to government agencies and Native American Tribes and that "No government agencies including federally recognized Native American Tribes showed an interest in procuring the NASA portions of the SSFL." You indicated that the next steps "would be auction" to a private party.

I was surprised by this statement and would appreciate additional information:

1. When did you offer the SSFL parcels to governmental agencies and tribes?
2. Was this done by some formal public notice or some other written communication? If so, I would appreciate it if you would provide me with copies.
3. Why, and under what authority, would you offer the contaminated property to these entities before NASA has completed its EIS and the California Dept. of Toxic Substances Control had completed its EIR, and the site has been cleaned up?
4. When do you anticipate conducting the auction you mentioned?
5. Can you tell me who can legally bid on such a property if it were to become available?
6. What about the cleanup? Why would one even think of trying to transfer the land before it is cleaned up? And wouldn't governmental entities be far more likely to be interested in the site once it is cleaned up?
7. When do you plan on commencing the GSA environmental impact statement?
8. How do you explain GSA's actions in proceeding to offer the land to agencies and tribes and taking the other actions taken to date and planned in the near future, given your commitments to Congressman Waxman, Senator Boxer and other legislators to stand down regarding the transfer process and let the cleanup process take place first?

Later in that meeting one of the stakeholders distributed a prepared document regarding his interest in obtaining private control of the NASA portions of the SSFL. The document included a letter by a company called Biederman Redevelopment Ventures about possible involvement in such a project. Is there any relation between you and the Daniel A. Biederman of that company? What can you tell me about the possibility of GSA transferring the land to this individual, with or without the involvement of Daniel Biederman?

I look forward to your response as the Community looks forward to a Proper Cleanup of the Santa Susana Field Laboratory, it's Related Facilities and the Surrounding Communities.

William Preston Bowling - Founder/Director
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