

To: Peirent; Robert
Subject: Re: Potential choice-limiting action by Jones Library Renovation-Expansion (CPF Grant B-23-CP-MA-0655)

From: Curran, Martha A, HUD Boston Regional Environmental Officer
Sent: Tuesday, September 5, 2024 5:32 PM
Subject: Potential choice-limiting action by Jones Library Renovation-Expansion (CPF Grant B-23-CP-MA-0655)

Bob,

I would suggest that we have another conversation about this issue prior to going out Amherst going out to bid on this project. Generally speaking, HUD does prohibit bidding on projects prior to the completion of the environmental review. As I recall, Amherst was not sure that the project was financially feasible, and needed to get updated design and construction costs to understand if the project was in fact viable. I am out of the office tomorrow, but let's follow-up next week to discuss.

Martha

Martha A. Curran
Regional Environmental Officer: Region I
Office of Environment & Energy
U.S. Department of Housing & Urban Development
10 Causeway Street, Boston, MA 02222

[HUD Environmental Review Website](#)

From: Peirent, Robert, Town of Amherst Special Capital Projects Coordinator
Sent: Thursday, September 5, 2024 5:09 PM
To: Bockelman, Paul; Lee, Jeffrey
Subject: Potential choice-limiting action by Jones Library Renovation-Expansion (CPF Grant B-23-CP-MA-0655)

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Jeff

Thank you for sharing this concern.

We are aware of the implications of a choice limiting action and have discussed this topic with the federal agencies providing funding for the Jones Library project.

We have been advised by these agencies that since Amherst will be free to reject all bids after receipt, bidding will not constitute a choice limiting action.

We have committed to not choosing a successful bidder and signing a contract to complete the project until the required environmental review process has been completed.

Bob Peirent

From: Jeff Lee, Amherst Historic Preservation Coalition
Sent: Thursday, September 5, 2024 4:18 PM
To: Peirent, Robert; Bockelman, Paul
Subject: Potential choice-limiting action by Jones Library Renovation-Expansion (CPF Grant B-23-CP-MA-0655)

September 5, 2024

Robert Peirent
Special Capital Projects Coordinator
Town of Amherst
4 Boltwood Avenue
Amherst, MA 01002

RE: Potential choice-limiting action by Jones Library Renovation-Expansion (CPF Grant B-23-CP-MA-0655)

Dear Bob:

Thanks for the review information. On behalf of the Amherst Historic Preservation Coalition, I am following up with a request for clarification regarding the scheduling of the environmental review.

Based on statements by Chair of the Jones Library Building Committee, Austin Sarat, the Town of Amherst intends to re-bid the Jones Library Renovation-Expansion Project in mid-September. We are concerned that the Town may be committing to a choice-limiting action that could jeopardize federal and state funding.

Note that HUD articulates its policy on inviting construction bids in their publication *Historic Preservation Basics* (<https://files.hudexchange.info/resources/documents/Historic-Preservation-Basics.pdf>). The document states on page 51 that

“The Officer of Environment and Energy (OEE) at HUD Headquarters has confirmed that OEE policy does not allow bids before the environmental review is complete. The purpose of this statement is to confirm that it is HUD policy to not allow bids for choice-limiting actions (such as construction, demolition, etc.) before the environmental review is complete.”

As a consulting party to the Section 106 Review, the Amherst Historic Preservation Coalition is also interested in the preservation aspects of the related NEPA Review. The Advisory Council for Historic Preservation states in *Integrating NEPA and Section 106* (https://www.achp.gov/integrating_nepa_106) that

“Using the NEPA process, agencies evaluate the environmental and related social and economic effects of their proposed actions.”

For these reasons we feel it is imperative for the Town to make public its plans for the environmental review of the Jones Library Project, particularly given that NEPA regulations (40 CFR § 1501.2) call for applying NEPA early in the planning process so that design changes coming out of the reviews may be made without difficulty.

The evaluation of the latest design by the Massachusetts Historical Commission (MHC) would also appear to be in the critical path for the project going out to bid, especially considering that the Jones Library is listed on the State and National Registers of Historic Places. It is my understanding that the SHPO is automatically a participant in the Section 106 Review as explained in 36 CFR 800.2(c) and NHPA Section 101(b)(3). For the sake of preserving one of Amherst's most valuable historic assets it is essential that the MHC weigh in on possible new adverse effects before they are baked into the construction documents.

The Amherst Historical Commission was not given the option of considering the MHC's findings when reviewing compliance with the Town's Preservation Restriction on the Jones Library. The Section 106 Review now has opportunity to factor in this important guidance by the state's foremost preservation experts.

Can you please clarify? Will the assessment of value engineering changes by the SHPO be made public and the Section 106 Review be completed before the project is put out for re-bid?

Sincerely,

Jeff Lee
Amherst Historic Preservation Coalition
(413) 646-1687

Cc:
Brona Simon, Massachusetts Historical Commission
Ann Piesen, National Endowment of the Humanities
Martha Curran, U.S. Dept. of Housing and Urban Development
Maxwell Sickler, Advisory Council on Historic Preservation

From: Peirent, Robert, Town of Amherst Special Capital Projects Coordinator
Sent: Thursday, September 5, 2024 7:55 AM
To: Lee, Jeffrey
Subject: Re: Additional review questions

Jeff

The town will complete the required HUD environmental review process, as we do for CDBG funded projects, which are also recipients of HUD funding. Certification of compliance with the Section 106 requirements is included in this review process.

I will be the contact person for this review, and it will be conducted in parallel with the Section 106 process.

Regarding MEPA requirements, we are familiar with this program and are investigating options for compliance.

Lastly, we anticipate additional information will be available within the next few weeks regarding the adverse impact determination, and it will be provided to all consulting parties and the public. MHC has been invited to be a consulting party but has not yet responded.

Bob Peirent

From: Jeff Lee, Amherst Historic Preservation Coalition

Sent: Thursday, August 29, 2024 6:55 PM

To: Peirent, Robert

Subject: Additional review questions

August 29, 2024

Hello Bob,

Could you please help me further understand Amherst's role as Responsible Entity in conducting reviews on behalf of HUD, NEH and the Commonwealth of Massachusetts?

1. What are the Town's plans for conducting a NEPA Environmental Review, a process related to Section 106, but mandated by the National Environmental Policy Act of 1970? When will it be scheduled? Will you be the contact person for this review?
2. I have the same questions regarding the state requirement for an environmental review. What are the Town's plans for conducting a MEPA (Massachusetts Environmental Policy Act) Review, which like the Section 106 Review considers impact to historical resources? When will it be scheduled? Will you be the contact person for this review?
3. My understanding is that the Section 106 Review requires a determination of adverse effects by the SHPO at the Massachusetts Historical Commission. These findings are based on a Project Notification Form submitted to the SHPO. Now that value engineering design changes for the Jones Library project are being completed, when does the Town anticipate submitting an updated PNF to the Massachusetts Historical Commission? Could I receive a copy of the updated PNF?

On behalf of the Amherst Historic Preservation Coalition, thank you in advance for enlightening us on the complex review requirements and how the public can play a role.

Sincerely,

Jeff Lee

Amherst Historic Preservation Coalition