

Email to Jeffrey Reinbold <jeff_reinbold@nps.gov>

[Date]

Dear Mr. Reinbold:

On February 5, 2018, the Indiana Department of Natural Resources released new plans for the Pavilion at Indiana Dunes State Park. There was again no opportunity for public input. Significant changes have been made that require your immediate review. We assume that you were not informed of these changes. All of the new plans can be seen at: http://www.in.gov/dnr/parklake/files/sp-dunes_pavilion_plans.pdf

The uses that you considered in making your determination to approve this project and that Section 106 review was not needed have been modified substantially. The changes relate to new uses that involve the sale and consumption of alcoholic beverages in a significant portion of the Pavilion. (On the attached plans, bars and related areas are marked in blue. The additions of two balconies and a rooftop, glass-enclosed pub are marked in yellow. These should be eliminated, since they do not follow the Secretary's Standards which say: "Any new exterior addition to a historic building should be considered in a rehabilitation project only after determining that requirements for a new or continuing use cannot be successfully met by altering non-significant interior spaces.") The legitimate uses of the Pavilion can all be met within the existing building. There is no need for two balconies or a rooftop addition. The changes are listed below.

1. The first floor, previously identified by the DNR as "a casual dining beachside restaurant that will be open to the public" has in the new plans been totally reconfigured (see Attachment 1). A huge bar has been added right in the middle of the dining area. This bar takes up nearly 700 square feet. This is hardly a friendly atmosphere for families. The plans do not show the barrier that is required by law to separate a bar from minor patrons. This would add even more space that would be occupied by the bar area. All of the bar area has been removed from public outdoor recreation use. Therefore, this is a conversion.

2. The second floor now includes space for what is labeled on the plans as being for "fine dining" (see Attachment 2). The table arrangement for a second floor restaurant is not depicted on the plans. The major change is the addition of a 600+ square-foot barroom (literally a separate room designated on the plans as a "bar"). In addition, one of the two proposed 550+ square-foot proposed balconies has been designated solely for drinking, labeled as "bar seating." Minors would not be allowed in these spaces. This 1,150+ square-foot area is obviously not intended for public outdoor recreation. This is a conversion.

3. In the new plans, a totally new structure is planned for the third level. It is now a glass-enclosed "restaurant and pub" that covers all of the available space on the roof (see Attachments 3-5). A centrally located 430+ square-foot bar takes up much of the area. (Again, no legally required barrier is indicated on the plans.) There are also three $\pm 14 \times 1.5$ -foot bars with stools directly against the lakeside glass walls. All of these drinking facilities are also not primarily intended for public outdoor recreation use. The bar, and the placement of these bars and tables,

completely removes the historic use of the roof as an observation deck and makes it a conversion.

There is a total of ±2,400 square feet now dedicated solely to the sale and consumption of alcoholic beverages. These spaces should be a conversion, as they have been removed from public outdoor recreation uses.

Your office has used a 2014 memorandum regarding allowable uses of buildings constructed before Section 6(f)(3) establishment to justify approving the Pavilion modifications. Nowhere in the LWCF Manual or the list of supporting uses in the 2014 memorandum is there a mention of bars, pubs, or areas solely set aside for the consumption of alcohol. A supporting use includes “dining,” under which there is no mention of areas that would be set aside solely for consuming alcoholic beverages.

Since the developer, Pavilion Partners LLC, has made so many modifications to their plans and proposed uses, all previous approvals by the NPS’s LWCF office are now null and void. The changes will require a de novo review. It is certainly suspicious that the DNR, once having NPS approval, has now totally abandoned their earlier representations regarding uses of the Pavilion. The DNR must be notified that they should immediately inform the developer that work cannot proceed until after a new review by the NPS is undertaken based on LWCF conversion procedures.

These modifications will also require a Section 106 review. By copy of this email, the Advisory Council for Historic Preservation is being notified of this matter. The new rooftop structure alone mandates a Section 106 review.

You should be aware that any attempt by your office to avoid the implications of these changes and to maintain your previous position will likely lead to litigation. The developer has said that construction is imminent, so it is imperative that action be taken as quickly as possible.

Please acknowledge receipt of this email as soon as you receive it and indicate when this matter will be acted upon.

Sincerely,

[Signed]

[Signator’s name]

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