



# United States Department of the Interior

NATIONAL PARK SERVICE  
1849 C Street, N.W.  
Washington, DC 20240

L32(2225)

**JUL 12 2018**

Ms. Paula Dinerstein  
Public Employees for  
Environmental Responsibility  
962 Wayne Avenue, Suite 610  
Silver Spring, Maryland 20910

Dear Ms. Dinerstein:

This letter is in response to your letters dated March 5, April 28, May 3, June 27, and July 3, 2018. We appreciate your continued interest in the Indiana Dunes State Park Pavilion Restoration Project (Pavilion Project), and your patience while we investigated this new information. We have spent a great deal of time reviewing the latest details of the project, and by this letter, we are providing you with a status update.

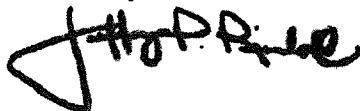
First, thank you for letting us know that the plans for the Pavilion Project had been updated. You were correct that we had not seen that new plans had been posted that were different from the version (dating to June 2016) that we previously reviewed. We have now compared the previous plans with the updated plans dated August 3, 2017, to ascertain the nature and extent of the changes and assess whether the changes would impact our initial determination. This review took some time, including several calls with the Indiana Department of Natural Resources (INDNR), to fully understand the revised plans.

Ultimately, we found the plans have changed enough to require a new review because the Pavilion Project no longer appears to be secondary and supportive of outdoor recreation. We noted several changes as problematic, such as the loss of public access throughout the building; the appearance of a tilt towards more formalized dining options; and the lack of dedicated public recreation space on the rooftop. Following our discussions with the INDNR, we sent a letter on May 15, 2018, asking them to either direct Pavilion Partners to revert to the original plans, submit updated plans for a new determination, or consider converting the Pavilion. We are awaiting their response.

Your series of letters pose several questions regarding how open to the public a facility needs to be under the Land and Water Conservation Fund (LWCF). The LWCF program provides financial assistance for a wide variety of facilities to improve or support outdoor recreation. Many of these facilities are not open to the public or have limited public access depending on their intended use. For example, assistance can be used to support the development of park maintenance and office facilities to help manage the outdoor recreation resource. These types of facilities would generally be closed to the public. In addition, grant funding can be used to build recreation opportunities limited to specific recreation uses such as dedicated biking or horseback-riding trails, to avoid possible accidents among multiple user groups. The LWCF Manual permits such limitations in Chapter 8.C.4. and there is no expectation that every assisted facility has to serve every possible type of user. We agree that the revised plans would result in the Pavilion being much less open to the public than originally proposed, and that is the main basis for our current concern. That said, excluding children from certain areas for safety is not in conflict with LWCF policy, nor do we have a policy that food service options in parks must be alcohol-free. That level of oversight into use and management of State or local parks and other recreation sites is beyond the purview of this program.

The Land and Water Conservation Fund (LWCF) State and Local Assistance program strive to administer this program in a consistent fashion across the Nation. We appreciate your commitment to ensuring that the Indiana Dunes State Park Pavilion Restoration Project proceeds appropriately. Please feel free to contact Emily Ferguson, LWCF compliance lead, at [emily\\_ferguson@nps.gov](mailto:emily_ferguson@nps.gov) or 202-354-6931, if you have any further questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey P. Reinbold". The signature is stylized and written in a cursive-like font.

Jeffrey P. Reinbold  
Assistance Director  
Partnerships and Civic Engagement

cc: Cameron Clark, Director and State Liaison Officer, Indiana Department of Natural Resources  
Norm Hellmers, Dune Action