



December 15, 2017

Via Email (lowell.putnam@lowell.edu)

W. Lowell Putnam, President
Lowell Observatory
1400 W. Mars Hill Rd.
Flagstaff, AZ 86001

RE: **Proposed U.S. Forest Service Land Exchange;
Lowell Observatory, Coconino National Forest**

Dear Mr. Putnam:

Further to our letter dated March 29, 2017 (copy attached for your convenience), we set forth additional information here about the interpretation of the 1910 Congressional grant of Section 17 to Percival Lowell as a result of new information we have received.

The original grant of land (referred to as "Section 17") to Percival Lowell in 1910 contained the restriction that Section 17 was to remain his (and his heirs and assigns), unless the observatory was removed, or the land was used "for other than observatory purposes." The United States also retained title to the "merchantable timber thereon and the right to cut and remove the same in such manner as to preserve the herbage and undergrowth in their natural condition." This letter provides some history and context regarding such grant of Section 17 in the form of communications between Lowell, the Attorney General and Secretary of Agriculture, and a report issued by the Senate Committee on Public Lands.

On May 10, 1910, Senator Flint issued a report on behalf of the Senate Committee on Public Lands regarding the yet to be enacted grant of Section 17 (Report No. 670 of the 2nd Session of the 61st Congress). The report states that the proposed bill "provides that the land shall revert to the United States if the observatory is removed or abandoned." Importantly, this report shows that the intent and interpretation of "observatory purposes" was to mean that Section 17 would only revert back to the U.S. if the observatory was removed or abandoned, not if Section 17 was used for other purposes in addition to its observatory purpose. A copy of the May 10, 1910 report is attached hereto as **Exhibit A**.

In 1912, after the grant of Section 17, there were substantial communications regarding the extent of the restrictions on Lowell's use of Section 17. Percival Lowell sent a letter dated June 4, 1912 to United States Attorney General George W. Wickersham requesting clarification as to Lowell's rights related to clearing certain trees on Section 17 for the purpose of erecting a fence around Section 17. The letter indicates that the local forester objected to Lowell's plan to cut certain young pines. A copy of the June 4, 1912 letter is attached hereto as **Exhibit B**.

In a letter dated June 11, 1912, sent to then Secretary of Agriculture James Wilson, the Attorney General states as follows:

I hand you a copy of a letter received by me from Prof. Percival Lowell, about which I spoke to you at Cabinet Meeting this morning. It strikes me that the construction of the act given in his letter, which would prevent the taking of fence posts for the protection of the tract while being used for

observatory purposes, is altogether too narrow, and sticks in the bark. The purpose of the act was, undoubtedly, to give to Professor Lowell substantially such rights as would be enjoyed by the owner of the property who devoted it to the purposes of the observatory, and, so long as he did so keep it, he should be free from petty interferences with him respecting the cutting of timber or the improvement of the property. The reservation of title to the merchantable timber, with the right to cut and remove it, emphasizes, of course, the intention not to interfere with anything but such timber as might be properly cut and sold in the market, and to permit such timber to be removed by the United States "in such manner as to preserve the herbiage and undergrowth in their natural condition." May I ask if you will not give such instructions as will relieve Professor Lowell of the interferences of which he complains."

A copy of the June 11, 1912 letter is attached hereto as **Exhibit C**.

The Secretary of Agriculture sent a response letter dated June 19, 1912 to the Attorney General, in which the Secretary acknowledges receipt of the June 11 letter and states in material part: "in view of your opinion as to the extent of the rights granted to Prof. Lowell by the Act in question, I have been glad to instruct the Forester that any restrictions upon the use of any of the material on this land by Prof. Lowell which he desires be removed. This action has been taken." A copy of the June 19, 1912 letter is attached hereto as **Exhibit D**.

It is clear from these communications that the grant of Section 17 to Lowell was intended to permit Lowell to have broad discretion over the use of Section 17. As the Attorney General's letter states, as long as the observatory remains, Lowell should be able to make improvements to the property as he sees fit. This intention, unfortunately, was not as clearly stated in the wording of the grant, as shown by the fact that Lowell had to receive clarification from the Attorney General at the time. Additionally, the merchantable timber right is a very limited one, as demonstrated by the restricting purpose "to preserve the herbiage and undergrowth in their natural condition."

It is clear that the intention, as shown in these cited communications, was to grant unfettered rights to Lowell, provided that the observatory remains active on Section 17. The observatory has been in operation for over 100 years, and there is no risk of it disappearing anytime soon. However, for as long as the restrictions placed on the grant of Section 17 remain, Lowell will have to second-guess every improvement it makes on Section 17 for fear of upsetting whatever administration is currently in place. By proactively addressing this issue and transferring full title to Lowell now, it will head-off any future conflicts. Action should be taken to ensure that original goal of the grant is recognized. The exchange proposed in our July 28, 2017 letter will accomplish such a goal.

Sincerely,

ASPEY, WATKINS & DIESEL PLLC



Whitney Cunningham

WC/mg

C: Jeffrey Hall, Ph.D., Director

EXHIBIT “A”

EXHIBIT “A”

**GRANT OF CERTAIN LANDS IN COCONINO NATIONAL
FOREST, ETC.**

MAY 10, 1910.—Ordered to be printed.

Mr. FLINT, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany H. R. 9304.]

The Committee on Public Lands, to whom was referred the bill (H. R. 9304) granting certain lands in Coconino National Forest, in Arizona, for observatory purposes, having had the same under consideration, report it back favorably with the recommendation that it do pass.

Attention is called to the report made on this bill when it was reported to the House, as it gives full information as to the purpose of and necessity for this legislation.

The House report is as follows:

The Committee on the Public Lands, to whom was referred House bill 9304, granting certain lands in the Coconino National Forest, in Arizona, for observatory purposes, having had the same under consideration, report it back with the following amendment:

Insert after the word "Lowell," in line 3, the words "his heirs and assigns."

And as thus amended the committee recommend that the bill do pass.

The bill grants to Percival Lowell one section of land in the Territory of Arizona, immediately adjacent to the Lowell Observatory, for observatory purposes, during the life of said Lowell, and upon his death to his heirs and assigns, and provides that the land shall revert to the United States if the observatory is removed or abandoned. The bill also reserves to the United States all the merchantable timber upon the land granted and the right to cut and remove the same. The land granted was at the time the observatory was erected the property of the Santa Fe Railroad Company, which was willing to convey the same to Mr. Lowell, but was unable to do so, owing to the fact that it was under contract to relinquish same to the Government. Subsequently the land, with other land, was, by executive order, embraced within the limits of the San Francisco Mountains Forest Reserve, the land having been relinquished to the Government. The section of land hereby granted is uninclosed and is being denuded of its vegetation. Its condition in this respect is in marked contrast to the inclosed land already owned and used for observatory purposes.

The work of this observatory is well known throughout the world and is followed with deep interest by the greatest astronomers. Among the numerous recognitions of its great value to science may be mentioned the fact that the Jansen medal of the Société Astronomique de France was awarded to Mr. Lowell for his researches and investigations concerning the planet Mars.

EXHIBIT “B”

EXHIBIT “B”

4 June 12.

George W. Wickersham, Esq., Attorney-General,
Washington, D. C.

Dear Mr. Wickersham:-

On May 30, 1910, a private bill was passed by the Senate and House and signed by the President which read as follows:

"BE IT ENACTED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED, That there be, and hereby is, granted to Percival Lowell, his heirs and assigns, section numbered seventeen, in township numbered twenty-one north of range seven east of the Gila and Salt River base and meridian, the said tract of land being within the Coconino National Forest, in the Territory of Arizona, for observatory purposes in connection with the Lowell Observatory; PROVIDED, That in the event of removal or abandonment of the said observatory or the use of said land by the grantee for other than observatory purposes the said land will revert to the United States; PROVIDED FURTHER, That the title to the merchantable timber thereon and the right to cut and remove the same in such manner as to preserve the herbage and undergrowth in their natural condition shall remain in the United States"

The bill was passed in this form with regard to merchantable timber because of the erroneous report of an underling in the Forest Department in charge at Flagstaff who took this method of showing his importance. The value given by him was many times too great which the local lumber company stated at the time and to which end I since have the affidavits of both the present companies in which they state

that the timber in that section was practically worthless both because of its character and inaccessibility.

At the time the bill was passed the Government wanted me to fence the land. That I was not willing to do at the time but decided to do this spring. Whereupon the same local Forester undertook to say that I could not cut the necessary posts on my land. Now cases in the courts have held that merchantable timber means anything over 8 inches in diameter - not under. But in order to avoid trouble with the Government about what I was informed was my right I applied to the head of the Forest Department at Washington for an order from him to authorize the cutting. He practically backed up his subordinate - refusing to let me cut young pines though he had no objection to my cutting the living white oaks a matter in my opinion far more deleterious as the oaks are few and slow of growth while the young pines should be thinned out if the survivors are to become large. Nature will do this if I do not.

I hate to trouble you in this matter but I should like to ask you as Attorney -General if I have not the right to cut these small trees by the provisions of the bill, in view of the decisions which have been held.

If, after consideration, you consider that I have not the right could you be so kind as to bring the matter to the President's consideration and ask him as a matter of courtesy to me to authorize their cutting as the Government's intention was to afford me every convenience in protecting the land from cattle, sheep and

harmful deterioration. I may add that the conduct of Mr. Drake, the local official in question, is so overbearing that he has alienated the citizens there - I by no means being the only complainant. I think his removal would benefit not only the community at Flagstaff but the Forest Service as well, as friction of the sort is very unadvisable between the State and Government Lands.

Believe me, yours truly,

Faithfully yours,

Ernie L. Lowell

EXHIBIT “C”

EXHIBIT “C”

Hon. James Wilson.

2.

W-H.

serve the herbage and undergrowth in their natural
condition."

June 11, 1912.

145556-6
May I ask if you will not give such instruc-
Hon. James Wilson, ^{love} Professor Lowell of the inter-
ferences Secretary of Agriculture.

Dear Mr. Secretary: Very respectfully,

I hand you a copy of a letter received by me from Prof. Percival Lowell, about which I spoke to you at Cabinet Meeting this morning. It strikes me that the construction of the act given in his letter, which would prevent the taking of fence posts for the protection of the tract while being used for observatory purposes, is altogether too narrow, and sticks in the bark. The purpose of the act was, undoubtedly, to give to Professor Lowell substantially such rights as would be enjoyed by the owner of the property who devoted it to the purposes of the observatory, and, so long as he did so keep it, he should be free from petty interferences with him respecting the cutting of timber or the improvement of the property. The reservation of title to the merchantable timber, with the right to cut and remove it, emphasizes, of course, the intention not to interfere with anything but such timber as might be properly cut and sold in the market, and to permit such timber to be removed by the United States "in such manner as to pre-

Hon. James Wilson.

2.

Department of Justice,
Washington.
serve the herbage and undergrowth in their natural condition."

May I ask if you will not give such instructions as will relieve Professor Lowell of the interferences of which he complains.

June 8, 1912.

Dear Mr. Attorney General:

I think this letter from Mr. Lowell should receive attention from yourself and the President. The Act which he quotes is found at 452. The grantee has the right of use for observatory purposes only, but it strikes a construction which would prevent the taking of fence posts for the protection of the tract while being so used. **Enc. 2127.**

Very respectfully,

(Signed) Geo. W. Wickersham

Attorney General.

145556-6
JUN 12 1912
ATTORNEY GENERAL

All incidental uses which would be enjoyed by the owner of the unrestricted fee and which, at the same time, bear a reasonable relation to the use which the act allows, passed to the grantee unless expressly excepted. By the second proviso the United States reserves, first, title to the "merchantable timber" and, second, the right to cut and remove it in such manner as to preserve the herbage and undergrowth in their natural condition. I take the words referring to the preservation of the herbage and undergrowth as a limitation

EXHIBIT “D”

EXHIBIT “D”

(COPY)

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

WASHINGTON, D. C.

June 19, 1912.

The Honorable,

The Attorney General.

Sir:

I have the honor to acknowledge the receipt of your communication of June 11 in reference to the rights of Prof. Percival Lowell in the use for observatory purposes of the land within the Coconino National Forest, Arizona, granted to him by the Act of May 30, 1910.

The previous action taken by the Forest Service in this matter consisted simply in requiring Prof. Lowell to restrict the timber taken for fencing material to oak and dead yellow pine, rather than young pine saplings. This was done in the belief that under the terms of the Act of May 30, 1910, particularly the last clause of the Act, it was the duty of this Department to preserve the forest and the undergrowth on these lands. The young pine timber which Prof. Lowell desired to cut was exactly the class of material which should be preserved in the interests of the future forest growth on this area. Furthermore, since the material designated for his use was far preferable for fencing, it was not thought that any hardship to Prof. Lowell was being occasioned by this action.

However, in view of your opinion as to the extent of the rights granted to Prof. Lowell by the Act in question, I have been glad to instruct the Forester that any restrictions upon the use of any of the material on this land by Prof. Lowell which he desires be removed. This action has been taken.

Very respectfully,
(Signed) James Wilson, Secretary.

Bob -
FYI
WLP



WHITNEY CUNNINGHAM
WCUNNINGHAM@AWDLAW.COM

JOHN CARLSON
JCARLSON@AWDLAW.COM

March 9, 2018

Via First Class Mail and E-mail (kenneth.paur@ocg.usda.gov)

U.S. Department of Agriculture, Office of the General Counsel
Attn: Kenneth Paur, Esq.
1617 Cole Blvd., Suite 385E
Lakewood, CO 80401

**RE: Lowell Observatory, Coconino National Forest
Interpretation of Congressional Land Grant**

To Mr. Paur:

Please be advised we represent Lowell Observatory, located in Flagstaff, Coconino County, Arizona, and this letter is being submitted on Lowell's behalf. Lowell requests from the United States an interpretation of language contained in a congressional grant affecting Lowell's rights to certain real property. As the USDA regional attorney for the region which includes Arizona, and as this matter affects certain rights in land generally within the purview of the U.S. Forest Service, we believe you may be able to assist in this matter. We have attempted to present the situation as comprehensively as possible in this letter, but if you require additional information please do not hesitate to reach out.

Background

Lowell Observatory was established as an astronomical observatory in 1894 by Percival Lowell, who chose a mesa overlooking what is now downtown Flagstaff, Arizona as an ideal location for his new observatory. Throughout the years, scientists at Lowell have conducted research on a wide array of astronomical topics. The Observatory is perhaps most well-known for the discovery of Pluto by Clyde Tombaugh in 1930. In addition to its research functions, the Lowell Observatory provides public education to nearly 100,000 visitors every year. In 1965, the Lowell Observatory was designated a National Historic Landmark by the United States.

In 1910, Congress granted the following described federal real property to Percival Lowell: "Section 17, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona" (hereinafter, "Section 17"). The complete language of the congressional grant (Public Law 61-195 (May 30, 1910)), provides:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, granted to Percival Lowell, his heirs and assigns, section numbered seventeen, in township numbered twenty-one north of range seven east of the Gila and Salt River base and meridian, the said tract of

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land being within the Coconino National Forest, in the Territory of Arizona, for observatory purposes in connection with the Lowell Observatory: *Provided*, That in the event of the removal or abandonment of the said observatory or the use of said land by the grantee for other than observatory purposes the said land shall revert to the United States: *Provided further*, That the title to the merchantable timber thereon and the right to cut and remove the same in such manner as to preserve the herbage and undergrowth in their natural condition shall remain in the United States.

In 1947, title to Section 17 was transferred from Percival Lowell's estate to Lowell Observatory, an Arizona corporation sole. Lowell Observatory has maintained title to Section 17 ever since.

Section 17 is directly west of the property on which the Lowell Observatory facilities are located. Percival Lowell intended Section 17 as a buffer for the observatory, for which purpose it has continually served since its grant. The vegetation and underbrush has generally benefitted observatory efforts through the limitation of light pollution, equalization of air temperatures, and steadying of the air. From 1910 to the present, Section 17 has been developed only intermittently and for minor uses, such as extending the Flagstaff Urban Trail System (1991), permitting a waterline easement (2000), and permitting a drainage easement (2010).

Section 17 is completely isolated and cutoff from any other federal land. Directly adjacent to the east lies several parcels either owned by Lowell Observatory or the City of Flagstaff. Section 17 is bounded completely by City of Flagstaff parcels to the north and west. To the south, Section 17 is bounded by a combination of Lowell Observatory, BNSF Railway, and private residential parcels.

Interpretation of "Observatory Purposes"

In the grant of Section 17, the United States created a possibility of reverter, whereby the United States could regain title to Section 17 if the property is used for "other than observatory purposes." The United States also retains title to the merchantable timber and the right to cut and remove said timber on Section 17. Thus, the federal government still maintains interests in Section 17. This letter requests an official interpretation from the United States regarding the scope of the term "observatory purposes" and the scope of the United States' right to merchantable timber on Section 17.

There is substantial evidence from the early 1900s indicating that the term "observatory purposes" should be interpreted as broadly as possible and should encompass any activity that benefits the observatory. On May 10, 1910, Senator Flint issued a report on behalf of the Senate Committee on Public Lands regarding the yet to be enacted grant of Section 17 (Report No. 670 of the 2nd Session of the 61st Congress). The report states that the proposed bill "provides that the land shall revert to the United States if the observatory is removed or abandoned." Importantly, this report shows that the intent and interpretation of "observatory purposes" was to mean that Section 17 would only revert back to the U.S. if the observatory was removed or abandoned, not if Section 17 was used for purposes separate and in addition to its observatory purpose. A copy of the May 10, 1910 report is attached hereto as **Exhibit A**.

In 1912, after the grant of Section 17, there were substantial communications regarding the extent of the restrictions on Lowell's use of Section 17. Percival Lowell sent a letter dated June 4, 1912 to United States Attorney General George W. Wickersham requesting clarification as to Lowell's rights related to clearing certain trees on Section 17 for the purpose of erecting a fence around section 17. The letter indicates that the local forester objected to Lowell's plan to cut certain young pines. A copy of the June 4, 1912 letter is attached hereto as **Exhibit B**.

In a letter dated June 8, 1912, Assistant Attorney General Ernest Knaebel sent a letter to Attorney General Wickersham, summarizing the Assistant AG's opinion and recommendations in connection with Lowell's June 4 letter. The Assistant Attorney General states that "All incidental uses which would be enjoyed by the owner of the unrestricted fee and which, at the same time, bear a reasonable relation to the use which the act allows, passed to the grantee unless expressly excepted." In connection with the reservation of timber rights by the United States, the Assistant Attorney General writes that "the words referring to the preservation of the herbage and undergrowth as a limitation upon the reserved right of the United States rather than as a limitation of the rights of the grantee." Finally, the Assistant Attorney General states that even if his "conclusions are not in accord with a strict construction of the act, I suggest they are in accord with the spirit of liberality which ought to control the officials of the government in dealing with this grantee, so far as their discretion will permit, in view of the purposes which the grant was intended to subserve." A copy of the June 8, 1912 letter is attached hereto as **Exhibit C**.

In a letter dated June 11, 1912, sent to then Secretary of Agriculture James Wilson, the Attorney General states as follows:

I hand you a copy of a letter received by me from Prof. Percival Lowell about which I spoke to you at Cabinet Meeting this morning. It strikes me that the construction of the act given in his letter, which would prevent the taking of fence posts for the protection of the tract while being used for observatory purposes, is altogether too narrow, and sticks in the bark. The purpose of the act was, undoubtedly, to give Professor Lowell substantially such rights as would be enjoyed by the owner of the property who devoted it to the purposes of the observatory, and, so long as he did so keep it, he should be free from petty interferences with him respecting the cutting of timber or the improvement of the property. The reservation of title to the merchantable timber, with the right to cut and remove it, emphasizes, of course, the intention not to interfere with anything but such timber as might be properly cut and sold in the market, and to permit such timber to be removed by the United States "in such manner as to preserve the herbiage and undergrowth in their natural condition." May I ask if you will not give such instructions as will relieve Professor Lowell of the interferences of which he complains."

A copy of the June 11, 1912 letter is attached hereto as **Exhibit D**.

The Secretary of Agriculture sent a response letter dated June 19, 1912 to the Attorney General, in which the Secretary acknowledges receipt of the June 11 letter and states in material part: "in view of your opinion as to the extent of the rights granted to Prof. Lowell by the Act in question, I have been glad to instruct the Forester that any restrictions upon the use of any of the material on this

land by Prof. Lowell which he desires the removed. This action has been taken." A copy of the June 19, 1912 letter is attached hereto as **Exhibit E**.

These series of documents clearly demonstrate that the grant of Section 17 to Lowell was intended to permit Lowell to have broad discretion over the use of Section 17. As the Attorney General's letter states, as long as the observatory remains, Lowell should be able to make improvements to the property as it sees fit. This intention, unfortunately, was not as clearly stated in the language of the grant, as shown by the fact that Percival Lowell had to receive clarification from the Attorney General in 1912, only two years removed from the grant. Additionally, the merchantable timber right is a very limited one, as demonstrated by the restricting purpose "to preserve the herbage and undergrowth in their natural condition."

The intention of the grant of Section 17 was to provide unfettered rights to Lowell over Section 17, provided that the observatory remains active. The observatory has been in operation for over 100 years, and there is no risk of it disappearing anytime soon. However, thanks to the potential ambiguity in the restrictive language in the grant, Lowell must second-guess every improvement it makes on Section 17 for fear of upsetting whatever administration is currently in place.

As I'm sure you would agree, it is with little doubt that Lowell could construct additional facilities or buildings which primary purpose is to further the observatory's mission related to astronomical research or education. The same likely can be said for the construction of an access road over Section 17 which leads to observatory facilities. However, the ambiguity will become relevant in situations where improvements are not strictly constructed to directly further Lowell's astronomical goals but where Lowell does receive some other benefit (such as money) which indirectly serve to further such goals. For example, if Lowell is paid a sum by a third-party, such as the City of Flagstaff for the right to construct specific improvements on Section 17 for the benefit of the community, some may argue that such improvement does not strictly qualify as an "observatory purpose." However, we are of the opinion that such a use does in fact fall under the purview of "observatory purposes."

The United States has little to gain in taking a narrow interpretation of the term "observatory purposes." Even by 1910, Lowell Observatory had already gained international acclaim, but Congress wanted to protect the U.S. from the risk of a significant change in circumstances regarding the Observatory. Lowell Observatory, however, has existed now for over 120 years and is universally renowned for making numerous scientific discoveries since the original grant. The risk that Lowell may cease operating an observatory is negligible. In 1910, Flagstaff was still in its infancy with under 2,000 residents, and the area surrounding Section 17 was largely undeveloped. Now, Section 17 is surrounded by residential and commercial developments in the continually expanding Flagstaff community. Even assuming Section 17 at some point did revert to full U.S. ownership, the U.S. and the forest service would have little use for a piece of land completely isolated from any other forest service land. Additionally, the right to the timber on Section 17 is very likely a near worthless right. It is anticipated that any feasibility study or appraisal of the timber would reach the same conclusion.

Kenneth Paur, Esq.
March 9, 2018
Page 5

The City of Flagstaff and its residents would greatly benefit by Lowell having complete discretion over the use of Section 17. Lowell has worked with the city in the past in granting various easements for the public benefit. Section 17 is substantially surrounded by city-owned land, but the restrictions on the use of Section 17 make it difficult for the city to make full use of those surrounding parcels. Lowell and the city could more quickly design and implement public benefit projects that make use of Section 17 if Lowell did not have the risk of reversion hanging over its head.

Based on the foregoing, Lowell proposes that the phrase “observatory purposes” should be construed as broadly as possible and should encompass any activity or action that benefits Lowell, regardless of the form of the benefit and that Lowell should be able to make use of Section 17 for any purpose it deems fit so long as a Lowell maintains an observatory on or adjacent to Section 17. Lowell requests that you either confirm or deny such interpretation of the term “observatory purposes.”

If you have any questions or would like to discuss in more detail, please feel free to reach out.

Sincerely,

ASPEY, WATKINS & DIESEL PLLC

A handwritten signature in blue ink, appearing to be 'Whitney Cunningham', written over a light blue horizontal line.

Whitney Cunningham
John Carlson
JWC/jl

CC: Cal Joyner, USFS Southwest Regional Forester
W. Lowell Putnam, IV, Sole Trustee of Lowell Observatory
Jeffrey Hall, Ph.D., Lowell Observatory Director

EXHIBIT “A”

EXHIBIT “A”

**GRANT OF CERTAIN LANDS IN COCONINO NATIONAL
FOREST, ETC.**

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The House report is as follows:

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Insert after the word "Lowell," in line 3, the words "his heirs and assigns."

And as thus amended the committee recommend that the bill do pass.

The bill grants to Percival Lowell one section of land in the Territory of Arizona, immediately adjacent to the Lowell Observatory, for observatory purposes, during the life of said Lowell, and upon his death to his heirs and assigns, and provides that the land shall revert to the United States if the observatory is removed or abandoned. The bill also reserves to the United States all the merchantable timber upon the land granted and the right to cut and remove the same. The land granted was at the time the observatory was erected the property of the Santa Fe Railroad Company, which was willing to convey the same to Mr. Lowell, but was unable to do so, owing to the fact that it was under contract to relinquish same to the Government. Subsequently the land, with other land, was, by executive order, embraced within the limits of the San Francisco Mountains Forest Reserve, the land having been relinquished to the Government. The section of land hereby granted is uninclosed and is being denuded of its vegetation. Its condition in this respect is in marked contrast to the inclosed land already owned and used for observatory purposes.

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EXHIBIT “B”

EXHIBIT “B”

JUN 4 4-22 PM 1912

53 STATE STREET,

BOSTON, 4 June 1912.

George W. Wickersham, Esq., Attorney-General,
Washington, D. C.

Dear Mr. Wickersham:-

On May 30, 1910, a private bill was passed by the Senate and House and signed by the President which read as follows:

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145556-6

EK

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that the timber in that section was practically worthless both because of its character and inaccessibility.

At the time the bill was passed the Government wanted me to fence the land. That I was not willing to do at the time but decided to do this spring. Whereupon the same local Forester undertook to say that I could not cut the necessary posts on my land. Now cases in the courts have held that merchantable timber means anything over 8 inches in diameter - not under. But in order to avoid trouble with the Government about what I was informed was my right I applied to the head of the Forest Department at Washington for an order from him to authorize the cutting. He practically backed up his subordinate -refusing to let me cut young pines though he had no objection to my cutting the living white oaks a matter in my opinion far more deleterious as the oaks are few and slow of growth while the young pines should be thinned out if the survivors are to become large. Nature will do this if I do not.

I hate to trouble you in this matter but I should like to ask you as Attorney -General if I have not the right to cut these small trees by the provisions of the bill, in view of the decisions which have been held.

If, after consideration, you consider that I have not the right could you be so kind as to bring the matter to the President's consideration and ask him as a matter of courtesy to me to authorize their cutting as the Government's intention was to afford me every convenience in protecting the land from cattle, sheep and

harmful deterioration. I may add that the conduct of Mr. Drake, the local official in question, is so overbearing that he has alienated the citizens there - I by no means being the only complainant. I think his removal would benefit not only the community at Flagstaff but the Forest Service as well, as friction of the sort is very unadvisable between the State and Government Lands..

Believe me,

Faithfully yours,

Frederic Lowell

EXHIBIT “C”

EXHIBIT “C”

ERNEST KNAEBEL,
ASSISTANT ATTORNEY GENERAL.

Department of Justice,
Washington.

June 8, 1912.

Dear Mr. Attorney General:

I think this letter from Mr. Lowell should receive attention from yourself and the President. The Act which he quotes is found at 36 Stat. 452. The grantee has the right to use the land for observatory purposes only, but it strikes me that a construction which would prevent the taking of fence posts for the protection of the tract while being so used, is altogether too narrow and in fact indefensible. All incidental uses which would be enjoyed by the owner of the unrestricted fee and which, at the same time, bear a reasonable relation to the use which the act allows, passed to the grantee unless expressly excepted. By the second proviso the United States reserves, first, title to the "merchantable timber" and, second, the right to cut and remove it in such manner as to preserve the herbage and undergrowth in their natural condition. I take the words referring to the preservation of the herbage and undergrowth as a limitation

✓

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DEPARTMENT OF JUSTICE
JUN 12 1912
MAIL & FILE DIVISION
ATTORNEY GENERAL
ACTION

D

145556-6
The Attorney General-2-

upon the reserved right of the United States rather than ^{as a} ~~any~~ limitation of the rights of the grantee.

If this is so he would be authorized to cut and use the non-merchantable trees so far as might be necessary for the erection of a protective fence.

If the above conclusions are not in accord with a strict construction of the act, I suggest that they are in accord with the spirit of liberality which ought to control the officials of the government in dealing with this grantee, so far as their discretion will permit, in view of the purposes which the grant was intended to subserve.

Respectfully,

Ernest Kuachel
Asst Atty General

EXHIBIT “D”

EXHIBIT “D”

Department of Justice

CARBON COPY FOR THE FILES.

W-H.

185556-6

June 11, 1912.

Hon. James Wilson,
Secretary of Agriculture.

Dear Mr. Secretary:

I hand you a copy of a letter received by me from Prof. Percival Lowell, about which I spoke to you at Cabinet Meeting this morning. It strikes me that the construction of the act given in his letter, which would prevent the taking of fence posts for the protection of the tract while being used for observatory purposes, is altogether too narrow, and sticks in the bark. The purpose of the act was, undoubtedly, to give to Professor Lowell substantially such rights as would be enjoyed by the owner of the property who devoted it to the purposes of the observatory, and, so long as he did so keep it, he should be free from petty interferences with him respecting the cutting of timber or the improvement of the property. The reservation of title to the merchantable timber, with the right to cut and remove it, emphasizes, of course, the intention not to interfere with anything but such timber as might be properly cut and sold in the market, and to permit such timber to be removed by the United States "in such manner as to pre-

Department of Justice

CARBON COPY FOR THE FILES.

Hon. James Wilson.

2.

serve the herbage and undergrowth in their natural condition."

May I ask if you will not give such instructions as will relieve Professor Lowell of the interferences of which he complains.

Very respectfully,

(Signed) Geo. W. Wickersham
Attorney General.

Enc. 2127.




EXHIBIT “E”

EXHIBIT “E”

DEPARTMENT OF AGRICULTURE
 OFFICE OF THE SECRETARY
 WASHINGTON, D. C.

JUN 22 8-56 AM 1912

June 19, 1912.

The Honorable,
 The Attorney-General.

Sir:

I have the honor to acknowledge the receipt of your communication of June 11 in reference to the rights of Prof. Percival Lowell in the use for observatory purposes of the land within the Coconino National Forest, Arizona, granted to him by the Act of May 30, 1910.

The previous action taken by the Forest Service in this matter consisted simply in requiring Prof. Lowell to restrict the timber taken for fencing material to oak and dead yellow pine, rather than young pine saplings. This was done in the belief that under the terms of the Act of May 30, 1910, particularly the last clause of the Act, it was the duty of this Department to preserve the forest and the undergrowth on these lands. The young pine timber which Prof. Lowell desired to cut was exactly the class of material which should be preserved in the interests of the future forest growth on this area. Furthermore, since the material designated for his use was far preferable for fencing, it was not thought that any hardship to Prof. Lowell was being occasioned by this action.

RECORDED

145556-7

JUN 22 1912

KNAEBEL *SK*

The Attorney-General.

However, in view of your opinion as to the extent of the rights granted to Prof. Lowell by the Act in question, I have been glad to instruct the Forester that any restrictions upon the use of any of the material on this land by Prof. Lowell which he desires be removed. This action has been taken.

Very respectfully,

James Wilson
Secretary.



WHITNEY CUNNINGHAM
WCUNNINGHAM@AWDLAW.COM

July 28, 2017

Via First Class Mail and Email (jadams05@fs.fed.us)

United States Forest Service
Attn: Judy Adams, Lands Team Leader
PO Box 20429
Sedona, AZ 86341

**RE: Proposed U.S. Forest Service Land Exchange;
Lowell Observatory, Coconino National Forest**

Dear Ms. Adams:

We represent Lowell Observatory in connection with the U.S. Forest Service land exchange proposed in this letter (the “Exchange”). This letter serves as a brief introduction of the issues and proposed terms of the Exchange.

Lowell Observatory was established in 1894 by Percival Lowell, who chose a mesa overlooking what is now downtown Flagstaff, Arizona as the ideal location for his new observatory. Throughout the years, scientists at Lowell Observatory have conducted research on a wide array of astronomical topics. The Observatory is perhaps most well-known for the discovery of Pluto by Clyde Tombaugh in 1930. In addition to its research functions, the Lowell Observatory provides public education to nearly 100,000 visitors every year. In 1965, the Lowell Observatory was designated a National Historic Landmark by the United States.

In 1910, Congress granted the following described federal property to Percival Lowell: “Section 17, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona” (hereinafter, “Section 17”). The complete language of the Congressional grant (Public Law 61-195 (May 30, 1910)), provides:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, granted to Percival Lowell, his heirs and assigns, section numbered seventeen, in township numbered twenty-one north of range seven east of the Gila and Salt River base and meridian, the said tract of land being within the Coconino National Forest, in the Territory of Arizona, for observatory purposes in connection with the Lowell Observatory: Provided, That in the event of the removal or abandonment of the said observatory

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Tel (928) 282-5955

or the use of said land by the grantee for other than observatory purposes the said land shall revert to the United States: *Provided further*, That the title to the merchantable timber thereon and the right to cut and remove the same in such manner as to preserve the herbage and undergrowth in their natural condition shall remain in the United States.

In 1947, title to Section 17 was transferred from Percival Lowell's estate to Lowell Observatory, an Arizona corporation sole. Lowell Observatory has maintained title to Section 17 ever since.

Section 17 is directly west of the property on which the Observatory facilities are located. Percival Lowell intended Section 17 as a buffer for the Observatory, for which purpose it has continually served over the years. The vegetation and underbrush has generally benefitted observatory efforts through the limitation of light pollution, equalization of air temperatures and steadying of the air. From 1910 to the present, Section 17 has been developed only intermittently and for minor uses, such as extending the Flagstaff Urban Trail System (1991), permitting a waterline easement (2000), and permitting a drainage easement (2010).

In the grant of Section 17, the United States created a possibility of reverter, whereby the United States could regain title to Section 17 if the property is used for "other than observatory purposes." The United States also retains title to the merchantable timber and the right to cut and remove said timber on Section 17. Thus, the federal government still maintains interests in Section 17. This Exchange proposal contemplates the federal government relinquishing the possibility of reverter, its rights to the timber, and any other rights it may have to Section 17, in exchange for Lowell Observatory assuming responsibilities related to Section 17.

Regulatory Structure

As you are aware, the U.S. Forest Service is authorized through a number of federal statutes to conduct exchanges of national forest property with private individuals or entities. The regulations setting forth the procedures for conducting these exchanges are found in Title 36 of the Code of Federal Regulations, chapter II, part 254, subpart A. 36 C.F.R. §§ 254.1–254.17. In general, the Forest Service cannot undertake a land exchange unless there is a determination that the "public interest will be well served." C.F.R. § 254.3(b). In evaluating proposed land exchanges, C.F.R. § 254.3 instructs the Forest Service to consider many factors, including:

- The opportunity to achieve better management of federal lands and resources
- The needs of state and local residents and their economies
- Protection of fish and wildlife habitats, cultural resources, watersheds, and wilderness and aesthetic values

- The enhancement of recreation opportunities and public access
- Consolidation of lands and/or interests in lands, such as mineral and timber interests, for more logical and efficient management and development
- Consolidation of split estates
- Expansion of communities
- Fulfillment of public needs
- The absence of substantial conflict between the intended use of the conveyed land or interest with management of adjacent federal lands

Other relevant criteria, which favor the approval of a land exchange include:

- Parcels that are isolated from other Forest Service land
- Parcels that are intermingled with private land, or within major blocks of private land, the use of which is substantial for non-forest purposes
- Parcels that will serve the greater public interest in private ownership
- Parcels inside or adjacent to communities or intensively developed private land, and for which the land is chiefly valuable for non-national forest purposes

As this letter briefly outlines, the above factors favor the proposed Exchange. Lowell Observatory hopes to meet with the Forest Service representatives to further discuss and establish the feasibility and favorability of this proposed Exchange.

Factors Favoring the Exchange

In general, Lowell Observatory serves two primary purposes: scientific research and public education. The Observatory is experiencing steady growth on both fronts, and has outgrown its current facilities. To adequately meet and expand upon its capabilities to serve these goals, the Observatory requires unrestricted use of Section 17.

Section 17 is completely isolated and cutoff from any other federal land. Directly adjacent to the east lies several parcels either owned by Lowell Observatory or the City of Flagstaff. Section 17 is bounded completely by City of Flagstaff parcels to the north and west. To the south, Section 17 is bounded by a combination of Lowell Observatory, BNSF Railway, and private residential parcels.

Lowell Observatory serves nearly 100,000 visitors per year. Currently, Mars Hill Road is the only road in and out of the Observatory. This limited access poses numerous risks to visitors, staff, and emergency response personnel. Lowell Observatory desires to construct a secondary access road, a substantial portion of which would be expected to cross over Section 17. A secondary access

route will greatly alleviate pressures and risks associated with relying on a singular access point to a relatively secluded location.

Additionally, the continued growth of Lowell Observatory necessitates an expansion of its Observatory facilities. This expansion will require additional buildings to be erected on Section 17. The expanded facilities will greatly increase the Observatory's research and educational capabilities.

The United States has little to gain by retaining its interests in Section 17. By 1910, the Observatory had already gained some international acclaim, but Congress wanted to protect the U.S. from a significant change in circumstances regarding the Observatory. The Observatory, however, has existed now for over 120 years and is universally renowned for making numerous scientific discoveries since the original grant. The risk that the Observatory might cease to exist is negligible. In 1910, Flagstaff was still in its infancy with under 2,000 residents, and the area surrounding Section 17 was largely undeveloped. Now, Section 17 is surrounded by residential and commercial developments in the continually expanding Flagstaff community. Even assuming Section 17 at some point did revert to full U.S. ownership, the forest service would have little use for a piece of land completely isolated from any other forest service land. Additionally, the right to the timber on Section 17 is very likely a near worthless right. It is anticipated that any feasibility study or appraisal conducted in connection with this proposed Exchange will reach the same conclusion.

The City of Flagstaff and its residents would benefit by having Section 17 owned outright by the Observatory. The Observatory has worked with the City in the past in granting various easements for the public benefit. Section 17 is substantially surrounded by City-owned land, but the restrictions on the use of Section 17 make it difficult for the City to make full use of those surrounding parcels. The Observatory and City could more quickly design and implement public benefit projects that make use of Section 17 if the Observatory had full title to Section 17. Full ownership would eliminate the need to obtain federal approval, which may be time and cost-consuming, or under the 1910 Congressional grant, unavailable.

As an example, the City of Flagstaff has expressed preliminary interest in exploring the possibility of a new roadway connecting Route 66 or Milton Road with Highway 180 to the north, thereby alleviating traffic congestion in downtown Flagstaff up through Fort Valley Road. It is very possible, if not likely, that the City would need to make use of a portion of Section 17 to accomplish this goal. The process by which such a project would be undertaken would proceed much more efficiently if complete and unrestricted ownership of Section 17 was vested in Lowell Observatory.

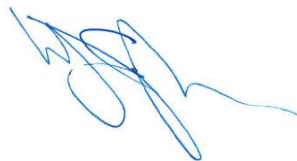
As long as the U.S. government holds its interests in Section 17, Lowell Observatory is greatly hampered in its ability to undertake any of the projects mentioned in this letter. It is limited in its ability to clear land for its purposes without obtaining consent regarding timber rights from the U.S. government. The Observatory also risks a future government claim that a project it undertakes is not specifically for "observatory purposes," a restriction that is not explicitly defined and is thus subject to interpretation. The Observatory does not necessarily anticipate the U.S. objecting to any of its proposed projects, but ambiguity hinders any development.

Conclusion

Unrestricted ownership of Section 17 will allow Lowell Observatory to better support its short and long-term growth goals. Lowell Observatory is an icon in the Flagstaff community and continues to provide a noble service to both locals and the public-at-large through innovative scientific research and public education. This letter serves as an introduction to the issues and general proposed terms of an Exchange for Section 17. Representatives from Lowell Observatory desire to meet with U.S. Forest Service representatives to begin discussing the feasibility of the Exchange. It is anticipated that the parties will be able to craft a mutually agreeable exchange that will benefit the public and satisfy exchange criteria. In a few days, I will reach out to verify receipt of this letter and, if you approve, to schedule a meeting time and place acceptable to all parties.

Sincerely,

ASPEY, WATKINS & DIESEL PLLC

A handwritten signature in blue ink, appearing to read 'Whitney Cunningham', is written over the typed name.

Whitney Cunningham

WC/mg

C: W. Lowell Putnam, IV, Sole Trustee
Jeffrey Hall, Ph.D., Director



City of Flagstaff

February 23, 2018

Mr. Paul Babbitt
Office of the Honorable Tom O'Halleran
126 Cannon House Office Building
Washington, DC 20515

Dear Mr. Babbitt:

I am writing to express support for Lowell Observatory's request to the United States Forest Service to remove deed restrictions on Lowell's ownership of the 640-acre parcel identified as "Section 17, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona" (Section 17). I understand that Section 17 was granted to Lowell in 1910, by the United States Congress, with certain restrictions related to the permitted use of this land. These restrictions are now preventing Lowell and the community from taking full advantage of Section 17.

Lowell's storied history of research and education has long been a point of pride in the Flagstaff community. Lowell and the City of Flagstaff frequently collaborate on issues which benefit our community, including Lowell's granting the City an easement to expand its Flagstaff Urban Trails System. For the past 25 years, Lowell has been an outstanding partner with the City in allowing Section 17 forest thinning for community wildfire protection. In that same spirit, Lowell has offered to involve the City and Coconino County in the future development of Section 17. Lowell and the City see a unique opportunity to collaborate for the advancement of both Lowell's goals related to research and education and the City's goals of providing economic development and the best possible services to our citizens.

Lowell is situated on the top of Mars Hill and, while only being about a mile from City Hall in downtown Flagstaff, is relatively secluded in its forest environment. There is only one, narrow two-lane road providing access in and out of the Lowell Observatory facilities. Lowell currently hosts nearly 100,000 visitors per year; those visitors all access Lowell via this single road. The City's goal to provide the best emergency response service possible is particularly relevant. This limited access poses safety risks to visitors, staff, and emergency response personnel alike. Such risks are particularly acute if there ever were something blocking the road, such as a car accident, downed tree, or a wildland forest fire.

Additionally, Section 17 may provide solutions to other community concerns, such as those related to the limited access to the City owned Open Space property adjacent to Section 17. As Lowell continues to master plan Section 17, the City and many other agencies will coordinate access, utility, connectivity and land use issues. We are very excited to partner with Lowell in this endeavor.

Arizona Relay Service 7-1-1

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City of Flagstaff

The City of Flagstaff is extremely supportive of Lowell Observatory's proposal to the United States for the transfer of unrestricted title of Section 17.

Please feel free to contact me if you have any questions or need additional information.

Sincerely,

Barbara Goodrich
Interim City Manager
Flagstaff, Arizona
928-213-2015
bgoodrich@flagstaffaz.gov





Coconino County SHERIFF'S OFFICE

Jim Driscoll, Sheriff

February 5, 2018

To Whom It May Concern,

My name is Jim Driscoll and I am the Sheriff of Coconino County. I am writing to express support for Lowell Observatory's request to the United States to remove restrictions on Lowell's ownership of the 640-acre parcel identified as "Section 17, Township 21 North, Range 7 East of the Gila and Slat River Base and Meridian, Coconino County, Arizona" (hereinafter, "Section 17"). I understand that Section 17 was granted to Lowell in 1910 by the United States Congress, with certain restrictions relating to the permitted use of Section 17. It appears now that such restrictions prevent Lowell and the community from taking full advantage of Section 17.

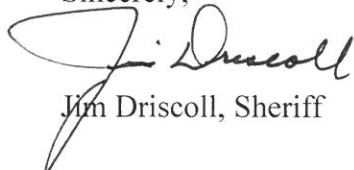
Lowell Observatory's history of research and education has long been a point of pride in the Flagstaff community. Despite Lowell being a private organization, it has frequently collaborated with the city and county, including granting the city an easement to expand its Flagstaff Urban Trails System. In that same spirit, Lowell has offered to involve the city and county in the future development of Section 17. This opportunity to collaborate can benefit both Lowell's goals related to research and education and our local government's goal to provide the best possible services our citizens and visitors.

The city and county's goals to provide emergency response is particularly relevant. Currently, there is only one road accessing the Lowell Observatory facilities. Lowell is situated on the top of Mars Hill and, while only being about 1.5 miles from downtown Flagstaff, is relatively secluded, being substantially surrounded by forest. This limited access poses safety risks to visitors, staff, and emergency response personnel. The ability of Lowell to use Section 17 for access improvements is something I support. Additionally, collaborative efforts between the city, county and Lowell Observatory regarding Section 17 may provide much needed solutions to other community traffic and safety concerns.

For these reasons, I submit my support for Lowell Observatory's proposal to the United States for the transfer of unrestricted title of Section 17 to Lowell.

Thank you for your consideration. If you have any questions, please feel free to contact me at (928) 226-5009.

Sincerely,



Jim Driscoll, Sheriff



"SERVICE TO COMMUNITY"



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Neal Young
Deputy County Manager

Rita Cheng
Northern Arizona University
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Colleen Smith
Coconino Community
College President

David Hirsch
Goodwill Industries of
Northern Arizona President/
CEO

November 22, 2017

Mr. Jeff Hall, Director
Lowell Observatory
1400 W. Mars Hill Road
Flagstaff, AZ 86001

Dear Jeff,

Thank you for sharing your plans for the expansion of Lowell Observatory campus, including the undeveloped area on Section 17 west of the Lowell campus. We can see Section 17 could be used to support a variety of progressive uses that support the Flagstaff community, including new high tech or research facilities to contribute the community's reputation as a STEM City and providing high-paying jobs for the region.

The section also provides the possibility of improved access routes to provide better ingress/egress to Mars Hill and the possibility to relieve times of heavy traffic congestion in and around Flagstaff.

ECoNA fully supports Lowell's vision to be the premier destination in the Americas for informal astronomy education.

We look forward to working with Lowell, the City, County and interested stakeholders to make this vision a reality.

All the best,

John Stigmon
President and CEO



City of Flagstaff

11/27/2017

Dear Jeff,

Thank you for meeting with us to discuss all that is going on at Lowell Observatory and your plans for the growth of the Observatory and Section 17. I am so pleased to see how much the Observatory is growing both in science and visitors. Lowell has always been a point of pride in our community, and it is clear that it will continue to be into the future.

Your offer to involve the City in the development plans for Section 17 is welcome and typical of the "good neighbor" that the Observatory has been since Percival Lowell founded it in 1894. Properly developed, this section can help solve a number of problems of access, create new areas for growth, and help keep the quality of life that Flagstaff is justifiably proud of.

The growth in visitors to Mars Hill is taxing the one road that goes to the Observatory, and I understand and agree with your concerns about safety and access as you look to grow your visitor levels by 50% or more. In addition, the community is looking for access solutions for the lands to the immediate west of the section and for a resolution of the traffic flow issues to and from Snowbowl. Your offer to use Section 17 to help resolve these is much appreciated.

No community I know of has an undeveloped, and unzoned, 640 acre site within its borders. It is an incredible opportunity for planning that can attract new businesses, create jobs, and improve our tax base. Your requirements that we keep (or even enhance) the FUTS system and Flagstaff's open spaces, as well as maintain dark sky quality, will only increase the value of this land.

I look forward to working with you to make all this come to pass, and thank you once again for being the quality organization that Lowell has always been.

Sincerely,

Mayor Coral J. Evans MBA

cevans@flagstaffaz.gov

928-213-2015

Arizona Relay Service 7-1-1

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Jeff Hall
Lowell Observatory

Maury Herman
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Dear Jeff,

Thank you for the information regarding Lowell's plans for development of its campus, as well as for Section 17 just west of the campus.

As you well know as a member of NALA yourself, our organization is fully supportive of projects that enhance the economic vitality of Flagstaff and the surrounding region. We are pleased that the strong attendance at Lowell's outreach programs has grown your program into one of Flagstaff's largest tourist attractions, but we also appreciate the capacity problems this has created, both in your visitor center and on Mars Hill Road. Your plan to create a destination-level visitor center is exciting and entirely in line with our vision for Flagstaff.

At the same time, the potential for development of the one-square-mile Section 17 represents a unique opportunity for our community. The combination of research facilities and high-tech assets that might be located there could be an enormous boon for Flagstaff, as well as a model for communities around the state and the nation to emulate.

NALA is pleased to provide its endorsement of your long-range plan, and we support your efforts to secure full latitude to develop Section 17 in this exciting and visionary manner. Assuming you can soon move ahead, NALA would look forward to working with you and the community to realize the best possible vision for this unique space.

Sincerely,

T Paul Thomas, CEO



December 1, 2017

RE: Letter of Support – Section 17

Dear Jeff,

Lowell Observatory is a shining star in Flagstaff's STEM community and it is exciting to hear of your expansion plans and the potential for development of the square mile of land that comprises Section 17 west of your campus.

An expanded Lowell Observatory campus and newly developed infrastructure to support "America's First STEM City" would bring invaluable assets to our community. Currently, Lowell's community outreach programs engage, enlighten and excite our citizens and the multitude of international visitors who visit our community. It is easy to imagine the exponential impact additional assets could have on the ability to expand the scope and impact of Lowell Observatory's outreach efforts and the efforts of our entire STEM community. Properly and thoughtfully done, it could be a major enhancement to our community's reputation as a hub for science and technological advancement.

STEM City works with community partners to strengthen STEM literacy, promote STEM organizations and sustain STEM initiatives. Core to our mission is a focus on efforts that bring additional assets to our community, allowing our community to grow and thrive. STEM City would be delighted to be part of the community conversation that leads to a vision and implementation of new STEM assets. Especially exciting is the idea of engaging our K-12 community partners in the development of new and unique student learning opportunities made available through the development of Section 17.

We endorse your efforts to secure full use of the Section and look forward to future discussions that turn this vision into reality.

Sincerely,

Brigid Dineen
Executive Director
STEM City

