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(Original Signature of Member)

117TH CONGRESS

1ST SESSION

S. _____

To require the Secretary of Agriculture to release certain reversionary and reserved interests in land in the Coconino National Forest in the State of Arizona, and for other purposes.

IN THE UNITED STATES SENATE

Mr. XXXX introduced the following bill; which was referred to the
Committee on

A BILL

To require the Secretary of Agriculture to release certain reversionary and reserved interests in land in the Coconino National Forest in the State of Arizona, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lowell Observatory Modernization Act”.

SEC. 2. FINDINGS.

Congress finds the following:

- (1) Lowell Observatory was founded in 1894, on what came to be known as Mars Hill in what then was within Flagstaff, Arizona City limits.
- (2) In 1910, Percival Lowell, through an Act of Congress, was deeded Forest Service land known as Section 17.
- (3) When Percival Lowell was deeded Section 17 in 1910, it was not within any City limits and was needed to protect the Observatory as a “dark sky” area and against potential development.
- (4) Percival Lowell’s will, which controls the Observatory, is explicit that the Observatory shall never be subsumed, governed, or incorporated by another entity, thus ensuring that the Observatory will continue its mission on Mars Hill and Section 17 for future generations.
- (5) Lowell Observatory welcomes visitors to enjoy the pristine and expansive undeveloped lands of this private property, and this shall be possible in the future with the 1910 Act as amended.
- (6) The Forest Service has identified Section 17 as an “orphaned” or disposal parcel to be auctioned if reverted to the Federal Government.
- (7) There is no worthwhile merchandisable timber on Section 17 and the current provision of the law related to timber unnecessarily burdens the United States Forest Service with time and resources.
- (8) In 1930, the discovery of the dwarf planet Pluto at Lowell Observatory solidified the Observatory and Flagstaff as a preeminent center for scientific research and discovery in the United States.
- (9) Lowell Observatory has been continuously operating for over 127 years at its Mars Hill location and has become one of the top tourist destinations in northern Arizona with more than 100,000 visitors annually.
- (10) Lowell Observatory has developed a master plan for its main campus to include a new Astronomy Discovery Center, increased parking, and other amenities.
- (11) Section 17 is now within the Flagstaff City limits.

(12) As Section 17 is now under the jurisdiction of the City, any further improvements to its amenities on Section 17 shall require the development of an additional planning document that shall be subject to the approval of the City's Planning and Zoning Commission and the City Council, and subject to the proviso that residential amenities not dedicated solely to Observatory staff, guests, and visitors shall be excluded.

(13) Lowell Observatory and the City of Flagstaff are finalizing a binding development agreement that will require the creation of a community-developed planning process to be approved by the Flagstaff City Council, which will dictate land uses for Section 17.

(14) The Observatory values its relationship with the City of Flagstaff, community organizations, and residents, who shall meaningfully contribute to the development of said Master Plan through the mechanism of a private-public partnership with all aforementioned constituents.

(15) Given the three previous clauses, the reversionary interest for "observatory purposes" in the Act of 1910 is now redundant and unnecessary; upon completion of said Master Plan, its contents shall represent the "purposes" of the Section thereafter.

SEC. 3. RELEASE OF REVERSIONARY AND RESERVED INTERESTS.

(a) IN GENERAL.—The Act of May 30, 1910 (Chapter 261; 36 Stat. 452) is amended—

(1) in the long title, by striking “, for observatory purposes”;

(2) in the matter preceding the first proviso, by striking “, for observatory purposes in connection with the Lowell Observatory”;

(3) in the first proviso, by striking “or the use of said land by the grantee for other than observatory purposes”; and

(4) by striking “*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.”.

(b) LAND DESCRIBED.—The parcel of land to be reverted pursuant to the amendments made by subsection (a) is the National Forest System land—

(1) conveyed by the United States to Percival Lowell and his heirs by the Act entitled “An Act granting certain lands in the Coconino National Forest, in Arizona, for observatory purposes”, approved 10 May 30, 1910 (36 Stat. 452; chapter 261); and

(2) described as section 17, T. 21 N., R. 7 E., of the Gila and Salt River base and meridian in Coconino County, Arizona.

(c) DEFINITIONS.—In this section:

(1) OBSERVATORY.—The term “Observatory” means Lowell Observatory in Flagstaff, Arizona.

(2) SECRETARY.—The term “Secretary” means

the Secretary of Agriculture, acting through the Chief of the Forest Service.

And, just to be clear, when done, the amended Act would read as follows:

CHAP. 261.- An Act Granting certain lands in the Coconino National Forest, in Arizona. [Public, No. 195.] 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: Provided, That in the event of the removal or abandonment of the said observatory the said land shall revert to the United States.