



## SAN JUAN COUNTY COMMISSION

Bruce B. Adams - Chairman  
Rebecca M. Benally - Vice-Chair  
Phil Lyman - Commissioner  
Kelly Pehrson - Administrator

Tuesday, August 13, 2018

Utah Navajo Chapter Officials,

### **REF: Tribal Route Ownership of all routes within Utah portions of The Navajo Nation**

San Juan County has historically claimed and provided maintenance to roads on Navajo Tribal Lands within San Juan County, Utah. In 2007 a letter to the Navajo Department of Transportation from San Juan County indicated ownership of these roads. Over the years the needed maintenance activities have been provided accordingly. Since 2007 there have been some major changes imposed on San Juan County. San Juan County has been informed we never owned right of way on the Navajo Tribal Lands, San Juan County had only claimed the roads under an "Assumed Right of Way".

The 2012 Navajo Nation Council passed, Navajo Nation 2 N.N.C. § 500 (C) (6) which gave the responsibility of all transportation to the Navajo Division of Transportation under the RDC direction. Following this direction, over several years, plans have been made and slowly put into place.

On April 17, 2018, Mr. Garret Silversmith, Division Director for Navajo Division of Transportation (NDOT) personally delivered a letter "Attachment A" to San Juan County, Utah Board of Commissioner requesting documentation showing any legal right of way as is required by, 25 CFR Part 170.

At that meeting, Mr. Silversmith informed San Juan County Commissioners that effective June 1, 2018, all routes without the requested valid ROW documentation, listed as County Ownership would be changed to Tribal Ownership in NDOT and National Tribal Transportation Facility Inventory (NTTFI) inventory.

San Juan County replied to the request with a letter stating that no documents granting Ownership or Legal ROW to San Juan County exist. Furthermore, San Juan County honors the Sovereignty of the Navajo Nation and the Nation's ownership of the roads as Tribal Routes.

San Juan County has on August 7, 2018 approved and submitted the Official San Juan County "B" Road Map Year 2018 to the State of Utah, Division of Transportation. This updates routes and mileage claimed by San Juan County to reflect the ownership changes enacted by the Navajo Nation in 2012.


Effective upon submission to UDOT no further expenditure of Class B road funds is permitted under Utah State Law and Regulations Governing Class B&C Road Funds. As such, continued maintenance operations upon the routes of Tribal Ownership by San Juan County Road Department have ceased. All reports of road damage or maintenance requests should be directed from the Chapter to the Navajo Division of Transportation using the attached form.

San Juan County and Navajo Division of Transportation are currently working to establish a Memorandum of Understanding (MOU) which will lay the ground work for future Inter-Governmental Agreements (IGA) and would provide the necessary funding for potential maintenance to be performed by San Juan County.

Through multiple meetings and discussions over the last three years, there has been a large amount of public outreach to share this information with the public. Each Chapter has had representation at many of these meetings, with that I hope this information does not come as a surprise to any of the Chapter Officials or residents.

San Juan County hopes that each Chapter will take this opportunity to engage in the future direction of transportation within their respective areas. Chapters are encouraged to work with NDOT and the Navajo Nation to maintain and improve roads for all residents of the Navajo Nation within San Juan County, Utah.

Sincerely,  
San Juan County Commission



Bruce Adams, Chairman



Rebecca Benally, Vice Chair



Phil Lyman, Commissioner



**NAVAJO DIVISION OF TRANSPORTATION**  
P.O. BOX 4620, WINDOW ROCK, AZ 86515  
PHONE (505) 371-8300 FAX (505) 371-8399



RUSSELL BEGAY  
PRESIDENT

JONATHAN NEZ  
VICE PRESIDENT

April 16, 2018

San Juan County Utah  
Commissioner Rebecca Benally  
PO Box 9  
Monticello, Utah 84535

REF: Transition of County Route Ownerships to Tribal Route Ownerships

Navajo Division of Transportation (Navajo DOT) is tasked by Bureau of Indian Affairs Department of Transportation (BIADOT) to transition the county route ownership to tribal route ownerships in the National Tribal Transportation Facility Inventory (NTTFI).

Historically, BIADOT has allowed routes to have an "Assumed Rights-of-Way." With the updated Federal Register from the Department of the Interior, 25 CFR Part 170 requires clear documentation for rights-of-way (ROW).

Therefore, Navajo DOT is requesting all county offices to submit legal documentation of all ROW for their county routes. To complete this task, ROW documentation that are provided will be submitted into the NTTFI.

Deadline to submit ROW documentation is May 31, 2018. Unless otherwise, Navajo DOT will start making the change of ownership code in the NTTFI from county to tribe. These changes will then be forward on to BIADOT and Federal Highway (FHWA) for consideration and final approval.

Thank you in advance for your consideration to this request and if any questions or comments, please feel free to contact me at (505) 371-8300.

Sincerely,

A handwritten signature in black ink, appearing to read "Garret Silversmith".

Garret Silversmith  
Division Director  
Navajo Division of Transportation



# Navajo Nation Division of Transportation

## Work Order Form

Fax to: (505)371-8399

Time: \_\_\_\_\_ am/pm    Date: \_\_\_\_\_ 2018    NDOT No: \_\_\_\_\_ FY18-

Requested by: \_\_\_\_\_    Entity: \_\_\_\_\_

Address: \_\_\_\_\_    State: \_\_\_\_\_    Zip: \_\_\_\_\_

Phone: \_\_\_\_\_    Fax: \_\_\_\_\_    Email: \_\_\_\_\_

### Location

- Chinle Agency   
 Eastern Agency   
 Ft. Defiance Agency   
 Northern Agency   
 Western Agency

Route/Description: \_\_\_\_\_    Mile Post: \_\_\_\_\_

### Request

- Road Grading**    Concerns : \_\_\_\_\_  
 **Culvert**    \_\_\_\_\_  
 **Potholes**    \_\_\_\_\_  
 **Other**   
 Supporting documents   
 Letters   
 Resolution Email   
 Other \_\_\_\_\_

### Identify Land

### Status

- Navajo Trust Land   
 Private Land   
 Allotted Land   
 State Land   
 BLM Land   
 Other

Describe: \_\_\_\_\_

### Response

Referred to: \_\_\_\_\_    Contact Info: \_\_\_\_\_

Assessment: \_\_\_\_\_

Comments: \_\_\_\_\_

Feedback

Telephoned: \_\_\_\_\_    Date: \_\_\_\_\_

Letter Sent: \_\_\_\_\_    Date: \_\_\_\_\_

Comments: \_\_\_\_\_