



DUCHEсне COUNTY COMMISSION

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**DOI/OS/AS-IA/OFA
Washington, DC**

To whom it may concern;

This letter is in response to the petition for federal recognition submitted by the Affiliated Ute Citizens of the State of Utah (AUC). While Duchesne County acknowledges and respects the history of the mixed-blood Ute people, we believe that the request for renewed federal acknowledgment should be denied for both legal and practical reasons.

1. Federal Authority and Congressional Termination

The AUC was terminated as a federally recognized tribe when Congress enacted the Ute Partition and Termination Act of 1954, *Pub. L. No. 83-671*, 68 Stat. 868 (25 U.S.C. § 677). The termination of the AUC's members was a legislative act, not an administrative one, and under federal law and regulation, only Congress can terminate and then later restore federal recognition. The governing rule --- 25 C.F.R. § 83.4(c) --- limits the OFA's authority in cases where a legislative act has terminated a tribe or the members of an entity seeking recognition. Any administrative attempt to reinstate federal recognition exceeds statutory limits and contradicts the separation of powers between Congress and the executive branch.

2. Congressional Intent for Finality

The legislative record of the 1954 Act demonstrates Congress's intent to make the termination process final. Section 677v of Title 25 states that the termination of federal supervision "shall completely terminate the Federal trust relationship" with the mixed-blood Utes. This language clearly reflects Congress's intent to end the federal-tribal relationship, which was replaced with private rights and corporate management structures. The Department of the Interior cannot administratively reverse the final legislative judgment.

3. Conflicting Jurisdiction and Administrative Burden

Federal recognition of the AUC would create complex overlapping jurisdiction with the existing Ute Indian Tribe of the Uintah and Ouray Reservation, which already exercises its governmental authority over the same region. Federal recognition of the AUC would bring competing claims to land, law enforcement, taxation, and regulatory power between the existing Ute Tribe and the AUC. This would also lead to confusion among federal, state, and local agencies and increase litigation over jurisdictional boundaries. The federal government would spend unnecessary resources navigating the complexity of administering to two sovereign entities with shared ancestry and geography.

In addition, the AUC has demonstrated a pattern of litigious behavior that has created difficulties for local governments, which include the filing of improper liens and the assertion of unfounded jurisdictional claims. Members of the AUC have also refused to pay taxes, utilities, and state law obligations, further demonstrating the administrative and legal burdens and complications that federal recognition would create.

4. Fragmentation of Federal Resources

Federal recognition provides access to federal funding for programs in areas such as health, housing, education, and natural resource management. Providing federal funding to the AUC would draw funding away from existing tribal programs and reduce federal support for the already federally recognized Ute Tribe. From a practical standpoint, recognition would place a heavy burden on administrative services without producing new benefits.

5. Complications in Land and Resource Management

Restoring federal recognition would undoubtedly raise complex questions about ownership and management of lands, mineral rights, and similar assets that are currently held by private individuals, corporations, and the recognized Ute Tribe. The federal government would also face renewed trust obligations and potential claims to lands and royalties that have already been settled. Restoring recognition would generate significant legal uncertainty with little practical benefit.

6. Maintaining the Integrity of Precedent and Process

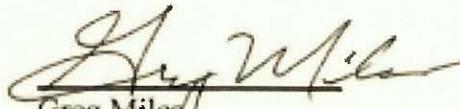
The federal acknowledgment process is intentionally rigorous and designed for tribes that have never been recognized, not for those who have been expressly terminated by Congress. Approving the AUC's petition would create a precedent that would undermine both the acknowledgment process and congressional intent. Approval of the AUC's petition would invite similar petitions, placing more administrative burden on the Department of the Interior.

7. No Benefit to the Federal Government or the Public

Federal recognition is meant to both facilitate effective governance and protect the trust relationship between the United States and federally recognized tribes. Restoring recognition to the AUC would not advance either of these purposes. It would create uncertainty in land and resource management and unnecessary financial obligations for the federal government, state government, and the recognized Ute tribe.

Conclusion

For these reasons, and in accordance with 25 C.F.R. § 83.4(c), Duchesne County requests that the petition of the Affiliated Ute Citizens of the State of Utah be denied. The congressional termination of 1954 remains in effect, and if restoration is granted, it must come from Congress itself. Recognition through administrative action would exceed regulatory authority, create numerous jurisdictional and financial problems, and undermine the integrity of the federal acknowledgment process.


Greg Miles
Duchesne County Commissioner