

From: Horton, George C (DNR)
To: [Bennett, John F \(DOT\)](#)
Subject: RE: SLE's & protracted section lines
Date: Wednesday, October 27, 2010 2:37:45 PM

John,

I really appreciate the time you've taken to reply back to me.

I'll be making a trip to BLM soon to see if they have a record of the publication dates. I'll let you know what I find out.

Thanks for your help.

George

George Horton, PLS, CFedS
Land Surveyor I
(907) 269-8610

From: Bennett, John F (DOT)
Sent: Tuesday, October 26, 2010 1:22 PM
To: Horton, George C (DNR)
Cc: Orange-Posma, Amy S (DNR); Thomas, John W (DNR); Brown, Stanley C (DNR)
Subject: RE: SLE's & protracted section lines

George, I don't have a very good answer for you as I have made a point to avoid dealing with easements along protracted section lines. For DOT, they really had no practical purpose until the section line was surveyed which was a requirement in the 1969 Opinion before the SLE could be used. I had to dig into some old files before I could find a copy of an official BLM protraction diagram. There is an official BLM approval date but no reference to date of publication in the federal register. Just for a check I Googled protraction diagrams and federal register and found where Montana had some of their protraction diagrams amended and it was published in the federal register. I bet you already checked with the BLM resource library or BLM cadastral to see if they had a database or some kind of hard copy index of publication data. The reason I say this is that we have a set of hard copy books of Public Land Orders that affect Alaska. They were pieced together chronologically and are either the copies of the federal register publication or reference the FR number. I can't help but think that BLM would have kept a handy reference to prove publication. In the absence of that there are subscription services (see below). I suspect you can also gain access to the Westlaw or Lexis database by having one of your paralegals or AAG's do the search for you. This might be an expensive proposition if you wanted all of them but if you just want a few it might be the way to go. If you find any help at BLM, please let me know. JohnB

Federal Register

The *Federal Register* is the publication-of-record for U.S. government agencies. Most importantly, all new regulations must be published in the *Register* before they go into effect. Final regulations are subsequently codified in the *Code of Federal Regulations*.

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documents come in PDF format, at an additional charge; and

- [Lexis](#) (GENFED;FEDREG), covering July 1, 1980 to present.

John F. Bennett, PLS, SR/WA | Chief, Right of Way | Alaska Department of Transportation, Northern Region

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From: Horton, George C (DNR)

Sent: Monday, October 25, 2010 12:18 PM

To: Bennett, John F (DOT)

Cc: Orange-Posma, Amy S (DNR); Thomas, John W (DNR); Brown, Stanley C (DNR)

Subject: SLE's & protracted section lines

Hi John,

The 1969 Opinion of the Attorney General, as well as several papers of yours, state that an easement [section-line easement] can attach to a protracted survey, if the survey has been approved and the effective date has been published in the Federal Register." emphasis added.

Do you know how I can find out if the effective date of any (and/or all) protraction diagrams was published in the Federal Register?

I'll appreciate any help you can offer.

Thanks,

George

George Horton, PLS, CFedS

Land Surveyor I

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