

**From:** John Bennett  
**To:** [Chad Weiler](#)  
**Subject:** Newtok Apt SLE  
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Chad, I've been conversing with Larry King and George Horton today about the Newtok protracted section line easements. The first interesting thing is that Larry was not able to find a protraction diagram for T8N, R87W, SM in his digital archive. He has a new LS staff member in Anchorage and she will be tasked with going through the hard copy files tomorrow to see if she can find it and possibly go to BLM to see if it is there. The one thing we did resolve is that there is no on-line source for protraction diagrams. I told Larry that I couldn't recall BLM having them available in their Public Room. He said he believes he had heard a long time ago that BLM may have disposed of their protraction diagram maps. This sounds somewhat sacrilegious but BLM is known to turn over their hard copy case files for various actions to the state or an ANCSA corporation once the underlying township has been conveyed out of federal hands. One good thing I did find was that Larry had provided me with a protraction diagram index last year. I have placed a copy of it in my Newtok folder under another sub-folder titled "From DNR". The pdf is "Protraction Diagram Index.pdf". It covers the entire state and is 132MB in size. But it is helpful if you have a project and need to get a copy of the diagram from DNR. You can find them by meridian/diagram block/sheet. The diagram for Newtok if it exists would be "S 8-9". I thought that with that designation I could search for and find the Federal Register publication. I did not find one and it turns out that it is not as easy as I had thought. The GovInfo site is populated with scans of old hardcopies that have been OCR'd. As you would expect, a search for "8-9" is not going to work very well because OCR will misinterpret the dash between the numbers incorrectly. If they do find the protraction diagram, we might have better luck with the FR search.

This is the text of my last email with Larry: "Larry, I'm almost willing to bet that there is not a protraction diagram for this township. The reason I'm thinking this is that I have been unable to locate a copy of federal register publication of this diagram. That might not be conclusive because the search terms make them sometimes difficult to find given that they are scanned and OCR'd copies of old hard copy FR publications. But then I skimmed the land status for the area. It was first reserved as a wildlife refuge in 1909 then revoked in 1922. Then reserved as part of the Clarence Rhode NWR in 1969. The way that Newtok Village received patent to these sections in 2018 was a result of special federal land exchange legislation. I'm wondering that the early reservation for a wildlife refuge meant it was unlikely to be eligible for state selection and so no reason to produce a protraction diagram. But then there may have been other reasons for protraction diagrams but I don't know whether one was produced for every township in the state. I'll be looking forward to whether your new staff person is able to find anything. JohnB"

I just sent another email to George (given that he seems to be the DNR section line easement lead) asking the following: "George, thanks for looking. But since the basis for an SLE along a protracted section line is a combination of the official approved protraction diagram along with the FR publication of public notice for the diagram, if they can't be found using reasonable diligence, is it fair to say that an assertion of a section line easement cannot be supported? I'm thinking that if both you and Larry can't find a protraction diagram, then maybe we should not be showing an SLE along the protracted section lines passing through the new Newtok airport. What do you think?"

JohnB”

If he agrees then I think we will have our answer that in the absence of a protraction diagram and an FR publication, we should not show section line easements. But we might need a note to explain that. JohnB

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