



IOWA
NATURAL HERITAGE
FOUNDATION
"for those who follow"

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July 1, 2009

2253.39

Anne K. Quinlan
Surface Transportation Board
1925 "K" Street, NW
Washington, D.C. 20423-0001

RE: AB 1067 (2X) General Railway Corporation (dba Iowa
Northwestern Railroad) abandonment exemption request between
Milepost 215.4 west of Mackenzie Junction, IA and Milepost 252.3 west
of Braaksma, IA located in Dickinson and Osceola Counties, Iowa.

Dear Ms Quinlan:

This letter is to clarify the role of the Iowa Natural Heritage Foundation in the above captioned proceeding. The Iowa Natural Heritage Foundation (INHF) was not the lead petitioner in this case, but was mentioned in the original petition submitted by the Iowa Trails Council on September 22, 2008 as a potential participant. INHF has now been asked to assist with the final negotiations with General Railway Corporation (dba Iowa Northwestern Railroad) on behalf of Dickinson County Trails Board, Osceola County Conservation Board, the Cities of Allendorf and Lake Park and the Iowa Trails Council. Because of this request by the original petitioners, INHF requests permission to finalize the negotiations as a participant in the proceedings.

The STB issued the Public Use Condition and Notice of Interim Trail use on October 24, 2008 which, on June 22, 2009, was extended to October 24, 2009.

The railroad right-of-way in this proceeding continues to be suitable for railbanking and interim trail use. In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C.1247(d), and 49 C.F.R. 1152.29(a)(2) and (3), INHF is willing to assume full

responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by General Railway Corporation (dba Iowa Northwestern Railroad) after the transfer of ownership of the corridor to INHF.

The Dickinson County Trails Board and Osceola County Conservation Board, Cities of Allendorf and Lake Park, Iowa Trails Council and the Iowa Natural Heritage Foundation acknowledge that the use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

Sincerely,



Mark C. Ackelson
President

cc:

John Larkin, 4814 Douglas St., Omaha, NE 68132

Steve Litts, Dickinson County Trails Board, 15532 Harbor Drive, Spirit Lake, IA 51360

Ron Spengler, Osceola CCB, 5945 Hwy 9, Box 369, Ocheyedon, IA 51354

Tom Neenan, Iowa Trails Council, P.O. Box 131, Center Point, IA 52213