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BEFORE THE  
SURFACE TRANSPORTATION BOARD  
STB Finance Docket -36714 (Sub-No.1)

ENTERED  
Office of Proceedings  
July 16, 2024  
Part of  
Public Record

Sunflower State Industrial Railway, LLC- Petition for Declaratory Order

Kansas Department of Wildlife and Parks

**Answer and Reply in Opposition**

**Submitted by:**

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**Answer and Reply in Opposition**

The Kansas Department of Wildlife and Parks (KDWP), an agency of the state of Kansas, files this Answer and Reply in Opposition to the Request for Declaratory Order from the Board by Sunflower State Industrial Railway, LLC, and respectively states the following:

KDWP generally denies all claims asserted by petitioner and, because of failure by the petitioner to detail its plans and give proper notice to KDWP of its proposal, KDWP cannot determine the truth of petitioner's claims.

Additionally, due to KDWP holding an interim trail use certificate granted in AB 335 Sub 2x in 1992 and a deed for the right-of-way granted by the KCT Railway in 1992, the STB has jurisdiction on this matter. To even consider petitioner's assurances, the Interim trail use would have to be determined. Since petitioner has no standing to address the interim trail use, its request is moot.

**CONCLUSION**

KDWP would respectfully request the petition for a declaratory order to be dismissed. In the alternative, if the board decides to continue this process, KDWP would request a procedural schedule be set.

Respectively Submitted:

Terry Bruce

Terry Bruce, Legal Counsel

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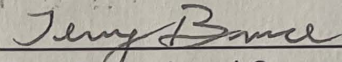
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**Certificate of Service**

The undersigned certifies that on July 3, 2024, a copy of this Answer and Reply in Opposition was served to petitioner via first-class, prepaid USPS mail at the following address:

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Box 245  
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Terry Bruce, Legal Counsel  
KS SC #19925