



ANNOUNCEMENT

Monday, December 28, 2015

The AGRED Foundation is pleased to announce that it has entered into a Memorandum of Understanding (“MOU”) with the United States Army Corps of Engineers regarding Routes of Public Access to the Waters of Lake Erling.

As you all probably know, International Paper Company built Lake Erling after receiving the rights to the land from the United States Army Corps of Engineers. One of the important documents between the two is called the “Act of Exchange,” which detailed certain rights and obligations of both.

Since ownership of Lake Erling was transferred to AGRED in 2013, AGRED has worked diligently to ensure that Lake Erling will remain the beautiful lake and wild life habitat that residents of Lafayette County and the surrounding areas know and love. For some, there has been concern over specific language in the Act of Exchange that required the owner of the Lake to “grant access over its lands adjoining the water over and through routes to be agreed upon and designated.” Although International Paper created the park and the boat launch ramp that still exist today, it did not ever reach a final agreement with USACE about “routes to be agreed upon and designated.” It has been AGRED’s position that its park boat launch ramp provides the very access required in the Act of Exchange.

In November 2015, the United States Army Corps of Engineers (USACE) and AGRED met to discuss Lake Erling and the Act of Exchange. During the meeting, access points to the Lake were discussed, and AGRED described its boat decal program. The meeting was very fruitful, and from it the parties agreed on several key points, summarized as follows:

1. The AGRED Foundation Park’s boat launch ramp is, has been, and will continue indefinitely to be a route of public access to Lake Erling within the meaning of the Act of Exchange.
2. AGRED has fulfilled its obligations in the Act of Exchange by continuing to provide the Park’s boat launch ramp as a route of public access to the Lake.

3. The Agreement with USACE regarding an access point is all that is required by the Act of Exchange. **IT SHOULD BE NOTED THAT THE ACT OF EXCHANGE DOES NOT MENTION NOR GRANT UNLIMITED ACCESS TO LAKE ERLING. IN FACT IT GOES OUT OF THE WAY TO STATE THAT THE ACCESS ROUTES MUST BE AGREED UPON AND DESIGNATED BY BOTH PARTIES.**
4. AGRED cannot designate other routes of public access because AGRED does not own or control any other real property over which additional routes may be established.
5. No third party rights have been created that are enforceable against AGRED or USACE.

The full text of the Memorandum of Understanding is included herein and may be found on our website at www.agredfoundation.com and our Facebook page. The AGRED Foundation is grateful to Colonel John W. Cross and all those at the USACE who helped in the process of reaching this agreement. AGRED looks forward to continued cooperation with USACE.

AGRED hopes the agreement with the United States Army Corps of Engineers will clarify for all that access to Lake Erling is being provided as required in the Act of Exchange.

It is also important to understand that the boat decal program, as well as other programs, do not violate the Act of Exchange and are consistent with policies found at other lakes in the region that are used to help to defray maintenance cost. The boat decal program, as well as the dock permitting and easement program, will continue. Remember, only gasoline-equipped boats are required to have a decal. There is no launch fee at AGRED's park boat launch ramp.

AGRED looks forward to expanding its outreach and activities throughout the Lake Erling community. So keep an eye out for more exciting announcements in the future. And of course, everyone can keep up with the AGRED Foundation and the events and activities taking place on the Lake through our website, social media platforms, and mailing list.

Wishing you all a happy new year,

Sincerely,



Eric Fletcher,
Chairman/President
The AGRED Foundation