

**From:** "Cormier, Ambrea - RD, Olympia, WA" <ambrea.cormier@usda.gov>  
**Subject:** RE: USDA's Opinion on a Bridge Gate  
**Date:** July 7, 2020 at 10:55:36 AM PDT  
**To:** David Madeira >, 'Matt Hurley' >  
**Cc:** "Roderick, Janice - RD, Olympia, WA" <janice.roderick@usda.gov>, 'Allen Benson' <

Matt and David,

I am not at liberty to share a copy of the legal opinion found by OGC. If you need an official USDA response we can arrange for a letter signed by my program director.

OGC has commented on the provided AN. This AN expired in 2018, however that aside, looking at it OGC did not change their opinion. This AN is addressing membership organizations, not access to public roads or bridges. Membership is not customarily required to access and use roads or bridges, either in general or this specific bridge. Nothing in the AN would permit the HOA to close off a formerly public facility to members-only use after the loan has been issued.

Thanks,

Ambrea Cormier  
(360) 704-7705

**From:** David Madeira <  
**Sent:** Tuesday, July 7, 2020 6:46 AM  
**To:** 'Matt Hurley' <Cormier, Ambrea - RD, Olympia, WA <ambrea.cormier@usda.gov>  
**Cc:** Roderick, Janice - RD, Olympia, WA <janice.roderick@usda.gov>; 'Allen Benson' <  
**Subject:** RE: USDA's Opinion on a Bridge Gate

Matt,

Thank you for exploring this further. I too have read the USDA Rural Development AN No. 4835 and its definition of 'public use' and find it pretty straightforward as you define. And Ambrea, thank you for checking this further for us. Let me know if I can be of assistance to the board Matt.

Best regards,

David Madeira, Esq.

**From:** Matt Hurley [  
**Sent:** Tuesday, July 07, 2020 1:47 AM

**To:** [ambrea.cormier@usda.gov](mailto:ambrea.cormier@usda.gov)  
**Cc:** [janice.roderick@usda.gov](mailto:janice.roderick@usda.gov); David Madeira; Allen Benson  
**Subject:** Re: USDA's Opinion on a Bridge Gate

Ambera,

My name is Matt Hurley and I am the new Raft Island Improvement Association (RIIA) president. Please include any new correspondence to me at the following address - [matthurley1@hotmail.com](mailto:matthurley1@hotmail.com). I appreciate the RIIA secretary's (R.J. West) assistance with this matter. However, I am tasked with providing accurate information to our membership and we have received two different answers to the same question. I will be the main point of contact forward.

I echo Allen's inquiries. Please note that the USDA Rural Development AN No. 4835 defines "public use" under 7 CFR 1942.17(e) as open membership to the community. This is further explained as open access to those that have membership in the community being we are a nonprofit HOA. It is not explained as including the public at large. It appears Herron Island received the same Community Facilities direct loan to finance their private ferry dock. That ferry does not allow access to non-residents to sail to the island. Is that community now going to be required to allow non-residents to freely access said ferry boat and private island?

M. Hurley

Sent from my iPhone

Hi Ambrea,

Can I please get a complete copy of the ruling. Also the USDA definition of public access. We are talking about a vehicle gate not a pedestrian gate. All public would have access to the bridge only vehicles would have to get approval to access. Can you provide some clarification on this?

-allen

----- Forwarded message -----

From: **Cormier, Ambrea - RD, Olympia, WA** <[ambrea.cormier@usda.gov](mailto:ambrea.cormier@usda.gov)>  
Date: Mon, Jul 6, 2020 at 4:24 PM  
Subject: USDA's Opinion on a Bridge Gate  
To:  
Cc: Roderick, Janice - RD, Olympia, WA <[janice.roderick@usda.gov](mailto:janice.roderick@usda.gov)>

Good Afternoon,

We have received an official opinion from OGC regarding the request for erecting a gate on Raft Island. USDA Regulation Section 1942.17(e) requires that “[a]ll facilities financed under the provisions of this subpart shall be for public use.” Community facilities projects are to be open to the general public and/or that services provided by the facility be available to all who would seek them. Since a gate would prevent use to the general public, it would not be allowed.

I am not sure if re-financing with a private lender is an option for Raft Island but if so, USDA regulations would not need to be followed if your loan was paid in full.

Thanks,

**Ambrea Cormier**

Community Programs Specialist

Rural Development

U.S. Department of Agriculture

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