

[EXTERNAL] Comments on OMB Control Number "1018-Friends" - Friends of Valle de Oro National Wildlife Refuge

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Fri 1/8/2021 6:57 PM

To: Info\_Coll, FWHQ <info\_coll@fws.gov>

Cc: Owen-White, Jennifer <jennifer\_owenwhite@fws.gov>; DeLanzo, Emily A <emily\_delanzo@fws.gov>; David Barber <david@friendsofvalledeoro.org>

1 attachments (1 MB)

Federal Register Comments OMB 1018-Friends\_Friends of Valle de Oro\_01.08.2021.pdf;

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Good Afternoon,

Please find attached comments from the Friends of Valle de Oro National Wildlife Refuge regarding the Federal Register OMB Control Number "1018-Friends." Thank you for the opportunity to provide our input. We look forward to future opportunities to support the Service and other Friends groups and ensure the most effective process for our collaborations.

Sincerely,

**Aryn LaBrake**

*Executive Director*

Friends of Valle de Oro National Wildlife Refuge

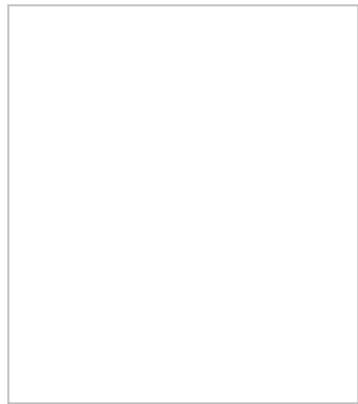
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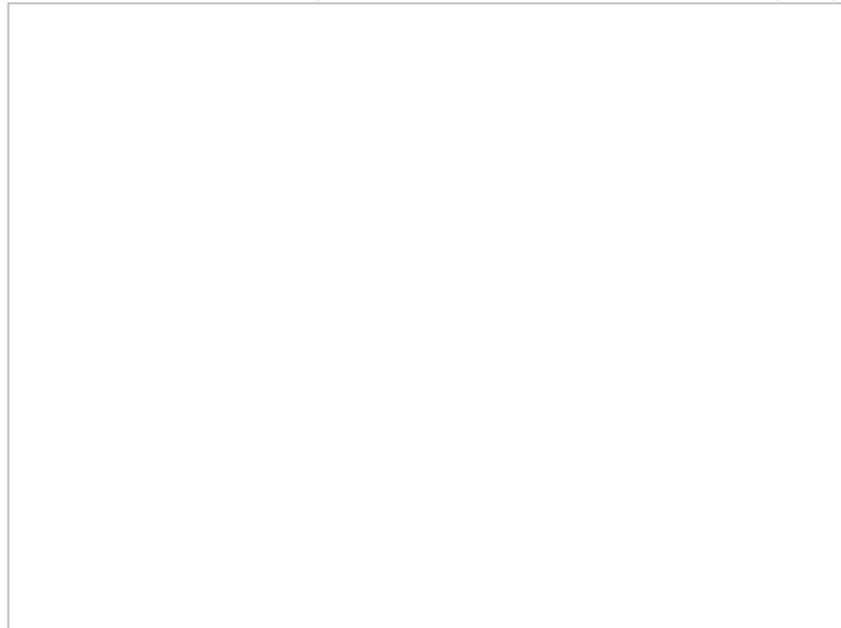
[Friends of Valle de Oro National Wildlife Refuge](#)

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[Friends Facebook](#)

[Refuge Facebook](#)

*Valle de Oro National Wildlife Refuge strives to create and foster an inclusive experience for all visitors, volunteers, interns, partners and employees. We wish for the Refuge to be a safe and healthy environment for wildlife and people.*





January 8<sup>th</sup>, 2021

**Subject: OMB Control Number "1018-Friends"/Document # 2020-24802**

Dear U.S. Fish and Wildlife Service,

Thank you for providing the Friends of Valle de Oro National Wildlife Refuge this opportunity to comment on the Federal Register notice about the US Fish and Wildlife Service (FWS) desire to collect documentation from Friends organizations. We are the leading advocates for Valle de Oro National Wildlife Refuge and US Fish and Wildlife Service in the Albuquerque, NM area. We volunteer and provide our time and money to promote our refuge, the first Urban National Wildlife Refuge in the southwest, and work to restore this former dairy farm to native habitat and engage our urban community in the work of the Refuge and Service to foster future conservation stewards.

We looked at the various actions FWS could be requiring of Friends organizations. Each requirement was examined based on the four criteria stated in the notice. The following are our comments on the OMB Control Number "1018-Friends"/Document # 2020-24802. We have grouped our responses based on your four criteria. Our comments follow each criteria.

*(1) FWS wants to know, "whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;"*

Documentation to collect once and update as needed:

- Friends Partnership Agreement (FPA) with attachments:
  - Articles of Incorporation
  - IRS Determination letter
  - Insurance policies relating to the Agreement
- Supplemental FPA with:
  - Description of Service Property
- Basic Friends organizational documentation
  - Form 1023 or 1023EZ
  - Documents submitted with Form 1023
  - Documents the IRS required the organization to submit in support of their application
  - Bylaws

Documentation to collect annually:

- Modifications to the FPA
- Modifications to the Supplemental Agreement
- Information return (990 series tax return)

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- Figures to support the Refuge's RAPP report
- Report of Aid to the FWS site
  - Direct financial aid with narrative
  - Programmed services with narrative
- Report on Nature Store Operations with Financial Activities Report and Narrative
- Friends organization's public Annual Report including:
  - Financial Recap
  - Highlights of programmatic and advocacy activities
  - Membership Figures and Donor List
  - Future Year's Priorities

Documentation not necessary for the proper performance of the functions of FWS:

- Internal financial documentation:
  - Our 501(c)3 nonprofit needs to implement financial controls to protect our assets and reputation. This is the responsibility of our board of directors and cannot be transferred to anyone else.
  - According to the Friends Policy and FPA, FWS cannot direct Friends to implement these management practices nor assess the Friends internal financial controls.
    - The Friends policy states that "Friends are required to independently manage the legal, financial, personnel and administrative activities and responsibilities of the organization." (633 FW 1.16 b)
    - The Friends Partnership Agreement states each party will, "Take steps to avoid the appearance that either party ... directs the management or decision making process of the other. The Service and the Friends will maintain an evident and distinct separation between their organizational management activities." (V.A. (7))
  - Our staff, board, and occasionally partners may be involved with the formulation of these controls. It is ultimately the fiduciary responsibility of the board to develop, approve and ensure adherence.
- Resumes of potential Friends group staff selected to work in visitor centers.
  - Mandating that the Friends must share the resumes of potential staff gives the appearance that FWS is interfering in the decision-making process of the Friends and therefore violates the policy and FPA.
  - Friends have agreed to comply with Homeland Security Presidential Directives and realize that Friends representatives may need to obtain federal security clearances. (FPA III.E.)
  - Our Friends organization utilizes volunteers to run our Nature Store, and they all have signed Volunteer Service Agreements (VCA's) in case they conduct other work on site.
- Annual Performance Reports



- In order to lower the burden on Friends organizations, FWS can collect annual reports that Friends organizations create each year for their members.
- Supplemental Documentation Requirements: Quarterly Review.
  - We find this overly burdensome for our Friends organization and Service employees
- Supplemental Documentation Requirements: Annual Review:
  - FPA already stipulates that the partners will meet annually to assess the effectiveness of the partnership as it relates to the FPA. We feel each Friends group should be able to set their own schedule for this review, as long as it is completed annually.

(2) FWS wants to know "The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;"

Requirement	Average number of annual respondents	Average number of responses each	Average number of annual responses	Average completion time per response (hours)	Estimated annual burden hours
<i>Partnership Agreement:</i>					
Private Sector	50	1	50	40 50	2,000 2,500
<i>Renewal of Partnership Agreement:</i>					
Private Sector	150	1	150	8 20	1,200 3,000
<i>Supplemental Agreement:</i>					
Private Sector	50	1	50	4 10	200 500
<i>Renewal of Supplemental Agreement:</i>					
Private Sector	150	1	150	2 7	300 1,050
<i>Basic Program Documentation:</i>					
Private Sector	200	1	200	8	1,600

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<i>Internal Financial Control Documentation:</i>					
Private Sector	200 0	1	200 0	40 0	800 0
<i>Donation and Expenditure Recordkeeping Requirements:</i>					
Private Sector	200	1	200	20 40	4,000 8,000
<i>Assurance Documentation:</i>					
Private Sector	200 0	1	200 0	40 0	8,000 0
<i>Friends Group Staff Resumes:</i>					
Private Sector	25 0	1 0	25 0	8 0	200 0
<i>Annual Performance Reports:</i>					
Private Sector	200	1	200	20 10	4,000 1,500
<i>Supplemental Documentation Requirements: Quarterly Review:</i>					
Private Sector	200 0	4 0	800 0	2 0	1,600 0
<i>Supplemental Documentation Requirements: Annual Review:*</i>					
Private Sector	10 150	1	10 150	20 10	200 1,500
<i>Totals</i>	<del>1,635</del> 1,150		2,235 1,150		31,300 18,250

\* Annual review and potential modification of FPA and supplemental agreement.

FWS' estimate indicates that a Friends group would spend 184 hours/year or 15 hours/month to meet these requirements. This amount of documentation, in the opinion of the Friends of Valle de Oro NWR, seems overly burdensome given our goal to spend our time and capacity to achieve the goals of USFWS and the Refuge we support, rather than focusing our time and already overburdened staff and volunteer capacity towards reporting requirements.

*(3) FWS wants to know "Ways to enhance the quality, utility, and clarity of the information to be collected";*

- Identify and share how each document FWS requires from Friends will be used prior to its collection.
- Modify the Friends Policy, FPA, and the Supplemental Agreement so they address the needs of Friends as independent nonprofit organizations and oversight over their internal controls and finances.
- Remove the requirement to move funding raised on service site (beyond Nature Store and Donation Box contributions) to a Refuge Managed Account, and request overall financial reports in order to avoid two separate account reports. This requirement to have a separate account not managed by the nonprofit organization is not appropriate given Generally Accepted Accounting Principles (GAAP).
  - This is not a requirement for other DOI agencies and makes overall financial aid reporting more complicated.
- Collect documentation that relates only to the FPA and Supplemental Agreements.
- Collaborate on procedures to demonstrate that net revenues generated on Service-managed property are used to benefit the site and Friends activities and programs that benefit the site. (212 FW 8.18 B.)
- Develop procedures to ensure that requests from FWS for any expenditures by the Friends of the net revenues generated on Service-managed property meet FWS ethics guidance and that Friends are provided assurance documentation. It is the responsibility of FWS to ensure their requests meet their ethics rules.
- Encourage Friends to work with organizations such as NWRA, CORFA, Public Lands Alliance and nonprofit state associations to implement best practices for their governance.
- Friends currently produce quarterly or even monthly financial statements for their boards that are shared with the FWS' Friends liaison.
- Limit requirement to collect information to annual and eliminate quarterly.
- Like the NPS, FWS needs to recognize that Friends organizations have different revenue levels; therefore the complexity of their financial information varies and size limits their ability to pay for costly audits (\$10,000) by an independent CPA.
  - Our Friends organizations have gross annual revenues of less than \$500,000/year. And our donors and funders rely on the Form 990 and Annual Report to assess the financial health of our nonprofit.

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- NPS threshold for an audit for their philanthropic partners is tiered:
  - “In any given year where a Partner raises between \$500,000 and \$1 million for the benefit of the NPS, they will undertake an annual financial review and provide a copy to the NPS.”
  - ...”where a Partner raises \$1 million or more for the benefit of the NPS, they will undertake a financial audit and furnish a copy to the NPS.”
  - NPS sites also meet with their partners annually to discuss how the park expended funds donated by the partner.
- Any modification to the FPA that includes a threshold for an audit needs to be tiered for different revenue levels similar to the NPS Philanthropic Partnership Agreement.
- The FPA stipulates that FWS and Friends will meet annually to assess the effectiveness of the partnership. Ideally, any annual performance report would be discussed at this time.
- If reasonably requested by one Party, the other Party shall execute and deliver such other documents and take such other action as may be necessary to effect the terms of our Agreement.
- Reporting should rely on already created documentation as much as possible include the IRS Form 990 and Annual Reports, already provided publicly.

*(4) FWS wants to know, “How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of response.”*

- Create a checklist to assure the collection of FPA, Supplemental FPA, and Basic Friends organizational documentation.
- Digitize executed FPAs and the Supplemental Agreement to make them accessible.
- Establish a system to track all monetary and in-kind requests FWS makes of Friends.
- Create a portal for Friends to download metrics similar to what NPS is creating.
- Review the NPS Cooperating Associations Form 10-40 and annual reports of the NPS’s philanthropic partners to gleam ideas.
- Provide training on how to use systems and all reporting requirements
- Provide templates in an editable format prior to inputting in digital systems for ease of collaboration and editing.

Thank you for reviewing our comments, and please reach out if you have clarifying questions.

Sincerely,

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