

[EXTERNAL] Comment Re OMB Control Number 1018-Friends

Jenny Keatinge <jenny@keatingeconservation.com>

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To: Info_Coll, FWHQ <info_coll@fws.gov>

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Comment Re OMB Control Number 1018-Friends.pdf;

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Hello,

Please see attached comment letter from members of the Board of Directors for Friends of Hart Mountain National Antelope Refuge regarding OMB Control Number 1018-Friends.

Thank you.

Jenny

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KEATINGE
CONSERVATION

January 8, 2021

Service Information Collection Clearance Officer
U.S. Fish and Wildlife Service
MS: PRB (JAO/3W)
5275 Leesburg Pike
Falls Church, Virginia 22041

RE: OMB Control Number “1018-Friends”

Dear Service Information Collection Clearance Officer:

As members of the Board of Directors for Friends of Hart Mountain National Antelope Refuge (FOHM), we appreciate the opportunity to comment on the Notice of Agency Information Collection Activities regarding U.S. Fish and Wildlife Service (Service) Agreements with Friends Organizations (85 Fed. Reg. 71354). As one of approximately 200 independent refuge Friends organizations around the country affiliated with units of the National Wildlife Refuge System, FOHM has a vested interest in maintaining our collaborative relationship with the Service in a manner beneficial to achieving our mutual goals and objectives for Hart Mountain Refuge. We support efficient, effective information collection that aids this mission and partnership, but at the least cost and burden to Friends organizations.

Founded in 2003, FOHM is a nonprofit organization based in southeastern Oregon with a mission of supporting the conservation purposes of Hart Mountain Refuge. The organization is entirely administered by volunteers and represents approximately 250 members statewide. Through our nine-person board and growing volunteer network, FOHM invests substantial resources into educating and promoting Hart Mountain to a public increasingly interested in Oregon’s high desert and the wildlife that depend on it. FOHM works closely with the Service on a variety of planning and management activities to protect and restore this vital wildlife reserve.

The Service has requested that public comments focus on four inquiries regarding the proposed information collection activities, listed as follows with accompanying response.

1. Is the proposed collection of information necessary for the proper performance of the functions of the agency, and will the information have practical utility?

The proposed collection of information is overly broad. Some of the information seems unnecessary for the proper performance of agency functions and likely will have little practical utility for the Service, while placing a high burden on Friends organizations to provide excessive documentation, particularly for groups like FOHM that have a small volunteer staff and gross annual revenue of much less than \$50,000.

One example of overbreadth is the vague requirement for “Assurance Documents.” While it is understandable for the Service to seek information about how Friends’ donations, revenues and expenditures benefit a given refuge, the organizations also use a portion of such funds to support

their operating budgets in accordance with federal and state law that guide nonprofit management. The lack of specificity for this requirement makes it unclear what exactly the Service desires for proof of assurance and could result in Friends wasting time gathering and submitting unnecessary, unrelated documents. Likewise, a “Quarterly Review” of “Supplemental Documentation Requirements” seems overly frequent as changed circumstances necessitating review are unlikely to occur so often.

In addition, requiring Friends groups to collect and submit certain information risks the appearance of impropriety. For example, it is unclear what documentation of “Internal Financial Control” the Service is seeking and why. Nonprofits implement financial controls to protect their assets and reputation, which is a board responsibility that cannot be transferred to other parties. Requiring Friends to submit such documentation could undermine Friends Policy 633 FW 1.16(B), which states that Friends should “independently manage the legal, financial, personnel and administrative activities and responsibilities of the organization.” It also runs counter to the Friends Partnership Agreement (FPA) Section V(A)(7) which states that 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 Friends will maintain an evident and distinct separation between their organizational management activities.” Similarly, Service collection of “Friends Group Staff Resumes” for people Friends select to work in visitor centers seems unnecessary and could be interpreted as interfering with the organizations’ decision-making processes.

Recommendations:

Narrow the proposed collection of information to a more targeted list of documents and explain why they are needed. Providing justification for the required documents will help Friends organizations understand the intent of information collection and avoid inefficient collection and unnecessary submissions. In addition, consider limiting the information required from Friends organizations with smaller memberships and budgets as they have less capacity to gather the information and are less likely to have large financial disclosures of interest to the Service.

Documents that should be collected once and updated as necessary include the following: FPA with Articles of Incorporation, IRS Determination Letter and any insurance policy related to the FPA; Supplemental FPA with description of Service property; basic organizational documents defined as Form 1023 or 1023EZ and accompanying documentation, IRS required documents supporting each Friends 501(c)3 application, and organizational bylaws.

Documents that should be collected annually include any modifications to the FPA and/or Supplemental Agreement; IRS information return Form 990; an annual report of aid the Friends organization provided to the Service and a short narrative of how it relates to the FPA.

2. How accurate is the estimate of the burden for this collection of information, including the validity of the methodology and assumptions used?

The chart in the Federal Register notice that estimates the average completion time to collect information for each requirement is confusing as it does not breakdown estimated hours per month for an individual responding Friends group. In addition, it appears that the burden of collecting the required information is underestimated for “Donation and Expenditure Recordkeeping Requirements” and “Annual Performance Reports” and may likely be low for other categories as well. For small organizations operated only by volunteers such as FOHM, the burden of collecting

all the proposed information is quite high, perhaps prohibitively so depending on the level of detail the Service requires and could infringe on already limited organizational time to support the refuge and its conservation mission. However, it is difficult to assess these encumbrances based on the time chart included in the Service's notice and the vague description of the required information.

Recommendations:

The Service should further breakdown the data presented to show the estimated number of hours per month collection of information is expected to take an *individual* Friends group. Where the amount of time for information collection varies depending on the group size, budget and activities of a Friends group, it is advisable for the Service to err on the side of caution by overestimating the time estimated for collection of information rather than underestimating it. This would help avoid implementing overly burdensome requirements that turn out to be more time consuming than anticipated.

3. In what ways might the quality, utility, and clarity of the information proposed for collection be enhanced?

Recommendations:

As previously described, the Service should endeavor to identify and specify why and how it will use information and individual requested documents from Friends groups. Providing a clear statement of purpose and related explanation will help Friends organizations understand what documentation is necessary and why, thereby enhancing the quality, utility and clarity of the information provided to the agency. In addition, the Service should focus on collecting information that relates to the FPA and Supplemental Agreements, acknowledging the independence of Friends as separate nonprofit entities. The Service should collaborate with Friends to develop procedures to document how net revenues generated on Service-managed properties are used to benefit the refuge and standardize measures to additionally demonstrate how Friends off-site activities and programs benefit refuge purposes.

The Service should also recognize that Friends organizations have different revenue levels, resulting in financial information of varying complexity. Smaller groups like FOHM do not have the budget to pay for costly audits by an independent Certified Public Accountant. The agency should ensure that the amount and utility of the information proposed for collection is balanced against the capacity level of the organization to provide it.

4. 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?

Recommendations:

The Service can decrease the burden of the information collection on respondents by allowing electronic submission of information through an online portal. The portal should include a checklist that tracks required document submissions as well as monetary and in-kind requests from the Service. It should also include digitized copies of the FPA and Supplemental Agreement accessible for each Friends group. The Service may wish to review the online portal being created by the National Park Service (NPS) for use with its philanthropic partners as well as NPS Cooperating

Associations Form 10-40 and annual reports collected from NPS philanthropic partners as models that may facilitate information collection from Friends groups.

Thank you for this opportunity to provide input on the proposed agency information collection activities for Service agreements with Friends organizations. We look forward to next steps in this process and arriving at a program that ensures that proposed information collection assists in sustaining the efficient, effective and successful partnership that FOHM enjoys with the Service, while avoiding burdensome reporting requirements on citizen nonprofit organizations.

Sincerely,



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