

[EXTERNAL] Comments on OMB Control Number 1018-Friends

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

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To: U.S. Fish and Wildlife Service, Department of Interior
Agency Information Collection Activities: USFWS Agreements with Friends Organizations
FWS-HQ-NWRS-2020-N145:FF09R81000
From: Friends of San Pablo Bay National Wildlife Refuge

This Federal Register notice solicits public comment regarding the U. S. Fish and Wildlife Service's (FWS) intention to collect new, additional, information from Refuge Friends groups. The Friends of San Pablo Bay National Wildlife Refuge (Friends SPBNWR) was incorporated as an independent 501.c(3) nonprofit in 2003 to assist with 3 of the 7 refuges comprising the San Francisco Bay National Wildlife Refuge Complex. Over the past 17 years our Board of Directors has ranged in size from 7 to 12 directors, our membership has never exceeded 30 people, and we have no employees. The Friends SPBNWR has a partnership agreement with the Service and a Refuge staff member attends our Board meetings to facilitate communication and alignment of the Friends SPBNWR goals and activities with Refuge needs. We appreciate having the opportunity to provide comments on the Federal Register notice.

The Federal Register notice (Notice) requested comments on four topics as listed below.

Topic 1: 1.) Whether or not the collection of information is necessary for the Service to function properly; including the information's practical utility.

Comment 1.a. The brief description of our Friends group is provided above as context to our assertion that the collection of information described in this Notice is unnecessary for the Service to function properly. We are a small-sized Friends group and collecting the information described in this Notice would be a burden and would not serve any practical utility. We communicate regularly with the Refuge staff and support projects only after discussion with staff.

Comment 1.b. We disagree that it is necessary for the Service to collect the information listed in the three points below to function properly. The Friends group is an independent 501.c(3) and is not the financial responsibility of the US Fish and Wildlife Service. The Friends group is itself responsible for accurate accounting of its finances and must maintain its financial accounting in a manner consistent with its nonprofit status. Some donations and expenditures are grants managed by the Friends group and documentation is already required by donors to demonstrate the benefit of those donations. Friends groups provide the appropriate documentation and financial accounting already. Any additional reporting to the Service would be a burden to the Friends groups, especially a smaller group like ours. FWS already has the

right, as part of our Partnership Agreement to request submission of information on the Friends, for example, the organizations gross receipts, expenditures, projects etc. This information should be submitted only as needed and not as a standard requirement of all Friends groups regardless of size or capacity. In addition, while many donations, revenues and expenditures directly benefit a refuge or hatchery in quantifiable terms, some expenditures provide indirect benefits, for example, outreach and education, and the benefit is to the public. We do not support the submission of assurance documentation or internal financial control documentation, nor do we support the submission of resumes of Friends' staff for those Friends groups that have paid staff. We also question the submission of supplemental documentation on a quarterly basis. r

Comment 1.c. The Friends SPBNWR feel that requiring the level of information identified in this Notice is an overreach on the part of the Fish and Wildlife Service (FWS). While we acknowledge the difficulty posed to the FWS of tracking all activities and finances of the 180 Friends groups that exist nationally, we feel compelled to point out that Friends groups, like the Friends SPBNWR, work directly with local Refuge staff and Regional Friends Coordinators in the development of their partnership and other agreements and share financial information regularly with Refuge staff. In addition, all Friends groups are independent 501.c(3) nonprofits registered in the State in which they are incorporated and are subject to federal IRS laws and State law regarding their finances. Friends groups are not funded by the FWS and they have no fiduciary responsibility to the FWS. Working locally, in partnership with our Refuge, ensures that the work we do provides a benefit to the Refuge.

In addition, should this requirement to collect information move forward, and the Friends policy and template Partnership Agreement be revised in accordance, we think the Friends groups should have the opportunity to comment on any policy or agreement revisions as well.

Topic 2.) The accuracy of the estimate of the burden placed on Friends groups to supply this information; including the methodology and assumptions used to estimate the burden.

Comment 2.a. The Notice includes a table estimating the Friends' groups burden to provide the listed information. The estimated annual burden task total is 31,300 hours or the equivalent of 15 FTEs. This is a considerable amount of time that would lead to the nonexistence of many of the Friends groups, especially those of us that have no paid employees. While development and renewal of partnership, and supplemental agreements are requirements that are currently completed at the local level with individual refuges and the time commitment to complete them varies, providing documentation of the other requirements would be burdensome and unnecessary. In addition, annual renewal of these agreements is not always necessary.

Our partnership agreement already allows for submission of financial documentation upon request. The FWS would be better served by requesting this type of documentation as necessary, rather than requiring all Friends' groups to provide the documentation. The Notice estimates 8,000 hours for assurance documentation requirements alone. This would be a significant burden to small organizations.

Without more information about the proposed documentation system we are unable to determine the accuracy of the estimate of the burden on Friends groups. However, the current estimate constitutes an inappropriate burden on the Friends and an egregious overreach by the USFWS.

We stress that we are volunteers for a nonprofit and we are accountable as a nonprofit, taking on these additional burdens as a small organization would be burdensome, and will do nothing to further the mission of the Refuges nor development or protection of our nation's natural resources.

We are also concerned that the costs to the FWS of managing this information, given its lack of practical utility, is not accounted for in this Notice.

Topic 3.) Ways to enhance the utility, quality, and clarity of the information to be collected.

Comment 3.a. While we do not think that collection of the information identified in the Notice should be required of nonprofit Friends groups, we already develop Partnership, Supplemental and Financial Assistance Agreements and these are already available to FWS Station and Region. These could also be provided to FWS through some electronic mechanism. In addition, all nonprofits submit a form 990 to the IRS as required of 501.c(3)s regarding their yearly finances. This information while readily available to the public, could also be provided at the time of the Partnership Agreement Annual Review.

Topic 4.). How might the Friends group's burden be minimized, especially by using automated, electronic, mechanical, or other technological collection action techniques.

Comment 4.a. Limit submission of information to actual partnership, supplemental agreements and/or financial assistance agreements as they are executed by the Friends and FWS.

Comments 4.b. Submission of IRS Form 990, either short or long form as appropriate shall satisfy financial reporting needs.

Comment 4.c. Review the information requested, as necessary, during the 5-year program agreement renewal process, annually, if agreement modifications are necessary. No supplemental documentation requirements, either quarterly or annually should be required.

Comment 4.d. The Notice includes a table regarding the hourly estimate of the burden of collecting the information identified in the Notice. This table has generated considerable confusion, especially since it is unclear what is meant by some of the requirements, e.g. assurance documentation.

We have the following input to provide:

Partnership agreement: first time creation can take up to 100 hours

Renewal of partnership agreement: 20-25 hours

Supplemental Agreement: 10 hours

Renewal of Supplemental Agreement: 7 hours

Donation and Expenditure Recordkeeping Requirements: 25 hours

Annual Performance Reports: 30 hours

Comment 4.e. Requirements on the table provided in the Notice for assurance documentation, friends group staff resumes, and supplemental documentation should be excluded and have zero hours. Supplemental documentation requirements should be integrated into their respective Renewal Requirements for other agreements.