

[EXTERNAL] OMB Control Number "1018-Friends"

stephaniekaufman.fop@gmail.com <stephaniekaufman.fop@gmail.com>

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

 1 attachments (30 KB)

Friends of Patuxent Research Refuge response to OMB Control Number 1018-Friends.docx;

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Attached please find the Friends of Patuxent response to Federal Register notice OMB Control Number "1018-Friends".

Subject: OMB Control Number “1018-Friends”/Document # 2020-24802

Dear U.S. Fish and Wildlife Service,

Thank you for this opportunity to comment on the Federal Register notice about the US Fish and Wildlife Service (FWS) desire to collect documentation from Friends organizations. Friends are the leading advocates for refuges and hatcheries. We give our time and money to promote our refuge and work to conserve the natural resources associated with the site.

The Friends of Patuxent (FOP) represent a unique organization, as the FOP supports both the Patuxent Research Refuge (PRR) managed by the FWS and the Patuxent Wildlife Research Center (PWRC) managed now by USGS, but originally by the FWS. Both entities, although now managed under different agencies have been essentially the same over the 84 years of existence and only have differed by the agency administration. Both agencies support the same goals of protecting our natural resources, conducting research on these resources, and educating the public about the importance of habitat for wildlife and the need to conduct research on the wildlife and their habitat. Since being established in 1936 by President Roosevelt the refuge lands have been used by researchers to learn more about the needs of wildlife. The research and the need to have large acreage of habitat to conduct this research dealing with wildlife, are inseparable. The FOP supports both entities equally because they are essentially the same and have only been renamed and reorganized over the many decades for administrative purposes. All activities to raise funds are focused on the fact that the refuge land and the research on the land are one and funds distributed by FOP are directed equally to meet their goals.

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 criterion.

(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)
- Annual report of aid provided to FWS and a short narrative as it relates to the FPA. The annual report will be one means of demonstrating at the regional and national level the value of the Friends partnering with FWS.

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

- Internal financial documentation:
 - Nonprofits need to implement financial controls to protect their assets and reputation. This is the responsibility of the board 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))
 - A nonprofit’s 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.)
- Supplemental Documentation Requirements: Quarterly Review.
- 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.

(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	12	1	1	5	60
<i>Renewal of Partnership Agreement:</i>					

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
Private Sector	12	1	1	5	60
<i>Supplemental Agreement:</i>					
Private Sector	12	1	1	1	12
<i>Renewal of Supplemental Agreement:</i>					
Private Sector	12	1	1	1	12
<i>Basic Program Documentation:</i>					
Private Sector	12	1	1	80	960
<i>Internal Financial Control Documentation:</i>					
Private Sector	4	1	1	80	320
<i>Donation and Expenditure Recordkeeping Requirements:</i>					
Private Sector	3	4	4	24	288
<i>Assurance Documentation:</i>					
Private Sector	1	1	1	2	2
<i>Friends Group Staff Resumes:</i>					
Private Sector	0	0	0	0	0
<i>Annual Performance Reports:</i>					
Private Sector	12	1	1	40	480

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>Supplemental Documentation Requirements: Quarterly Review:</i>					
Private Sector	12	1	4	40	1,920
<i>Supplemental Documentation Requirements: Annual Review:*</i>					
Private Sector	12	1	1	40	480
<i>Totals</i>					4,595

* 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.

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

- Friends of Patuxent currently produces monthly financial statements for their boards that are shared with the FWS' Friends liaison.
- 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.
- 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 and nonprofit state associations to implement best practices for their governance.
- Limit requirement to collect information to annual and eliminate quarterly.
- 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.

(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 upload metrics.