

[EXTERNAL] OMB Control Number "1018-Friends"

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

 1 attachments (28 KB)

Federal Register comments SWilder Jan 8 2020.docx;

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attached are my individual comments to this federal register announcement.

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

Dear U.S. Fish and Wildlife Service,

Thank you for providing me, Susan Wilder, Treasurer of the Friends of Louisiana Wildlife Refuges 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. They give their time and money to promote their refuge/hatchery and work to conserve the natural resources associated with the site.

Clearly from the OIG report, FWS needs to do a better job of tracking the partnership between Friends and FWS. However, the burden should be on the FWS not the Friends group to collect the information needed. This federal register request allows the FWS to collect that information. The issue is that most of this information is already available through public documents or existing FPAs. I would like to see the FWS develop a minimally impacting template for Friends groups to use to create annual reports. This can be accomplished by a spreadsheet or similar survey tool that minimally impacts Friends but also provides some of the detailed information that FWS requests that is not available via public tax or 501c3 documentation or existing FPAs. The burden should be on FWS, not the Friends groups.

I 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 my comments on the OMB Control Number "1018-Friends"/Document # 2020-24802. I have grouped my response based on your four criteria. My 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)
- 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.

- National Park Service's (NPS) philanthropic partners share a summary of:
  - Business operations
    - Sales
    - Expenditures
    - Narrative
  - Activities and Programs narratives
    - Significant events related to the operations of the Friends
    - Programs
  - Aid to the FWS site
    - Direct financial aid with narrative
    - Programmed services with narrative
  - Membership
    - Number
    - Events

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	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
<i>Internal Financial Control Documentation:</i>					
Private Sector	200	1	200	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	1	200	40 20	8,000 4,000
<i>Friends Group Staff Resumes:</i>					
Private Sector	25 0	4 0	25 0	8 00	200 0
<i>Annual</i>					

<i>Performance Reports:</i>						
Private Sector	200	1	200	20	30	4,000 6,000
<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	40 150	1 1	40 150	20 10	200 1,500	
<i>Totals</i>	<i>1,635 1,550</i>		<i>2,235 1,550</i>		<i>31,300 28,150</i>	

\* 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”;*

- 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.
- 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.

- The majority of Friends organizations have gross annual revenues of less than \$50,000/year. Many donors and funders rely on the Form 990 to assess the financial health of small nonprofits.
- 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 this Agreement.
- Create a checklist that describes each item in the FPA that is tractable and use checklist to track accomplishments and failures.
- Minimize impacts and burden on volunteer Friends members.

(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/survey form/annual survey to assure the collection of FPA, Supplemental FPA, and Basic Friends organizational documentation.
- Utilize existing FWS database information to obtain baseline data. Have local refuge and regional staff responsible for initial baseline data entry of all Friends groups with executed FPAs with minimal impact and burden on volunteer Friends group members. Much of this information is already available and can be entered as baseline data.
- Digitize executed FPAs and the Supplemental Agreement to make them accessible. Create spreadsheet of items in FPA as list items to track accomplishments and failures.
- 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.
- Get baseline data from existing public documents like tax documents 990 forms, or similar before impacting or burdening the volunteer Friends members with requests.
- Recommend that Friends groups create an annual reporting process (spreadsheet or etc.,) that covers the minimal information needed to suffice the FWS information needs. Develop a template for Friends Groups to use in an annual reporting process. Include minimal annual reporting process requirements in revised FPA policy.