

Friends Policy – How We Addressed Public Comments on 2010 Draft Policy

Issue 1. Tone. Twenty commenters suggested that the draft policy had a dictatorial tone and that “the terminology throughout the draft policy be modified to reflect a collaborative partnership rather than one of the Service monitoring or evaluating the performance of Friends.” We agree with this recommendation and changed all references of “evaluating Friends” to evaluating the “partnership” with an emphasis on collaboration. We revised terminology such as “direct,” “approve,” “monitor,” “evaluate,” and “manage” throughout the policy to better reflect the collaborative nature of Friends partnerships rather than ones in which require excessive Service oversight.

Issue 2. Policy Purpose. We received two comments on the purpose for the draft policy. One commenter wanted the policy to reference the States’ authorities in achieving the goals and objectives for fish and wildlife management. We did not make that change since the National Wildlife Refuge System clearly implements that provision through the National Wildlife Refuge System Improvement Act of 1997 which amended the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee). Nothing in this policy supersedes the National Wildlife Refuge System Improvement Act or the States’ authorities in refuge management decisions. We did, however, add language that National Wildlife Refuge System Volunteer and Community Partnerships Enhancement Act of 1998 (16 U.S.C. 742f) is the legal authority for the Service to enter into partnerships with and accept donations from non-Federal entities such as Friends organizations.

Issue 3. Scope of Policy. During the 2 years that the policy was being amended, we felt the need to clarify the scope of the policy to describe it as written on behalf of the Refuge and Hatchery System’s Friends partnership program, but provides direction for all Service employees and program areas working with Friends organizations.

Issue 4. Authorities. Upon review of authorities, we added the National Fish Hatchery System Volunteer Act of 2006 to the Authorities section.

Issue 5. Responsibilities of Service Personnel. We received 35 comments on the section of Responsibilities of Service Personnel. Ten commenters expressed concerns with the terminology in this section of Service staff “reviewing” and “evaluating Friends work or programs” and suggested we change the language to “evaluating the partnership rather than the Friends.” We agree with the recommendation and revised the policy.

One commenter suggested we add language to direct Project Leaders to encourage and provide training opportunities for staff that work with Friends. We agree with the suggestion and revised the policy.

One commenter suggested we add language to encourage Project Leaders to develop annual partnership goals and objectives with Friends. We agree and added the recommendation.

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One commenter interpreted that the policy creates new positions within the Service. We disagree. No new positions have been added with this policy and we made no changes to the policy.

Two commenters expressed concern that the National and Regional Friends Coordinators would be responsible for supporting and evaluating all Service Friends partnerships since the scope of the policy is intended for the entire Service. While the scope of this policy is Service-wide, the policy is merely a guide for other divisions of the Service. The National and Regional Friends Coordinators positions identified in this policy only exist in the Refuge System and are responsible for evaluating only the Refuge System's Friends partnerships. Friends Coordinators should help interpret guidance to other divisions seeking to establish and maintain Friends partnerships. We made no changes to the policy as a result of these comments.

Six commenters asked to highlight specific partners in helping to support the Refuge Systems' Friends Program. This recommendation is more fitting for a manual or strategic plan. The Service does not cite specific partners in policy, and we made no changes as a result of these comments.

One commenter suggested we restructure the regional Friends coordinator positions to have more time and resources to carry out Friends support roles. While we don't object to this suggestion, it is beyond the scope and authority of this policy and we made no change as a result.

One commenter expressed concern that the requirement for the Regional Director to sign the Friends Partnership Agreement is new and would slow the process. Prior to this draft policy, the common instruments used to formalize and define Friends Partnerships with the Service were Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA). Both of these instruments have always required Regional Director review and signature. We have simply carried forward that same requirement with the new Friends Partnership Agreement.

One commenter suggested we delete the Project Leaders' assessment criteria in determining the need for establishing and sustaining a Friends organization, furthermore questioning why a station finding can dictate whether or not a stand-alone, nonprofit entity can operate and exist to serve that station in the absence of government funding. While a Project Leader cannot dictate the formation and operation of a nonprofit organization, he/she can determine whether or not the Service will extend support to help establish, maintain, and formally partner with that organization as their official Friends organization. We did not delete the assessment criteria, and they remain as a guide for Project Leaders to determine the cost/benefit in establishing, maintaining and partnering with a Friends organization. We also added "community involvement" to the list of things that Project Leaders should consider.

Two commenters suggested that all the Service positions identified in this section "should have part of their annual evaluation be a 360 degree comment solicitation from Friends organizations, colleagues, and supervisors about their success in working with friends groups" and that "the

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Service should seek feedback from Friends on the effectiveness of their program and the progress of the partnership”. Establishing new requirements for annual performance evaluations is beyond the scope and authority of this policy. While the Service does solicit informal feedback from Friends on various aspects of the Friends program, developing and formalizing such an effort would be a huge undertaking and would be administratively burdensome given limited Friends support staff within the Service. While this is a good suggestion, developing new programs is beyond the scope and intent of this policy.

Two commenters expressed that the Project Leaders responsibility to “approve Friends programs, activities, and projects as described in the Friends Partnership Agreement” was too restrictive on Friends and placed unrealistic oversight responsibilities on refuge staff that are already stretched too thin. It was suggested that this be revised to “promotes the successful completion of mutually agreed-upon programs”. We agree and revised the policy to reflect “collaborates with Friends on the development of programs, activities, and projects as described in the Friends Partnership Agreement...”.

One commenter suggested that the policy should clearly state that “Project Leaders are responsible for their Friends groups abiding by USFWS policies, mandates and federal laws” and that “friends groups activities are compatible with USFWS policy, Department of Interior policy and the individual refuge mission”. Nothing in this policy supersedes Department or Service policy, refuge missions or Federal laws. Furthermore, this is beyond the scope of this policy and is more aligned with employee ethics and conduct policy. We made no changes as a result of this comment.

Four commenters disagreed with the responsibility of the Service Liaison to approve each item and its price that the Friends organization is proposing for sale. We agree and revised the policy to “ensure consistency with Service policies”. Furthermore, we added the responsibility to the Project Leader position to “ensure that Friends sales items...are consistent with the Friends Partnership Agreement, and the missions, goals, and objectives of the Service.” This new language removes the item-by-item approval requirement as well as dictating prices of sales items and suggests a more collaborative approach to selecting items and ensuring that prices are fair and reasonable. As a result of this change, we also deleted Exhibit D, Checklist for Review of Sales Items from the Friends Partnership Agreement.

One commenter suggested we move the following responsibility from the Service Liaison to the Project Leader level: “Ensures that time Service site staff invest on the partnership is efficient, effective and sufficient”. We agree and made that change in policy as recommended.

One commenter felt it was inappropriate for the Service Liaison to assist the Friends organization to get the training necessary to succeed in meeting the goals of the partnership. The commenter stated that the “assessment of what is needed by the Friends should rest largely with the

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Friends”. We did not revise the policy, because we are merely suggesting that Service staff “assist” and not dictate by what method and how they receive the training.

One commenter suggested that the role of the Service Liaison was problematic as it relates to providing Friends with updates on all activities associated with the site and requiring attendance at all Friends meetings. We agree and revised both responsibilities in the policy.

One commenter disagreed with having a national coordinator and regional coordinators providing redundant program evaluation and further expressed that coordinators should not be divided by region but by program areas...fish hatcheries, refuges, etc. However, this commenter also expressed support for national and regional coordinators as long as the redundancy was eliminated and the national coordinator works closely with other partners to administer the Friends program. We did not change the policy as a result of this recommendation. National and regional coordinators evaluate friends partnerships within their regions differently based on distinct operational differences within the regions and from a national perspective and thus there is no redundancy. Furthermore, establishing new positions within other Divisions of the Service is beyond the scope of this policy.

Issue 6. Friends definition and purpose. There were seven comments regarding the definition and purpose of Friends organizations. Six of the commenters felt that the definition was too limiting and understated the actual roles of Friends organizations. One of the main reasons for establishing Friends policy is based on the increasing growth of the Friends program and our need to better define Friends from other refuge partners to ensure compliance with the National Wildlife Refuge System Volunteer and Community Partnerships Enhancement Act of 1998 (16 U.S.C. 742f). Over the 2 years in which the policy was being revised, we amended and further defined in policy what a Friends organization is and their purpose. We changed the language to better represent the actual roles that Friends organizations play in supporting Service sites. Additionally, we added a provision that defines the roles that Friends can and cannot play in lobbying and solicitation of donations while performing work under a Service volunteer agreement.

One commenter expressed support in requiring Friends organizations to be nonprofit and further explained that if they are not a nonprofit organization, then they are a volunteer group. “While they both serve different and very useful functions, we need to keep these two distinct and separate.” We agree with this comment.

One commenter suggested we remove the word nonprofit and the IRS reference and instead reword to “They are often organized as nonprofit corporations under Title 26.” We disagree and kept the references to require all Friends organizations to be nonprofit under section 501(c)3 Title 26 of the Internal Revenue Service code, as required by the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998.

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During the 2 years in which the policy was being revised, we added an additional paragraph to provide guidance to Project Leaders on how work with partners that have historically called themselves Friends but do not meet the criteria in the new Friends definition.

Issue 7. Cooperating Associations. There were four comments asking for better clarification between Cooperating Associations and Friends organizations. We agree and further clarified the definition of a Friends organization in policy. As long as a Cooperating Association meets this new definition, we can consider them as a Friends organization. One commenter suggested we clarify that the Service should have only one support group, rather than both a Cooperating Association and a Friends organization. Another commenter recommended that we “give Friends the right of first refusal to operate nature stores on refuges.” There seems to be a misunderstanding of Cooperating Associations. Historically, we established Cooperating Associations to help the Service carry out the functions of education and interpretation, and they frequently set up and operated book or nature stores. Now, we rarely establish Cooperating Associations anymore, if at all. But for those that still exist, we may consider them a Friends organization if they meet the new definition of Friends. If they do not meet the new definition, then they will be treated as a Cooperating Association or other type of partner. There are some Service sites that have more than one Friends organization supporting their individual site. While this is not the norm and would most likely only work under certain circumstances, we don’t see any benefit in establishing policy to restrict how many Friends organizations a Service site can effectively partner with. We made no change to the policy as a result of this comment.

Issue 8. Concessions. We received two comments on the Concessions table. One commenter suggested that concessionaires are not always “for profit” organizations. We agree and deleted Table 1-1 and added some clarifying language on concessions from Director’s Order 139, Concession Contracts.

Issue 9. Friends vs Volunteers. We received eight comments requesting more clarification on the difference between Friends and volunteers. One commenter wanted clarification on whether Friends could count hours as a volunteer when they are meeting with other refuge partners. One commenter wanted us to clarify if when Friends were volunteering for an activity that was initiated by the Friends organization if they could count that time as Service volunteer hours. This commenter also wanted us to clarify if they could count volunteer activities conducted off Service-managed property as volunteer time. We have clarified the policy and addressed all these suggestions. As long as Friends are volunteering on behalf of the Service, under an approved Volunteer Service Agreement and the Friends-initiated activity supports the mutual goals and objectives outlined in the Friends Partnership Agreement, Friends can count those hours as official Service volunteer time.

Two commenters suggested we add explicit language detailing that we prohibit Friends from lobbying as Service volunteers and on Service-managed property to prevent conflict of interest or improper expenditure of Federal dollars. We agree and took the clarification much further by

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adding restrictions on lobbying, soliciting donations, games of chance, operating a nature store and the internal management of the organization while serving as a Service volunteer.

Issue 10. Volunteer Services Agreement. We received six comments on the Volunteer Services Agreement. Four commenters expressed serious concern about allowing the President of a Friends Group to sign a blanket volunteer agreement to cover all Friends member. We agree, have removed that statement, and have replaced it with language stating that each individual Friends member must complete a Volunteer Services Agreement in order for us to capture each individual's important information and to provide coverage to each individual for both tort claims under the Federal Tort Claims provisions (28 U.S.C. 2671) and for injuries under the Federal Employees Compensation Act (5 U.S.C. 81).

One commenter expressed the need for us to update the Volunteer Services Agreement, citing issues with signing or getting parental/guardian signatures for volunteers under age 18 when working with Scout or school groups. Updating the Volunteer Services Agreement is beyond the scope of this policy, but there should always be an outside parent/guardian/chaperone with any youth group that comes to volunteer on a Service site. That adult is responsible for signing for all persons under age 18, not the onsite Service volunteer.

One commenter suggested that we change the text stating that the Project Leader or Service Liaison "should ask" Friends to sign the Volunteer Services Agreement to reflect that it is mandatory. This commenter further requested that we add language to emphasize that we complete the Agreement "prior" to the executing of volunteer participation. We agree and have modified the text to reflect these recommendations.

One commenter requested that we add specific information regarding who provides tort claim and injury protection coverage and how that the coverage applies to Friends and volunteers and to Friends' Board of Directors. We agree and have added detailed information on this in Chapter 2 of the policy under insurance requirements for Friends organizations.

As a result of a number of questions about Friends and volunteer services agreements that we received during the 2 years that the policy was being amended, we added two new paragraphs that emphasizes how to properly complete and update the agreement to ensure coverage under the Federal Tort Claims provision (28 U.S.C. 2671).

Issue 11. Work Contributions by Friends. We received twelve comments on this section. One commenter asked that we include maintenance, such as trail work, as an example of a volunteer activity. And one commenter asked that we add "implementing grant projects in support of Friends and Service goals." We agree and added both recommendations.

Twelve commenters expressed concern that we do not allow the Service to count or include in the Service's site volunteer records Friends hours spent on advocacy or activities related to the organization or management of the Friends and asked us to clarify or change the language. We

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did not change this in the policy, but we did add a significant amount of clarification to this section since this seems to be very misunderstood. We clearly identified and defined four types of activities that Friends may participate in but that we cannot include as Service volunteer hours. Those activities include lobbying, soliciting donations, games of chance, and the operation and administration of a Friends organization. While we understand that this may limit the number of volunteer hours contributed by Friends, the law prohibits Friends from participating in these activities as Service volunteers, while on Service-managed property, and from using appropriated Federal funds while doing these activities. Friends organizations, as other nonprofits, may offer community volunteer hours to Friends while they are performing these activities.

One commenter suggested we change the text from “Typical volunteer activities include:” to “Typical volunteer activities may include but are not limited to:” and suggested adding “implementing grant projects in support of Friends and Refuge goals.” We agree with both the recommendations and changed the policy.

Two commenters expressed support that the policy does not allow hours Friends spend on advocacy activities in a Service site’s volunteer records.

Eight commenters asked for clarification or questioned the restriction to not include hours Friends spend on “the organization or management of the Friends” in the site’s volunteer records. These commenters expressed strong opinions that those hours should be included in the Service site’s volunteer records. We are not able to change the policy but we did clarify the types of activities that are not allowed in relation to the organization and management of the Friends. It is against the law to include time that Friends and volunteers spend on the operation and administration of a nonprofit organization as official Service volunteer hours. The Service can only include those hours contributed by volunteers when those volunteers are working under the supervision of a Service employee and on official Service business. When Friends are conducting the business of a nonprofit board, such as writing bylaws, administering the board of directors and its employees and applying for 501(c)3 status, they are not conducting official Service business. Conversely, board meeting time that is focused on mutual goals of the Friends and Service, such as coordinating a joint outreach event or project, can be included in Service volunteer records. This is clarified in the previous section of the policy.

One commenter asked if fundraising for a project could be included as Service volunteer hours. We clarified the policy in this section to also include and define “soliciting donations” as a result of this comment. The use of appropriated Federal funds to solicit for donations is prohibited by law, and therefore we cannot include time Friends spend on this activity in Service volunteer records.

Issue 12. Activities that Friends Must Not Participate In on Service-managed Property. We received three comments on this section. One commenter asked us to “consider adding language

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to the policy to prohibit Friends organizations from advertising and promoting activities on refuge property that are inconsistent with the NWRS Improvement Act, other refuge policies and refuge purposes as reflected in enabling legislation, executive order, or administrative action. We partially agree and added that Project Leaders must ensure that Friends “do not participate in activities that are inconsistent with the NWRS Improvement Act”. Nothing in this policy permits Friends to conduct activities that are against refuge policies or purposes, executive orders, administrative actions, or the NWRS Improvement Act.

One commenter recommended that “the policy should be clear that Friends organizations have no influence with regard to refuge management activities, especially decision making processes related to fish and wildlife management.” We partially agree and added the following statement to the policy, “Allow Friends to influence refuge management activities that may be inconsistent with the Service’s compliance with State laws and regulations or affect our timely coordination and consultation with the States’ on the acquisition and management of national wildlife refuges (see 601 FW7, Coordination and Cooperative Work with State Fish and Wildlife Agencies).

During the 2 years that the policy was being revised, we added to two items to the list of activities that Project Leaders must ensure Friends don’t participate in on Service-managed property. Those activities include, involving Friends in hazardous activities without proper certifications and permitting Friends to participate in lobbying and games of chance.

Issue 13. Service’s Role in Establishing and Maintaining Friends Organizations. We had nine comments on this section. Three commenters supported the Service roles detailed in the policy but asked to cite a specific partner in the policy as a resource for Friends and staff engaged in starting a Friends organization. We disagree. This recommendation is more fitting for a manual or strategic plan. The Service does not cite partners in policy and this recommendation was not added to the policy.

One commenter suggested adding Service roles in “supporting the existing (200+) organizations” in the section title and listed specific roles. We partially agree and changed the section title to include “establishing new and maintaining Friends organizations”. However, we felt that the specific roles provided by this commenter were too detailed, we did make a few additions to the policy based on this persons recommendations for roles.

One commenter clearly stated that establishing new Friends organizations should not be the responsibility of the Service. The language in the policy does not dictate that establishing new Friends organizations is a Service responsibility, but rather provides information in what roles Service employees can play in assisting with the establishment of a Friends organization. The National Wildlife Refuge System Volunteer and Community Partnerships Enhancement Act of 1998 (16 U.S.C. 742f) is the authority for the Service to enter into and build community partnerships. We did add clarifying language limiting the role of Service employees in the formation of Friends organizations.

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Two commenters expressed ethical concerns in the Service’s involvement in developing organizational documents and nonprofit status of a Friends organization. We agree and deleted that role as well as the role of identifying and contacting the core group of citizens who will formalize the organization. While the Service can play important roles in helping to initiate Friends organizations, they should identify and work with interested members of the community who would then identify and contact the core group of citizens to form the organization.

Two commenters requested that we make reference to “planning and collaboration” and suggested the “Friends and refuge managers should be actively engaged in strategic planning to attain the maximum benefit from the partnership.” We agree and revised this section of the policy to encourage strategic planning between the Service and Friends organizations.

Issue 14. Service Employees and Volunteers Serving on a Friends Board of Directors. We had 13 comments on this section about what employees can and cannot do. As a result of additional questions received and information discovered throughout the 2 years in which we were revising the policy, we decided to add a table to this section to also include what Service volunteers can and cannot do.

Four commenters strongly suggested that we not allow Service employees to serve on a Friends Board of Directors. We agree and revised the policy to state that Service employees may not serve on a Friends Board of Directors.

Four commenters asked that we add language that clearly states when employees are serving on committees, they do not engage in lobbying activities. We agree and added lobbying as a prohibited activity for Service employees and volunteers.

One commenter stated that “by allowing Service employees to create, manage, and become members of and serve on the Board of Directors of a Friends organization, as well as make financial contributions is a blatant disregard for the Hatch Act and 43 CFR part 20, Employees Responsibilities and Conduct and 212 FW 4. Another commenter asked that the policy “clarify that when a potential conflict of interest exists, employees must not participate in Friends activities. We have clarified the policy in multiple sections that Service employees must avoid getting involved in the operation and administration of a Friends organization. We have also revised the policy to state that Service employees may not serve on a Friends Board of Directors. Additionally, the policy clearly states that while participating in Friends organizations, Service employees must comply with 43 CFR Part 20, Employees Responsibilities and Conduct. We disagree with the suggestion that we are blatantly disregarding the Hatch Act as it relates to allowing Service employees to be members of and make financial contributions to Friends organizations on their own time as private citizens. Prohibiting employee participation in outside organizations on their own time as private citizens is beyond the authority of this policy and we have not changed those allowable activities.

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One commenter requested that we revise the policy to make it clear that when employees are serving on committees, they are doing so as private citizens. We disagree and did not change the policy as a result of this comment. Committees are a way for employees to assist in mutual goals of the partnership. This same commenter asked for further clarification as to whether or not employees can be involved in collecting monies for memberships, the sale of merchandise and fundraising. We revised the policy to include restrictions on Service employees soliciting for donations, soliciting for and collecting paid memberships, and raising funds through games of chance. While we did not provide language that clarifies Service participation in the sale of Friends merchandise in this section, we did revise the policy in Chapter 4 to clarify the role of the Service in the operation of a Friend Nature Store. The policy now states that “Operating a Nature Store on Service-managed property is the responsibility of Friends organizations...”. Furthermore, we have removed the paragraph from Chapter 4 that authorizes Service employees to sell items when Friends members are absent.

One commenter requested we add that Service employees must not “represent the Friends organization in any matter between any Federal court or agency” and “participate in the internal management of the Friends Board of Directors”. We agree and revised the policy to reflect these recommendations.

One commenter suggested that we add a prohibition to Service employees from “submitting or applying for grants on behalf of the Friends organization without prior written consent of the Board of Directors”. While we agree with this, we felt it was too specific and is addressed in the broader prohibitions of the policy that states Service employees should not “serve the Friends organization in any fiduciary capacity” and negotiate and execute contracts for the Friends organization”.

Issue 15. Responsibilities of Friends Organizations. We received two comments to this section. One commenter suggested adding language to require Friends to obtain and maintain 501(c)3 status. While we do require this of Friends organizations, we felt that this requirement was adequately covered earlier in Chapter 1.

One commenter suggested we add language to the policy that allowed Friends organizations to meet without Service personnel. We agree and revised the policy to state that Service representatives should be invited “to board and committee meetings that require Service information and support to carry out joint activities”.

During the 2 years that the policy was being revised, we added two responsibilities to the list of Friends responsibilities to include, 1) ensuring identification (logo, shirt, name badge) of Friends members and its employees while acting on behalf of the Friends organization on Service-managed property, and 2) requiring the transfer of net funds collected through direct solicitation of donation activities on Service-managed property directly to the Project Leader to be deposited

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in the appropriate Service contributed funds account. The latter addition is described in more detail in Chapter 4 on the section of Friends fundraising.

Issue 16. Friends Use of Service Facilities, Equipment, and Vehicles. We received six comments on this section. Two commenters requested we add guidance on the appropriate use of government vehicles by Friends. We agree and added language to this section.

One of those commenters specifically wanted us to provide additional guidance in regards to Friends collecting fees to conduct their own tours using Government vehicles. We agree with this recommendation and provided additional clarification in the new vehicle paragraph, added a separate question to the end of this chapter addressing the collection of fees by Friends and added clarifying language in Chapter 4 on the section of Friends fundraising not allowed on Service-managed property. To summarize our additions to the policy on this comment: Friends organizations may fundraise on Service-managed property if the fundraising is done in direct support of the Service in support of mutual goals and objectives, but Friends are not permitted to establish new or charge fees for recreation programs, such as guided tours. Recreation and visitor fees are governed by the Federal Lands Recreation Enhancement Act of 2004, which authorizes the government to charge entrance fees at certain recreation sites and “amenity fees” where specific criteria are met. The other commenter requested further clarification that spells out the circumstances when a Friends member can and cannot use a government owned vehicle and whether they can represent the Friends organization during those times. We agree with this recommendation and changed the title of this section to include facilities, equipment and vehicles and added two paragraphs to this section of the policy. One paragraph describes the limitations on the use of government facilities, equipment, and vehicles. The other paragraph describes the requirements and limitations for Friends using government vehicles.

One commenter was concerned that the language used to describe the authority of the Project Leader to withdraw the use of facilities from a Friends organization was too strongly worded in favor of the Service and that the Project Leader should have to “negotiate with Friends regarding any potential withdrawal of the facilities for anything short of gross misconduct on the part of the Friends”. Another commenter requested that the Service compensate the Friends organization for loss of revenue and for the inventory for which they will no longer have a sales outlet should the use of facilities be withdrawn. We agree that the language was strongly worded and we revised the policy to soften the tone, as well as added language to strongly encourage the Project Leader to take into strong consideration the loss of business income and make every attempt to provide relocation options to the Friends organization. We do not agree with limiting the authority of the Project Leader to withdraw facilities only for gross misconduct on the part of the Friends. There are many management and emergency circumstances which may precipitate the need of withdrawal of use of facilities. The Project Leader retains the right to withdraw the use of Government facilities for emergency and critical management purposes.

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One commenter requested we add the language “any non-permanent and/or portable improvements remain the property of the Friends”. We agree and revised the policy.

One commenter expressed support for the existing section that explains a Project Leader right to terminate a Friends use of Government facilities.

One commenter requested that the policy should facilitate limited use of office space, machines, vehicles, equipment, and cabins. We feel the policy clearly defines and facilitates the use of facilities, equipment and vehicles by Friends organizations and did not address this comment specifically.

One commenter suggested we reference Homeland Security Presidential Directives (HSPD) compliance as a requirement for Friends access to our computer systems. We agree and added that language in the “...use of Service facilities” section in Chapter 1 of the policy.

Issue 17. Service Provides in Addition to Facilities. We received seven comments on this section. One commenter expressed support for the existing section that provides clarification on use of office space and equipment.

One commenter requested that we add “contracted housekeeping and general upkeep (like light bulbs) should be provided to facilities used by the Friends as long as the Service is already providing such upkeep for the operation of the building. We agree with this recommendation and added to the policy.

Two commenters requested clarification of Friends use of “onsite office equipment and communication systems” while Friends are participating in advocacy and noted that advocacy is not defined in the policy. We agree and changed the term “advocacy” to “lobbying” throughout the policy and clearly defined lobbying in Chapter 1, as well as clearly defined in the previous sections that Friends are prohibited from using appropriated Federal funds/resources/support, and Federal facilities/equipment/vehicles while conducting lobbying activities. This means that Friends cannot conduct lobbying activities on Friends owned computers if those computers reside on Federal property. If Friends need to hold a meeting to discuss influencing a congressional representative or specific legislation, Friends must not use Federal meeting facilities to hold that meeting and must meet off Government property.

One commenter objected to the Service providing Friends with use of facilities, payment of utilities, use of onsite office equipment and communication systems, and maintenance of the facility. This commenter also claimed that this policy will allow Friends to directly compete with for-profit concessionaires while Friends receive direct support from the taxpayer. We disagree and did not change the policy. The Service is authorized to expend appropriated Federal funds, resources, and support to provide Friends with limited use of facilities and equipment through the National Wildlife Refuge System Volunteer and Community Partnerships Enhancement Act of 1998 (16 U.S.C. 742f). Friends organizations are nonprofit organizations,

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and as such, cannot compete with for-profit concessionaires because their objectives are different. The items that Friends provide for sale in their nature stores are a benefit to the visiting public rather than profit-generating items. Furthermore, Friends nature stores are operated on behalf of the Service to benefit the visiting public with all revenue generated directly supporting the mutual goals and objectives of the Service site they support.

One commenter requested the policy be revised to “disallow any grants or in-kind support (office space, equipment and communication systems, utilities, information, and technical assistance and training) for any organizations engaged in advocacy or lobbying of Congress or other government entities, even if that advocacy represents only a portion of the organization’s functions.” We disagree and did not revise the policy. Nonprofit Friends organizations are legally permitted to conduct lobbying, as long as it does not represent more than 20% of their organizations operations and management. We did however revise the policy to clearly state the following: “Departmental policies and guidelines prohibit Friends organizations from using appropriated Federal funds and Federal facilities and equipment, including but not limited to Government-provided office space, vehicles, telephones, computers, printers, faxes, or copy machines to conduct lobbying activities. For example, Friends meetings that are held to discuss influencing a member of congress or specific legislation should not be held in Government-provided meeting space and emails should not be composed in Government-provided office space, even if the computers are the property of the Friends organization.”

Issue 18. Use of Federal Funds to Support a Friends Organization. One commenter requested that we add to the end of paragraph 1.18: “However, Federal funds may not be used for the operation of administration of a Friends organization.” We agree and further added “...lobbying, soliciting donations, or games of chance.”

Issue 19: Requiring 501(c)3/Incorporation Status. We received 22 individual comments on the requirement for Friends organizations to obtain 501(c)3 status. Seventeen of those comments were opposed to making this an absolute requirement, unless the Friends intend to raise funds or operate a nature store, and expressed that the Service should recognize Friends with a variety of group/organizational structures. The Service has a strong need to ensure Friends organizations are incorporated and we did not change the requirement as a result of these comments. Additionally, the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998 (16 U.S.C. 742f), as amended, requires Friends organizations to be a tax exempt organization under Section 501(c)3 of the Internal Revenue Code. The comments included, 1) requesting that the Service provide an explanation for the incorporation requirement; 2) the need for incorporation if a group has no intent on raising funds, applying for grants, or operating a nature store and is only operating as a volunteer service and/or advocacy group; 3) the concern that the process of incorporating may deter Friends organizations from forming; and 4) the concern that this requirement would “terminate relationships” with existing volunteer and advocacy groups that have no need to incorporate and even cause those groups to “disband”. As a result of these comments, we revised this section of the policy to provide an explanation for

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requiring incorporation for Friends organizations, as well as explaining benefits to incorporation. Additionally, we included language that explains to Project Leaders how they can continue to work with those groups that do not wish to seek incorporation status. While this requirement may change the nature of the formal partnership for some groups, it does not preclude the Service from continuing to work with these groups or suggest that any groups should disband.

One commenter fully supported the requirement for incorporation, stating “If friends want to be treated differently than any other local group who may want to interact with the Service, they need to be a recognizable entity.”

Issue 20. Generating Revenue and Income. We received two comments on this section. One commenter requested that we include “financial gifts and contributions with membership dues”. Comment was noted but changes were not made since the policy already included them in the list as “donations from the public and private sector” and “membership dues”.

The other commenter requested more clarity on “project fundraising through grant writing” as a source of revenue. As written, we agree that it can be interpreted as both applying for grants and possibly administering a grant program. Our intent was the former and we modified the language to “applying for grants for project fundraising”.

As a result of additional communications on the subject of defining fundraising over the 2 years in which we were revising the policy, we decided to provide additional clarity on the types of fundraising and categorize the examples of generating revenue under “the sale of goods and services”, “soliciting or acquiring donations of money or in-kind goods and services without consideration or an exchange of value”, or “applying for grants for project fundraising”. We felt the clarification was needed based on the high number of questions we receive on the difference between fundraising and soliciting for donations.

Issue 21. Friends Hiring employees. We received three comments on this section. One commenter requested clarity on whether we were referring to Friends hiring their own staff for friends operations or hiring interns for the Service. The policy was referring to Friends hiring their own staff. As a result of this comment, we changed the question in this section to “Do Friends organizations hire their own employees?”.

One commenter noted that the guideline written as “Friends employees may not supervise or direct Service employees” was too rigid and did not allow for the possible need of Service employees to be trained in store operations. We partially disagree with this statement as Service employees should not be spending official time in operating nature stores. However, we did remove the word “direct” as we felt it did not add to the intent of the guideline.

One commenter requested that the guideline of “Service employees may supervise Friends, their members, employees, and contractors if they are performing duties in support of the Service site/program under a Volunteer Services Agreement” should emphasize that “if agreed to by the

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Friends and only in the performance of certain aspects of the job”. We disagree with this addition and did not change the policy.

Issue 22. Records, Audits, Reports. We received four comments on this section. Two commenters expressed that the policy contained excessive information regarding IRS requirements, such as keeping records and other requirements. We agree and deleted the section on requirements by the IRS.

One commenter asked why the Friends Partnership Agreement needs to contain “thresholds that trigger audit requirements and explain what those requirements are”. We agree that this is unnecessary and removed it from the policy.

One commenter objected that the policy doesn’t require any oversight from the Service in the form of reports and imposes no audit requirements by the Service. While this comment was noted, we disagree with the need to impose such reports and audits. Each state determines its own audit requirements for nonprofit organizations and given the modest levels of income most Friends organizations receive annually, many are not required to meet State or Federal audit requirements. Imposing Service audits and reports would add an insurmountable administrative burden to both the Friends and the Service without adequate justification. We did however modify the policy to the extent that “the Friends Partnership Agreement must address the need for Congress and other authorities to request information about our Friends program on such topics as gross receipts, expenditures, projects, and numbers of members.”

Issue 23. Insurance Requirements. We received four comments on this section. One commenter objected that the Service does not require liability insurance to be provided by Friends organizations. Three commenters requested more clarity on insurance needs for Friends in general. In the 2 years in which we revised this policy, we also received numerous questions asking for clarity on insurance provided to the Friends by the Service and other insurance needs of Friends organizations. As a result, we added significant language to this section to address those questions. While we are not imposing mandatory insurance requirements, we may require a Friends organization to acquire appropriate insurance for certain specialized activities as a partnership agreement condition. We have further provided examples of types of activities that may require insurance, including nature store operations and special events on Service-managed property. The policy now clearly states that the Government does not insure Friends property and nature store inventory in the event of fire, natural disaster, or theft. The policy has clarified insurance needs for special events either hosted or cohosted by Friends, both on and off Service-managed property. Additionally, as a result of some confusion of the protection afforded by the Volunteer Services Agreement, we have added an entire paragraph clarifying that the Agreement only provides protection to individual volunteers on tort liability claims and injury protection and does not provide a Friends organization with the same protections. Operating as nonprofit organizations, Friends are not offered insurance of any kind by the federal government. The

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only insurance protection that Friends are offered is as individual volunteers while performing work for the Service under an approved Volunteer Services Agreement (OF 301A).

We have also updated the Insurance section of the Friends Partnership Agreement to reflect these changes, including requesting a list and description of the types of insurance policies held, as well as a requirement to attach copies of insurance policies held.

Issue 24. Distribution of Friends Printed Materials on Service-managed Property. We received one comment requesting that the policy prohibit the distribution of Friends literature that contains lobbying information on Service-managed property. We agree and revised the policy to prohibit the distribution of any Friends printed materials on Service-managed property if it contains information promoting lobbying, any political position, or games of chance.

Issue 25: Links to Friends Websites. We received three comments on Service websites linking to Friends websites. Three commenters requested the policy prohibit the Service from linking to Friends newsletters that contain lobbying information. We disagree. The Service provides a standard disclaimer when linking to external websites stating “You are now leaving a U.S. Fish and Wildlife Service Web site. We do not control the content or policies of the site you are about to visit.” We do not feel the need to treat Friends organizations websites any differently than any other external link and do not have the time and resources to review the lobbying content of external websites.

Issue 26. Use of the Service Logo. We received one comment objecting to the need for Director approval for the use of the Service logo. We disagree and did not change the requirement. The Director approval for the use of the Service logo is a requirement established by other Service policy (041 FW 2, Emblems) and the Friends Policy does not have the authority to change that requirement.

Over the course of the 2 years we were revising the policy, we received several questions on the use of the Service logo and its sublogos. As a result of those questions, we provided additional language in the policy, taken from the Service Emblems policy (041 FW 2, Emblems), to clarify use of logos on printed materials, sales items, outreach items and within a Friends organizations logo. We clarified a number of uses, including that Friends may not use the Service logo or Division logos on items for sale to the public without Director approval, the distinctions between internal and external uses, and that Friends may not use any likeness of the Service logo or any of its sublogos as part of their organizations logo.

Issue 27. Resolving Problems. We received two comments on the section regarding resolving problems between the Service and the Friends. Both commenters suggested providing specific options for the Service and Friends to seek help from an outside resource, including other Friends organizations. We partially agree and modified the language to include the Service’s CORE PLUS Program, other Friends organizations and/or external facilitators or mediators.

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Issue 28. Agreement Termination. We received four comments on this section. All four commenters expressed concern that the draft language was one-sided and failed to acknowledge that there may be problems on the Service side of the partnership that could cause the Friends to want to terminate the Agreement. We agree and modified the language to encompass problems with either side of the partnership.

Issue 29. Name of Friends Sales Outlets. We received three comments suggesting the policy be consistent in naming Friends sales outlets, gift shops and bookstores to “nature stores”. We agree and made change throughout the policy.

Issue 30. Role of the Service in the Operation of Friends Nature Stores. We received nine comments expressing objections to the level of Project Leader involvement in the operation of the nature store, with strong objections to determining rates and prices. These commenters requested we revise the policy to reduce Project Leader oversight and clarify that nature stores are a Friends organization’s responsibility. We agree that the draft policy included language that gave the Project Leader excessive oversight and micromanagement of Friends nature stores and revised the policy to reflect a more light-handed and collaborative approach while clarifying broader roles and responsibilities of the Project Leader and Friends organization in the operation of nature stores. We also deleted “rates and prices” as something the Project leader specifically approves.

Two commenters expressed objections to permitting Service employees to “place orders for sales items”. We agree and deleted this from the policy.

One commenter requested clarification for when Service employees can help operate the nature store and that the language in the draft policy contradicted a previous section in Chapter 1 that describes what Service employees must not do. We agree and deleted the entire paragraph that described how Service employees can help operate a nature store and replaced with “The operation of nature stores are the responsibility of Friends organizations as part of the organization’s administration. Friends organizations must provide and schedule their own staff and volunteers to assist in the day-to-day operations of their stores.” This now is consistent with Chapter 1 language that states Service employees must not “serve the Friends in any fiduciary capacity” or “negotiate or execute contracts for the Friends organization or represent the Friends organization in business transactions or operations.”

Issue 31. Approval and Types of Items Sold on Government Property. We received one comment fully supporting the need of Project Leaders to have final approval authority for sales items and seventeen comments that strongly objected to the Project Leader helping to determine the content, quality, price, and display of sales items, as well as having the final approval authority. We agree that the draft policy gave too much oversight to a Project Leader in both planning the sale of merchandise and selecting and determining the price of sales items. As a result of these comments, we revised the draft policy requirement for Friends to submit a list of

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items proposed for sale to new policy guidance that “the Project Leader should collaborate to establish a general set of guidelines or criteria for the content and quality of sales items at the site.” However, we did not change the final approval authority for the Project Leader to determine what items are sold on Service-managed property. While the Friends may develop their own merchandising plan, the Project Leader has ultimate authority to determine whether or not the items appropriately represent the Service and can be sold on Service-managed property.

During the 2 years that the policy was being revised, we added a paragraph about long-term third party sales and consignment of goods due to increasing questions on this issue. Third party sales can only be done on a short-term basis through a special use permit.

We received nine comments objecting to the Project Leader discouraging Friends sale of food, bottled water, soft drinks, sun screen, and insect repellent. Five of the commenters requested that we define “local business” in term of miles from the refuge. We agree and modified this section to provide more clarity. While we did not specifically define local business in terms of miles, as miles is relative in rural communities, we defined it in terms of convenience of the public to travel and obtain it once they are at our site. Three of the commenters felt that these items should be allowed because they “generate critical funding”, “augment Friends organizations income” and “produce funds used for supporting the Refuge”. We disagree and modified this section of the policy to clarify that Friends organizations are authorized to operate nature stores on Service-managed property for the purposes of selling educational materials to the visiting public, and food is outside of that requirement. Furthermore, the Randolph Sheppard Act gives priority to the operation of vending machines and snack bars to individuals who are blind. If carrying these items has been determined as essential for public health and safety, then the Friends organization would still need to contact the Department of Education’s state vocational rehabilitation program to determine if the state licensing agency does not want the vending business. The Project Leader and the Friends would still need to routinely evaluate unfair competition with nearby businesses that do not have the benefit of running their business on Service-managed property.

We also added language from the Emblems Policy (041 FW 2, Emblems) to prohibit the sale of items to the public that bears the Service logo or Division sublogos.

As a result of the four comments we received disagreeing with the responsibility of the Service Liaison to approve each item and its price that the Friends organization is proposing for sale, we deleted Exhibit D, Checklist for Review of Sales Items. We also revised the policy to add the responsibility to the Project Leader position to “ensure that Friends sales items...are consistent with the Friends Partnership Agreement, and the missions, goals, and objectives of the Service.” This new language removes the item-by-item approval requirement as well as dictating prices of sales items and suggests a more collaborative approach to selecting items and ensuring that prices are fair and reasonable.

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Issue 32. Fundraising on Service-managed Property. The discussion on this topic was moved from chapter 2 to chapter 4 to keep the guidance on fundraising in one chapter. We received four comments on this section. One commenter expressed support for the opportunity for Friends to conduct fundraising on Service-managed property.

Two commenters requested more information on fundraising and gaming/gambling activities, such as raffles and bingo. As a result of this request, we added a paragraph on games of chance as a fundraising activity. While Friends can participate and administer games of chance, such as BINGO, raffles and door prizes, they must not do so on Service-managed property or with the express or implied involvement or endorsement of the Service.

One commenter objected to allowing Friends to sell merchandise, fundraise and display materials about fundraising events on government property. Friends organization's efforts to sell its merchandise is authorized on behalf of the Service and is a benefit to the visiting public. While we did not change the policy as it relates to selling merchandise, we did revise the policy to provide clarity on exceptions to fundraising activities taking place on Service-managed property. First, we added the stipulation that Friends fundraising activities that are not on the behalf of the Service cannot take place on Service-managed property. Second, we added a requirement that all fundraising activities that Friends will conduct to carry out their mission to support a Service site must be clearly described in the Friends Partnership Agreement. This will ensure that fundraising activities held on Service-managed property are given appropriate and careful consideration. Additionally, we moved the language on the display and distribution of materials to an entirely new section to provide separate clarity on Friends printed items, such as brochures, membership forms, etc. We provided additional language to prohibit the display of printed material that promotes lobbying, political positions, and games of chance, such as raffles; to ensure that their printed material does not imply the Service endorsement of a particular commercial business, brand, product, service, or enterprise; to ensure that the Friends have obtained the appropriate approval for the use of any Service logos, sublogos and taglines; and to ensure that their printed materials do not imply associations between the Service and the Friends organization's corporate donors/sponsors.

Issue 33. Types of Fundraising on Service-managed Property. We received two comments requesting to include guidance on gaming activities, such as 50-50, BINGO and door prizes. We received three comments requesting to include guidance on raffles. We received two comments requesting clarification of Friends organizations collecting fees for programs. And we received one comment requesting additional guidance on Friends involvement in selling artwork on refuges. Based on these comments and many questions on Friends fundraising from staff and friends over the 2 years we were revising the policy, we changed the policy to consolidate fundraising into three sections. Those sections now provide requested details and clarifications on what types of Friends fundraising are and are not permitted on Service land and what are the conditions associated with Friends fundraising on Service-managed property. We have defined prohibited fundraising as "Any fundraising that is not in direct support of the Service site in which the partnership agreement is held.

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If the Friends are generating funds for purposes outside of mutually agreed-upon goals and objectives or for another site, all activities in relation to the fundraising must take place off Service-managed property and without the express or implied involvement or endorsement of the Service.” Further we cited prohibited fundraising activities to include making up for shortfalls in Government agency budgets, games of chance, including lotteries, raffles, BINGO, for-a-fee door prizes, and charging entrance or recreation fees under a long-term special use permit.

Over the two years during the policy revision, we received numerous questions about Friends charging the public for recreation programs. We have added a new section in chapter 4 addressing this issue. As a part of this section, we have added extensive language on the Federal Lands Recreation Enhancement Act (REA) and guidance on charging recreational fees under special use permits.

During the 2 years the policy was being revised, the Service’s draft donation policy was put out for public comment. Comments received during that public review process that related to Friends fundraising have also been clarified in the Friends Policy to ensure consistency in guidance. We consolidated individual sections on donation boxes and silent auctions, and added to this new section, guidance on the solicitation of donations. The policy now identifies three types of fundraising by Friends on Service-managed property: the solicitation of donations, the sale of goods and services, and third party vendors. Each is clearly described with the solicitation of donations broken down into direct and indirect solicitations. We then added a new section on the conditions associated with allowing Friends to fundraise through the solicitation of donations on Service-managed property. The most significant additions to this section include the requirement that fundraising on Service-managed property must be on behalf of the Service, clearly described in the Friends Partnership Agreement, and that all net funds collected by Friends on Service-managed property through direct solicitation activities by Friends must be given to the Project Leader to deposit into a contributed funds account and used exclusively for the benefit of the particular national wildlife refuge or complex of geographically-related refuges for which the funds were generated.

Issue 34. Friends Partnership Agreement. We received numerous comments on the Draft Sample Friends Partnership Agreement. Those comments and how we addressed them are detailed below and caused significant reorganization of the Agreement.

During the 2 years we were revising the policy, we added the requirement that all current Memorandums of Agreement and/or Understanding will expire at 3 years from the date of this policy and must be converted to the new Friends Partnership Agreements.

One commenter requested that we provide some written directions of how to use and tailor the agreement to meet the individual needs of different Friends partnerships. We agree and created an instruction page to the agreement that describes the purpose and provides directions on how to use/modify the Agreement.

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While we did not receive any comments on the Authority section of the Agreement, we updated the authorities to delete the More Salmon Act and include The Fish and Wildlife Act of 1956, the Anadromous Fish Conservation Act, the Fish and Wildlife Coordination Act of 1934, and the National Fish Hatchery System Volunteer Act of 2006.

We received verbal solicitor recommendation during the 2 years we were revising the agreement to review the National Park Service Friends Group Agreement. As a result of that review, we added new legal language to the Agreement in the following sections: Authorization and Term of Agreement, Insurance, Assignment, and Miscellaneous sections. We also added a new Liability and Indemnification section.

We received two comments questioning the value and need for Exhibit B, Educational Materials and four comments requesting that Exhibit C, Scope of Sales be moved to a supplemental agreement for those Friends with Nature Stores. Both exhibits were determined to be unnecessary and have been completely removed as Exhibits from the Agreement.

We received 19 comments that the draft agreement was too long at 17-pages and would deter Friends organizations from partnering with us as a result. A subset of those commenters suggested that we revise it to have a shorter standard agreement with all Friends organizations and a separate supplemental agreement for Friends with nature stores. We agree with these commenters and created a 12-page stand-alone agreement required for all Friends organizations with a Supplemental Agreement for those Friends that use Service property. We deleted Exhibit A, Description of Designated Facilities and Equipment as an attachment to the Agreement but used some of the language in the development of the new Supplemental Agreement for Use of Service Property.

Two commenters requested that we not shorten the length of the agreement and that all the components were needed to have consistency between regions. While we did reorganize the agreements which makes each individually shorter, we kept most of the original components of the draft agreement, and together, they remain approximately the same length.

We received four comments on the content of the Agreement as well as the process for developing and finalizing the Agreement. Four commenters expressed concern with the structure, amount of detail, and “the length and breadth” of the document and requested a more “streamlined” document that outlines broad principles that can be tailored to individual partnership needs. We disagree with the suggestion to streamline the document, but we did reduce the number of attached Exhibits from four to one. The length of the Agreement remains the same. The draft policy included language that allowed for each partnership to modify the Agreement based on their individual needs, but based on the comments above, we did modify the language to communicate that louder. While there is content that is required for each Agreement, it does allow for the modification of language to meet the varying needs of each partnership.

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One commenter suggested that mutual activities between Friends and the Service should not require a Friends Partnership Agreement. We disagree. A Friends Partnership Agreement is a required instrument for providing the legal and policy framework that formalizes and facilitates the relationship and collaboration between the Service and Friends and ensures that both parties have a mutual understanding of their respective roles, responsibilities, rights, expectations, and requirements within the partnership.

One commenter requested that we reference the policy somewhere in the agreement as a resource. We agree and referenced the policy in the new instructions to the agreement.

We received 45 comments within section V. Service and Friends Responsibilities. Without detailing all the individual comments, the commenters were objecting to language that appeared to micromanage the Friends and was redundant with language and comments that have already been addressed in the policy itself. We generally agree with the comments and tone of the comments and revised and simplified this entire section to describe a more collaborative relationship and moved language that was more fitting for the policy to the appropriate sections within the draft policy instead of in the agreement. We added a section which allows the insertion of customized goals and objectives for the unique partnership. We reorganized the sections from “Service Rights and Responsibilities” and “Friends Rights and Responsibilities”, which sounds a bit negative, to “Joint Responsibilities”, “Service Agrees to” and “Friends Agree to”. Furthermore, much of the language in this section did not apply to all Friends organizations and so we moved that language to the Supplemental Agreement for Use of Service Property.

We received seven comments within section III. Background. Seven of the commenters stated that the language implied that Friends organizations were required to generate funds and/or operate a bookstore. We agree and have completely removed that reference. Furthermore, we have left it up to the individual sites to develop their own language for the Background section. One commenter requested that the Background section allow for revision to the language provided to reflect the differences in each partnership. We agree and revised the entire Background section with sample language that can be revised. Furthermore, as a result of Draft FWS Donations Policy, we added a section on Fundraising and Solicitation which requires Friends to describe their fundraising activities.

We received one comment to insert the following paragraph into the agreement – “Limitations on Lobbying. The Friends Group may not use any appropriated funds (including property, utilities, or services acquired with, or supported by appropriated funds) to lobby or attempt to influence Congress or any official of the government.” We agree and added the paragraph.

One commenter requested that we better define certain positions in the agreement, including Project Leader and liaison. We agree and included additional language to define these positions.

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One commenter requested that the agreement specifically allow online sales and the shipping fees with such businesses. We disagree with adding this level of detail to the agreement, as nothing in the policy disallows Friends organizations from doing online sales.

One commenter requested that we add the definitions of the roles of the Project Leader and Friends in terms of communications, meetings and planning. We partially agree and included some language that helped identify expected roles, but this suggestion is more in line with developing a separate “best practices tool kit on roles and responsibilities in partner communications”.

One commenter requested that guidance be included for Friends and their participation in maintenance, biological projects and other non-sales activities. No action was taken with this comment because we don’t understand what type of guidance is being requested and presume it is probably more detail than what is included in policy.

We received one comment that the requirement “Friends volunteers must wear an easily observable and readily identifiable insignia of the Friends, or a volunteer uniform” doesn’t make sense. We agree and revised to “Friends members and its employees should not wear the Service’s volunteer uniform unless they are doing official volunteer work for the Service.”

We received one comment in the agreement termination paragraph to add “and with demonstration of valid cause”. Comment noted but not added.

We received two comments requesting to modify the language in Exhibit A, Office Facilities. Exhibit A was deleted so the comments cannot be applied.

We received one comment objecting to IX. Miscellaneous paragraph which states “The rights and benefits conferred in this Agreement and other Supplemental Agreements are subject to the laws, regulations, and rules that govern the Service and its employees. The mention of specific restrictions, conditions, and stipulations in this Agreement and any supplemental agreements do not in any way impair the general powers of supervision, regulation, and control by the Service.” The commenter suggested this to be strongly worded and sounds like the Service is being given total control over the Friends organization. We disagree and did not change the paragraph. Friends organizations must comply with all laws, regulations and rules that govern the Service and its employees while on Service-owned land. These are laws that are beyond the authority of this policy.

One commenter requested that we add language about Friends meetings in Service facilities as it relates to discussions of lobbying. We agree and added the following language under the Service and Friends Responsibilities section, “Friends must not use any Service-appropriated funds (including property, meeting rooms, utilities, services, or supplies) to lobby; attempt to influence Congress or any official of the government; favor or oppose any legislation, law, or appropriations.”

One commenter suggested that the policy was narrow in focus in regards to Friends efforts beyond local support. The commenter requested that the policy address and stress advocacy and Friends broader support of regional and national programs. We disagree. Promoting Friends lobbying

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activities is beyond the legal authority of this policy. Additionally, promoting Friends activities beyond the Service site in which the partnership agreement is in conflict with both the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998, as amended, and the definition of a Friends organization, which states that “Friends are...established with the primary mission of supporting the purposes and objectives of the Service site(s) or program(s) they seek to assist”. Defining the scope of the partnership is something that must be mutually agreed-upon by the partners themselves. Friends organizations activities that fall outside of supporting the purposes and objectives of the Service site(s) or program(s) they seek to assist could be considered a breach of contract if not mutually agreed-upon.

One commenter requested the agreement establish minimum requirements for Friends eligibility to include a Friends definition and nonprofit incorporation. We agree and added an instructions page to the agreement that provides the definition of a Friends organization, which incorporates these two eligibility requirements.

As a result of the new requirements of Friends organizations, we added three required documents as attachments to a completed Friends Partnership Agreement. Those attachments include a Friends Organization Articles of Incorporation or IRS Determination Letter and copies of Friends Organizations insurance policies.

Two commenters expressed concern that the draft policy language suggested a more limited role for Friends in crafting the document. We agree and revised the policy language to emphasize that the process begins with the Project Leader and Friends organization to modify the Agreement language together to meet the specific needs of the partnership.

During the year in which the draft policy was being revised we noticed the policy suggested five annual renewals during the 5-year term and changed that to four annual renewals in both the policy and partnership agreement. We also noticed that the process did not include instructions on what to do when the Agreement is up for its 5-year renewal, so we added process language. Lastly, we received a few questions about the need for regional solicitor review if the language in the template agreement was modified or if changes were made during an annual modification. We added the following language, “The template Friends Partnership Agreement is pre-approved by the Service’s solicitor’s office. Regional solicitor review is not required unless the scope of the changes to the template is significant enough to require regional solicitor review. Additional regional solicitor review would be determined by your Regional Office.” And also, “Significant changes to the scope of the partnership goals, objectives, roles, or responsibilities in a modification may require regional solicitor review and/or Regional Director (or designee) approval and signature. Send all agreement modification to your Regional Friends Coordinator for determination of level of reviews and approvals.”

Issue 35. Miscellaneous Comments. Over the year in which we were revising the policy, several questions came up about the Service’s involvement in Friends off-site events/activities. As a result

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of these questions, we added a new section at the end of Chapter 1 that details criteria for Service involvement in Friends off-site events.

One commenter requested that the policy address Friends' websites. The Service has no policy regarding the content or management of Friends organizations websites. The only policy related to Friends websites is when Service websites link to Friends websites there must be the standard disclaimer statement of the Department of Interior.