October 1, 2020

The Honorable David Bernhardt
Secretary of the Interior
1849 C Street NW
Washington, DC 20240

Dear Secretary Bernhardt:

On behalf of the National Wildlife Refuge Association (Refuge Association) and the Coalition of Refuge Friends and Advocates (CORFA), we would like to express our consternation with and shock at unfair accusations contained within the Office of the Inspector General’s (OIG) report on the audit of the National Wildlife Refuge Friends program.

The Refuge Association, a non-profit organization dedicated to protecting and promoting the National Wildlife Refuge System, and CORFA, a national peer support group for members of Friends organizations and community partners, work closely with Friends organizations and members all across the refuge and hatchery systems. In 2019, 38,276 volunteers, many of them members of the 218 Friends organizations, contributed 1,306,540 hours to the Service.

We are dismayed to see that portions of the report imply that Friends are using donations inappropriately. The report does not recognize that Friends are independent organizations that must raise funds to support their operations and not all funds are raised on Service-managed property. Friends need to use funds, even those generated on site, for expenditures such as salaries and liability insurance that are required to operate nature stores. The report incorrectly assumes that all revenues generated by Friends must be used exclusively for the benefit of that refuge or hatchery. This stipulation only applies to net revenues generated on Service-managed property.

Friends groups and volunteers are an enormous resource for the refuge and hatcheries systems. These community volunteers are dedicated to their local site and are scrupulously devoted to ensuring their activities benefit their site and the refuge and hatchery systems as a whole. They provide support by getting children out on a refuge to explore puddles, buying toilet paper, and raising funds for visitor centers. The implication that they are unable to operate under the laws of the State in which they are registered as a 501(c)(3) is insulting. Friends groups are being denigrated in the press by an under-researched and inaccurate report.

For a number of years, the Refuge Association, CORFA, and Friends have worked closely with the U.S. Fish and Wildlife Service to improve the Friends Policy and Partnership Agreements referenced in the OIG report. The Policy and Agreement resulted in numerous issues that still need to be resolved. Those efforts to bring about resolution were suspended during the OIG audit. We want to see them restarted.

The OIG report highlights the need for the Service to maintain, collect, and monitor the Friends program. Collecting additional information about Friends activities and programs will demonstrate the
value of Friends organizations to the Service, refuges, hatcheries, and local communities. It is important for the Service to monitor the program.

Yet, a number of the findings in the report raise concerns that the DOI OIG failed to understand that these are independent nonprofit organizations partnering with the Service, as opposed to being an arm of the Service.

1. Donors give to a nonprofit with the expectations that assets will be used prudently to support the mission of that organization. It is the responsibility of the board to determine the purpose of the organization and ensure its activities and transactions advance that mission. It is up to the Service to determine whether or not a nonprofit’s mission meets their requirement for Partnership.

2. It is the responsibility of the board to govern the nonprofit and that includes their legal responsibilities of duty of care, loyalty and obedience. The board must ensure that their nonprofit complies with all applicable federal, state, and local laws and regulations. These responsibilities cannot be transferred to any other entity, even to USFWS. Indeed, the Friends Policy does not allow for Service employees to be involved in the governance of individual Friends organizations.

3. 633 FW 4 describes how Service “employees work with Friends that manage stores or other revenue-generating operations on Service-managed property”. This chapter specifies that net revenues from the operations of the nature store or other revenue-generating operations on Service-managed properties must be used exclusively for the benefit of the refuge or hatchery. All Friends groups should be properly accounting for all expenditures associated with running revenue-generating activities on Service-managed properties. Unfortunately, the Friends Partnership Agreement does not spell out the requirements stated in this chapter of the policy.

4. Friends also routinely conduct revenue-generating activities, including solicitation of donations, that do not take place on Service-managed property. Those monies are not subject to 633 FW 4 and the OIG report does not appear to recognize this distinction. In addition to supporting activities and projects on Service-managed sites, these monies are often used to build up the institutional capacity of the Friends group and/or to communicate with the general public about the value of Refuges. Not every distinct expenditure with these monies will specifically benefit a refuge or hatchery even if the overall effect is to do so by strengthening the Friends nonprofit.

As the Service moves forward with determining the necessary corrective actions for this program our hope is that they:

1. Recognize the legal independence of these nonprofits.
2. Ensure Friends will be able to fulfill their legal responsibilities associated with governing their organization.
3. Limit the Service’s right to inspection and audit to books, correspondence, memorandum and other records of the Friends that are related to the Friends Partnership Agreement.
4. Work with Friends members to develop reporting requirements that are reasonable in light of the amount of funds being raised by an individual organization.

5. Identify any restrictions on the expenditure of funds raised on Service-managed property **before** the Friends conduct the revenue-generating activities so the Friends groups can assess the feasibility of conducting these activities given the restrictions.

6. Ensure no provisions in the Friends Policy or Friends Partnership Agreement prevent Friends from expending funds to operate their organization and support their mission. Examples: insurance, salaries, accounting systems, etc.


8. Provide the Friends community with an opportunity to provide comments on updates to policies and the Friends Partnership Agreement.

9. Recognize that Friends want to partner with the Service to improve this program. Friends are community members that care passionately about the local refuge or hatchery. Their commitment to these sites in an extension of their desire to ensure these lands are community assets.

We very much appreciate your attention and efforts to improve the Friends program. We would welcome the opportunity to meet with you or your staff to discuss the concerns identified in the OIG report and those expressed by Friends community. We want to work with you to find solutions to these concerns and improve the partnership so Friends continue to play their **vital role in wildlife refuge and fish hatchery systems and in the Service’s outreach and volunteer efforts.**

Sincerely,

Geoffrey L. Haskett
President, National Wildlife Refuge Association

Joan A. Patterson
Director, Coalition of Refuge Friends and Advocates