

NPS Director's Order #32, Cooperating Associations Comments/Areas of concern identified by APPL Task Force

Chapter 1

- Under Association of Partners for Public Lands subheading, new wording will be provided to reflect APPL's current strategic plan.
- Under National Park Foundation subheading, the National Parks Pass is referenced, which is being changed to a new multi-agency pass.

Chapter 2

- **Section 3.2** title is "Authority to Designate, Evaluate and Terminate Associations." This needs to be changed to terminate the agreement or relationship, not the association.
- Under the subheading "Evaluate" APPL suggests wording for operational reviews that is much more partnership oriented.
- Under the subheading "Terminate" the last sentence needs to be changed so that an evaluation of the partnership "should be completed prior to any discussion of the partnership opportunities and *coordinated* (not shared) with the current association management.
- Under the subheading "Lobbying and Advocacy by Associations," APPL suggests wording from IRS that is more accurate with regard to descriptions of lobbying and advocacy.

Chapter 3, Service Employee's Role

- Under the subheading "Park Cooperating Association Coordinator" the second to the last sentence references NPS staff as "operating" the bookstore, which should be changed to *staffing* the bookstore.
- Under "Park Superintendents" subheading, suggest that the third bullet be extended by adding the words *and parameters of NPS guidelines and operating agreements*, as further direction for reviewing donation requests. This is to help ensure that cooperating associations not be asked to fund things not in alignment with their mission or their agreement.

Chapter 4, Cooperating Association Agreements

- Under the section "Supplemental Agreements," there are questions regarding the regulation of sales outside of the assigned sales area(s). First, why is a supplemental agreement needed if an association's offsite sales are an extension of its core mission and agency agreement. Second, could a friends group open a sales outlet outside of park boundaries, and if so, would they be regulated?

Chapter 5, Role of Association Board of Directors

- Suggest the addition of the following bullet under the board's major responsibilities include: "Establishing policies for effective management of the organization, including compliance with legal requirements or regulations."

Chapter 6, Sales Activities

- In **Section 3.5.3.2**, the task force recommends that the reference to Public Law 105-391, section 418 that “permits the NPS to authorize services under commercial use authorizations instead of concessions contracts when the services originate and are provided solely within the park boundaries and do not exceed the annual gross receipts of not more than \$25,000” be included in the policy.
- Under the subheading “General Requirements for Cooperating Association Sales Outlet Planning,” the responsibility of NPS to respond within 30 days of receipt of such written request for approval of sales items has now been weakened by suggesting that by example, such a statement might be included in a Scope of Sales.
- Under the subheading “Sales Item Review Process and Approval,” the previous DO32 established 30 days as the timeframe for review of sales items, now this is suggested by example, which appears to weaken the statement.
- **Section 3.5.3** relates to sales item approval. Under the subheading “Evaluation Criteria for Sales Items,” the task force recommends that new detailed information on how to price an item should come out of the document. The necessary information is that a broad range of price points be offered to the visitor so there is “something for everyone.”
- Under **Section 3.5.3.1**, there is a question as to why approval is required for off-site sales areas, catalogs, and web sales.
- Under the subheading “Thematic Merchandise,” the task force recommends that the category of “Memorabilia and Souvenirs” be changed to just *Memorabilia*. Following this, the last sentence in the paragraph needs to drop the reference to “simply souvenirs” and UBIT. The last paragraph referencing T-shirts needs only the first sentence. The rest of the paragraph should be struck.
- The section on “Friends Group-Produced Materials” raised some concern, since using existing cooperating association sales areas to sell friends group merchandise does not expand funding for the park. What to carry on shelving space is a decision a cooperating association must make. Suggested wording to strengthen this section has been drafted.
- Under “Visitor Convenience Items” there is support for film and related products to be viewed as interpretive tools.
- Under “Off-Site Sales Operations” raises the question of whether the outlet is being approved or the individual sales items. This is a complicated issue, as there may be items an association can’t sell on-site because of concessions conflicts that could be sold off-site.
- Regarding the section on “Special Event Sales,” there appears to be a desire for sales by musicians or artisans to be run through a cooperating association, however, other NPS references state that cultural demonstrators can sell their wares. Need clarification here.

Chapter 7, Interpretive Programs

- Under Section 3.5.5.1, not everyone was comfortable with the level of program evaluation required for interpretive program planning and approval. Recommend

there be one overall plan for the interpretation/education program, or for each area of program, not individual classes.

- Under “Training,” suggest deleting the sentence that states that association employees who conduct interpretive activities must “possess and demonstrate the same core competencies as Service interpreters. “ It implies association staff should go through NPS competency requirements which is not always feasible, especially for instructors who might do only one class a year.
- Under “Program Fees,” suggest adding the following language: *In accordance with regulations on park entrance fees, all approved association education programs and activities must include an entrance fee waiver from the National Park Service for participants. Request for fee waiver may be made by the association on behalf of the participants. The National Park Service will provide the fee waivers within a reasonable period of time.*

Chapter 9, Administrative Requirements

- The last paragraph under “Administrative Requirements” should be changed to “An association’s basic documents, including *most portions of* the annual tax information return and IRS determination of tax-exempt status, must be available for public inspection *as required by law.*”

Chapter 10, Section 3.6, Cooperating Association Donations

- Under “Types of Donations,” examples of acceptable donations are listed and include “Personnel costs for NPS seasonal or term interpretive staff.” Many APPL member associations are opposed to this concept as it can put pressure on cooperating associations to fund salaries, while also putting these positions at risk of fluctuations in association revenue. It also provides a path for Congress to take away funding for interpretation if the money for positions can be obtained elsewhere.
- Under “Level of Aid” the level of median aid to NPS as a percentage of total reported gross revenues between 1999 and 2003 is listed (17 to 21% depending on annual revenues). The task force recommends that this suggests a benchmark which can become problematic, and hence should be struck from the document.
- Under the subheading “Fundraising by Cooperating Associations,” the first sentence can be strengthened, as follows: *“In keeping with the purposes for which cooperating associations were established, fundraising efforts by associations should be directed towards interpretive, educational and/or research programs and activities.”*