



LANGUAGE ACCESS PLAN

I. PURPOSE AND AUTHORITY

The purpose of this Nevada Division of State Lands (NDSL) Limited English Proficiency (LEP) Plan is to ensure that NDSL takes reasonable steps to provide LEP individuals with meaningful and timely access to all of its programs, activities, and services. This LEP Plan is intended to satisfy the requirements of Title VI of the Civil Rights Act of 1964, its implementing regulations and guidance documents, and Nevada Senate Bill 318 (2021). Title VI prohibits intentional discrimination and discriminatory effects on the basis of race, color, and national origin, including limited English proficiency, by recipients of federal financial assistance. SB 318 requires NDSL to assess existing needs of persons served by NDSL and develop a plan to improve access to its programs, activities, and services.

Consistent with these laws, NDSL developed this Plan to set forth reasonable steps for ensuring communications between the NDSL and LEP individual are not impaired as a result of an individual's limited English proficiency. This LEP Plan is an essential piece of NDSL's mission to preserve and enhance the environment of the State in order to protect public health, sustain healthy ecosystems, and contribute to a vibrant economy.

The LEP Plan is intended only to improve access to NDSL's programs, activities, and services, and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the State of Nevada, its agencies, its officers or employees, or any person. Because this document is intended for internal management purposes only, it should not be cited in any judicial or administrative proceedings. Administration of the program discussed in this LEP Plan is within the sole discretion of NDSL.

II. POLICY STATEMENT

A. Commitment to Meaningful Access

NDSL is committed to providing LEP individuals with meaningful access to NDSL's services, programs, and activities.

B. Language Assistance Measures

NDSL developed and will further develop methods for identifying LEP individuals who contact NDSL through correspondence (via U.S. mail, fax, email, or website inquiry), telephonically, or in person, and who may need language assistance. Upon determining the need for language assistance, NDSL will take reasonable steps to ensure that its communications and materials pertinent to the program, service, or activity are conducted with the use of a qualified interpreter or translator, through telephonic or video interpretation with qualified interpreters, or with the use of a bilingual staff member. NDSL will take reasonable steps to ensure that vital

documents related to NDSL's programs, services, and activities are translated into the most frequently encountered language(s) of those LEP individuals affected by the programs, services, or activities or are interpreted for LEP individuals. NDSL staff who interact with the public will be trained on language access policies and procedures, including how to access policies and procedures, how to access language assistance services, and how to identify and work with LEP individuals, interpreters, and translators. NDSL staff who encounter and identify LEP individuals should maintain a record of their contact with them, and the primary languages spoken. NDSL's Language Access Coordinator will facilitate compliance with this LEP Plan.

C. Language Access Coordinator

Patrick Smorra
Administrative Services Officer
901 South Stewart Street
Suite 5003
Carson City, Nevada 89701
psmorra@lands.nv.gov
775-684-2720

III. APPLICABILITY

The policies, procedures, and responsibilities of this LEP Plan apply to all NDSL staff, including those working on their behalf, such as contractors and grantees.

IV. DEFINITIONS

Bilingual Staff Member – An agency staff member who has demonstrated proficiency in both English and at least one other language. A bilingual staff member may speak or write directly to an LEP individual in a language other than English.

Contractor – Any entity that performs work or provides services on behalf of NDSL under a contractual agreement with reimbursement. (“Contract means a mutually binding legal relationship obligating the seller to furnish the supplies or services (including construction and the buyer to pay for them.)”)

Effective Communication – Communication sufficient to provide the LEP individual with substantially the same level of access to services and information received by individuals who are not LEP.

Interpretation – The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Interpreter – An individual who conveys meaning orally from one language (the source language) into another (the target language).

Limited English Proficient (LEP) Individuals – Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other types of communication (e.g., reading or writing).

Meaningful Access – Language assistance that results in accurate, timely, and effective communication to the LEP individual. For LEP individuals, meaningful access denotes reasonable efforts to provide language assistance services to ensure that LEP individuals have substantially equal access to NDSL programs, services, and activities.

Primary Language – An individual’s primary language is the language in which an individual most effectively communicates.

Translation – The replacement of written text from one language (source language) into an equivalent written text in another language (target language).

Vital Document – Paper or electronic material that is critical for access to NDSL’s programs, services, and activities or contains information about procedures or processes required by law. Classification of a document as “vital” depends on the importance of the program, information, encounter, service involved, or activity and the consequence to the LEP individual if the information in question is not provided accurately or in a timely manner.

V. NDSL DATA COLLECTION ON LEP CLIENTS

NDSL will track the oral and written language services provided to its LEP clients. NDSL’s LEP coordinator will develop a system and means to track client data required for compliance with Title VI of the Civil Rights Act and SB 318 (2021) as well as cost for these services. NDSL will review and analyze this data as part of its biennial update to this Plan and will adjust this Plan and its procedures, if appropriate, to provide its LEP clients more effectively with meaningful access to its programs, services, and activities.

VI. NDSL LIMITED ENGLISH PROFICIENCY PROCEDURES

A. NDSL does not have any known LEP clients; therefore, does not have full-time or on-demand language access services. Any future language access needs will be addressed in the following manner.

- Utilizing the vendors contracted under RFQ 99SWC-S1847 through the Department of Administration, Purchasing Division, NDSL will obtain all necessary translation services for LEP members of the public. Vendors will have at least two years of experience in providing interpretation and translation services to state or local government entities on a 365-days a year, 7-days a week, 24-hours a day basis and will maintain required relevant certifications.
- NDSL does not have employees that are trained or certified to provide written language

services in languages other than English. If the need arises, NSHPO will contract with a State-approved vendor for written language services. NSHPO will use the list of approved vendors located on the Department of Administration's Purchasing Division website:

- https://purchasing.nv.gov/Contracts/Documents/Translation_Interpretation/

B. NDSL's Interaction with LEP Individuals

NDSL's mission is carried out in one Carson City office. Given NDSL's varied activities, its specific missions, programs, and services and the State's diverse population distribution, the type and frequency of contact and interaction with the public and LEP individuals varies significantly.

- NDSL will examine its mission and the programs, services, and activities it offers.
- To the extent that NDSL makes programs, services, and activities available to the public, NDSL will take reasonable steps to ensure meaningful access is available to the LEP public. Accordingly, NDSL will examine the types and methods of its public interactions. For example, telephone numbers regularly used by the public, public outreach activities, publications and letters, and program information available through NDSL.nv.gov should be accessible to LEP individuals.

C. Identification and Assessment of LEP Communities: A Profile of NDSL's Interaction with LEP Individuals

1. **Profile of LEP Individuals:** The LEP individuals that NDSL encounters include communities, individuals, businesses, and tribal governments. The majority of these LEP individuals speak Spanish. However, NDSL may at times have interactions with individuals who speak other languages.
2. **Prominent Languages:** NDSL considers the languages most commonly spoken by LEP individuals as those identified in by the American Community Survey. According to the (2011-2015) ACS 5-year estimates. For the State of Nevada, the top 3 languages other than English spoken at home by LEP individuals aged five years or older are Spanish, Tagalog, and Chinese. To ensure the list remains current, NDSL will review the list each time the ACS survey is updated. Where translated material is targeted at an audience that include LEP language groups other than Spanish, Tagalog, and Chinese, NDSL will consider what additional languages that material should be translated to. Translated material directed to a particular audience need not be translated to other audiences. For example, if a translation is made for a targeted area that is dealing with an environmental hazard and the demographic analysis has shown that the affected language group only speaks Spanish, there is no need to translate the same material into Tagalog, Chinese, etc.
3. **Point of First Contact – Identification of LEP Individuals:** At the first point of contact with an LEP individual, NDSL will make an initial assessment of the need for language assistance services and arrange for such services if they are needed to effectively communicate with the individual.

In most instances the first contact is likely to be by telephone or e-mail. To identify the individual's primary language, staff may rely on self-identification by the LEP individual. Staff

may also use a bi-lingual staff member and NDSL will research telephonic interpretation services to assist with identifying an LEP individuals' language.

During the telephone or in-person individual contact, if relatives, friends, acquaintances, neighbors, or children are present with the individual, staff may rely on these individuals to conduct a first inquiry as to the primary language of the LEP individual. However, staff generally should not rely on these individuals to provide interpretation services because this could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation.

To identify an individual's primary language, staff may use one or more of the following:

- a. Self-identification by the LEP individual or companion;
- b. Verification by a bilingual staff member; and/or
- c. Contracted interpretation services.
 - 1) Staff Communication While in the Field: Staff who work in the field will make every effort to identify potential LEP individuals with whom they may come in contact, prior to the site visit, and prepare accordingly. If staff encounter LEP individuals who need interpretation services and who were not identified prior to the site visit, staff will ask the LEP individuals to identify their language by using an "I Speak" card or other effective resources and will arrange for interpretation services either while on site or as soon as possible thereafter.
 - 2) Documenting and Reporting: Staff should utilize the method or process discussed in Section V to document the contact

D. Language Assistance Procedures

NDSL will either employ individual and/or obtain a language services contract on demand that will provide document translation, in-person interpretation, and telephonic interpretation services to staff in its Carson City and Las Vegas Offices.

NDSL staff will take reasonable steps to respond in a timely and effective manner to LEP individuals who need assistance or information. LEP individuals will be advised that they may choose to either: use the services of an interpreter provided by NDSL at no cost to them, or, at their own expense, secure the assistance of an interpreter of their own choosing. To ensure that the language assistance services are accurate, meaningful, and effective, NDSL will, on a case-by-case basis, determine which services (interpretation or translation) should be provided. To accomplish this, NDSL will make reasonable efforts to ensure that:

1. LEP individuals who call or visit NDSL offices will receive prompt interpretation or translation from a language services contract or a staff member who has been identified as having the ability to provide language assistance in the language of the customer or through telephonic interpretation service;
2. If NDSL staff encounter an LEP individual during a site visit, staff will arrange for a contracted interpreter or an available bilingual staff member.

3. LEP individuals who are unable to access documents written in English will receive a translation or oral interpretation, depending on NDSL determination of the importance of the document and the needs of the LEP individual.

E. Oral Language Services (Interpreters)

1. NDSL will not require LEP individuals to provide their own language assistance services when communicating with NDSL. NDSL will make oral interpretation services free of charge to the LEP individual. However, LEP individuals who wish to select their own interpreters will bear the responsibility for costs.
2. Depending on the type of language assistance services needed, bilingual staff can be used. When the services of bilingual NDSL staff are not available or appropriate and there is a need for an outside interpreter, NDSL may seek interpretation assistance from contracted interpreters through an agency-wide contract.
3. NDSL will contract with a language service provider that will provide translation, in-person interpretation, and telephonic interpretation agency-wide. NDSL will develop a procedure for requesting and/or reserving these services.
4. Except in unusual circumstances, NDSL should not rely on untrained individuals or volunteer family members, neighbors, friends, acquaintances, and children of the LEP individual to provide interpretation services.

F. Written Language Services (Translation)

1. Vital Documents: Classification of a document as “vital” depends upon the importance of the program, information, encounter, service, or activity involved, and the consequence to the LEP individual if the information in question is not provided accurately or in a timely manner. The determination of what documents are considered “vital” is left to the discretion of NDSL. Documents that could be classified as “vital” generally fall into two broad categories: specific written communication regarding a matter between an individual and NDSL; and, documents primarily geared towards the general public or a broad audience.

The greater the consequences to the LEP individual the more likely language services are needed. NDSL will determine whether denial or delay of access to the program, service, or activity could have serious or even life-threatening implications for the LEP individual. Compulsory communications regarding a program, service, or activity may serve as strong evidence of that the communication is vital.

It may sometimes be difficult to draw a distinction between vital and non-vital documents, particularly when considering outreach or other documents designed to raise awareness of rights or services. Though meaningful access to a program, service, or activity requires an awareness of its existence, NDSL recognizes that it would be nearly impossible, from a practical and cost-based perspective, to translate every piece of outreach material into every language. Title VI does not require this of recipients or federal financial assistance and SB 318 (2021) does not require this of NDSL.

- a. With respect to specific written communications regarding a matter between an individual and NDSL, the purpose of translating such written communication is to

provide the LEP individual with meaningful access to communication that is critical to understanding the matter at hand.

Written communications with an individual that are considered vital documents include, but not limited to the following:

- 1) Written notices of rights, denial, loss or decreases in benefits or services;
 - 2) Notice of disciplinary action, trespassing, hazards, or cease and desist orders;
 - 3) Notice advising LEP individuals of free language assistance;
 - 4) Notices of permit actions;
 - 5) Notices, letters, or forms pertaining to administrative complaints (including online electronic complaints);
 - 6) Final NDSL decisions or letters of determination on specific matters in which LEP individuals or communities are involved.
- b. With respect to documents intended for public outreach or a broad audience, NDSL should ensure that the documents it considers “vital” are translated where a significant percentage of the population is eligible to be served, or likely to be directly affected, by NDSL’s services, programs, or activities are LEP. NDSL should consider prominent languages spoken by LEP individuals in the State as a guide for prioritizing languages for translation of vital documents.

Some examples of documents intended for public outreach, or a broad audience may include, but are not limited to the following:

- 1) Brochures;
 - 2) Fact Sheets;
 - 3) Question and Answer Documents;
 - 4) Press Releases;
 - 5) Environmental Reports;
 - 6) Settlement Agreements (in specific instances in which an LEP community is involved or may be affected);
 - 7) Final Agency Decisions (in specific instances in which an LEP community is involved or may be affected);
2. For “vital” documents accepting public comment, NDSL will determine whether to include a statement in the prominent languages spoken by LEP individuals in the State based on demographics or subject matter targeted to specific audiences that language assistance services are available.
 3. NDSL will determine whether a complete translation is necessary, or whether translation of vital information contained within the document provides adequate notice of the document’s content. Under some circumstances, the documents may not need to be translated in their entirety. NDSL may provide an accurate oral interpretation by a qualified interpreter of the important information in the English version until a written translation can be provided.
 4. For those languages that are less prevalent, or for LEP individuals who are not proficient in their own language, NDSL will advise the LEP individuals, in a language they understand, and orally, as appropriate, how they can receive assistance accessing “vital” documents.
 5. NDSL staff should consider careful coordination and communication with their counterparts in other state agencies and local and county governments, as appropriate. This includes but

is not limited to sharing translated documents, engaging subject matter experts, responding to the public, and/or identifying critical materials, circumstances, and events that may require LEP support.

NDSL's Product Review Process

NDSL will determine on an ongoing basis whether new documents need to be translated and made accessible for LEP individuals and will also consider whether other pre-existing vital documents should be translated into prominent languages other than English. NDSL will work with DCNR public information officers and web editors when evaluating documents and outreach materials that need to be translated and made accessible for LEP individuals. Additionally, each document that is requested for translation and will be widely distributed or posted on NDSL's website is required to be reviewed and approved by a Deputy Administrator or Administrator.

G. Notification of Availability of Language Assistance Services

NDSL will include the notice below in each of the prominent languages with respect to the following:

1. NDSL's main web page

Notice to Limited English Proficient Individuals

If you have difficulty understanding English, you may request language assistance services for NDSL information that is available to the public. These language assistance services are available free of charge. If you need more information about interpretation or translation services, please call NDSL at 775-684-2720 or email at psmorra@lands.nv.gov.

Alternatively, you may write to:

Nevada Division of State Lands
901 South Stewart Street, Suite 5003
Carson City, Nevada 89701
Attn: Patrick Smorra

H. Staff Training

NDSL's Language Access Coordinator will take the lead on developing and providing training to NDSL's personnel. The training materials will address the main components of this Plan. The focus of the training will include ensuring NDSL employees have access to the Plan, vital Plan guidance, and procedures. Training may include but is not limited to:

1. Providing and explaining NDSL's requirements under Title VI of the Civil Rights Act and SB 318 (2021);
2. Identifying language need for an LEP individual;
3. Providing instruction on how to properly access language resources, including translation, in-person interpretation, and telephonic interpretation services;
4. How to track and maintain information about contact with an LEP individual;
5. Tips on providing effective meaningful access to LEP individuals;
6. Providing examples of best practices for interaction with LEP individuals;
7. How to proactively provide meaningful access to LEP public.

VII. Evaluation of and Recommendations for NDSL's Language Access Plan

A. Performance Measurement and LEP Order Evaluation

NDSL's Language Access Coordinator will coordinate implementation of NDSL's Plan. The Language access coordinator will biannually assess the operations and effectiveness of NDSL's language assistance services by:

1. Identifying the primary channels of contact with LEP community members (whether telephonic, in person, written correspondence, web-based, etc.);
2. Reviewing the information reported by staff about the non-English languages encountered;
3. Reviewing NDSL's programs, activities, and services for language accessibility;
4. Determining whether documents are translated as set forth in this Plan;
5. Reviewing use and annual cost of translation and interpretation services, including a review of 1) "vital" documents that NDSL translated and the language(s) into which language those documents were translated; and 2) "vital" documents that included a statement in the nationally prominent languages that language assistance services are available; and
6. Consulting with outside stakeholders, as appropriate, and feedback from the LEP communities.

NDSL's Language Access Coordinator will report to the NDSL Administrator on its biannual assessment, as noted above. The Language Access Coordinator will also provide recommendations, if any, of NDSL's efforts to provide meaningful access to its programs and services to its LEP customers.

VIII. Budget

- A.** To implement this plan, NDSL will require an agency wide contract initially funded up to \$50,000 annually for interpretation and written language services. NDSL will also require an administrative assistant IV position whose primary responsibility will be to translate vital documents into Spanish, provide interpretation services in Spanish, provide assistance with web based LEP design and access, and assist with intake of language service requests.

IX. Suggested Legislative Amendment

- A.** NDSL proposes that certain agencies be exempt from having to maintain a Language Access Plan. If it can be shown that the agency does not serve LEP individuals, an LAP should not be required. Alternatively, agencies with no LEP customers or smaller agencies that don't have the capacity to provide language access roles, a liaison that works for ONA could be assigned to provide those duties for the agency on an as needed basis, similar to an assigned Deputy Attorney General (DAG).