

ATTACHMENT C  
Language Access Plan



## **LANGUAGE ACCESS PLAN**

### **I. PURPOSE**

The Nevada Division of Environmental Protection (Division) is required to develop and implement a Language Access Plan (LAP) under NRS 232.0081. The LAP ensures the Division takes reasonable steps to provide individuals with limited English proficiency (LEP) or disability meaningful and timely access to its programs, activities, and services, and communicates effectively with these individuals.

The LAP is intended only to improve access to the Division'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 LAP is within the sole discretion of the Division.

### **II. APPLICABILITY**

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

### **III. DEFINITIONS**

a. "Bilingual Staff Member" means 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 individual with LEP in a language other than English.

b. "Effective Communication" means communication sufficient to provide the individual with LEP or disability with substantially the same level of access to services and information received by individuals with no LEP or disability.

c. "Limited English Proficient (LEP) Individuals" means 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).

d. "Meaningful Access" means language assistance that results in accurate, timely, and effective communication to the LEP individual or individual with disability. For individuals with LEP or disability, meaningful access denotes reasonable efforts to provide language assistance services to ensure that these individuals have substantially equal access to the Division's programs, activities, and services.

e. "Vital Information" means material that is critical for access to the Division's programs, activities, and services or contains information about procedures or processes required by law. Classification of information as "vital" depends on the importance of the program, information,

encounter, activity, or service involved and the consequence to the individual with LEP or disability if the information in question is not provided accurately or in a timely manner.

#### **IV. DIVISION LANGUAGE ACCESS PROCEDURES**

a. **The Division's Interaction with Individuals with LEP or Disabilities.** Because of the Division's varied activities, its specific programs, activities, and services and the State's diverse population distribution, the type and frequency of contact and interaction with the public varies significantly. To the extent that the Division makes programs, activities, and services available to the public, the Division will take reasonable steps to ensure meaningful access is available to individuals with LEP.

b. **Identification and Assessment of Individuals with LEP.**

1) **Profile of Individuals with LEP:** The Division may encounter individuals with LEP during interactions with interested or responsible persons, communities, businesses, and governments. In Nevada, the majority of individuals with LEP speak Spanish; however, the Division may at times have interactions with individuals who speak other languages. According to the American Community Survey, the top three languages other than English spoken at home by individuals aged five years or older in this State are Spanish, Tagalog, and Chinese. In addition, the Division may encounter native language in its interactions and consultation with tribal governments.

2) **Identification of LEP Individuals:** At the first point of contact with or upon request by an individual who may be LEP, the Division 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. To identify the individual's primary language, staff may rely on self-identification by the individual with LEP, a translation service software, a bi-lingual staff member, or 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 individual. However, staff generally should not rely on a bi-lingual staff member or relatives, friends, acquaintances, neighbors, or to provide interpretation services because this could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation.

3) **Public Communication** – Prior to issuing a public communication or holding a public meeting or hearing, staff should identify the community or communities the communication is intended to reach and assess the potential need for language services within the community or communities.

c. **Language Access Procedures.**

1) The Division will take reasonable steps to communicate effectively with individuals or communities with LEP. To ensure that language assistance services are accurate, meaningful, and effective, the Division will, on a case-by-case basis, determine which and the extent of services that should be provided.

2) The Division will ensure that LEP individuals identified in §IV(b)(2) receive language services for vital information.

3) The Division will provide language services for public communication that conveys critical or serious public health and safety information. These language services will be provided in Spanish and may be provided in other languages if indicated.

4) The Division will provide languages services, upon request, for public documents and public meetings, workshops, and hearings that convey vital information. The public notice for these documents or events should contain information in Spanish (and potentially other languages based on the public communication assessment described in § IV(b)(3)) describing the process to request language services from the Division.

5) The Division will obtain or utilize existing language services contracts that will provide document translation, in-person interpretation, telephonic interpretation, and other language services, including braille, closed captioning, and alternate formats. If the Division provides language services, the service provider will be selected and paid for by the Division. Individuals with LEP who wish to select their own language service provider will bear the responsibility for those costs.

6) The Division's 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 support.

7) **Vital Information:** Though meaningful access to a program, activity, or service requires an awareness of its existence, the Division recognizes that it would be nearly impossible, from a practical and cost-based perspective, to provide language services for every communication or outreach material. The Division is committed to providing language services, if indicated, to convey vital information. Whether information is considered vital will be based on factors that include but are not limited to: the criticality or seriousness of the information that needs to be conveyed, the need to notify an individual of their rights, responsibilities, or obligations, the frequency of use of the content by the general public, and the potential risks of not translating content.

d. **Other Language Services.** Division staff will use the same procedures for identifying individuals with disability who are in need of language, visual, or auditory services. These services will be provided free of charge and on an individualized basis.

e. **Documentation of Services.** Staff must report interactions with individuals with LEP to the Coordinator who will document the date or dates of the interaction(s), method used to identify the individual(s) with LEP, the language(s) spoken by the individual(s) with LEP, the services provided to the individual(s), and the Division's cost for such services.

f. **Notification of the Availability of Language Assistance Services.** The Division will include the notice below in Spanish in the English version of the Division's documents, which contain or identify an event that conveys vital information.

g. **Notice to Limited English Proficient Individuals.** If you require accessibility or disability-related accommodations, language assistance, language translation, or interpretive services you may request these services free of charge. If you need more information about available services, please

contact the Division at 775-687-4670 or Frederick J. Perdomo at  
Nondiscrimination\_Coodinator@ndep.nv.gov. Alternatively, you may write to:

Nevada Division of Environmental Protection  
901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701  
Attn: Frederick J. Perdomo, Nondiscrimination Coordinator