



IOWA DEPARTMENT OF NATURAL RESOURCES
LIMITED ENGLISH PROFICIENCY PLAN

I. INTRODUCTION

The Iowa Department of Natural Resources (“DNR”) serves people of different cultures and backgrounds. Language differences, including varying levels of English-language proficiency, should not be a barrier to engagement with and participation in DNR programs, services, and activities. Further, it is DNR’s intent that all persons have the opportunity to provide input to its programs, services, and activities, particularly where such are of general public concern. To this end, DNR developed this Limited English Proficiency (LEP) Plan (Plan).

DNR’s LEP Plan establishes department-wide guidance to uniformly provide an LEP person with meaningful access to and opportunity to participate in DNR programs, services, and activities. The Plan is intended to be consistent with:

1. DNR’s mission to conserve and enhance our natural resources in cooperation with individuals and organizations to improve the quality of life in Iowa and ensure a legacy for future generations;
2. DNR’s obligation to LEP individuals who are stakeholders in DNR’s mission;
3. Title VI of the Civil Rights Act of 1964¹;
4. Title VI implementing regulations, guidance documents, and applicable executive orders.

Under federal law, recipients of federal financial assistance such as DNR are required to comply with applicable Title VI provisions prohibiting discrimination.² The United States Environmental Protection Agency (EPA) interprets its Title VI regulations to require all recipients of EPA funding, including DNR, to provide meaningful access to LEP individuals.

DNR is dedicated to providing equitable services. The development and adoption of this Plan is intended to provide a framework by which DNR can remove language-based barriers to public interaction, improve customer service, provide guidance to DNR staff, and generate high-quality communications in diverse languages.

To the extent that Iowa law requires DNR to conduct official business in English, DNR finds that execution of this Plan and the subsequent interpretation and translation of DNR’s English-language communications are necessary and desirable actions.³ Said actions have the effect of protecting public health and safety, securing rights guaranteed by the laws of the United States, and encouraging trade, tourism, and commerce.

II. DEFINITIONS

1. “Bilingual Staff Member” means a DNR staff member who has demonstrated proficiency in and ability to communicate accurate information in English and at least one other language.
2. “Effective Communication” means communication sufficient to provide an LEP individual with meaningful access to programs, services, and activities, and information received by non-LEP individuals. For example, an instructional document or public notice provided in English should, in order to offer effective communication, be translated into other applicable languages so that LEP individuals have access to the information therein.
3. “Interpretation” means the act of listening to communication in a source language and orally converting it to a different target language while retaining the meaning of the original communication.
4. “Interpreter” means an individual who conveys meaning orally from a source language to a different target language (i.e., performs interpretation).
5. “Limited English Proficient (LEP) Individuals” means individuals who do not use English as their primary language and have only a limited ability to read, write, speak, or understand English. Individuals with

¹ 42 U.S.C. § 2000d et seq.

² *Id.*

³ See Iowa Code § 1.18(6)(a).

demonstrated competence in one mode of English communication (e.g., speaking) may still be LEP in another mode of English communication (e.g., writing).

6. "Meaningful Access" means reasonable efforts have been made to provide language assistance services that offer LEP individuals and non-LEP individuals substantially equal access to DNR programs, services, and activities.
7. "Primary Language" means the language in which an individual communicates most effectively.
8. "Programs, Services, and Activities" means all DNR operations.
9. "Translation" means replacement of written text in a source language with written text in a different target language while retaining the meaning of the original text.
10. "Translator" means an individual who conveys written text in a source language into written text with equivalent meaning in a different target language (i.e., performs translation).
11. "Vital Document" means a paper or electronic material that is critical for access to DNR programs, services, and activities or that contains information about procedures or processes required by law. Classification of a document as vital depends upon the importance of the program, service, activity, or information involved and the consequence to an LEP individual if the information is not timely or accurately provided.

III. RECOGNITION OF LEP DEMAND

DNR's Bureaus and other subdivisions provide the program-level and project-level bases for determining the need for public involvement and public engagement in a particular action. Staff should consider prior interaction with LEP individuals, available demographic information, coordination with other agencies, and public outreach in order to anticipate a demand for language assistance.

DNR must take reasonable steps to ensure that vital documents are translated or interpreted for affected LEP individuals. DNR must ensure such translation or interpretation is performed by a qualified contractor or, if available, a bilingual staff member.

All DNR staff shall be made aware of this LEP Plan, its purpose, and the need to comply therewith. Each DNR Bureau shall be responsible for documenting requests for language assistance it receives. Inquiries about the LEP Plan may be directed to DNR's Environmental Justice Coordinator.

DNR shall develop public notice and public comment policies that reflect compliance with this LEP Plan.

IV. DETERMINING NEED FOR LANGUAGE ASSISTANCE

In determining what language assistance is necessary for a given program, service, or activity, DNR shall consider:

1. The number or proportion of LEP individuals involved with or impacted by the program, service, or activity;
2. The frequency with which LEP individuals encounter the program, service, or activity;
3. The nature and importance of the program, service, or activity to LEP individuals;
4. The resources available to DNR and the capacity to provide language assistance;
5. Whether proposed or desired language assistance satisfies the EPA "safe harbor" standard whereby written translations of vital documents for LEP language groups constituting five percent of the population of individuals eligible to be served or likely to be affected or 1,000 individuals, whichever is less, are provided.

V. PREFERENCES FOR LANGUAGE ASSISTANCE PROVIDERS

Quality and accuracy of interpretations and translations are critical to ensuring meaningful access to LEP individuals. To that end, the LEP Plan establishes the following categories of language assistance providers, listed in order from most preferred to least preferred.

1. Contracted or hired qualified and/or certified interpreters or translators. DNR shall rely on these services when providing language assistance whenever possible. Contractors shall be qualified and/or certified to communicate in English and the target language. Where applicable, contractors shall have necessary of specialized terms and shall follow all applicable standards for confidentiality.

2. Bilingual staff members who are qualified and/or certified to communicate in both English and the target language and are willing to provide this service to DNR. Wherever possible, bilingual staff members who wish to provide this service to DNR shall receive training in interpretation and translation methods and protocol. DNR may rely on bilingual staff members to provide language assistance when available and when such reliance does not interfere with the bilingual staff member's regular duties.
3. Telephonic or video conferencing interpreter services. These services may be used for all meetings or events held telephonically or virtually or where live interpreter services cannot be procured or are otherwise impracticable.
4. Language assistance services provided by other departments, agencies, or organizations. These services may be used where reasonably prudent to maximize resources or to ensure that language assistance best fits the need of the LEP individuals or communities being served. DNR shall make all reasonable efforts to ensure such services are consistent with the preferences and intent expressed in the LEP Plan.
5. Family members or friends of LEP individuals. DNR may not rely on an LEP individual's family or friends to satisfy its obligation to provide meaningful access. LEP individuals may choose to use, at their own expense, interpreters or translators of their choosing in lieu of or in addition to language services provided by DNR.
6. Machine interpretation or translation services, including but not limited to Google Translate. DNR may only use such services in the event of emergency where it is not possible to procure other language services providers (e.g., evacuation orders).

VI. VITAL DOCUMENTS

Classification of a document as vital shall be done at the Bureau level within DNR. Vital documents may be either specific communications between an individual and DNR or documents intended for general public consumption.

Bureaus should consider whether denial or delay of access to information could have serious or even life-threatening implications for affected LEP individuals when determining when to classify a document as vital. The fact that a communication is compulsory (e.g., a lead-based paint warning required by law) should be considered as strong evidence in favor of classification as vital.

Applicable law does not require translation of each piece of outreach material into every language. However, Bureaus should regularly assess eligible or affected service populations to determine whether a document is vital and whether language assistance should be provided. Vital documents may include but are not limited to: fact sheets, "FAQ" documents, press releases, environmental reports, final agency decisions, emergency and disaster communications, consent and complaint forms, notices of rights, warnings or communications related to environmental hazards, and information about language assistance.

VII. LEP PLAN ACCESS

DNR shall post the LEP Plan at www.iowadnr.gov in English and in Spanish. Additional translations may be made available as needed. Copies of the LEP Plan may be received by contacting:

Environmental Justice Coordinator
Iowa Department of Natural Resources
502 E 9th St
Des Moines, IA 50319

VIII. LEP PLAN UPDATING

The Environmental Justice Coordinator shall periodically re-evaluate the LEP Plan and propose updates as warranted to reflect the changing needs of DNR and its service population. Ongoing public input shall be considered.

Criteria that shall be considered during re-evaluation include but are not limited to: documented demographic shifts, departmental data related to contact with LEP individuals, community feedback, guidelines adopted by EPA and peer agencies, and best practices.