



## Nevada Division of State Lands Language Access Plan

### I. Purpose and Authority

Nevada's Senate Bill 318 (SB318) and the federal guidance on Title VI both agree that language should not be a barrier to accessing governmental programs and services. As SB318 puts it, "Persons with limited English proficiency require and deserve meaningful, timely access to government services in their preferred language." Moreover, it makes it clear that it is the responsibility of government to provide that access:

State and local agencies and entities that receive public money have an obligation to provide meaningful, timely access for persons with limited English proficiency to the programs and services of those agencies and entities.

The Nevada Division of State Lands is committed to compliance with Nevada Senate Bill 318 and Title VI of the Civil Rights Act of 1964, 2 C.S. § 561 et seq. (Act 172 of 2006) in ensuring meaningful access to State services and programs for individuals with limited English proficiency.

The purpose of this document is to establish an effective plan and protocol for Nevada Division of State Lands personnel to follow when providing services to, or interacting with, individuals who have limited English proficiency. Following this plan and protocol is essential to the success of our mission to uphold Nevada's conservation values through land stewardship, environmental improvement, and responsible land-use planning.

### II. General Policy

The Nevada Division of State Lands recognizes that the population eligible to receive its services includes Limited English Proficiency (LEP) individuals. It is the policy of Nevada Division of State Lands to ensure meaningful access to LEP individuals. Nevada Division of State Lands adopts the following policies and procedures to ensure that LEP individuals can gain equal access to Nevada Division of State Lands services and communicate effectively. This Plan applies to all Nevada Division of State Lands's programs and services including, but not limited to:

**Authorization and Permitting** – State Lands authorizes the occupation of state land for both short- and long-term use. We have a variety of authorizations including easements, leases, licenses and permits to cover every type of use from residential to commercial and can assist with filling out any of our applications.

**Land Use Planning** – The State Land Use Planning Agency (SLUPA) develops and distributes planning information to local governments and other agencies and represents the state in a wide variety of federal land management activities.

**Resource Programs** – The Nevada Tahoe Resource Team implements the Lake Tahoe Environmental Improvement Program (EIP) on the Nevada side of the Tahoe Basin. Project implementation is focused on water quality, forest restoration, recreation, wildlife, and stream environment zone restoration.

It is Nevada’s policy to grant access to services or programs to every person regardless of their ability to speak, understand, read, or write English. Nevada Division of State Lands intends to take all reasonable steps to provide LEP individuals with meaningful access to its services and programs. Nevada Division of State Lands seeks to reduce barriers by increasing its capacity to deliver services and benefits to people in their preferred languages.

Toward this end, Nevada Division of State Lands endorses the following policies:

- Nevada Division of State Lands is committed to equity and will take all reasonable steps to provide limited English proficient (LEP) individuals with meaningful access to all its services, programs, and activities.
- The agency, rather than the LEP individual, bears the responsibility for providing appropriate language services, regardless of the LEP individual’s preferred language, at no cost to the LEP individual.
- Staff at the initial points of contact have the specific duty to identify and record language needs.
- Use of informal interpreters such as family, friends of the person seeking service, or other customers is not allowed. Minor children are prohibited from acting as interpreters.
- No staff may suggest or require that an LEP individual provide an interpreter to receive agency services.

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### III. **Profile of the Nevada Division of State Lands’ Clients**

The Nevada Division of State Lands is committed to tracking the languages preferred for communication among our limited English proficient (LEP) clients so that we can better provide meaningful, timely access to our services and programs without regard to any language impediments.

The Nevada Division of State Lands 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 the 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.

#### IV. The Nevada Division of State Lands Language Access Services and Procedures

The Nevada Division of State Lands 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 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, NDSL will contract with a State-approved vendor for written language services. NDSL 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/](https://purchasing.nv.gov/Contracts/Documents/Translation_Interpretation/)

#### V. Implementing the Nevada Division of State Lands' Language Access Services

The Nevada Division of State Lands is committed to providing our LEP clients with full access to our services and programs. Towards this end, The Nevada Division of State Lands requires its staff to follow the procedures described below to ensure meaningful access to available language services. Moreover, The Nevada Division of State Lands is committed to 100% compliance with these procedures and provides the staff with the training described below to help ensure that all staff are familiar with these procedures and recognize their importance to The Nevada Division of State Lands' mission.

##### Language Access Procedures

##### **Identifying Client Language Needs and Preferred Language:**

1. **Profile of LEP Individuals:** The LEP individuals that NDSL might encounter could include communities, individuals, businesses, and tribal governments. Based on demographic data, the majority of these LEP individuals will likely speak Spanish. However, NDSL may at times have interactions with individuals who speak other languages.
2. **Prominent Languages:** NDSL considers the languages most spoken by LEP individuals as those identified in by the American Community Survey (ACS). 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 biennially using the most recent ACS survey data. 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 bilingual 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

### **Accessing Appropriate Oral/Sign Language Services:**

Staff should seek appropriate oral/sign language services in this order:

- 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.
- Available, trained, competent bilingual staff may be used for in-person or telephone interpreting to support other staff.
- Staff should seek assistance from professional in-person or telephone interpreters when staff cannot meet language needs. Agency should recognize that certain circumstances may require specialized interpretation and translation services even when staff with bilingual abilities are available.
- Staff must be authorized to provide language services to communicate effectively even when such assistance is not requested by the customer.

### **Accessing Appropriate Written Language Services:**

According to The Nevada Division of State Lands 's stated policy on the determination of "vital" documents, the following procedures should be followed to access qualified written language services. This applies both to written information intended for broad distribution as well as written communications between The Nevada Division of State Lands and individual clients.

1. 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 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 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 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.

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.

#### **Language Services Quality Assurance:**

The Nevada Division of State Lands is committed to ensuring that all language service providers it uses are qualified and competent to provide those services. The following procedures are in place to (1) establish provider qualifications and (2) track provider performance.

- 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 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, NDSL will contract with a State-approved vendor for written language services. NDSL will use the list of approved vendors located on the Department of Administration’s Purchasing Division website:

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#### **Staff Training Policies and Procedures**

The Nevada Division of State Lands believes that the appropriate provision of language services is vital to the fulfillment of its mission. Towards that end, the Nevada Division of State Lands ensures that its staff are familiar with its language access policies and the above procedures for providing said services.

## VI. **Evaluation of and Recommendations for The Nevada Division of State Lands' Language Access Plan**

The Nevada Division of State Lands is committed to monitoring the performance of the above policies, procedures, and resources to ensure that its LAP is responsive to the needs of both The Nevada Division of State Lands and the people it serves. At a minimum, The Nevada Division of State Lands will review, evaluate, and update its LAP (if needed) biennially.

### **Processes for Monitoring and Evaluation**

#### **Parties Responsible for LAP Maintenance:**

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#### **Criteria and Methods for LAP Evaluation:**

NDSL's Language Access Coordinator will coordinate the implementation of NDSL's Plan. The Language access coordinator will annually 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.

#### **Proposed Budgetary Implications:**

The Nevada Division of State Lands does not have any known LEP clients; therefore, does not have full-time or on-demand language access services. It is assumed that any budgetary implications will be non-material and readily absorbed.

**Suggested Legislative Amendments:**

Based on The Nevada Division of State Lands 's experience with language access to date, the following revisions to SB318 or other legislation are recommended:

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, like an assigned Deputy Attorney General (DAG).